

CHAUFFEUR LICENSURE

House Bill 5126 as enrolled
Second Analysis (7-28-92)

Sponsor: Rep. Kirk A. Profit
House Committee: Transportation
Senate Committee: Transportation &
Tourism

THE APPARENT PROBLEM:

For purposes of determining the type of driver's license a person must have, the Michigan Vehicle Code generally distinguishes between the reasons for which a vehicle is used: Drivers who operate vehicles primarily for commercial purposes must obtain a chauffeur's license (and, in some cases, special endorsements), while most other drivers are required only to have an operator's license. The act specifies that "chauffeur" means every person who is "employed for the principal purpose of operating a motor vehicle," which includes people whose employment customarily involves the use of a motor vehicle to transport merchandise for display, sale or delivery. Apparently, this language has been construed as applying to persons who use automobiles to deliver prepared food, such as pizza. Some people question whether a chauffeur's license should be required of these delivery people, who tend to be students or young adults who work part-time for low wages and frequently use their own vehicles to make their deliveries. Rather than amending the act simply to accommodate this category of driver, it has been suggested that the chauffeur's license requirements should be made dependent upon the type of vehicle a person drives, rather than on the reason for which a vehicle is driven.

THE CONTENT OF THE BILL:

The bill would amend the Vehicle Code to revise the definition of "chauffeur" for licensing purposes so that the requirement to obtain a chauffeur's license would depend on the type of vehicle driven rather than on the reason for which a vehicle was driven. The act currently requires a chauffeur's license for a person who operates a vehicle as a public or common carrier of persons or property or if a person's "principal purpose" (see Note) in a job requires using a vehicle for these reasons. The bill

would add that a person would have to obtain a chauffeur's license if he or she:

- * was employed for the principal purpose of operating a motor vehicle with a gross vehicle weight rating (GVWR) of 10,000 pounds or more;
- * drove a bus, school bus, school transportation vehicle or a pupil transportation vehicle as these are defined in the Pupil Transportation Act;
- * operated a taxi; or
- * drove a limousine as this is defined in the Limousine Transportation Act.

(Note: The act provides that a person is considered employed for the principal purpose of operating a vehicle when his or her job customarily involves the necessary use of a motor vehicle for hire, to transport passengers for hire, or to transport for gain or hire any goods for display, sale or delivery.)

The act currently exempts certain drivers from having to obtain a chauffeur's license (i.e. those driving farm vehicles, emergency vehicles and others). The bill would add to the exempted drivers people driving motor homes for personal pleasure, county road commission employees and other local government employees who did not drive their own vehicles and whose work consists of hauling road building materials and supplies for the road commission or for other municipal purposes, and employees of the Michigan Department of Transportation whose work consists of operating vehicles with a GVWR of 10,000 pounds or more for the purpose of transporting highway and bridge maintenance materials and supplies for all aspects of state trunkline maintenance. And finally, the bill would clarify that a mobile home would not fall under the act's definition of a "vehicle" except for purposes of titling and registration.

The bill would take effect October 1, 1992.

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FISCAL IMPLICATIONS:

The Department of State says the bill could have fiscal implications, which would depend on the number of drivers that currently have chauffeur's licenses who would not have to have one under the bill. The department says it does not know how many current chauffeur's licensees would be affected by the bill, but says that it expects only a minimal loss of revenue, if any, under the bill. (10-30-91)

ARGUMENTS:

For:

The bill would clarify when a chauffeur's license was required by basing the requirement on the type of vehicle driven, rather than on the reason for which one is driven. The act now generally requires those who use a vehicle for commercial purposes to obtain a chauffeur's license, which, for the most part, includes motor carriers, taxi drivers and limousine operators. It is not clear, however, if the act requires such a license to be held by someone who, say, uses a vehicle to transport prepared food to a customer. Requiring a chauffeur's license for a pizza delivery person seems unnecessary, as such a driver usually uses his or her own vehicle and works part-time. The bill would settle the issue by specifying the types of vehicles for which a chauffeur's license would be necessary.

For:

Specifying that a mobile home would be considered a vehicle, except for titling and registration purposes, would clarify that a mobile home would have to have brakes and other safety features required of other vehicles, even if it was being towed.