

# SENATE BILL No. 1415

June 25, 2008, Introduced by Senators OLSHOVE, GEORGE and SCOTT and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending section 309 (MCL 257.309), as amended by 2004 PA 362.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 309. (1) Before issuing a license, the secretary of state  
2 shall examine each applicant for an operator's or chauffeur's  
3 license who at the time of the application is not the holder of a  
4 valid, unrevoked operator's or chauffeur's license under a law of  
5 this state providing for the licensing of drivers. In all other  
6 cases, the secretary of state may waive the examination, except  
7 that an examination shall not be waived if it appears from the  
8 application, from the apparent physical or mental condition of the  
9 applicant, or from any other information which has come to the

1 secretary of state from another source, that the applicant does not  
2 possess the physical, mental, or other qualifications necessary to  
3 operate a motor vehicle in a manner as not to jeopardize the safety  
4 of persons or property; or that the applicant is not entitled to a  
5 license under section 303. A licensee who applies for the renewal  
6 of his or her license by mail pursuant to section 307 shall certify  
7 to his or her physical capability to operate a motor vehicle. The  
8 secretary of state may check the applicant's driving record through  
9 the national driver register and the commercial driver license  
10 information system before issuing a license under this section.

11 (2) The secretary of state may appoint sheriffs, their  
12 deputies, the chiefs of police of cities and villages having  
13 organized police departments within this state, their duly  
14 authorized representatives, or employees of the secretary of state  
15 as examining officers for the purpose of examining applicants for  
16 operator's and chauffeur's licenses. An examining officer shall  
17 conduct examinations of applicants for operator's and chauffeur's  
18 licenses in accordance with this chapter and the rules promulgated  
19 by the secretary of state under subsection (3). After conducting an  
20 examination an examining officer shall make a written report of his  
21 or her findings and recommendations to the secretary of state.

22 (3) The secretary of state shall promulgate rules pursuant to  
23 the administrative procedures act of 1969, 1969 PA 306, MCL 24.201  
24 to 24.328, for the examination of the applicant's physical and  
25 mental qualifications to operate a motor vehicle in a manner as not  
26 to jeopardize the safety of persons or property, and shall  
27 ascertain whether facts exist that would bar the issuance of a

1 license under section 303. THE SECRETARY OF STATE MAY CONSIDER A  
2 WRITTEN MEDICAL OPINION AND RECOMMENDATION RECEIVED FROM THE  
3 PERSONAL PHYSICIAN OF AN APPLICANT SUBMITTED UNDER SECTION 5124 OF  
4 THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.5124, IN MAKING THE  
5 EXAMINATION REGARDING THE APPLICANT'S PHYSICAL AND MENTAL  
6 QUALIFICATIONS TO OPERATE A MOTOR VEHICLE UNDER THIS SECTION AND R  
7 257.851 TO 257.855 OF THE MICHIGAN ADMINISTRATIVE CODE. A REPORT  
8 RECEIVED BY THE SECRETARY OF STATE FROM A PHYSICIAN UNDER THIS  
9 SECTION IS CONFIDENTIAL. The secretary of state shall also  
10 ascertain whether the applicant has sufficient knowledge of the  
11 English language to understand highway warnings or direction signs  
12 written in that language. The examination shall not include  
13 investigation of facts other than those facts directly pertaining  
14 to the ability of the applicant to operate a motor vehicle with  
15 safety or facts declared to be prerequisite to the issuance of a  
16 license under this act.

17 (4) The secretary of state shall not issue an original  
18 operator's or chauffeur's license without a vehicle group  
19 designation or indorsement without an examination that includes a  
20 driving skills test conducted by the secretary of state or by a  
21 designated examining officer under subsection (2) or section 310e.  
22 The secretary of state may enter into an agreement with another  
23 public or private corporation or agency to conduct a driving skills  
24 test conducted under this section. Before the secretary of state  
25 authorizes a person to administer a corporation's or agency's  
26 driver skills testing operations or authorizes an examiner to  
27 conduct a driving skills test, that person or examiner must

1 complete both a state and federal bureau of investigation  
2 fingerprint based criminal history check through the department of  
3 state police. In an agreement with another public or private  
4 corporation or agency to conduct a driving skills test, the  
5 secretary of state shall prescribe the method and examination  
6 criteria to be followed by the corporation, agency, or examiner  
7 when conducting the driving skills test and the form of the  
8 certification to be issued to a person who satisfactorily completes  
9 a driving skills test. An original vehicle group designation or  
10 indorsement shall not be issued by the secretary of state without a  
11 knowledge test conducted by the secretary of state. Except as  
12 provided in section 312f(1), an original vehicle group designation  
13 or passenger or school bus indorsement shall not be issued by the  
14 secretary of state without a driving skills test conducted by an  
15 examiner appointed or authorized by the secretary of state.

16 (5) Except as otherwise provided in this act, the secretary of  
17 state may waive the requirement of a driving skills test, knowledge  
18 test, or road sign test of an applicant for an original operator's  
19 or chauffeur's license without a vehicle group designation or  
20 indorsement who at the time of the application is the holder of a  
21 valid, unrevoked operator's or chauffeur's license issued by  
22 another state or country.

23 (6) A driving skills test conducted under this section shall  
24 include a behind-the-wheel road test. A behind-the-wheel road test  
25 for an original vehicle group designation or passenger indorsement  
26 shall not be conducted unless the applicant has been issued a  
27 temporary instruction permit.

1           (7) A person who corrupts or attempts to corrupt a designated  
2 examining officer appointed or designated by the secretary of state  
3 under this section or section 310e by giving, offering, or  
4 promising any gift or gratuity with the intent to influence the  
5 opinion or decision of the examining officer conducting the test is  
6 guilty of a felony.

7           (8) A designated examining officer appointed or designated by  
8 the secretary of state who conducts a driving skills test under an  
9 agreement entered into under this section or section 310e and who  
10 varies from, shortens, or in any other way changes the method or  
11 examination criteria prescribed in that agreement in conducting a  
12 driving skills test is guilty of a felony.

13           (9) A person who forges, counterfeits, or alters a  
14 satisfactorily completed driving skills test certification issued  
15 by a designated examining officer appointed or designated by the  
16 secretary of state under this section or section 310e is guilty of  
17 a felony.

18           Enacting section 1. This amendatory act does not take effect  
19 unless Senate Bill No. 1414

20                   of the 94th Legislature is enacted into law.