

SENATE BILL No. 310

May 14, 1991, Introduced by Senators DI NELLO, WARTNER,
WELBORN and FAUST and referred to the Committee on
State Affairs and Military/Veteran Affairs.

A bill to amend sections 309 and 319 of Act No. 300 of the
Public Acts of 1949, entitled as amended
"Michigan vehicle code,"
section 309 as amended by Act No. 280 of the Public Acts of 1989
and section 319 as amended by Act No. 406 of the Public Acts of
1988, being sections 257.309 and 257.319 of the Michigan Compiled
Laws; and to add section 319e.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 309 and 319 of Act No. 300 of the
2 Public Acts of 1949, section 309 as amended by Act No. 280 of the
3 Public Acts of 1989 and section 319 as amended by Act No. 406 of
4 the Public Acts of 1988, being sections 257.309 and 257.319 of
5 the Michigan Compiled Laws, are amended and section 319e is added
6 to read as follows:

1 Sec. 309. (1) Before issuing a license, the secretary of
2 state shall examine each applicant for an operator's or
3 chauffeur's license who at the time of the application is not the
4 holder of a valid, unrevoked operator's or chauffeur's license
5 under a law of this state providing for the licensing of
6 drivers. In all other cases, the secretary of state may waive
7 the examination, except that an examination shall not be waived
8 if it appears from the application, from the apparent physical or
9 mental condition of the applicant, or from any other information
10 which has come to the secretary of state from another source,
11 that the applicant does not possess the physical, mental, or
12 other qualifications necessary to operate a motor vehicle in a
13 manner as not to jeopardize the safety of persons or property; or
14 that the applicant is not entitled to a license under section
15 303. A licensee who applies for the renewal of his or her
16 license by mail pursuant to section 307 shall be required to cer-
17 tify to his or her physical capability to operate a motor vehicle
18 AND TO CERTIFY THAT HIS OR HER VISUAL ACUITY IS, OR HAS BEEN COR-
19 RECTED TO, NOT LESS THAN 20/40 AND THAT HE OR SHE HAS A PERIPH-
20 ERAL FIELD OF VISION OF NOT LESS THAN 90 DEGREES.

21 (2) Sheriffs, their deputies and the chiefs of police of
22 cities and villages having organized police departments within
23 this state and their duly authorized representatives, and employ-
24 ees of the secretary of state may be appointed examining officers
25 for the purpose of examining applicants for operator's and
26 chauffeur's licenses by the secretary of state. An examining
27 officer shall conduct examinations of applicants for operator's

1 and chauffeur's licenses, under this chapter, and in accordance
2 with the rules promulgated by the secretary of state under sub-
3 section (3). After conducting an examination an examining offi-
4 cer shall make a written report of his or her findings and recom-
5 mendations to the secretary of state.

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

21 (4) An original operator's or chauffeur's license without a
22 vehicle group designation or indorsement shall not be issued by
23 the secretary of state without an examination conducted by the
24 secretary of state or by a designated examining officer under
25 subsection (2). The fee for a behind-the-wheel road test for an
26 operator's or a chauffeur's license shall be \$11.00. An original
27 vehicle group designation or indorsement shall not be issued by

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

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

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

15 Sec. 319. (1) The secretary of state shall immediately sus-
16 pend for a period of not less than 90 days, nor more than 2
17 years, the license of a person upon receiving a record of the
18 conviction of the person or the entry of a probate court order of
19 disposition for a child found to be within the provisions of
20 chapter XIIIA of Act No. 288 of the Public Acts of 1939, being
21 sections 712A.1 to 712A.28 of the Michigan Compiled Laws, for any
22 of the following crimes or attempts to commit any of the follow-
23 ing crimes, whether the conviction or probate court disposition
24 is under a law of this state, a local ordinance substantially
25 corresponding to a law of this state, or a law of another state
26 substantially corresponding to a law of this state:

1 (a) Fraudulently altering or forging documents pertaining to
2 motor vehicles, in violation of section 257.

3 (b) ~~Perjury~~ EXCEPT AS PROVIDED IN SECTION 319E, PERJURY or
4 the making of a false certification to the secretary of state
5 under any law requiring the registration of a motor vehicle or
6 regulating the operation of a motor vehicle on a highway.

7 (c) A violation of section 324, 413, or 414 of the Michigan
8 penal code, Act No. 328 of the Public Acts of 1931, being sec-
9 tions 750.324, 750.413, and 750.414 of the Michigan Compiled
10 Laws; or a violation of section 1 of Act No. 214 of the Public
11 Acts of 1931, being section 752.191 of the Michigan Compiled
12 Laws.

13 (d) Conviction upon 3 charges of reckless driving within the
14 preceding 12 months.

15 (e) Failing to stop and disclose identity at the scene of an
16 accident resulting in death or injury to another person, in vio-
17 lation of section 617.

18 (f) A felony in which a motor vehicle was used. As used in
19 this section, "felony in which a motor vehicle was used" means a
20 felony during the commission of which the person convicted oper-
21 ated a motor vehicle and while operating the vehicle presented
22 real or potential harm to persons or property and 1 or more of
23 the following circumstances existed:

24 (i) The vehicle was used as an instrument of the felony.

25 (ii) The vehicle was used to transport a victim of the
26 felony.

1 (iii) The vehicle was used to flee the scene of the felony.

2 (iv) The vehicle was necessary for the commission of the
3 felony.

4 (2) The secretary of state shall suspend, for the period
5 described in subsection (1), the license of a person upon receiv-
6 ing the record of conviction of the person for a violation of a
7 law of another state substantially corresponding to section
8 625(1) or (2).

9 (3) The secretary of state shall suspend the license of a
10 person convicted of malicious destruction resulting from the
11 operation of a motor vehicle under section 382 of the Michigan
12 penal code, Act No. 328 of the Public Acts of 1931, as amended,
13 being section 750.382 of the Michigan Compiled Laws, for a period
14 of not more than 1 year as ordered by the court as part of the
15 sentence.

16 (4) The secretary of state shall immediately suspend the
17 license of a person for the period specified in the certificate
18 of conviction upon receipt of the person's license and certifi-
19 cate of conviction forwarded to the secretary of state pursuant
20 to section 367c of the Michigan penal code, Act No. 328 of the
21 Public Acts of 1931, being section 750.367c of the Michigan
22 Compiled Laws.

23 (5) The secretary of state shall suspend, for a period of
24 not less than 6 months nor more than 18 months, the license of a
25 person having the following convictions within a 7-year period,
26 whether under the law of this state, a local ordinance
27 substantially corresponding to a law of this state, or a law of

1 another state substantially corresponding to a law of this
2 state:

3 (a) Two convictions under section 625b.

4 (b) One conviction under section 625(1) or (2) followed by 1
5 conviction under section 625b.

6 (6) Upon receipt of a certificate of conviction pursuant to
7 section 33b(3) of the Michigan liquor control act, Act No. 8 of
8 the Public Acts of the Extra Session of 1933, being section
9 436.33b of the Michigan Compiled Laws, or a local ordinance or
10 law of another state substantially corresponding to section
11 33b(3) of Act No. 8 of the Public Acts of the Extra Session of
12 1933, the secretary of state shall suspend the person's
13 operator's or chauffeur's license for a period of 90 days. A
14 suspension under this subsection shall be in addition to any
15 other suspension of the person's license.

16 (7) Upon receipt of the record of the conviction of a
17 person, or the entry of a probate court order of disposition for
18 a child found to be within the provisions of chapter XIIIA of Act
19 No. 288 of the Public Acts of 1939, for a violation of section
20 602a of this act or section 479a(1), (4), or (5) of Act No. 328
21 of the Public Acts of 1931, being section 750.479a of the
22 Michigan Compiled Laws, the secretary of state immediately shall
23 suspend the license of the person for the period ordered by the
24 court as part of the sentence or disposition.

25 (8) For purposes of this section, the secretary of state
26 shall treat a conviction or probate court disposition for a child
27 found to be within the provisions of chapter XIIIA of Act No. 288

1 of the Public Acts of 1939 for an attempted offense as if the
2 offense had been completed.

3 SEC. 319E. (1) THE SECRETARY OF STATE SHALL IMMEDIATELY SUS-
4 PEND THE OPERATOR'S LICENSE OR CHAUFFEUR'S LICENSE OF A PERSON
5 WHO, AT THE TIME OF AN EXAMINATION CONDUCTED UNDER SECTION 309,
6 HAS VISUAL ACUITY OF LESS THAN 20/70 OR A PERIPHERAL FIELD OF
7 VISION OF LESS THAN 90 DEGREES.

8 (2) THE SECRETARY OF STATE SHALL IMMEDIATELY RESTRICT AND
9 IMPOSE APPROPRIATE TERMS OR CONDITIONS ON THE OPERATOR'S LICENSE
10 OR CHAUFFEUR'S LICENSE OF A PERSON WHO, AT THE TIME OF AN EXAMI-
11 NATION CONDUCTED UNDER SECTION 309, HAS VISUAL ACUITY OF LESS
12 THAN 20/40, BUT NOT LESS THAN 20/70.

13 (3) THE SUSPENSION OR RESTRICTION OF A PERSON'S OPERATOR'S
14 LICENSE OR CHAUFFEUR'S LICENSE UNDER SUBSECTION (1) OR (2) SHALL
15 REMAIN IN EFFECT UNTIL THE PERSON DEMONSTRATES VISUAL ACUITY OF
16 NOT LESS THAN 20/40 AND A PERIPHERAL FIELD OF VISION OF NOT LESS
17 THAN 90 DEGREES.

18 (4) THE SECRETARY OF STATE SHALL IMMEDIATELY SUSPEND THE
19 OPERATOR'S LICENSE OR CHAUFFEUR'S LICENSE OF A PERSON FOR A
20 PERIOD OF 1 YEAR, IF THE SECRETARY OF STATE RECEIVES A RECORD OF
21 CONVICTION STATING THAT THE PERSON HAS BEEN CONVICTED OF MAKING A
22 FALSE CERTIFICATION CONCERNING VISUAL ACUITY OR PERIPHERAL VISION
23 UNDER SECTION 309.