

HOUSE BILL No. 6043

July 22, 1992, Introduced by Reps. Bobier, Brackenridge, Horton, Randall, Bandstra, Hillegonds, Martin, Dolan, Bodem, McBryde, Kosteva, McNutt, Gire, Baade, Pitoniak, Shugars and Middleton and referred to the Committee on Transportation.

A bill to amend section 309 of Act No. 300 of the Public Acts of 1949, entitled as amended

"Michigan vehicle code,"

as amended by Act No. 280 of the Public Acts of 1989, being section 257.309 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 309 of Act No. 300 of the Public Acts of
2 1949, as amended by Act No. 280 of the Public Acts of 1989, being
3 section 257.309 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 309. (1) Before issuing a license, the secretary of
6 state shall examine each applicant for an operator's or
7 chauffeur's license who at the time of the application is not the
8 holder of a valid, unrevoked operator's or chauffeur's license
9 under a law of this state providing for the licensing of

1 drivers. In all other cases, the secretary of state may waive
2 the examination, except that an examination shall not be waived
3 if it appears from the application, from the apparent physical or
4 mental condition of the applicant, or from any other information
5 which has come to the secretary of state from another source,
6 that the applicant does not possess the physical, mental, or
7 other qualifications necessary to operate a motor vehicle in a
8 manner as not to jeopardize the safety of persons or property; or
9 that the applicant is not entitled to a license under section
10 303. A licensee who applies for the renewal of his or her
11 license by mail pursuant to section 307 shall be required to cer-
12 tify to his or her physical capability to operate a motor
13 vehicle.

14 (2) Sheriffs, their deputies and the chiefs of police of
15 cities and villages having organized police departments within
16 this state and their duly authorized representatives, and employ-
17 ees of the secretary of state may be appointed examining officers
18 for the purpose of examining applicants for operator's and
19 chauffeur's licenses by the secretary of state. An examining
20 officer shall conduct examinations of applicants for operator's
21 and chauffeur's licenses, under this chapter, and in accordance
22 with the rules promulgated by the secretary of state under sub-
23 section (3). After conducting an examination an examining offi-
24 cer shall make a written report of his or her findings and recom-
25 mendations to the secretary of state.

26 (3) The secretary of state shall promulgate rules pursuant
27 to the administrative procedures act of 1969, Act No. 306 of the

1 Public Acts of 1969, as amended, being sections 24.201 to 24.328
2 of the Michigan Compiled Laws, for the examination of the
3 applicant's physical and mental qualifications to operate a motor
4 vehicle in a manner as not to jeopardize the safety of persons or
5 property, and shall ascertain whether facts exist which would bar
6 the issuance of a license under section 303. The secretary of
7 state shall also ascertain whether the applicant has sufficient
8 knowledge of the English language to understand highway warnings
9 or direction signs written in that language. The examination
10 shall not include investigation of facts other than those facts
11 directly pertaining to the ability of the applicant to operate a
12 motor vehicle with safety or facts declared to be prerequisite to
13 the issuance of a license under this act.

14 (4) ~~An~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, AN
15 original operator's or chauffeur's license without a vehicle
16 group designation or indorsement shall not be issued by the sec-
17 retary of state without an examination conducted by the secretary
18 of state or by a designated examining officer under subsection
19 (2). AN APPLICANT FOR AN ORIGINAL OPERATOR'S LICENSE WITHOUT A
20 VEHICLE GROUP DESIGNATION OR INDORSEMENT SHALL NOT BE REQUIRED TO
21 TAKE A WRITTEN EXAMINATION OR SIGN KNOWLEDGE TEST REQUIRED UNDER
22 RULES PROMULGATED BY THE SECRETARY OF STATE UNDER SUBSECTION (3)
23 IF THE APPLICANT HAS SUCCESSFULLY PASSED A DRIVER EDUCATION
24 COURSE AND EXAMINATION AS PRESCRIBED IN SECTION 811 WITHIN THE
25 YEAR PRECEDING THE DATE OF THE APPLICATION FOR THE LICENSE. The
26 fee for a behind-the-wheel road test for an operator's or a
27 chauffeur's license shall be \$11.00. An original vehicle group

1 designation or indorsement shall not be issued by the secretary
2 of state without a knowledge test conducted by the secretary of
3 state. Knowledge tests for original vehicle group designations
4 or indorsements conducted by the secretary of state prior to
5 April 1, 1992, shall be valid for 12 months from the date of the
6 test. Except as provided in section 312f(1), an original vehicle
7 group designation or passenger indorsement shall not be issued by
8 the secretary of state without a behind-the-wheel road test con-
9 ducted by an examiner appointed or authorized by the secretary of
10 state. While in the course of taking a behind-the-wheel road
11 test conducted by the examiner who shall occupy a seat beside the
12 applicant, an applicant for an original vehicle group designation
13 or passenger indorsement who has been issued a temporary instruc-
14 tion permit to operate a commercial motor vehicle shall be per-
15 mitted to operate a vehicle requiring a vehicle group designation
16 or passenger indorsement without a person licensed to operate a
17 commercial motor vehicle ~~occupying~~ OCCUPYING a seat beside him
18 or her. The fee for a behind-the-wheel road test for a vehicle
19 group designation or indorsement shall be \$60.00. A refund shall
20 not be given to an applicant who fails a behind-the-wheel road
21 test. Except for issuance of a vehicle group designation or pas-
22 senger indorsement, unless the applicant qualifies under
23 section 307(1)(d), a behind-the-wheel road test shall not be
24 required of an applicant if the applicant has successfully passed
25 a driver education course and examination, within the year pre-
26 ceding the DATE OF THE application for THE license, the course
27 and examination were given pursuant to section 811, and the

1 course and examination included on-the-street driver experience.
2 As used in this subsection, "on-the-street driver experience"
3 means that the applicant operated a motor vehicle as a part of
4 the driver education course on a freeway or other laned roadway
5 for not less than 1 hour.

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