

SENATE BILL No. 110

January 28, 2009, Introduced by Senators OLSHOVE, CHERRY, SCOTT, KAHN, GEORGE and GLEASON and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 309 (MCL 257.309), as amended by 2004 PA 362.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 309. (1) Before issuing a license, the secretary of state
2 shall examine each applicant for an operator's or chauffeur's
3 license who at the time of the application is not the holder of a
4 valid, unrevoked operator's or chauffeur's license under a law of
5 this state providing for the licensing of drivers. In all other
6 cases, the secretary of state may waive the examination, except
7 that an examination shall not be waived if it appears from the
8 application, from the apparent physical or mental condition of the
9 applicant, or from any other information ~~which~~ **THAT** has come to the
10 secretary of state from another source, that the applicant does not

1 possess the physical, mental, or other qualifications necessary to
2 operate a motor vehicle in a manner as not to jeopardize the safety
3 of persons or property; or that the applicant is not entitled to a
4 license under section 303. A licensee who applies for the renewal
5 of his or her license by mail pursuant to section 307 shall certify
6 to his or her physical capability to operate a motor vehicle. The
7 secretary of state may check the applicant's driving record through
8 the national driver register and the commercial driver license
9 information system before issuing a license under this section.

10 (2) The secretary of state may appoint sheriffs, their
11 deputies, the chiefs of police of cities and villages having
12 organized police departments within this state, their duly
13 authorized representatives, or employees of the secretary of state
14 as examining officers for the purpose of examining applicants for
15 operator's and chauffeur's licenses. An examining officer shall
16 conduct examinations of applicants for operator's and chauffeur's
17 licenses in accordance with this chapter and the rules promulgated
18 by the secretary of state under subsection (3). After conducting an
19 examination an examining officer shall make a written report of his
20 or her findings and recommendations to the secretary of state.

21 (3) The secretary of state shall promulgate rules pursuant to
22 the administrative procedures act of 1969, 1969 PA 306, MCL 24.201
23 to 24.328, for the examination of the applicant's physical and
24 mental qualifications to operate a motor vehicle in a manner as not
25 to jeopardize the safety of persons or property, and shall
26 ascertain whether facts exist that would bar the issuance of a
27 license under section 303. **THE SECRETARY OF STATE MAY CONSIDER A**

1 WRITTEN MEDICAL OPINION AND RECOMMENDATION RECEIVED FROM THE
2 PERSONAL PHYSICIAN OF AN APPLICANT SUBMITTED UNDER SECTION 5139 OF
3 THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.5139, IN MAKING THE
4 EXAMINATION REGARDING THE APPLICANT'S PHYSICAL AND MENTAL
5 QUALIFICATIONS TO OPERATE A MOTOR VEHICLE UNDER THIS SECTION AND R
6 257.851 TO 257.855 OF THE MICHIGAN ADMINISTRATIVE CODE. A REPORT
7 RECEIVED BY THE SECRETARY OF STATE FROM A PHYSICIAN UNDER THIS
8 SECTION IS CONFIDENTIAL. The secretary of state shall also
9 ascertain whether the applicant has sufficient knowledge of the
10 English language to understand highway warnings or direction signs
11 written in that language. The examination shall not include
12 investigation of facts other than those facts directly pertaining
13 to the ability of the applicant to operate a motor vehicle with
14 safety or facts declared to be prerequisite to the issuance of a
15 license under this act.

16 (4) The secretary of state shall not issue an original
17 operator's or chauffeur's license without a vehicle group
18 designation or indorsement without an examination that includes a
19 driving skills test conducted by the secretary of state or by a
20 designated examining officer under subsection (2) or section 310e.
21 The secretary of state may enter into an agreement with another
22 public or private corporation or agency to conduct a driving skills
23 test conducted under this section. Before the secretary of state
24 authorizes a person to administer a corporation's or agency's
25 driver skills testing operations or authorizes an examiner to
26 conduct a driving skills test, that person or examiner must
27 complete both a state and federal bureau of investigation

1 fingerprint based criminal history check through the department of
2 state police. In an agreement with another public or private
3 corporation or agency to conduct a driving skills test, the
4 secretary of state shall prescribe the method and examination
5 criteria to be followed by the corporation, agency, or examiner
6 when conducting the driving skills test and the form of the
7 certification to be issued to a person who satisfactorily completes
8 a driving skills test. An original vehicle group designation or
9 indorsement shall not be issued by the secretary of state without a
10 knowledge test conducted by the secretary of state. Except as
11 provided in section 312f(1), an original vehicle group designation
12 or passenger or school bus indorsement shall not be issued by the
13 secretary of state without a driving skills test conducted by an
14 examiner appointed or authorized by the secretary of state.

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

22 (6) A driving skills test conducted under this section shall
23 include a behind-the-wheel road test. A behind-the-wheel road test
24 for an original vehicle group designation or passenger indorsement
25 shall not be conducted unless the applicant has been issued a
26 temporary instruction permit.

27 (7) A person who corrupts or attempts to corrupt a designated

1 examining officer appointed or designated by the secretary of state
2 under this section or section 310e by giving, offering, or
3 promising any gift or gratuity with the intent to influence the
4 opinion or decision of the examining officer conducting the test is
5 guilty of a felony.

6 (8) A designated examining officer appointed or designated by
7 the secretary of state who conducts a driving skills test under an
8 agreement entered into under this section or section 310e and who
9 varies from, shortens, or in any other way changes the method or
10 examination criteria prescribed in that agreement in conducting a
11 driving skills test is guilty of a felony.

12 (9) A person who forges, counterfeits, or alters a
13 satisfactorily completed driving skills test certification issued
14 by a designated examining officer appointed or designated by the
15 secretary of state under this section or section 310e is guilty of
16 a felony.

17 Enacting section 1. This amendatory act does not take effect
18 unless Senate Bill No. 111

19 of the 95th Legislature is enacted into law.