

Act No. 212  
Public Acts of 2006  
Approved by the Governor  
June 16, 2006  
Filed with the Secretary of State  
June 19, 2006  
EFFECTIVE DATE: June 19, 2006

**STATE OF MICHIGAN  
93RD LEGISLATURE  
REGULAR SESSION OF 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, Cheeks, Waters, McConico, Plakas, Anderson, Kooiman, Meyer, Newell, Williams, Adamini, Hopgood, Kathleen Law, Acciavatti, Clack, Condino, DeRoche, Accavitti, Shaffer, Ward, Sheen, Casperson, Bennett, Clemente, Cushingberry, Donigan, Espinoza, Gonzales, Green, Leland, Lemmons, Jr., Miller, Palmer, Pearce and Spade**

# **ENROLLED HOUSE BILL No. 5871**

AN ACT to amend 1949 PA 300, entitled "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 impose liability upon the state or local agencies; to provide appropriations for certain purposes; 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," by amending section 312e (MCL 257.312e), as amended by 2004 PA 362.

*The People of the State of Michigan enact:*

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

(a) A person, before operating a combination of vehicles with a gross combination weight rating of 26,001 pounds or more including a towed vehicle with a gross vehicle weight rating of more than 10,000 pounds, shall procure a group A

vehicle designation on his or her operator's or chauffeur's license. Unless an indorsement or the removal of restrictions is required, a person licensed to operate a group A vehicle may operate a group B or C vehicle without taking another test.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) Effective October 1, 2005, a person who currently possesses a P indorsement, before operating a school bus designed to transport 16 or more passengers, including the driver, shall procure the appropriate vehicle group designation, pass the knowledge test for an S indorsement, and procure an S vehicle indorsement under this act. An applicant for an S vehicle indorsement shall take a driving skills test in a school bus designed to transport 16 or more passengers, including the driver, that represents the same type of vehicle that the applicant intends to operate as a school bus.

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

- (a) The applicant holds a valid driver license with a vehicle group designation and a P indorsement.
  - (b) The applicant has not had an operator's, chauffeur's, or commercial motor vehicle driver license suspended, revoked, denied, or canceled.
  - (c) The applicant has not been disqualified by the United States secretary of transportation from operating a commercial motor vehicle.
  - (d) The applicant has not been convicted of any disqualifying offense listed in 49 CFR 383.51(b) while operating a commercial motor vehicle.
  - (e) The applicant has not been convicted of any disqualifying offense listed in 49 CFR 383.51(b) while operating a noncommercial motor vehicle that would be a disqualifying offense under 49 CFR 383.51(b) if the applicant had committed the offense while operating a commercial motor vehicle.
  - (f) The applicant has not had more than 1 conviction for a serious traffic violation as defined in 49 CFR 383.51 while operating any type of motor vehicle.
  - (g) Except for parking violations, the applicant has not had any conviction for a violation of any state or local motor vehicle traffic control law involving a vehicle accident and has not been found at fault in a vehicle accident.
  - (h) The applicant has been regularly employed as a school bus driver for the past 2 years and has, for those 2 years, operated a school bus representing the type of school bus that the applicant intends to operate, and the applicant provides satisfactory evidence of that employment to the secretary of state.
- (7) An applicant for an indorsement shall take the knowledge and driving skills tests described and required pursuant to 49 CFR part 383.
- (8) The holder of an unexpired operator's or chauffeur's license may be issued a vehicle group designation and indorsement valid for the remainder of the license upon meeting the qualifications of section 312f and payment of the original vehicle group designation fee of \$25.00 and an indorsement fee of \$5.00 per indorsement, and a corrected license fee of \$18.00. A person required to procure an F vehicle indorsement pursuant to subsection (10) shall pay an indorsement fee of \$5.00.
- (9) Except as otherwise provided in subsections (10) and (11), this section does not apply to a driver or operator of a vehicle under all of the following conditions:
- (a) The vehicle is controlled and operated by a farmer or an employee or family member of the farmer.
  - (b) The vehicle is used to transport agricultural products, farm machinery, farm supplies, or a combination of these items, to or from a farm.
  - (c) The vehicle is not used in the operation of a common or contract motor carrier.
  - (d) The vehicle is operated within 150 miles of the farm.
- (10) A person, before driving or operating a combination of vehicles having a gross vehicle weight rating of 26,001 pounds or more on the power unit that is used as described in subsection (9)(a) to (d), shall obtain an F vehicle indorsement. The F vehicle indorsement shall be issued upon successful completion of a knowledge test only.
- (11) A person, before driving or operating a single vehicle truck having a gross vehicle weight rating of 26,001 pounds or more or a combination of vehicles having a gross vehicle weight rating of 26,001 pounds or more on the power unit that is used as described in subsection (9)(a) to (d) for carrying hazardous materials on which a placard is required under 49 CFR parts 100 to 199, shall successfully complete both a knowledge test and a driving skills test. Upon successful completion of the knowledge test and driving skills test, the person shall be issued the appropriate vehicle group designation and any vehicle indorsement necessary under this act.
- (12) This section does not apply to a police officer operating an authorized emergency vehicle or to a firefighter operating an authorized emergency vehicle who has met the driver training standards published under the fire fighters training council act of 1966, 1966 PA 291, MCL 29.361 to 29.377.
- (13) This section does not apply to a person operating a motor home or a vehicle used exclusively to transport personal possessions or family members for nonbusiness purposes.
- (14) The money collected under subsection (8) for a vehicle group designation or indorsement shall be deposited in the state treasury to the credit of the general fund. The secretary of state shall refund out of the fees collected to each county or municipality acting as an examining officer or examining bureau \$3.00 for each applicant examined for a first designation or indorsement to an operator's or chauffeur's license and \$1.50 for each renewal designation or indorsement to an operator's or chauffeur's license, whose application is not denied, on the condition that the money refunded shall be paid to the county or local treasurer and is appropriated to the county, municipality, or officer or bureau receiving that money for the purpose of carrying out this act.
- (15) Notwithstanding any other provision of this section, a person operating a vehicle described in subsections (9) and (10) is subject to the provisions of sections 303 and 319b.

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:

- (a) Senate Bill No. 1133.
- (b) House Bill No. 5860.

This act is ordered to take immediate effect.



-----  
Clerk of the House of Representatives



-----  
Secretary of the Senate

Approved .....

-----  
Governor