



HOUSE BILL No. 5741

September 14 1994 Introduced by Rep Barns and referred to the Committee on Transportation

A bill to amend sections 309 and 819 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 819 as amended by Act No 168 of the Public Acts of 1990 being sections 257 309 and 257 819 of the Michigan Compiled Laws

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Sections 309 and 819 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 819 as amended by Act No 168 of
4 the Public Acts of 1990 being sections 257 309 and 257 819 of
5 the Michigan Compiled Laws, are amended to read as follows

6 Sec 309 (1) Before issuing a license, the secretary of
7 state shall examine each ~~applicant for an~~ operator s or

1 chauffeur s license APPLICANT who at the time of ~~the~~
 2 application is not the holder of a valid unrevoked operator s or
 3 chauffeur s license under a law of this state ~~providing for the~~
 4 ~~licensing of drivers~~ In all other cases the secretary of state
 5 may waive the examination ~~except that an examination shall not~~
 6 ~~be waived if it appears~~ UNLESS THE SECRETARY OF STATE DETERMINES
 7 from the application from the apparent physical or mental condi-
 8 tion of the applicant, or from any other information ~~which has~~
 9 ~~come to the secretary of state from another source,~~ that the
 10 applicant does not possess the physical, mental or other quali-
 11 fications necessary to operate a motor vehicle in a manner ~~as~~
 12 THAT DOES not ~~to~~ jeopardize the safety of persons or property
 13 ~~or that the applicant is not entitled to a license under sec-~~
 14 ~~tion 303~~ A licensee who applies for the renewal of his or her
 15 license by mail pursuant to section 307 shall be required to cer-
 16 tify to his or her physical capability to operate a motor
 17 vehicle

18 (2) Sheriffs their deputies and the chiefs of police of
 19 cities and villages having organized police departments within
 20 this state and their duly authorized representatives and employ-
 21 ees of the secretary of state may be appointed examining officers
 22 for the purpose of examining applicants for operator s and
 23 chauffeur s licenses by the secretary of state An examining
 24 officer shall conduct examinations of applicants for operator s
 25 and chauffeur s licenses, under this chapter and in accordance
 26 with the rules promulgated by the secretary of state under
 27 subsection (3) After conducting an examination an examining

1 officer shall make a written report of his or her findings and
2 recommendations to the secretary of state

3 (3) The secretary of state shall promulgate rules pursuant
4 to the administrative procedures act of 1969, Act No 306 of the
5 Public Acts of 1969 as amended being sections 24 201 to 24 328
6 of the Michigan Compiled Laws for the examination of the
7 applicant s physical and mental qualifications to operate a motor
8 vehicle in a manner ~~as~~ THAT DOES not ~~to~~ jeopardize the safety
9 of persons or property, and shall ascertain whether facts exist
10 ~~which~~ THAT would bar the issuance of a license under section
11 303 The secretary of state shall also ascertain whether the
12 applicant ~~has sufficient knowledge of the English language to~~
13 ~~understand~~ IS CAPABLE OF UNDERSTANDING highway warnings or
14 direction signs written in ~~that language~~ ENGLISH The examina-
15 tion shall not include investigation of facts other than those
16 facts directly pertaining to the ability of the applicant to
17 operate a motor vehicle with safety or facts declared to be pre-
18 requisite to the issuance of a license under this act

19 (4) ~~An~~ THE SECRETARY OF STATE SHALL NOT ISSUE AN original
20 operator s or chauffeur s license without a vehicle group desig-
21 nation or indorsement ~~shall not be issued by the secretary of~~
22 ~~state without an examination conducted by the secretary of state~~
23 ~~or by~~ UNLESS HE OR SHE OR a designated examining officer ~~under~~
24 DESCRIBED IN subsection (2) HAS CONDUCTED AN EXAMINATION The
25 fee for a behind-the-wheel road test for an operator s or a
26 chauffeur s license ~~shall be \$11 00~~ IS \$15 00 ~~An~~ THE
27 SECRETARY OF STATE SHALL NOT ISSUE AN original vehicle group

1 designation or indorsement ~~shall not be issued by the secretary~~
2 ~~of state~~ without FIRST CONDUCTING a knowledge test ~~conducted~~
3 ~~by the secretary of state~~ Knowledge tests for original vehicle
4 group designations or indorsements conducted by the secretary of
5 state prior to April 1 1992 ~~shall be~~ ARE valid for 12 months
6 from the date of the test Except as provided in
7 section 312f(1) THE SECRETARY OF STATE SHALL NOT ISSUE an origi-
8 nal vehicle group designation or passenger indorsement ~~shall not~~
9 ~~be issued by the secretary of state~~ without a behind-the-wheel
10 road test conducted by an examiner appointed or authorized by the
11 secretary of state While in the course of taking a
12 behind-the-wheel road test conducted by the examiner who shall
13 occupy a seat beside the applicant an applicant for an original
14 vehicle group designation or passenger indorsement who has been
15 issued a temporary instruction permit to operate a commercial
16 motor vehicle ~~shall be permitted to~~ MAY operate a vehicle
17 requiring a vehicle group designation or passenger indorsement
18 without a person licensed to operate a commercial motor vehicle
19 ~~occupying~~ OCCUPYING a seat beside him or her The fee for a
20 behind-the-wheel road test for a vehicle group designation or
21 indorsement ~~shall be~~ IS \$60 00 A refund shall not be given to
22 an applicant who fails a behind-the-wheel road test ~~Except for~~
23 ~~issuance of a vehicle group designation or passenger indorsement,~~
24 ~~unless the applicant qualifies under section 307(1)(d), a~~
25 ~~behind the wheel road test shall not be required of an applicant~~
26 ~~if the applicant has successfully passed a driver education~~
27 ~~course and examination, within the year preceding the application~~

~~1 for license the course and examination were given pursuant to~~
~~2 section 811, and the course and examination included~~
~~3 on the street driver experience As used in this subsection,~~
~~4 "on the street driver experience" means that the applicant oper-~~
~~5 ated a motor vehicle as a part of the driver education course on~~
~~6 a freeway or other laned roadway for not less than 1 hour~~

~~7 (5) A person who fails a knowledge test or pretrip inspec-~~
~~8 tion for a vehicle group designation or an indorsement and a~~
~~9 person who cannot be scheduled for a behind the wheel road test~~
~~10 before his or her license expires may apply to the secretary of~~
~~11 state for a 90 day extension of his or her driving privileges~~
~~12 If an extension is issued, it shall expire 90 days after the date~~
~~13 the license expired A person making application under this sub-~~
~~14 section shall pay a license extension fee of \$5.00 The secre-~~
~~15 tary of state shall not issue more than one 90 day extension to a~~
~~16 person This subsection shall apply until April 1, 1992~~

~~17 Sec 819 (1) Except as provided in subsections~~
~~18 SUBSECTION (2) and (3) revenue from the increases in fees~~
~~19 provided in the 1987 amendatory act that added this section BY~~
~~20 ACT NO 232 OF THE PUBLIC ACTS OF 1987 is appropriated to the~~
~~21 transportation economic development fund and shall not be appro-~~
~~22 priated for any other purpose in any act making appropriations of~~
~~23 state funds~~

~~24 (2) For the fiscal year ending September 30, 1988, of the~~
~~25 revenue from the increases in fees provided by the 1987 amenda-~~
~~26 tory act that added this section, \$1,350,000.00 shall be~~
~~27 deposited in the state treasury and credited to the general fund,~~

~~1 except that not more than \$500,000 00 shall be credited to the~~
~~2 gasoline inspection and testing fund created in section 8 of Act~~
~~3 No 44 of the Public Acts of 1984, being section 290 648 of the~~
~~4 Michigan Compiled Laws, and \$100,000 00 shall be used during~~
~~5 either the fiscal year ending September 30, 1990, or the fiscal~~
~~6 year ending September 30, 1991, for research of products derived~~
~~7 from corn grown in this state for, but not limited to transporta-~~
~~8 tion purposes as described in section 9 of article IX of the~~
~~9 state constitution of 1963~~

10 (2) ~~(3)~~ For ~~the~~ EACH fiscal year ~~ending~~ BEGINNING WITH
 11 THE FISCAL YEAR THAT ENDS September 30 1989, ~~and each fiscal~~
 12 ~~year thereafter,~~ \$2,500 000 00 of the revenue from the increases
 13 in fees provided ~~in the 1987 amendatory act that added this sec-~~
 14 ~~tion, \$2,500,000 00~~ BY ACT NO 232 OF THE PUBLIC ACTS OF 1987
 15 shall be deposited in the state treasury and credited to the gen-
 16 eral fund ~~except~~ OF that \$2 500 000 00 not more than
 17 \$1 000,000 00 shall be credited to the gasoline inspection and
 18 testing fund

19 (3) BEGINNING ON THE EFFECTIVE DATE OF THIS SUBSECTION
 20 \$4 00 OF EACH FEE ESTABLISHED UNDER SECTION 309 FOR AN OPERATOR S
 21 OR CHAUFFEUR S LICENSE BEHIND-THE-WHEEL ROAD TEST SHALL BE DEPOS-
 22 ITED IN THE STATE TREASURY, CREDITED TO THE GENERAL FUND AND
 23 USED TO COMPENSATE THE DEPARTMENT OF STATE FOR ADMINISTRATIVE
 24 COST INCREASES IMPOSED BY THE AMENDATORY ACT THAT ADDED THIS
 25 SUBSECTION