

HOUSE BILL No. 5871

March 14, 2006, Introduced by Reps. Kolb, Farhat, Taub, Brown, Hood, Marleau, Hansen, Caswell, Gaffney, Hildenbrand, LaJoy, Schuitmaker, Kahn, Polidori, Nofs, Sheltroun, Caul, Baxter, Whitmer, Proos, Farrah, Byrnes, Huizenga, Stahl, Rocca, Sak, Gleason, Pastor, Angerer, Stewart, Jones, Booher, Gillard, McDowell, Byrum, Zelenko, Vagnozzi, Alma Smith, Lipsey, Nitz, Mortimer, Ball, Amos, Brandenburg, Bieda, Moolenaar, Stakoe, Wenke, David Law, Mayes, Garfield, Pavlov, Palsrok and Cheeks and referred to the Committee on Appropriations.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 312e (MCL 257.312e), as amended by 2004 PA 362.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 312e. (1) Except as otherwise provided in this section, a
2 person, before operating a commercial motor vehicle, shall obtain
3 the required vehicle group designation as follows:

4 (a) A person, before operating a combination of vehicles with
5 a gross combination weight rating of 26,001 pounds or more
6 including a towed vehicle with a gross vehicle weight rating of
7 more than 10,000 pounds, shall procure a group A vehicle
8 designation on his or her operator's or chauffeur's license. Unless
9 an indorsement or the removal of restrictions is required, a person

1 licensed to operate a group A vehicle may operate a group B or C
2 vehicle without taking another test.

3 (b) A person, before operating a vehicle having a gross
4 vehicle weight rating of 26,001 pounds or more, shall procure a
5 group B vehicle designation on his or her operator's or chauffeur's
6 license. Unless an indorsement or the removal of restrictions is
7 required, a person licensed to operate a group B vehicle may
8 operate a group C vehicle without taking another test.

9 (c) A person, before operating a single vehicle having a gross
10 vehicle weight rating under 26,001 pounds or a vehicle having a
11 gross vehicle weight rating under 26,001 pounds towing a trailer or
12 other vehicle and carrying hazardous materials on which a placard
13 is required under 49 CFR parts 100 to 199, or designed to transport
14 16 or more passengers including the driver, shall procure a group C
15 vehicle designation and a hazardous material or passenger vehicle
16 indorsement on his or her operator's or chauffeur's license.

17 (2) An applicant for a vehicle group designation shall take
18 knowledge and driving skills tests that comply with minimum federal
19 standards prescribed in 49 CFR part 383 as required under this act.

20 (3) The license shall be issued, suspended, revoked, canceled,
21 or renewed in accordance with this act.

22 (4) Except as provided in this subsection, all of the
23 following apply:

24 (a) If a person operates a group B passenger vehicle while
25 taking his or her driving skills test for a P indorsement, he or
26 she is restricted to operating only group B or C passenger vehicles
27 under that P indorsement. If a person operates a group B school bus

1 while taking his or her driving skills test for an S indorsement,
2 he or she is restricted to operating only group B or C school buses
3 under that S indorsement.

4 (b) If a person operates a group C passenger vehicle while
5 taking his or her driving skills test for a P indorsement, he or
6 she is restricted to operating only group C passenger vehicles
7 under that P indorsement. If a person operates a group C school bus
8 while taking his or her driving skills test for an S indorsement,
9 he or she is restricted to operating only group C school buses
10 under that S indorsement.

11 (c) A person who fails the air brake portion of the written or
12 driving skills test provided under section 312f or who takes the
13 driving skills test provided under that section in a commercial
14 motor vehicle that is not equipped with air brakes shall not
15 operate a commercial motor vehicle equipped with air brakes.

16 (5) A person, before operating a commercial motor vehicle,
17 shall obtain required vehicle indorsements as follows:

18 (a) A person, before operating a commercial motor vehicle
19 pulling double trailers, shall procure the appropriate vehicle
20 group designation and a T vehicle indorsement under this act.

21 (b) A person, before operating a commercial motor vehicle that
22 is a tank vehicle, shall procure the appropriate vehicle group
23 designation and an N vehicle indorsement under this act.

24 (c) A person, before operating a commercial motor vehicle
25 carrying hazardous materials on which a placard is required under
26 49 CFR parts 100 to 199, shall procure the appropriate vehicle
27 group designation and an H vehicle indorsement under this act.

1 (d) A person, before operating a commercial motor vehicle that
2 is a tank vehicle carrying hazardous material, shall procure the
3 appropriate vehicle group designation and both an N and H vehicle
4 indorsement, which shall be designated by the code letter X on the
5 person's operator's or chauffeur's license.

6 (e) A person, before operating a vehicle that is designed to
7 transport 16 or more passengers including the driver but is not a
8 school bus shall procure the appropriate vehicle group designation
9 and a P vehicle indorsement under this act. An applicant for a P
10 vehicle indorsement shall take the driving skills test in a vehicle
11 designed to transport 16 or more passengers including the driver.

12 (f) Effective October 1, 2004, a person who does not currently
13 possess a P indorsement, before operating a school bus designed to
14 transport 16 or more passengers, including the driver, shall
15 procure the appropriate vehicle group designation, pass the
16 knowledge tests for the P and S indorsements, and procure the P and
17 S vehicle indorsements under this act. An applicant for an S
18 vehicle indorsement shall take a driving skills test in a school
19 bus designed to transport 16 or more passengers, including the
20 driver, that represents the same type of vehicle that the applicant
21 intends to operate as a school bus.

22 (g) Effective October 1, 2005, a person who currently
23 possesses a P indorsement, before operating a school bus designed
24 to transport 16 or more passengers, including the driver, shall
25 procure the appropriate vehicle group designation, pass the
26 knowledge test for an S indorsement, and procure an S vehicle
27 indorsement under this act. An applicant for an S vehicle

1 indorsement shall take a driving skills test in a school bus
2 designed to transport 16 or more passengers, including the driver,
3 that represents the same type of vehicle that the applicant intends
4 to operate as a school bus.

5 (6) Until September 30, 2005, the secretary of state may waive
6 the driving skills test for an applicant for an S indorsement if
7 the applicant certifies, and the secretary of state verifies, that
8 during the 2-year period immediately prior to applying for the
9 school bus indorsement the applicant met all of the following
10 conditions:

11 (a) The applicant holds a valid driver license with a vehicle
12 group designation and a P indorsement.

13 (b) The applicant has not had an operator's, chauffeur's, or
14 commercial motor vehicle driver license suspended, revoked, denied,
15 or canceled.

16 (c) The applicant has not been disqualified by the United
17 States secretary of transportation from operating a commercial
18 motor vehicle.

19 (d) The applicant has not been convicted of any disqualifying
20 offense listed in 49 CFR 383.51(b) while operating a commercial
21 motor vehicle.

22 (e) The applicant has not been convicted of any disqualifying
23 offense listed in 49 CFR 383.51(b) while operating a noncommercial
24 motor vehicle that would be a disqualifying offense under 49 CFR
25 383.51(b) if the applicant had committed the offense while
26 operating a commercial motor vehicle.

27 (f) The applicant has not had more than 1 conviction for a

1 serious traffic violation as defined in 49 CFR 383.51 while
2 operating any type of motor vehicle.

3 (g) Except for parking violations, the applicant has not had
4 any conviction for a violation of any state or local motor vehicle
5 traffic control law involving a vehicle accident and has not been
6 found at fault in a vehicle accident.

7 (h) The applicant has been regularly employed as a school bus
8 driver for the past 2 years and has, for those 2 years, operated a
9 school bus representing the type of school bus that the applicant
10 intends to operate, and the applicant provides satisfactory
11 evidence of that employment to the secretary of state.

12 (7) An applicant for an indorsement shall take the knowledge
13 and driving skills tests described and required pursuant to 49 CFR
14 part 383.

15 (8) The holder of an unexpired operator's or chauffeur's
16 license may be issued a vehicle group designation and indorsement
17 valid for the remainder of the license upon meeting the
18 qualifications of section 312f and payment of the original vehicle
19 group designation fee of \$25.00 and an indorsement fee of \$5.00 per
20 indorsement, and a corrected license fee of \$18.00. A person
21 required to procure an F vehicle indorsement pursuant to subsection
22 (10) shall pay an indorsement fee of \$5.00.

23 (9) Except as otherwise provided in subsections (10) and (11),
24 this section does not apply to a driver or operator of a vehicle
25 under all of the following conditions:

26 (a) The vehicle is controlled and operated by a farmer or an
27 employee or family member of the farmer.

1 (b) The vehicle is used to transport agricultural products,
2 farm machinery, farm supplies, or a combination of these items, to
3 or from a farm.

4 (c) The vehicle is not used in the operation of a common or
5 contract motor carrier.

6 (d) The vehicle is operated within 150 miles of the farm.

7 (10) A person, before driving or operating a combination of
8 vehicles having a gross vehicle weight rating of 26,001 pounds or
9 more on the power unit that is used as described in subsection
10 (9)(a) to (d), shall obtain an F vehicle indorsement. The F vehicle
11 indorsement shall be issued upon successful completion of a
12 knowledge test only.

13 (11) A person, before driving or operating a single vehicle
14 truck having a gross vehicle weight rating of 26,001 pounds or more
15 or a combination of vehicles having a gross vehicle weight rating
16 of 26,001 pounds or more on the power unit that is used as
17 described in subsection (9)(a) to (d) for carrying hazardous
18 materials on which a placard is required under 49 CFR parts 100 to
19 199, shall successfully complete both a knowledge test and a
20 driving skills test. Upon successful completion of the knowledge
21 test and driving skills test, the person shall be issued the
22 appropriate vehicle group designation and any vehicle indorsement
23 necessary under this act.

24 (12) This section does not apply to a police officer operating
25 an authorized emergency vehicle or to a firefighter operating an
26 authorized emergency vehicle who has met the driver training
27 standards ~~of the Michigan~~ **PUBLISHED UNDER THE** fire ~~fighters'~~

1 **FIGHTERS** training council **ACT OF 1966, 1966 PA 291, MCL 29.361 TO**
2 **29.377.**

3 (13) This section does not apply to a person operating a motor
4 home or a vehicle used exclusively to transport personal
5 possessions or family members for nonbusiness purposes.

6 (14) The money collected under subsection (8) for a vehicle
7 group designation or indorsement shall be deposited in the state
8 treasury to the credit of the general fund. The secretary of state
9 shall refund out of the fees collected to each county or
10 municipality acting as an examining officer or examining bureau
11 \$3.00 for each applicant examined for a first designation or
12 indorsement to an operator's or chauffeur's license and \$1.50 for
13 each renewal designation or indorsement to an operator's or
14 chauffeur's license, whose application is not denied, on the
15 condition that the money refunded shall be paid to the county or
16 local treasurer and is appropriated to the county, municipality, or
17 officer or bureau receiving that money for the purpose of carrying
18 out this act.

19 (15) Notwithstanding any other provision of this section, a
20 person operating a vehicle described in subsections (9) and (10) is
21 subject to the provisions of sections 303 and 319b.

22 Enacting section 1. This amendatory act does not take effect
23 unless Senate Bill No.____ or House Bill No. 5860(request no.
24 03197'05 t **) of the 93rd Legislature is enacted into law.