

## **EXEMPT POLICE OFFICERS FROM CERTAIN VEHICLE INDORSEMENTS**

**House Bill 5172 as introduced  
First Analysis (4-20-00)**

**Sponsor: Rep. Joanne Voorhees  
Committee: Transportation**

### ***THE APPARENT PROBLEM:***

Federal guidelines help states to adopt uniform driver licensing laws, including those that govern the manner in which drivers of commercial vehicles are regulated. The federal guidelines allow, at the state's discretion, an exemption for police officers operating emergency vehicles despite the size and weight of the vehicles.

The need for a commercial drivers license, or chauffeur's (CDL) license, is triggered, in part, by gross vehicle weight, since the license is intended primarily for truckers who move commercial products on the state's highways.

Although fire trucks meet the gross vehicle weight criterion, the Michigan Vehicle Code provides an exemption from the requirement to obtain a commercial drivers license for firefighters. Fire-fighters need not have a commercial driver license when they operate authorized emergency vehicles, if they have met the driver training standards of the Michigan Fire Fighters' Training Council.

One local police department, that in Wyoming, Michigan, reports that it has obtained a new tactical command vehicle for use in emergency situations, and it would appear, given the vehicle's weight (which is approximately 31,000 pounds), that a commercial drivers license might be necessary in order to operate the vehicle. In this community, all sworn police officers attend yearly training sessions of the Wyoming Fire Department, and therefore meet the driver training standards of the Fire Fighters Training Council, although they are not firefighters.

The administrators in the Wyoming Police Department are concerned about the cost and time that would be required if the police officers who will operate the vehicle have to obtain chauffeurs licenses. What's more, the city's legal counsel is concerned about the possibility of liability costs to the city, if a police officer who did not have a CDL license was operating the vehicle and became involved in a traffic accident.

Consequently, the legal office instructed the police department to only allow those police officers holding a valid CDL license to operate the tactical mobile unit, even though other potential drivers did meet the requirements of the Fire Fighters Training Council. The city's legal counsel feared the potential for liability despite the state's willingness to use its discretion to waive the licensing requirement, because a specific exemption for the police officers is not provided in the law.

Legislation has been proposed to waive the commercial driver license requirement for police officers, in the same manner as the law waives the requirement and provides an exemption for firefighters.

### ***THE CONTENT OF THE BILL:***

House Bill 5172 would amend the Michigan Vehicle Code to exempt police officers who operate authorized emergency vehicles from the provisions of the code that require vehicle indorsements on operators' or chauffeurs' licenses when drivers operate certain kinds of vehicles.

Under Michigan law, drivers must pass different kinds of tests to get group A, B, or C vehicle designations on their driver's licenses, a designation that generally depends on the weight and configuration of the vehicles the driver intends to operate. Further, vehicle indorsements on a driver's license are needed to operate certain kinds of vehicles: a 't vehicle indorsement' when pulling double trailers; an 'n vehicle indorsement' when operating a tank vehicle; an 'h vehicle indorsement' when hauling hazardous materials; or, an 'x code' when a combined vehicle indorsement is required, for example in the instance when one drives a tank vehicle carrying hazardous wastes which would require the driver to have both an 'n' and an 'h' indorsement.

Currently firefighters who operate an authorized emergency vehicle and who meet the driver training standards of the Michigan fire fighters' training council are exempt from these provisions of the vehicle code. House Bill 5172 would extend this exemption to police officers.

In addition, outdated provisions of the law concerning class 1, class 2, and class 3 indorsements would be deleted.

MCL 257.312e

**FISCAL IMPLICATIONS:**

The House Fiscal Agency notes there is no significant fiscal impact on state or local governments. (4-19-00)

**ARGUMENTS:**

**For:**

The exemption from the requirement for a chauffeurs (CDL) drivers license that is provided in the Michigan Vehicle Code for firefighters was intended to relieve municipalities from that requirement for all operators of authorized emergency vehicles, including police officers. This seems clear since the federal guidelines for commercial drivers license requirements give states the discretion to waive the requirement for police officers, too. The exemption for police officers should be written in statute, as is the exemption for firefighters, since police officers' need to operate authorized emergency vehicles is similar to that of firefighters. The officers operating these vehicles should not have to worry about civil lawsuits if they are involved in an accident while attempting to protect the public.

**For:**

Although firefighters are exempt from the requirement to obtain a commercial drivers license under the Michigan Vehicle Code, the law allows the waiver only when firefighters have met the driver training standards that are specified by the Michigan Fire Fighters' Training Council. Under this legislation, the driver training that is required for firefighters also would be required of police officers who operate an authorized emergency vehicle.

**POSITIONS:**

The Wyoming Police Department supports the bill. (4-19-00)

The Michigan Townships Association supports the bill. (4-19-00)

The Department of State Police does not oppose the bill. (4-19-00)

Analyst: J. Hunault

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.