

Act No. 67  
Public Acts of 1990  
Approved by the Governor  
April 26, 1990  
Filed with the Secretary of State  
April 27, 1990

**STATE OF MICHIGAN**  
**85TH LEGISLATURE**  
**REGULAR SESSION OF 1990**

Introduced by Reps. Muxlow, Hertel, Gnodtke, Giese, Van Singel, Ouwinga, Allen, DeLange, Hoekman, Randall, Stacey, London, Sikkema, Ostling, Bartnik, Hoffman, Griffin, Wartner, Law, Gilmer, Dolan, Nye, Munsell, Strand, Fitzgerald, Oxender, Pridnia, Van Regenmorter, O'Connor, Walberg, Jaye, Bender and Power  
Reps. Alley, Willis Bullard, DeMars, Emmons, Hart, Hickner, Hillegonds, Jacobetti, Johnson, Jonker, Krause, Kulchitsky, Martin, Middaugh, Niederstadt, Runco and Varga named co-sponsors

# ENROLLED HOUSE BILL No. 5591

AN ACT to amend sections 57c, 305, 312e, 312f, and 720 of Act No. 300 of the Public Acts of 1949, entitled as amended "An act to provide for the registration, titling, sale, transfer, and regulation of vehicles operated upon the public highways of this state or any other place open to the general public and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," section 57c as added and section 305 as amended by Act No. 280 of the Public Acts of 1989, section 312e as amended by Act No. 299 of the Public Acts of 1989, section 312f as amended by Act No. 346 of the Public Acts of 1988, and section 720 as amended by Act No. 37 of the Public Acts of 1989, being sections 257.57c, 257.305, 257.312e, 257.312f, and 257.720 of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

Section 1. Sections 57c, 305, 312e, 312f, and 720 of Act No. 300 of the Public Acts of 1949, section 57c as added and section 305 as amended by Act No. 280 of the Public Acts of 1989, section 312e as amended by Act No. 299 of the Public Acts of 1989, section 312f as amended by Act No. 346 of the Public Acts of 1988, and section 720 as amended by Act No. 37 of the Public Acts of 1989, being sections 257.57c, 257.305, 257.312e, 257.312f, and 257.720 of the Michigan Compiled Laws, are amended to read as follows:

Sec. 57c. "School transportation vehicle" means every motor vehicle with a manufacturer's rated seating capacity of less than 16 passengers, including the driver, owned by a public, private, or governmental agency when operated for the regularly scheduled transportation of passengers directly to or from school and home, or privately owned when operated for compensation for the regularly scheduled transportation of passengers directly to or from school and home. Transportation to extracurricular events shall not be considered regularly scheduled transportation. School transportation vehicle does not include a vehicle used by a parent or a parent's designee to transport children to and from school related events under contract with the school.

Sec. 305. (1) A person, whether licensed under this act or not, who is 17 years of age or less shall not drive a motor vehicle while in use as a school bus or school transportation vehicle. Before driving a school bus or school transportation vehicle, a person shall pass annual physical and driver competence examinations as authorized by the superintendent of public instruction. The tests shall be made available annually in each of the intermediate school districts. A person shall not operate a school bus or school transportation vehicle unless that person possesses a valid chauffeur's license, the appropriate vehicle group designation, and a passenger vehicle indorsement under section 312e.

(2) A person employed on or before March 15, 1990 has until August 15, 1990 to comply with the physical and driver competency requirements of this section.

Sec. 312e. (1) Except as provided in subsections (4), (5), (6), and (7), a person, before operating a vehicle towing a vehicle having a gross vehicle weight rating over 10,000 pounds, shall procure a group A vehicle designation on his or her operator's or chauffeur's license. Unless an indorsement is required, a person licensed to operate a group A designated vehicle may operate a group B or C designated vehicle without taking another test. A person, before operating a single vehicle having a gross vehicle weight rating of 26,001 pounds or more, or any combination of vehicles having a gross combination weight rating of 26,001 pounds or more if the vehicle being towed does not have a gross vehicle weight rating over 10,000 pounds, shall procure a group B vehicle designation on his or her operator's or chauffeur's license. Unless an indorsement is required, a person licensed to operate a group B vehicle may operate a group C vehicle without taking another test. A person, before operating a school transportation vehicle or a single vehicle having a gross vehicle weight rating under 26,001 pounds or a combination of vehicles having a gross combination weight rating under 26,001 pounds if the vehicle being towed does not have a gross vehicle weight rating over 10,000 pounds and carrying hazardous materials on which a placard is required under 49 C.F.R. parts 100 to 199, or designed to transport 16 or more passengers including the driver, shall procure a group C vehicle designation and a hazardous material or passenger vehicle indorsement on his or her operator's or chauffeur's license. An applicant for a vehicle group designation shall take knowledge and driving skills tests that comply with minimum federal standards prescribed in 49 C.F.R. part 383 as required under this act. The license shall be issued, suspended, revoked, canceled, or renewed in accordance with this act.

(2) A person, before operating a commercial motor vehicle pulling double or triple trailers, shall procure the appropriate vehicle group designation and a T vehicle indorsement under this act. A person, before operating a commercial motor vehicle that is a tank vehicle, shall procure the appropriate vehicle group designation and an N vehicle indorsement under this act. A person, before operating a commercial motor vehicle carrying hazardous materials, shall procure the appropriate vehicle group designation and an H vehicle indorsement under this act. A person, before operating a commercial motor vehicle that is a tank vehicle carrying hazardous material, shall procure the appropriate vehicle group designation and an X vehicle indorsement under this act. A person, before operating a bus, school bus, or school transportation vehicle, shall procure the appropriate vehicle group designation and a P vehicle indorsement under this act. A person who fails the air brake portion of the written or driving tests provided under section 312f or who takes the driving test provided under that section in a commercial motor vehicle that is not equipped with air brakes shall not operate a commercial motor vehicle equipped with air brakes. One or more indorsements may be necessary to operate a commercial motor vehicle. An applicant for an indorsement shall take the knowledge and driving skills tests described and required pursuant to 49 C.F.R. part 383. Knowledge tests shall be limited to that which a driver must have for the safe operation of a commercial motor vehicle. The driver is not expected to have knowledge of subjects, such as vehicle mechanics, which go beyond the scope of the information necessary for safe operation of his/her commercial motor vehicle. An applicant for a P vehicle indorsement shall take the driving skills test in a bus or school bus.

(3) The holder of an unexpired operator's or chauffeur's license may be issued a vehicle group designation and indorsement valid for the remainder of the license upon meeting the qualifications of section 312f and payment of the original vehicle group designation fee of \$20.00 and an indorsement fee of \$5.00 per indorsement for a 4-year operator's or chauffeur's license, payment of a vehicle group designation fee of \$20.00 for a 2-year operator's or chauffeur's license under section 314b and an indorsement fee of \$5.00 per indorsement, and a corrected license fee of \$6.00. A person subject to the requirements of subsection (4) shall pay a vehicle group designation fee of \$10.00.

(4) Except for the requirement of a knowledge test for the purpose of obtaining an appropriate vehicle group designation or indorsement and except for the requirement of both a knowledge test and driving skills test for the purpose of obtaining a vehicle group designation or indorsement for carrying hazardous materials on which a placard is required under 49 C.F.R. parts 100 to 199 for a vehicle having a gross vehicle weight rating of 26,001 pounds or more, this section does not apply to a driver or operator of a vehicle under the following conditions:

(a) The vehicle is controlled and operated by a farmer.

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

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

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

(e) The vehicle bears farm registration plates. The driver or operator of a vehicle that bears farm registration plates and would otherwise require a group A vehicle designation shall procure a group F vehicle designation. The driver or operator of a vehicle that bears farm registration plates and would otherwise require a group B vehicle designation shall procure a group G vehicle designation. For the purpose of this subsection, "farmer" includes an employee or family member of the farmer if the vehicle is controlled by the farmer and the requirements of subdivisions (a) to (e) are met.

(5) The requirements for a knowledge test and driving skills test under this section shall not apply to a person operating a truck that bears a farm registration plate under section 802(9) and that has a gross vehicle weight rating of not more than 70,000 pounds. However, a person operating a vehicle having a gross vehicle weight rating of 26,001 pounds or more carrying hazardous materials on which a placard is required under 49 C.F.R. parts 100 to 199 shall comply with this section.

(6) This section does not apply to a fire fighter operating an authorized emergency vehicle who has met the driver training standards of the Michigan fire fighters' training council.

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

(8) A licensee who holds an operator's or chauffeur's license with a class 1 indorsement issued before January 1, 1990, may operate a single vehicle weighing over 24,000 pounds gross vehicle weight without having been issued a group B vehicle designation on his or her license until the license expires as provided in subsection (9). A licensee who holds an operator's or chauffeur's license with a class 2 indorsement issued before January 1, 1990, may operate a combination of vehicles weighing over 24,000 pounds gross vehicle weight or a vehicle towing a vehicle weighing over 10,000 pounds gross vehicle weight or a single vehicle weighing over 24,000 pounds gross vehicle weight without having been issued a group A or B vehicle designation on his or her license until the license expires as provided in subsection (9). A licensee who holds an operator's or chauffeur's license with a class 3 indorsement issued before January 1, 1990, may operate a bus or school bus without having been issued a vehicle group designation or passenger vehicle indorsement on his or her license until the license expires as provided in subsection (9). A licensee who holds a chauffeur's license issued before January 1, 1990 may operate a school transportation vehicle without having been issued a vehicle group designation or passenger vehicle indorsement on his or her license until the license expires as provided in subsection (9).

(9) The class 1, class 2, or class 3 indorsement on a person's operator's or chauffeur's license which expires after March 31, 1992 shall expire on the person's next birthday after March 31, 1991.

(10) The money received and collected under subsection (3) for a vehicle group designation or indorsement shall be deposited in the state treasury to the credit of the general fund. The secretary of state shall refund out of the fees collected to each county or municipality acting as an examining officer or examining bureau, \$3.00 for each applicant examined for a first designation or indorsement to a 4-year operator's or chauffeur's license, \$2.50 for each original designation or indorsement to a 2-year operator's or chauffeur's license, \$1.50 for each renewal designation or indorsement to a 2- or 4-year operator's or chauffeur's license, whose application is not denied, on the condition, however, that the money refunded shall be paid to the county or local treasurer and is appropriated to the county, municipality, or officer or bureau receiving that money for the purpose of carrying out this act.

(11) Notwithstanding any other provision of this section, a person operating a vehicle that bears a farm registration plate shall comply with the provisions of sections 303 and 319b.

Sec. 312f. (1) Except as otherwise provided in this section, a person shall be at least 18 years of age before he or she is issued a vehicle group designation or indorsement, other than a motorcycle indorsement on an operator's or chauffeur's license and the person shall pass an examination as provided in this section and pursuant to 49 C.F.R. part 383. A person operating a vehicle to be used for farming purposes only may obtain a group A or B vehicle group designation if he or she is at least 16 years of age. Each written examination given an applicant for a vehicle group designation or indorsement on an operator's or chauffeur's license shall include subjects designed to cover the type or general class of vehicle to be operated. A person shall pass an examination which shall include a driving test designed to test competency of the applicant for an original vehicle group designation and passenger indorsement on an operator's or chauffeur's license to drive that type or general class of vehicle upon the highways of this state with safety to that person and other persons and property, except that the secretary of state may waive the requirement for a driving test for a vehicle group designation and passenger indorsement upon receipt of adequate evidence of experience, testing, and driving record as prescribed under 49 C.F.R. part 383 and section 307 in operating the vehicle group which the applicant intends

to drive. The secretary of state shall waive the driving skills test for a person operating a vehicle that bears farm registration plates except if the vehicle has a gross vehicle weight rating of 26,001 pounds or more and is to be used to carry hazardous materials on which a placard is required under 49 C.F.R. parts 100 to 199. The driving test may be waived when the applicant has a valid license, indorsement, or vehicle group designation to operate that type or group of vehicle in another state except that the driving test for a vehicle group designation or passenger vehicle indorsement may not be waived unless the applicant has a valid license with the appropriate vehicle group designation or passenger vehicle indorsement in another state issued in compliance with the commercial motor vehicle safety act of 1986, Public Law 99-570, 100 Stat. 3207.

(2) The secretary of state may enter into an agreement with another public or private person or agency to conduct a skills test required under this section, section 312e, or 49 C.F.R. part 383.

(3) The secretary of state shall not issue a vehicle group designation or indorsement to an applicant for an original group designation or indorsement who comes under 1 or more of the following conditions:

(a) Has had his or her license suspended or revoked for a reason other than as provided in section 321a, 515, or 801c in the 36 months immediately preceding application, except that a designation may be issued if the suspension or revocation was due to a temporary medical condition or failure to appear at a reexamination as provided in section 320.

(b) Was convicted of or incurred a bond forfeiture in relation to a 6-point violation as provided in section 320a or a violation of section 625b in the 24 months immediately preceding application, if the violation of section 625b occurred while the applicant was operating a type of vehicle that is operated under a vehicle group designation.

(c) Is listed on the national driver register or on a commercial driver license information system in the United States department of transportation as being disqualified from operating a motor vehicle.

(d) Is listed on the national driver register or on a commercial driver license information system in the United States department of transportation as having had a license suspended, revoked, or canceled in the 36 months immediately preceding application.

(e) Is listed on the national driver register or on a commercial driver license information system in the United States department of transportation as having been convicted of or incurred a bond forfeiture in relation to any of the offenses specified in section 205(a)(3) of the national driver register act of 1982, as set forth in section 401 note of title 23 of the United States Code, 23 U.S.C. 401 note.

(f) Is subject to a suspension under section 319b.

(g) Has been disqualified under title XII of Public Law 99-570, 100 Stat. 3207, within 36 months immediately preceding the date of application.

(4) The secretary of state shall only consider violations listed under subsection (3)(e) and bond forfeitures under subsection (3)(b) for violations which occurred on or after October 1, 1989 when determining the applicability of subsection (3).

Sec. 720. (1) A person shall not drive or move a vehicle, except a vehicle carrying logs or tubular products, on a highway unless the vehicle is so constructed or loaded as to prevent its contents from dropping, sifting, leaking, blowing off, or otherwise escaping from the vehicle. This requirement does not apply to a vehicle transporting agricultural or horticultural products when hay, straw, silage, or residue from a product, but not including the product itself, or when materials such as water used to preserve and handle agricultural or horticultural products while in transportation, escape from the vehicle in an amount that does not interfere with other traffic on the highway. The tailgate, faucets, and taps on a vehicle shall be securely closed to prevent spillage during transportation whether the vehicle is loaded or empty, and the vehicle shall not have any holes or cracks through which material can escape. Any highway maintenance vehicle engaged in either ice or snow removal shall be exempt from this section.

(2) Actual spillage of material on the highway or proof of that spillage is not necessary to prove a violation of this section.

(3) A vehicle carrying a load, other than logs or tubular products, which is not completely enclosed shall meet either of the following requirements:

(a) Have the load covered with firmly secured canvas or a similar type of covering. A device used to comply with the requirement of this subdivision shall not exceed a width of 108 inches nor by design or use have the capability to carry cargo by itself.

(b) Have the load securely fastened to the body or the frame of the vehicle with binders of adequate number and of adequate breaking strength to prevent the dropping off or shifting of the load.

(4) A company or individual who loads or unloads a vehicle or causes it to be loaded or unloaded, with knowledge that it is to be driven on a public highway, in a manner so as to cause a violation of subsection (1) shall be prima facie liable for a violation of this section.

(5) A person shall not operate a motor vehicle carrying logs or tubular products on a highway unless the following conditions are met:

(a) If the logs or tubular products are loaded crosswise or at right angles to the side of the vehicle, the load of logs or tubular products shall be securely fastened to the body or frame of the vehicle with not less than 2 binders which are secured to the frame at each end of the load and pass over the load so that the frame and binders completely encircle the load.

(b) If the vehicle is a truck or trailer carrying logs which has a loading surface more than 33 feet in length and the logs are loaded crosswise or at right angles to the side of the vehicle, the vehicle shall be equipped with a center partition located approximately 1/2 the distance from the front to the rear of the loading surface of the truck or trailer. The center partition shall be either a center mounted hydraulic loader or a center set of stakes and shall be pinned, bolted, or otherwise securely fastened to the frame. The load shall be secured as required by subdivision (a) and, in addition, the 2 lengthwise tie downs shall be attached or threaded through the center partition at a level not less than 1 foot below the load height.

(c) If the logs or tubular products are loaded lengthwise of the vehicle, obliquely or parallel to the sides, with metal stakes and pockets, the load of logs or tubular products shall be secured as follows:

(i) With 2 tie downs from frame to frame for every tier.

(ii) So that not more than 1/2 the diameter of the top log or tubular product extends higher than the stake tops.

(iii) With 2 cross chains per tier if the load extends more than 5 feet above the loading surface.

(iv) So that every 10 linear feet, and any remaining fraction thereof, has not less than 1 tie down from frame to frame.

(d) If the logs or tubular products are loaded lengthwise of the vehicle, obliquely or parallel to the sides, with permanent metal gusseted bunks, the load of logs or tubular products shall be secured as follows:

(i) With 2 tie downs from frame to frame for every tier.

(ii) So that not more than 1/2 the diameter of the top log extends higher than the stake tops.

(iii) So that every 10 linear feet, and any remaining fraction thereof, has not less than 1 tie down from frame to frame.

(e) The tie downs, cross chains, stakes, and other materials used to secure loads of logs or tubular products as required under subdivisions (a) to (d) shall meet the following minimum requirements:

(i) Chain shall be of steel and shall be of a strength not less than 5/16 inch in diameter "transport", which is embossed with a grade stamp representative of grade 70, or not less than 3/8 inch in diameter "high test", which is embossed with a grade stamp representative of grade 40. Chain shall not be repaired by welding, wire, or cold shuts.

(ii) Wire rope shall be of improved plow steel and not less than 3/8 inch in diameter.

(iii) Webbing strap shall be not less than 3 inches in width and shall have a minimum breaking strength of 14,000 pounds.

(iv) Metal stakes shall be of sufficient strength to hold and contain the load.

(v) Connecting links and hooks shall be at least as strong as the tie down material used.

(6) Subsection (3) shall not apply to a person operating a vehicle to transport agricultural commodities in the normal operation of a farm. However, a person operating a vehicle to transport agricultural commodities in the normal operation of the farm who violates subsection (1) or (4) is guilty of a misdemeanor and shall be subject to the penalties prescribed in subsection (9).

(7) Subsection (3)(a) shall not apply to a motor vehicle transporting items of a load which because of their weight will not fall off the moving vehicle and which have their centers of gravity located at least 6 inches below the top of the enclosure nor to a motor vehicle carrying metal which because of its weight and density is so loaded as to prevent it from dropping or falling off the moving vehicle.

(8) Subsection (3)(a) shall not apply to motor vehicles and other equipment engaged in work upon the surface of a highway or street in a designated work area.

(9) A person who violates this section is guilty of a misdemeanor punishable by a fine of not more than \$500.00 or imprisonment for not more than 90 days, or both.

(10) As used in this section:

(a) "Cross chain" means a chain which extends through the load of logs or tubular products and is connected at each end to a side stake.

(b) "Logs" means sawlogs, pulpwood, or tree length poles.

(c) "Tie down" means a high strength material which is used to secure the load of logs or tubular products to the frame or the bed of the vehicle.

(d) "Tier" means a vertical pile or stack of logs or tubular products.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved.....

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Governor.

