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BILL



ANALYSIS

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Senate Bill 574 (as reported without amendment)
Sponsor: Senator Valde Garcia
Committee: Senior Citizens and Veterans Affairs

(as passed by the Senate)

Date Completed: 1-20-10

RATIONALE

The Michigan Vehicle Code requires a person to obtain the necessary vehicle group designation before operating a commercial motor vehicle. An applicant for a commercial driver license (CDL) must take knowledge and driving skills tests that conform to minimum Federal standards. The Federal regulations allow a state to waive the driving skills test for drivers who have certain experience in the operation of large vehicles similar to commercial motor vehicles. Subject to these regulations, some people believe that the Secretary of State should be allowed to waive the driving skills test if a CDL applicant spent at least two years operating military vehicles similar to the commercial motor vehicles he or she would be driving.

CONTENT

The bill would amend the Michigan Vehicle Code to allow the Secretary of State, in accord with Federal restrictions, to waive the driving skills test for a commercial driver license applicant who paid the applicable license fees for the vehicle group designation or indorsement and did both of the following:

- Certified that, during the two years immediately preceding application, he or she met the conditions for waiver of the driving skills test specified in Federal regulations (49 CFR 383.77) and was regularly employed in a military occupational specialty that required operation of a commercial motor vehicle.
- Presented military documentation verifying that, for at least the two years immediately preceding application, he or

she operated a vehicle representative of the commercial motor vehicle for which he or she sought a vehicle group designation or indorsement.

(Under 49 CFR 383.77, a state has the discretion to waive the driving skill test for a commercial motor vehicle operator who is currently licensed at the time of his or her application for a commercial driver license, and substitute the test with either an applicant's driving record and previous passage of an acceptable skills test or an applicant's driving record in combination with certain driving experience. The state must impose conditions and limitations to restrict the applicants from whom it may accept alternative requirements for the skills test. Those conditions must require an applicant to certify that, during the two-year period immediately before applying for a commercial driver license, he or she:

- Has not had more than one license.
- Has not had any license suspended, revoked, or canceled.
- Has not had any convictions for any type of motor vehicle for the disqualifying offenses contained in 49 CFR 383.51(b).
- Has not had more than one conviction for any type of motor vehicle for serious traffic violations.
- Has not had any convictions for a violation of state or local law relating to motor vehicle traffic control (other than a parking violation) arising in connection with any traffic accident, and has no record of an accident in which he or she was at fault.

The Federal regulations also require an applicant to provide evidence and certify that he or she is regularly employed in a job requiring operation of a commercial motor vehicle and that either of the following applies:

- He or she previously has taken and passed a skills test given by a state with a classified licensing and testing system, and the test was behind the wheel in a representative vehicle.
- For at least two years immediately preceding application, he or she has operated a vehicle representative of the commercial motor vehicle that he or she operates or expects to operate.

The disqualifying convictions under 49 CFR 383.51(b) include, for example, driving under the influence, leaving the scene of an accident, and using a vehicle to commit a felony.)

MCL 257.312e

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Military personnel assigned to operate large vehicles, similar to the trucks commercial drivers operate on Michigan roadways, have the training and experience necessary to operate commercial vehicles safely when the soldiers return to civilian life. It would seem to be a natural transition for service members with that kind of driving experience to obtain employment as truck drivers after their discharge, if they chose to do so. In order to obtain a CDL from the Secretary of State, a person must receive the appropriate vehicle group designation (which is based on the type and size of the vehicle to be operated). An applicant for a vehicle group designation must take knowledge and driving skills tests that conform to minimum Federal standards. Under those Federal regulations, a state may waive the driving skill test and instead issue a CDL based on the applicant's driving record and experience, but the Michigan Vehicle Code does not specifically authorize a waiver for military experience.

The State should give military service members every opportunity to make a successful transition to civilian life, including the ability to find gainful employment. By providing a waiver from the CDL driving skills test for an applicant who had at least two years' military experience in driving comparable vehicles, and who had a good driving record, the bill would help to accommodate veterans who need to earn a living and provide for themselves and their families.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government. Private companies administer these driving skills tests, and applicants pay any associated fees.

Fiscal Analyst: Joe Carrasco

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.