

HOUSE BILL No. 4561

March 13, 1991, Introduced by Rep. Ciaramitaro and referred to the Committee on Elections.

A bill to amend sections 307, 309, and 315 of Act No. 300 of the Public Acts of 1949, entitled as amended

"Michigan vehicle code,"

section 307 as amended by Act No. 181 of the Public Acts of 1990 and section 309 as amended by Act No. 280 of the Public Acts of 1989, being sections 257.307, 257.309, and 257.315 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 307, 309, and 315 of Act No. 300 of the
2 Public Acts of 1949, section 307 as amended by Act No. 181 of the
3 Public Acts of 1990 and section 309 as amended by Act No. 280 of
4 the Public Acts of 1989, being sections 257.307, 257.309, and
5 257.315 of the Michigan Compiled Laws, are amended to read as
6 follows:

1 Sec. 307. (1) An application for an operator's or
2 chauffeur's license shall be made upon a form furnished by the
3 secretary of state and shall contain all of the following:

4 (a) ~~For an operator's or chauffeur's license, full name,~~
5 ~~date of birth, address of residence, height, eye color, and sig-~~
6 ~~nature of the applicant, and other information required or per-~~
7 ~~mitted on the license pursuant to this chapter.~~ THE NAME OF THE
8 APPLICANT.

9 (b) THE ADDRESS OF THE APPLICANT, INCLUDING THE STREET AND
10 NUMBER OR RURAL ROUTE AND BOX NUMBER, IF ANY, THE CITY OR TOWN-
11 SHIP AND COUNTY OF RESIDENCY, AND, IF KNOWN, THE SCHOOL
12 DISTRICT.

13 (c) THE DATE OF BIRTH OF THE APPLICANT.

14 (d) THE BIRTHPLACE OF THE APPLICANT.

15 (e) THE HEIGHT AND EYE COLOR OF THE APPLICANT.

16 (f) THE INFORMATION PURSUANT TO SUBSECTION (2).

17 (g) THE CITIZENSHIP OF THE APPLICANT.

18 (h) IF THE APPLICANT CHOOSES TO REGISTER TO VOTE, A SPACE
19 FOR THE APPLICANT TO DECLARE A PARTY PREFERENCE OR THAT THE
20 APPLICANT HAS NO PARTY PREFERENCE FOR THE PURPOSE OF VOTING IN A
21 PRESIDENTIAL PRIMARY ELECTION.

22 (i) THE INFORMATION REQUIRED OR PERMITTED ON THE LICENSE
23 PURSUANT TO THIS CHAPTER.

24 (j) THE SIGNATURE AND CERTIFICATION OF THE APPLICANT TO THE
25 TRUTH OF THE INFORMATION CONTAINED IN THE APPLICATION.

26 (2) THE APPLICANT MAY INDICATE ON THE APPLICATION 1 OF THE
27 FOLLOWING:

1 (A) THAT THE APPLICANT CHOOSES NOT TO REGISTER TO VOTE.

2 (B) THAT THE APPLICANT, FOR PURPOSES OF VOTER REGISTRATION,
3 CHOOSES A DIFFERENT ADDRESS THAN THE ADDRESS INDICATED ON THE
4 PERSONAL IDENTIFICATION CARD APPLICATION, IF HE OR SHE MAINTAINS
5 MORE THAN 1 RESIDENCE. THE APPLICANT SHALL ALSO PLACE THE DIF-
6 FERENT ADDRESS FOR VOTER REGISTRATION PURPOSES ON THE
7 APPLICATION.

8 (3) ~~(b) For~~ AN APPLICATION FOR an operator's or
9 chauffeur's license with a vehicle group designation or indorse-
10 ment, ~~full name, social~~ IN ADDITION TO THE INFORMATION UNDER
11 SUBSECTIONS (1) AND (2), SHALL CONTAIN ALL OF THE FOLLOWING:

12 (A) THE SOCIAL security number ~~, date of birth, address of~~
13 ~~residence, height, AND sex , and signature~~ of the applicant.
14 ~~, and other information required or permitted on the license~~
15 ~~pursuant to this chapter.~~

16 (B) ~~(c) For an operator's or chauffeur's license with a~~
17 ~~vehicle group designation or indorsement, the~~ THE following cer-
18 tifications made by the applicant:

19 (i) That the applicant meets the applicable federal physical
20 driver qualification requirements pursuant to 49 C.F.R. part 391
21 if the applicant operates or intends to operate in interstate
22 commerce or meets the applicable physical qualifications pursuant
23 to the rules promulgated by the department of state police under
24 the motor carrier safety act of 1963, Act No. 181 of the Public
25 Acts of 1963, being sections 480.11 to 480.21 of the Michigan
26 Compiled Laws, if the applicant operates or intends to operate in
27 intrastate commerce.

1 (ii) That the vehicle in which the applicant will take the
2 driving skills tests is representative of the type of vehicle the
3 applicant operates or intends to operate.

4 (iii) That the applicant has not been convicted of an
5 offense as described in section 312f or 319b.

6 (iv) That the applicant does not have a driver's license
7 from more than 1 state.

8 (C) ~~(d) For an operator's or chauffeur's license with a~~
9 ~~vehicle group designation or indorsement and for which~~ IF the
10 applicant claims a waiver of the driving test as provided in
11 section 312f, the following additional certifications made by the
12 applicant concerning the 2-year period immediately ~~prior to~~
13 BEFORE application:

14 (i) That the applicant has not had more than 1 license.

15 (ii) That the applicant has not had ~~any~~ A license sus-
16 pended, revoked, or canceled.

17 (iii) That the applicant has not been convicted of ~~any~~ AN
18 offense listed in section 319b while operating a motor vehicle.

19 (iv) That the applicant has not been convicted of a moving
20 violation under state or local law relating to motor vehicle
21 traffic control ~~arising~~ in connection with a traffic accident.

22 (v) That the applicant is regularly employed in a job
23 requiring the operation of a commercial motor vehicle.

24 (vi) That the applicant qualifies under either of the
25 following:

26 (A) Has passed a behind-the-wheel driving test given by a
27 state with a classified licensing and testing system and taken in

1 a representative vehicle for that applicant's driver's license
2 classification.

3 (B) Has operated, for ~~at least~~ NOT LESS THAN 2 years imme-
4 diately preceding application, a vehicle representative of the
5 commercial motor vehicle group or passenger vehicle for which he
6 or she is applying. Evidence shall be provided by the
7 applicant's employer or by the applicant if self-employed.

8 (4) ~~-(2)-~~ An applicant for an operator's or chauffeur's
9 license may be photographed at the time the application for the
10 license is made. The secretary of state shall acquire by pur-
11 chase or lease the equipment for taking the photographs and shall
12 furnish the equipment to the local unit. Equipment purchased or
13 leased pursuant to this section shall be acquired under standard
14 purchasing procedures of the department of management and budget
15 based on standards and specifications established by the secre-
16 tary of state. Equipment shall not be purchased or leased until
17 an appropriation for the equipment has been made by the
18 legislature. A photograph taken pursuant to this section shall
19 appear on the applicant's operator's or chauffeur's license only,
20 and the photograph, a copy of the photograph, or a negative of
21 the photograph shall not be retained by the secretary of state or
22 any other agency.

23 (5) ~~-(3)-~~ An application shall be signed and certified by
24 the applicant and shall be accompanied by the proper fee. ~~This~~
25 THE fee shall be collected by the examiner and forwarded to the
26 secretary of state with the application. ~~This~~ THE fee shall be
27 refunded to the applicant if the license applied for is denied,

1 but the fee shall not be refunded to an applicant who fails to
2 complete the examination requirements of the secretary of state
3 within 90 days after the date of application for a license.

4 (6) ~~(4)~~ If an application is received from a person previ-
5 ously licensed in another jurisdiction, the secretary of state
6 shall request a copy of the applicant's record from the other
7 jurisdiction. When received, the driving record shall become a
8 part of the driver's record in this state with the same force and
9 effect as if it had been entered on the driver's record in this
10 state in the original instance. If the application is for an
11 original, renewal, or change of a vehicle group designation or
12 indorsement, the secretary of state shall also check the
13 applicant's driving record with the national drivers register and
14 the United States department of transportation before issuance of
15 that group designation or indorsement.

16 (7) ~~(5)~~ Except for a vehicle group designation or indorse-
17 ment, the secretary of state may issue a renewal operator's or
18 chauffeur's license for 1 additional 4-year period by mail. The
19 secretary of state shall not issue a renewal license by mail
20 unless the licensee has a driving record that is free of convic-
21 tions and civil infraction determinations for the 48 months pre-
22 ceding renewal. However, the secretary of state shall not refuse
23 to issue a renewal license by mail because of a conviction or
24 civil infraction determination for which fines and costs were
25 waived pursuant to section 901a or section 907. When a license
26 is renewed by mail, the secretary of state shall issue evidence
27 of renewal ~~which~~ THAT shall be affixed to the previously issued

1 license to indicate the date the license expires in the future.
2 This evidence of renewal shall be manufactured in the same manner
3 required for the operator's license in section 310.

4 (8) ~~(6)~~ Upon request, the secretary of state shall provide
5 an information manual to an applicant explaining how to obtain a
6 vehicle group designation or indorsement. The manual shall con-
7 tain the information required pursuant to 49 C.F.R. part 383.

8 Sec. 309. (1) Before issuing a license, the secretary of
9 state shall examine each applicant for an operator's or
10 chauffeur's license who at the time of the application is not the
11 holder of a valid, unrevoked operator's or chauffeur's license
12 under a law of this state providing for the licensing of
13 drivers. In all other cases, the secretary of state may waive
14 the examination. ~~, except that~~ HOWEVER, an examination shall
15 not be waived UNDER THIS SUBSECTION if it appears from the appli-
16 cation, from the apparent physical or mental condition of the
17 applicant, or from any other information ~~which~~ THAT has come to
18 the secretary of state from another source, that the applicant
19 does not possess the physical, mental, or other qualifications
20 necessary to operate a motor vehicle in a manner ~~as~~ THAT DOES
21 not ~~to~~ jeopardize the safety of persons or property; or that
22 the applicant is not entitled to a license under section 303. A
23 licensee who applies for the renewal of his or her license by
24 mail pursuant to section 307 shall be required to certify to his
25 or her physical capability to operate a motor vehicle.

26 (2) Sheriffs, their deputies, and the chiefs of police of
27 cities and villages having organized police departments within

1 this state; ~~and~~ their duly authorized representatives; ~~—~~ and
2 employees of the secretary of state may be appointed examining
3 officers for the purpose of examining applicants for operator's
4 and chauffeur's licenses by the secretary of state. An examining
5 officer shall conduct examinations of applicants for operator's
6 and chauffeur's licenses ~~—~~ under this chapter ~~—~~ and ~~in~~
7 ~~accordance with~~ PURSUANT TO the rules promulgated by the secre-
8 tary of state under subsection (3). After conducting an
9 examination, an examining officer shall make a written report of
10 his or her findings and recommendations to the secretary of
11 state.

12 (3) The secretary of state shall promulgate rules pursuant
13 to the administrative procedures act of 1969, Act No. 306 of the
14 Public Acts of 1969, as amended, being sections 24.201 to 24.328
15 of the Michigan Compiled Laws, for the examination of the
16 applicant's physical and mental qualifications to operate a motor
17 vehicle in a manner ~~as~~ THAT DOES not ~~to~~ jeopardize the safety
18 of persons or property, and shall ascertain whether facts exist
19 ~~which~~ THAT would bar the issuance of a license under section
20 303. The secretary of state shall also ascertain whether the
21 applicant has sufficient knowledge of the English language to
22 understand highway warnings or direction signs written in that
23 language. The examination shall not include investigation of
24 facts other than those facts directly pertaining to the ability
25 of the applicant to operate a motor vehicle with safety or facts
26 declared to be prerequisite to the issuance of a license under
27 this act.

1 (4) An original operator's or chauffeur's license without a
2 vehicle group designation or indorsement shall not be issued by
3 the secretary of state without an examination conducted by the
4 secretary of state or by a designated examining officer under
5 subsection (2). The fee for a behind-the-wheel road test for an
6 operator's or a chauffeur's license shall be \$11.00. An original
7 vehicle group designation or indorsement shall not be issued by
8 the secretary of state without a knowledge test conducted by the
9 secretary of state. Knowledge tests for original vehicle group
10 designations or indorsements conducted by the secretary of state
11 ~~prior to~~ BEFORE April 1, 1992, shall be valid for 12 months
12 from the date of the test. Except as provided in
13 section 312f(1), an original vehicle group designation or passen-
14 ger indorsement shall not be issued by the secretary of state
15 without a behind-the-wheel road test conducted by an examiner
16 appointed or authorized by the secretary of state. While in the
17 course of taking a behind-the-wheel road test conducted by the
18 examiner who shall occupy a seat beside the applicant, an appli-
19 cant for an original vehicle group designation or passenger
20 indorsement who has been issued a temporary instruction permit to
21 operate a commercial motor vehicle shall be permitted to operate
22 a vehicle requiring a vehicle group designation or passenger
23 indorsement without a person licensed to operate a commercial
24 motor vehicle ~~occupying~~ OCCUPYING a seat beside him or her. The
25 fee for a behind-the-wheel road test for a vehicle group designa-
26 tion or indorsement shall be \$60.00. A refund shall not be given
27 to an applicant who fails a behind-the-wheel road test. Except

1 for issuance of a vehicle group designation or passenger
 2 indorsement, unless the applicant qualifies under section
 3 ~~307(1)(d)~~ 307(3)(C), a behind-the-wheel road test shall not be
 4 required of an applicant if the applicant ~~has~~ successfully
 5 passed a driver education course and examination ~~7~~ within the
 6 year preceding the application for license, the course and exami-
 7 nation were given pursuant to section 811, and the course and
 8 examination included on-the-street driver experience. As used in
 9 this subsection, "on-the-street driver experience" means that the
 10 applicant operated a motor vehicle as a part of the driver educa-
 11 tion course on a freeway or other laned roadway for not less than
 12 1 hour.

13 (5) A person who fails a knowledge test or pretrip inspec-
 14 tion for a vehicle group designation or an indorsement and a
 15 person who cannot be scheduled for a behind-the-wheel road test
 16 before his or her license expires may apply to the secretary of
 17 state for a 90-day extension of his or her driving privileges.
 18 If an extension is issued, it shall expire 90 days after the date
 19 the license expired. A person making application under this sub-
 20 section shall pay a license extension fee of \$5.00. The secre-
 21 tary of state shall not issue more than one 90-day extension to a
 22 person. This subsection shall apply until April 1, 1992.

23 Sec. 315. (1) ~~(a) Any~~ AN operator or chauffeur, who
 24 ~~shall change~~ CHANGES his OR HER residence ~~previous to~~ BEFORE
 25 the expiration of a license granted under this chapter, shall
 26 immediately return ~~such~~ THE license to the local examining
 27 board or the department, ~~whose duty it~~ WHICH shall ~~be to~~

1 write the new address on the reverse side of the license and the
2 date of change.

3 (2) ~~(b)~~ Failure to have ~~such~~ A change of address
4 recorded ~~as herein provided~~ may be cause for revocation or sus-
5 pension of ~~same~~ THE LICENSE immediately if there is no response
6 to a notice mailed to ~~his~~ THE OPERATOR'S OR CHAUFFEUR'S last
7 known address.

8 (3) A CHANGE OF ADDRESS FORM FURNISHED BY THE DEPARTMENT
9 SHALL INCLUDE THE FOLLOWING STATEMENTS, AND THE OPERATOR OR
10 CHAUFFEUR MAY INDICATE 1 OF THE FOLLOWING:

11 (A) THAT THE OPERATOR OR CHAUFFEUR IS NOT CURRENTLY REGIS-
12 TERED TO VOTE AND CHOOSES NOT TO REGISTER TO VOTE.

13 (B) THAT THE OPERATOR OR CHAUFFEUR, FOR PURPOSES OF VOTER
14 REGISTRATION, CHOOSES A DIFFERENT ADDRESS THAN THE ADDRESS INDI-
15 CATED ON THE CHANGE OF ADDRESS FORM, IF HE OR SHE MAINTAINS MORE
16 THAN 1 RESIDENCE. THE OPERATOR OR CHAUFFEUR SHALL ALSO PLACE THE
17 DIFFERENT ADDRESS FOR VOTER REGISTRATION PURPOSES ON THE CHANGE
18 OF ADDRESS FORM.

19 Section 2. This amendatory act shall not take effect unless
20 all of the following bills of the 86th Legislature are enacted
21 into law:

22 (a) Senate Bill No. _____ or House Bill No. 4560 (request
23 no. 00915'91).

24 (b) Senate Bill No. _____ or House Bill No. 4562 (request
25 no. 00917'91).