

SENATE BILL No. 1492

November 9, 2006, Introduced by Senator GILBERT and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 312e (MCL 257.312e), as amended by 2006 PA 298,
and by adding sections 6e and 310a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 6E. "CHAUFFEUR'S LICENSE" MEANS EITHER OF THE FOLLOWING:

2 (A) A CHAUFFEUR'S LICENSE ISSUED UNDER SECTION 310 BEFORE
3 JANUARY 1, 2007.

4 (B) AN OPERATOR'S LICENSE ISSUED ON OR AFTER JANUARY 1, 2007
5 THAT HAS EITHER A GROUP VEHICLE DESIGNATION, VEHICLE INDORSEMENT,
6 OR CHAUFFEUR INDORSEMENT ISSUED UNDER SECTION 312E.

7 SEC. 310A. (1) BEGINNING JANUARY 1, 2007, THE SECRETARY OF
8 STATE SHALL NOT ISSUE OR RENEW ISSUANCE OF A SEPARATE CHAUFFEUR'S

1 LICENSE UNDER SECTION 310 BUT SHALL INSTEAD ISSUE AN OPERATOR'S
2 LICENSE TO THE APPLICANT AND PLACE A CHAUFFEUR INDORSEMENT ON THE
3 OPERATOR'S LICENSE AS PROVIDED IN SECTION 312E. AN OPERATOR'S
4 LICENSE WITH A CHAUFFEUR INDORSEMENT ISSUED UNDER THIS SECTION IS
5 FOR ALL PURPOSES OF THIS ACT A CHAUFFEUR'S LICENSE ISSUED UNDER
6 SECTION 310, AND THE QUALIFICATIONS FOR OBTAINING A CHAUFFEUR
7 INDORSEMENT AND THE FEES FOR OBTAINING THE INDORSEMENT ARE THE SAME
8 AS FOR OBTAINING A CHAUFFEUR'S LICENSE UNDER SECTION 310.

9 (2) A CHAUFFEUR'S LICENSE ISSUED UNDER SECTION 310 BEFORE
10 JANUARY 1, 2007 REMAINS IN EFFECT UNDER THIS ACT UNTIL IT IS
11 REPLACED UNDER THIS SECTION OR AS OTHERWISE PROVIDED IN THIS ACT.

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

15 (a) A person, before operating a combination of vehicles with
16 a gross combination weight rating of 26,001 pounds or more
17 including a towed vehicle with a gross vehicle weight rating of
18 more than 10,000 pounds, shall procure a group A vehicle
19 designation on his or her operator's or chauffeur's license. Unless
20 an indorsement or the removal of restrictions is required, a person
21 licensed to operate a group A vehicle may operate a group B or C
22 vehicle without taking another test.

23 (b) A person, before operating a vehicle having a gross
24 vehicle weight rating of 26,001 pounds or more, shall procure a
25 group B vehicle designation on his or her operator's or chauffeur's
26 license. Unless an indorsement or the removal of restrictions is
27 required, a person licensed to operate a group B vehicle may

1 operate a group C vehicle without taking another test.

2 (c) A person, before operating a single vehicle having a gross
3 vehicle weight rating under 26,001 pounds or a vehicle having a
4 gross vehicle weight rating under 26,001 pounds towing a trailer or
5 other vehicle and carrying hazardous materials on which a placard
6 is required under 49 CFR parts 100 to 199, or designed to transport
7 16 or more passengers including the driver, shall procure a group C
8 vehicle designation and a hazardous material or passenger vehicle
9 indorsement on his or her operator's or chauffeur's license.

10 (2) A PERSON WHO HAS A VEHICLE GROUP DESIGNATION ON HIS OR HER
11 OPERATOR'S LICENSE IS NOT REQUIRED TO HAVE A CHAUFFEUR'S LICENSE OR
12 A CHAUFFEUR INDORSEMENT ON HIS OR HER OPERATOR'S LICENSE.

13 (3) ~~—(2)—~~ An applicant for a vehicle group designation shall
14 take knowledge and driving skills tests that comply with minimum
15 federal standards prescribed in 49 CFR part 383 as required under
16 this act.

17 (4) ~~—(3)—~~ The license shall be issued, suspended, revoked,
18 canceled, or renewed in accordance with this act.

19 (5) ~~—(4)—~~ Except as provided in this subsection, all of the
20 following apply:

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

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

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

13 (6) ~~—(5)—~~ A person, before operating a commercial motor
14 vehicle, shall obtain required vehicle indorsements as follows:

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

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

21 (c) A person, before operating a commercial motor vehicle
22 carrying hazardous materials on which a placard is required under
23 49 CFR parts 100 to 199, shall procure the appropriate vehicle
24 group designation and an H vehicle indorsement under this act.

25 (d) A person, before operating a commercial motor vehicle that
26 is a tank vehicle carrying hazardous material, shall procure the
27 appropriate vehicle group designation and both an N and H vehicle

1 indorsement, which shall be designated by the code letter X on the
2 person's operator's or chauffeur's license.

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

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

19 (g) A person who currently possesses a P indorsement, before
20 operating a school bus designed to transport 16 or more passengers,
21 including the driver, shall procure the appropriate vehicle group
22 designation, pass the knowledge test for an S indorsement, and
23 procure an S vehicle indorsement under this act. An applicant for
24 an S vehicle indorsement shall take a driving skills test in a
25 school bus designed to transport 16 or more passengers, including
26 the driver, that represents the same type of vehicle that the
27 applicant intends to operate as a school bus.

1 (7) ~~—(6)—~~ Until September 30, 2005, the secretary of state may
2 waive the driving skills test for an applicant for an S indorsement
3 if the applicant certifies, and the secretary of state verifies,
4 that during the 2-year period immediately prior to applying for the
5 school bus indorsement the applicant met all of the following
6 conditions:

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

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

12 (c) The applicant has not been disqualified by the United
13 States secretary of transportation from operating a commercial
14 motor vehicle.

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

18 (e) The applicant has not been convicted of any disqualifying
19 offense listed in 49 CFR 383.51(b) while operating a noncommercial
20 motor vehicle that would be a disqualifying offense under 49 CFR
21 383.51(b) if the applicant had committed the offense while
22 operating a commercial motor vehicle.

23 (f) The applicant has not had more than 1 conviction for a
24 serious traffic violation as defined in 49 CFR 383.51 while
25 operating any type of motor vehicle.

26 (g) Except for parking violations, the applicant has not had
27 any conviction for a violation of any state or local motor vehicle

1 traffic control law involving a vehicle accident and has not been
2 found at fault in a vehicle accident.

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

8 (8) ~~—(7)—~~ An applicant for an indorsement shall take the
9 knowledge and driving skills tests described and required under 49
10 CFR part 383.

11 (9) ~~—(8)—~~ The holder of an unexpired operator's or chauffeur's
12 license may be issued a vehicle group designation and indorsement
13 valid for the remainder of the license upon meeting the
14 qualifications of section 312f and payment of the original vehicle
15 group designation fee of \$25.00 and an indorsement fee of \$5.00 per
16 indorsement, and a corrected license fee of \$18.00. A person
17 required to procure an F vehicle indorsement under subsection (10)
18 shall pay an indorsement fee of \$5.00.

19 (10) ~~—(9)—~~ Except as otherwise provided in subsections ~~—(10)—~~
20 (11) and ~~—(11)—~~ (12), this section does not apply to a driver or
21 operator of a vehicle under all of the following conditions:

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

24 (b) The vehicle is used to transport agricultural products,
25 farm machinery, farm supplies, or a combination of these items, to
26 or from a farm.

27 (c) The vehicle is not used in the operation of a common or

1 contract motor carrier.

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

3 (11) ~~—(10)—~~ A person, before driving or operating a
4 combination of vehicles having a gross vehicle weight rating of
5 26,001 pounds or more on the power unit that is used as described
6 in subsection ~~—(9)(a)—~~ (10) (A) to (d), shall obtain an F vehicle
7 indorsement. The F vehicle indorsement shall be issued upon
8 successful completion of a knowledge test only.

9 (12) ~~—(11)—~~ A person, before driving or operating a single
10 vehicle truck having a gross vehicle weight rating of 26,001 pounds
11 or more or a combination of vehicles having a gross vehicle weight
12 rating of 26,001 pounds or more on the power unit that is used as
13 described in subsection (9) (a) to (d) for carrying hazardous
14 materials on which a placard is required under 49 CFR parts 100 to
15 199, shall successfully complete both a knowledge test and a
16 driving skills test. Upon successful completion of the knowledge
17 test and driving skills test, the person shall be issued the
18 appropriate vehicle group designation and any vehicle indorsement
19 necessary under this act.

20 (13) ~~—(12)—~~ This section does not apply to a police officer
21 operating an authorized emergency vehicle or to a firefighter
22 operating an authorized emergency vehicle who has met the driver
23 training standards published under the fire fighters training
24 council act of 1966, 1966 PA 291, MCL 29.361 to 29.377.

25 (14) ~~—(13)—~~ This section does not apply to a person operating
26 a vehicle used exclusively to transport personal possessions or
27 family members for nonbusiness purposes.

1 (15) ~~—(14)—~~ The money collected under subsection ~~—(8)—~~ (9) for
2 a vehicle group designation or indorsement shall be deposited in
3 the state treasury to the credit of the general fund. The secretary
4 of state shall refund out of the fees collected to each county or
5 municipality acting as an examining officer or examining bureau
6 \$3.00 for each applicant examined for a first designation or
7 indorsement to an operator's or chauffeur's license and \$1.50 for
8 each renewal designation or indorsement to an operator's or
9 chauffeur's license, whose application is not denied, on the
10 condition that the money refunded shall be paid to the county or
11 local treasurer and is appropriated to the county, municipality, or
12 officer or bureau receiving that money for the purpose of carrying
13 out this act.

14 (16) ~~—(15)—~~ Notwithstanding any other provision of this
15 section, a person operating a vehicle described in subsections ~~—(9)—~~
16 (10) and ~~—(10)—~~ (11) is subject to the provisions of sections 303
17 and 319b.

18 (17) ~~—(16)—~~ This state shall comply with the requirements of
19 the American association of motor vehicle administrators' AAMVAnet,
20 incorporated's "Commercial Driver License Information System
21 (CDLIS) State Procedures Manual" that the secretary of state
22 determines are required for implementing and enforcing federal law.

23 (18) **EXCEPT AS PROVIDED IN SUBSECTION (2), BEGINNING JANUARY**
24 **1, 2007, A PERSON, BEFORE OPERATING A MOTOR VEHICLE AS A CHAUFFEUR,**
25 **SHALL OBTAIN A CHAUFFEUR INDORSEMENT ON HIS OR HER OPERATOR'S**
26 **LICENSE AS PROVIDED IN SECTION 310A.**