

Act No. 551
Public Acts of 1996
Approved by the Governor
January 15, 1997
Filed with the Secretary of State
January 15, 1997

STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1996

Introduced by Reps. DeLange, Jellema, Llewellyn, Walberg, London, Baade, Voorhees, LeTarte, Munsell, Rocca, Geiger, Kukuk, Byl, Brackenridge, Horton, Oxender, Jaye, Dolan, McBryde, Hill, Dobb, Bush, Sikkema, Gernaat, Gustafson, Middleton, Rhead, Hammerstrom, Ryan, Kelly, Curtis, Harder, Galloway, McManus, Jersevic and Perricone

ENROLLED HOUSE BILL No. 5989

AN ACT to amend sections 309 and 802 of Act No. 300 of the Public Acts of 1949, entitled as amended "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," section 309 as amended by Act No. 387 of the Public Acts of 1996 and section 802 as amended by Act No. 297 of the Public Acts of 1992, being sections 257.309 and 257.802 of the Michigan Compiled Laws; and to add section 801h.

The People of the State of Michigan enact:

Section 1. Sections 309 and 802 of Act No. 300 of the Public Acts of 1949, section 309 as amended by Act No. 387 of the Public Acts of 1996 and section 802 as amended by Act No. 297 of the Public Acts of 1992, being sections 257.309 and 257.802 of the Michigan Compiled Laws, are amended and section 801h is added to read as follows:

Sec. 309. (1) Before issuing a license, the secretary of state shall examine each applicant for an operator's or chauffeur's license who at the time of the application is not the holder of a valid, unrevoked operator's or chauffeur's license under a law of this state providing for the licensing of drivers. In all other cases, the secretary of state may waive the examination, except that an examination shall not be waived if it appears from the application, from the apparent physical or mental condition of the applicant, or from any other information which has come to the secretary of state from another source, that the applicant does not possess the physical, mental or other qualifications necessary to operate a motor vehicle in a manner as not to jeopardize the safety of persons or property; or that the applicant is

not entitled to a license under section 303. A licensee who applies for the renewal of his or her license by mail pursuant to section 307 shall be required to certify to his or her physical capability to operate a motor vehicle.

(2) Sheriffs, their deputies and the chiefs of police of cities and villages having organized police departments within this state and their duly authorized representatives, and employees of the secretary of state may be appointed examining officers for the purpose of examining applicants for operator's and chauffeur's licenses by the secretary of state. An examining officer shall conduct examinations of applicants for operator's and chauffeur's licenses, under this chapter, and in accordance with the rules promulgated by the secretary of state under subsection (3). After conducting an examination an examining officer shall make a written report of his or her findings and recommendations to the secretary of state.

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

(4) An original operator's or chauffeur's license without a vehicle group designation or indorsement shall not be issued by the secretary of state without an examination which shall include a behind-the-wheel road test conducted by the secretary of state or by a designated examining officer under subsection (2) or section 310e. The secretary of state may enter into an agreement with another public or private person or agency to conduct a behind-the-wheel road test conducted under this section. The fee for a behind-the-wheel road test for an operator's or chauffeur's license conducted by the secretary of state shall be \$11.00. An original vehicle group designation or indorsement shall not be issued by the secretary of state without a knowledge test conducted by the secretary of state. Except as provided in section 312f(1), an original vehicle group designation or passenger indorsement shall not be issued by the secretary of state without a behind-the-wheel road test conducted by an examiner appointed or authorized by the secretary of state. While in the course of taking a behind-the-wheel road test conducted by the examiner who shall occupy a seat beside the applicant, an applicant for an original vehicle group designation or passenger indorsement who has been issued a temporary instruction permit to operate a commercial motor vehicle shall be permitted to operate a vehicle requiring a vehicle group designation or passenger indorsement without a person licensed to operate a commercial motor vehicle occupying a seat beside him or her. The fee for a behind-the-wheel road test for a vehicle group designation or indorsement shall be \$60.00. A refund shall not be given to an applicant who fails a behind-the-wheel road test.

(5) Except as otherwise provided in this act, the secretary of state may waive the requirement of a behind-the-wheel road test, knowledge test, or road sign test of an applicant for an original operator's or chauffeur's license without a vehicle group designation or indorsement who at the time of the application is the holder of a valid, unrevoked operator's or chauffeur's license issued by another state or country.

Sec. 801h. (1) Notwithstanding any other provision in this act, the owner or lessee of a fleet of 25 or more vehicles that are or will be registered under section 801 may apply to the secretary of state for special registration plates for any number of 25 or more vehicles in a fleet. An application shall be on a form prescribed by the secretary of state and include an agreement that, at a minimum, the applicant agrees to pay annual fleet registration taxes under this section.

(2) Upon approval of the application and payment of the required registration taxes, the secretary of state may issue the applicant a registration plate under section 224 and a registration certificate under section 222 for each vehicle. The registration plate and certificate shall each be in a format as prescribed by the secretary of state.

(3) The name, emblem, trademark, or logo of the company issued fleet registration plates under this section shall be prominently displayed on the right and left sides of all vehicles registered under this section by that applicant. The name, emblem, trademark, or logo shall contain letters, figures, or numerals in sharp contrast to the background of the name, emblem, trademark, or logo and shall be of such size, shape, and color as to be readily legible during daylight hours from a distance of 50 feet.

(4) The registration tax for each vehicle registered under this section shall be paid annually. Registration taxes under this section are payable in full not later than the due date provided in section 226. If the owner of a vehicle registered under this section fails to pay the annual registration tax for that vehicle or fails to comply with the terms of the fleet registration plate agreement provided in subsection (1), the secretary of state shall immediately suspend the registration of all vehicles registered by that owner under this section. The registration shall remain suspended and the owner shall not apply for the registration or reregistration of a vehicle under this section until payment in full of the tax owed is made. After providing notice to the owner, the secretary of state shall notify law enforcement of any plate suspended under this section.

(5) At any time an owner or lessee in good standing may add a vehicle to the list of vehicles registered under this section. To add a vehicle, the owner or lessee shall make application to the secretary of state, in a form prescribed by the secretary of state, accompanied by the registration taxes required under section 801.

(6) At any time an owner or lessee may delete the registration of a vehicle from the list of vehicles registered under this section. To delete a vehicle, the owner shall notify the secretary of state of the proposed deletion in a form prescribed by the secretary of state and surrender to the secretary of state the registration plate assigned to the deleted vehicle.

(7) A vehicle not titled or leased in the name of the applicant is not eligible for registration under this section. A vehicle registered under section 801g is not eligible for registration under this section. Passenger vehicle rental fleets are not eligible for registration under this section.

(8) The secretary of state or the authorized representative of the secretary of state may visit and examine the vehicle registration records of an owner whose vehicles are registered under this act. This authority only applies to visits during the regular business hours of the owner and to those vehicles and records necessary for the secretary of state to determine an owner's compliance with this section.

Sec. 802. (1) For a special registration issued as provided for in section 226(8), there shall be paid 1/2 the tax imposed under section 801 and in addition a fee of \$10.00. The fee shall be credited to the Michigan transportation fund and used to defray the expenses of the special registration.

(2) For all commercial vehicles registered after August 31 for the period expiring the last day of February and all motorcycles registered after September 30 for the period expiring on the last day of March, a tax of 1/2 the rate otherwise imposed by this act shall be collected. This subsection is not applicable to vehicles registered by manufacturers or dealers under sections 244 to 247a.

(3) For each special registration as provided for in section 226(9), a fee of \$10.00 shall be collected. The fee shall be credited to the Michigan transportation fund and used to defray the expenses of the special registrations.

(4) For temporary registration plates or markers as provided for in section 226a(1), a fee of \$5.00 for each group of 5 of those temporary registration plates or markers shall be collected. The fee shall be credited to the Michigan transportation fund and used to defray the expenses of the temporary registration plates or markers.

(5) A fee of \$10.00 shall be collected for each temporary registration as provided for in section 226b, the fee to be credited to the Michigan transportation fund and used to defray the expenses of the temporary registrations.

(6) For registration plates as provided for in section 226a(5), (6), and (7), a fee of \$40.00 for 2 registration plates and \$20.00 for each additional registration plate shall be collected. The fee shall be credited to the Michigan transportation fund and used to defray the expenses of the temporary plates or markers.

(7) For special registrations issued for special mobile equipment as provided in section 216(d), a fee of \$15.00 each for the first 3 special registrations, and \$5.00 for each special registration issued in excess of the first 3 shall be collected. The fee shall be credited to the Michigan transportation fund and used to defray the expenses of the plates or markers.

(8) The secretary of state, upon request, may issue a registration valid for 3 months for use on a vehicle with an elected gross weight of 24,000 pounds or greater on the payment of 1/4 the full registration fee provided in section 801(1)(k) and in addition a service charge of \$10.00. The service charge shall be credited to the Michigan transportation fund and used to defray the expense of the registration plates or tabs.

(9) Upon application to the secretary of state, an owner of a truck, truck tractor, or road tractor which is used exclusively for the purpose of gratuitously transporting farm crops between the field where produced and the place of storage or used to transport fertilizer, seed or spray material from the farm location to the field may obtain a special registration. The fee for each special registration shall be \$15.00. The fee shall be credited to the Michigan transportation fund and used to defray the expenses of the special registration program. The special registration shall be valid for a period of up to 12 months and shall expire on December 31.

(10) The secretary of state, upon request, may issue a special registration valid for 3 or more months for a road tractor, truck, or truck tractor owned by a farmer, if the motor vehicle is used exclusively in connection with the farmer's farming operations or for the transportation of the farmer and the farmer's family and not used for hire. The fee for the registration shall be 1/10 of the fee provided in section 801(1)(c) times the number of months for which the special registration is requested and, in addition, a service fee of \$10.00. The fee shall be credited to the Michigan transportation fund and used to defray the expenses of the registration. No special registration shall be issued for a motor vehicle for which the fee under section 801(1)(c) would be less than \$50.00.

(11) The secretary of state, upon request, may issue a registration valid for 3 months or more for use on a vehicle with an elected gross weight of 24,000 pounds or greater. The fee for the registration shall be 1/12 of the fee provided in section 801(1)(k), times the number of months for which the special registration is requested and, in addition, a service fee of \$10.00. The fee shall be credited to the Michigan transportation fund and used to defray the expenses of the registration.

Section 2. (1) Except as provided in subsection (2), this amendatory act shall take effect October 1, 1997.
(2) Section 309 of this amendatory act shall take effect April 1, 1997.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.