

SENATE BILL No. 400

April 24, 2003, Introduced by Senator EMERSON and referred to the Committee on Appropriations.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 312e, 312h, and 811 (MCL 257.312e, 257.312h, and 257.811), section 312e as amended by 2002 PA 652, section 312h as amended by 1989 PA 299, and section 811 as amended by 2000 PA 456.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 312e. (1) Except as otherwise provided in this
2 section, a person, before operating a commercial motor vehicle,
3 shall obtain the required vehicle group designation as follows:
4 (a) A person, before operating a combination of vehicles with
5 a gross combination weight rating of 26,001 pounds or more
6 including a towed vehicle with a gross vehicle weight rating of
7 more than 10,000 pounds, shall procure a group A vehicle
8 designation on his or her operator's or chauffeur's license.

1 Unless an indorsement or the removal of restrictions is required,
2 a person licensed to operate a group A vehicle may operate a
3 group B or C vehicle without taking another test.

4 (b) A person, before operating a vehicle having a gross
5 vehicle weight rating of 26,001 pounds or more, shall procure a
6 group B vehicle designation on his or her operator's or
7 chauffeur's license. Unless an indorsement or the removal of
8 restrictions is required, a person licensed to operate a group B
9 vehicle may operate a group C vehicle without taking another
10 test.

11 (c) A person, before operating a single vehicle having a
12 gross vehicle weight rating under 26,001 pounds or a vehicle
13 having a gross vehicle weight rating under 26,001 pounds towing a
14 trailer or other vehicle and carrying hazardous materials on
15 which a placard is required under 49 C.F.R. parts 100 to 199, or
16 designed to transport 16 or more passengers including the driver,
17 shall procure a group C vehicle designation and a hazardous
18 material or passenger vehicle indorsement on his or her
19 operator's or chauffeur's license.

20 (2) An applicant for a vehicle group designation shall take
21 knowledge and driving skills tests that comply with minimum
22 federal standards prescribed in 49 C.F.R. part 383 as required
23 under this act.

24 (3) The license shall be issued, suspended, revoked,
25 canceled, or renewed in accordance with this act.

26 (4) Except as provided in this subsection, all of the
27 following apply:

1 (a) If a person operates a group B passenger vehicle while
2 taking his or her driving skills test for a P indorsement, he or
3 she is restricted to operating only group B or C passenger
4 vehicles under that P indorsement.

5 (b) If a person operates a group C passenger vehicle while
6 taking his or her driving skills test for a P indorsement, he or
7 she is restricted to operating only group C passenger vehicles
8 under that P indorsement.

9 (c) A person who fails the air brake portion of the written
10 or driving skills test provided under section 312f or who takes
11 the driving skills test provided under that section in a
12 commercial motor vehicle that is not equipped with air brakes
13 shall not operate a commercial motor vehicle equipped with air
14 brakes.

15 (5) A person, before operating a commercial motor vehicle,
16 shall obtain required vehicle indorsements as follows:

17 (a) A person, before operating a commercial motor vehicle
18 pulling double trailers, shall procure the appropriate vehicle
19 group designation and a T vehicle indorsement under this act.

20 (b) A person, before operating a commercial motor vehicle
21 that is a tank vehicle, shall procure the appropriate vehicle
22 group designation and an N vehicle indorsement under this act.

23 (c) A person, before operating a commercial motor vehicle
24 carrying hazardous materials on which a placard is required under
25 49 C.F.R. parts 100 to 199, shall procure the appropriate vehicle
26 group designation and an H vehicle indorsement under this act.

27 (d) A person, before operating a commercial motor vehicle

1 that is a tank vehicle carrying hazardous material, shall procure
2 the appropriate vehicle group designation and both an N and H
3 vehicle indorsement, which shall be designated by the code letter
4 X on the person's operator's or chauffeur's license.

5 (e) A person, before operating a vehicle designed to
6 transport 16 or more passengers including the driver, shall
7 procure the appropriate vehicle group designation and a P vehicle
8 indorsement under this act. An applicant for a P vehicle
9 indorsement shall take the driving skills test in a vehicle
10 designed to transport 16 or more passengers including the
11 driver.

12 (6) An applicant for an indorsement shall take the knowledge
13 and driving skills tests described and required pursuant to
14 49 C.F.R. part 383.

15 (7) The holder of an unexpired operator's or chauffeur's
16 license may be issued a vehicle group designation and indorsement
17 valid for the remainder of the license upon meeting the
18 qualifications of section 312f and payment of the original
19 vehicle group designation fee of ~~-\$20.00-~~ **\$35.00** and an
20 indorsement fee of \$5.00 per indorsement, and a corrected license
21 fee of \$6.00. A person required to procure an F vehicle
22 indorsement pursuant to subsection (9) shall pay an indorsement
23 fee of \$5.00.

24 (8) Except as otherwise provided in subsections (9) and (10),
25 this section does not apply to a driver or operator of a vehicle
26 under all of the following conditions:

27 (a) The vehicle is controlled and operated by a farmer or an

1 employee or family member of the farmer.

2 (b) The vehicle is used to transport agricultural products,
3 farm machinery, farm supplies, or a combination of these items,
4 to or from a farm.

5 (c) The vehicle is not used in the operation of a common or
6 contract motor carrier.

7 (d) The vehicle is operated within 150 miles of the farm.

8 (9) A person, before driving or operating a combination of
9 vehicles having a gross vehicle weight rating of 26,001 pounds or
10 more on the power unit that is used as described in subsection
11 (8)(a) to (d), shall obtain an F vehicle indorsement. The F
12 vehicle indorsement shall be issued upon successful completion of
13 a knowledge test only.

14 (10) A person, before driving or operating a single vehicle
15 truck having a gross vehicle weight rating of 26,001 pounds or
16 more or a combination of vehicles having a gross vehicle weight
17 rating of 26,001 pounds or more on the power unit that is used as
18 described in subsection (8)(a) to (d) for carrying hazardous
19 materials on which a placard is required under 49 C.F.R. parts
20 100 to 199, shall successfully complete both a knowledge test and
21 a driving skills test. Upon successful completion of the
22 knowledge test and driving skills test, the person shall be
23 issued the appropriate vehicle group designation and any vehicle
24 indorsement necessary under this act.

25 (11) This section does not apply to a police officer
26 operating an authorized emergency vehicle or to a firefighter
27 operating an authorized emergency vehicle who has met the driver

1 training standards of the Michigan fire fighters' training
2 council.

3 (12) This section does not apply to a person operating a
4 motor home or a vehicle used exclusively to transport personal
5 possessions or family members for nonbusiness purposes.

6 (13) The money received and collected under subsection (7)
7 for a vehicle group designation or indorsement shall be deposited
8 in the state treasury to the credit of the general fund. The
9 secretary of state shall refund out of the fees collected to each
10 county or municipality acting as an examining officer or
11 examining bureau \$3.00 for each applicant examined for a first
12 designation or indorsement to an operator's or chauffeur's
13 license and \$1.50 for each renewal designation or indorsement to
14 an operator's or chauffeur's license, whose application is not
15 denied, on the condition that the money refunded shall be paid to
16 the county or local treasurer and is appropriated to the county,
17 municipality, or officer or bureau receiving that money for the
18 purpose of carrying out this act.

19 (14) Notwithstanding any other provision of this section, a
20 person operating a vehicle described in subsections (8) and (9)
21 is subject to the provisions of sections 303 and 319b.

22 Sec. 312h. (1) A person who is issued an original
23 chauffeur's license as described in section 314(3), upon payment
24 of a fee of ~~-\$20.00-~~ **\$35.00** for a vehicle group designation and
25 \$5.00 for each indorsement in addition to any other chauffeur's
26 license fees and compliance with section 312f, may be issued a
27 vehicle group designation and indorsement for the same period.

1 (2) The money received and collected under this section shall
2 be deposited in the state treasury to the credit of the general
3 fund. The secretary of state shall refund out of the fees
4 collected to each county or municipality acting as an examining
5 officer or examining bureau, \$2.00 for each applicant examined
6 for a vehicle group designation or indorsement to a first
7 chauffeur's license whose application is not denied, on the
8 condition, however, that the money refunded shall be paid to the
9 county or local treasurer and is appropriated to the county,
10 municipality, or officer or bureau receiving that money for the
11 purpose of carrying out this act.

12 Sec. 811. (1) An application for an operator's or
13 chauffeur's license as provided in sections 307 and 312 and an
14 application for a minor's restricted license as provided in
15 section 312 shall be accompanied by the following fees:

16	Operator's license.....	\$ 12.00 24.00
17	Chauffeur's license.....	20.00 34.00
18	Minor's restricted license.....	5.00

19 (2) The secretary of state shall deposit the money received
20 and collected under subsection (1) in the state treasury to the
21 credit of the general fund. The secretary of state shall refund
22 out of the fees collected to each county or municipality acting
23 as an examining officer or examining bureau \$2.50 for each
24 applicant examined for an original license, \$1.00 for each

1 applicant examined for an original chauffeur's license, and \$1.00
2 for every other applicant examined, if the application is not
3 denied and the money refunded is paid to the county or local
4 treasurer and is appropriated to the county, municipality, or
5 officer or bureau receiving the money for the purpose of carrying
6 out this act. The state treasurer shall deposit the sum of \$4.00
7 in a driver education fund for each person examined for an
8 original license, a renewal operator's license, an original
9 chauffeur's license, or a renewal chauffeur's license, except
10 that the sum deposited for each 2-year operator's or 2-year
11 chauffeur's license shall be \$2.00. The department of education
12 shall use the money in the driver education fund for
13 administration of a driver education program and for distribution
14 to local school districts to be used for driver education
15 programs. Any unexpended and unencumbered balance remaining in
16 the driver education fund at the end of the fiscal year in excess
17 of \$150,000.00 shall revert to the general fund.

18 (3) From the money credited to the driver education fund, the
19 legislature shall appropriate annually funds to the department of
20 education for state administration of the program. In addition,
21 the department of education shall distribute to local public
22 school districts from the driver education fund a pro rata amount
23 equal to the number of students who have completed segment 1 of
24 an approved driver education course through the local public
25 school districts whether directly from the student's own local
26 school district or by certificate issued from the student's own
27 local school district in the previous fiscal year, or the actual

1 cost per student, whichever is less. Beginning April 1, 1998, a
2 local school district that offers an approved driver education
3 course shall provide an amount equal to the pro rata amount from
4 the driver education fund for each student residing in the
5 district who completes segment 1 of an approved driver education
6 course within that district. The local school district shall
7 provide each student participating in an approved driver
8 education course with a certificate in a form provided by the
9 local school district and approved by the department of education
10 that the student shall use toward the payment of any fee charged
11 for the approved driver education course under the following
12 conditions:

13 (a) If the student participates in an approved driver
14 education course at a local school district of his or her choice
15 other than his or her local school district.

16 (b) If the student participates in a driver education course
17 at a licensed driver training school, but only if the following
18 conditions exist:

19 (i) The student's local school district does not offer an
20 approved driver education course either itself or through a
21 consortium of local school districts of which the student's local
22 school district is a member.

23 (ii) The student's local school district does not offer an
24 approved driver education course with openings available either
25 itself or through a consortium of local school districts of which
26 the student's local school district is a member at the time the
27 student attains 15 years, 6 months of age.

1 From the amount distributed, the local school district shall
2 reimburse each licensed driver training school or other local
3 school district or the parent of the student the determined pro
4 rata amount from the driver education fund for each student from
5 that district completing segment 1 of an approved driver
6 education course with the licensed driver training school or
7 other local school district during the fiscal year.

8 (4) Beginning April 1, 1998, the approved driver education
9 courses may be conducted by the local public school district or a
10 consortium of school districts, by a licensed driver training
11 school either itself or through a contract with a local school
12 district, or by the intermediate district at the request of the
13 local district. If a local school district contracts with a
14 licensed driver training school to conduct an approved driver
15 education course, the contract shall require that the driver
16 education course be conducted in accordance with the requirements
17 set forth in department of education rules under subsection (6)
18 that are applicable to an approved driver education course
19 conducted by a local school district. Enrollment in approved
20 driver education courses shall be open to residents not less than
21 14 years 8 months of age enrolled in public, nonpublic, and home
22 schools as well as resident out-of-school youth not less than 14
23 years 8 months of age. Reimbursement to local school districts
24 shall be made on the basis of an application made by the local
25 school district superintendent to the department of education.
26 If money appropriated from the driver education fund is not
27 sufficient to provide for state administration of the driver

1 education program and to reimburse local school districts for
2 each student completing segment 1 of an approved driver education
3 course, then payments made to local school districts shall be
4 prorated to the amount that is appropriated and available in the
5 fund. A local school district or licensed driver training school
6 may use videotapes, computers, telecourses, or other similar
7 technology as part of the classroom instruction portion of its
8 driver education courses. A student may receive and use any of
9 these materials at home.

10 (5) As used in this section, "driver education courses"
11 include classroom instruction, behind-the-wheel instruction, and
12 observation in an automobile under the supervision of a qualified
13 teacher or licensed instructor. The department of education
14 shall not require that licensed driver training school teachers
15 or instructors be certificated under the revised school code,
16 1976 PA 451, MCL 380.1 to 380.1852.

17 (6) The department of education may promulgate rules pursuant
18 to the administrative procedures act of 1969, 1969 PA 306, MCL
19 24.201 to 24.328, to implement this section. The rules shall
20 include, at a minimum, instructional standards, teacher
21 qualifications, and reimbursement procedures.

22 (7) Notwithstanding sections 306 and 308, an operator's
23 license shall not be issued to a person under 18 years of age
24 unless that person successfully passes a driver education course
25 and examination given by a public school, nonpublic school, or an
26 equivalent course approved by the department of education given
27 by a licensed driver training school. A person who has been a

1 holder of a motor vehicle operator's license issued by any other
2 state, territory, or possession of the United States, or any
3 other sovereignty for 1 year immediately before application for
4 an operator's license under this act is not required to comply
5 with this subsection. Restricted licenses may be issued pursuant
6 to section 312 without compliance with this subsection. A driver
7 education course shall be made available for a person under 18
8 years of age within a time that will enable that person to
9 qualify for a license before the time that the person is
10 permitted by law to have a license.

11 (8) Beginning April 1, 1998, a public school system may
12 impose a charge or enrollment fee for a driver education course
13 upon a student desiring to take the course as a duly enrolled
14 student for the course in a school of the public school system.
15 If a charge or enrollment fee is imposed, it shall be the same
16 for all students who reside within the territory of the public
17 school system.