

SENATE BILL No. 574

May 13, 2009, Introduced by Senators GARCIA, CROPSEY, PAPPAGEORGE, OLSHOVE, KUIPERS, ALLEN, BARCIA and BASHAM and referred to the Committee on Senior Citizens and Veterans Affairs.

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

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

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

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

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

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

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

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

1 under that S indorsement.

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

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

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

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

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

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

26 (d) A person, before operating a commercial motor vehicle that
27 is a tank vehicle carrying hazardous material, shall procure the

1 appropriate vehicle group designation and both an N and H vehicle
2 indorsement, which shall be designated by the code letter X on the
3 person's operator's or chauffeur's license.

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

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

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

1 applicant intends to operate as a school bus.

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

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

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

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

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

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

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

27 ~~—— (g) Except for parking violations, the applicant has not had~~

1 ~~any conviction for a violation of any state or local motor vehicle~~
2 ~~traffic control law involving a vehicle accident and has not been~~
3 ~~found at fault in a vehicle accident.~~

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

9 (6) THE SECRETARY OF STATE IN ACCORD WITH FEDERAL RESTRICTIONS
10 MAY WAIVE THE DRIVING SKILLS TEST UNDER THIS SECTION FOR AN
11 APPLICANT WHO PAYS THE APPLICABLE LICENSE FEES FOR THE VEHICLE
12 GROUP DESIGNATION OR INDORSEMENT IF THE APPLICANT DOES BOTH OF THE
13 FOLLOWING:

14 (A) CERTIFIES THAT, DURING THE 2 YEARS IMMEDIATELY PRECEDING
15 APPLICATION, HE OR SHE MET THE CONDITIONS FOR WAIVER OF THE DRIVING
16 SKILLS TEST IN 49 CFR 383.77 AND WAS REGULARLY EMPLOYED IN A
17 MILITARY OCCUPATIONAL SPECIALTY THAT REQUIRED OPERATION OF A
18 COMMERCIAL MOTOR VEHICLE.

19 (B) PRESENTS MILITARY DOCUMENTATION CERTIFYING THAT, FOR AT
20 LEAST THE 2 YEARS IMMEDIATELY PRECEDING APPLICATION, HE OR SHE
21 OPERATED A VEHICLE REPRESENTATIVE OF THE COMMERCIAL MOTOR VEHICLE
22 FOR WHICH THE APPLICANT SEEKS A VEHICLE GROUP DESIGNATION OR
23 INDORSEMENT.

24 (7) ~~An~~ EXCEPT AS PROVIDED IN SUBSECTION (6), AN applicant for
25 an indorsement shall take the knowledge and driving skills tests
26 described and required under 49 CFR part 383.

27 (8) The holder of an unexpired operator's or chauffeur's

1 license may be issued a vehicle group designation and indorsement
2 valid for the remainder of the license upon meeting the
3 qualifications of section 312f and payment of the original vehicle
4 group designation fee of \$25.00 and an indorsement fee of \$5.00 per
5 indorsement, and a corrected license fee of \$18.00. A person
6 required to procure an F vehicle indorsement under subsection (10)
7 shall pay an indorsement fee of \$5.00.

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

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

13 (b) The vehicle is used to transport agricultural products,
14 farm machinery, farm supplies, or a combination of these items, to
15 or from a farm.

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

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

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

25 (11) A person, before driving or operating a single vehicle
26 truck having a gross vehicle weight rating of 26,001 pounds or more
27 or a combination of vehicles having a gross vehicle weight rating

1 of 26,001 pounds or more on the power unit that is used as
2 described in subsection (9)(a) to (d) for carrying hazardous
3 materials on which a placard is required under 49 CFR parts 100 to
4 199, shall successfully complete both a knowledge test and a
5 driving skills test. Upon successful completion of the knowledge
6 test and driving skills test, the person shall be issued the
7 appropriate vehicle group designation and any vehicle indorsement
8 necessary under this act.

9 (12) This section does not apply to a police officer operating
10 an authorized emergency vehicle or to a firefighter operating an
11 authorized emergency vehicle who has met the driver training
12 standards published under the ~~fire-fighters~~ **FIREFIGHTERS** training
13 council act, ~~of 1966,~~ 1966 PA 291, MCL 29.361 to 29.377.

14 (13) This section does not apply to a person operating a
15 vehicle used exclusively to transport personal possessions or
16 family members for nonbusiness purposes.

17 (14) The money collected under subsection (8) for a vehicle
18 group designation or indorsement shall be deposited in the state
19 treasury to the credit of the general fund. The secretary of state
20 shall refund out of the fees collected to each county or
21 municipality acting as an examining officer or examining bureau
22 \$3.00 for each applicant examined for a first designation or
23 indorsement to an operator's or chauffeur's license and \$1.50 for
24 each renewal designation or indorsement to an operator's or
25 chauffeur's license, whose application is not denied, on the
26 condition that the money refunded shall be paid to the county or
27 local treasurer and is appropriated to the county, municipality, or

1 officer or bureau receiving that money for the purpose of carrying
2 out this act.

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

6 (16) This state shall comply with the requirements of the
7 American association of motor vehicle administrators' AAMVAnet,
8 incorporated's "Commercial Driver License Information System
9 (CDLIS) State Procedures Manual" that the secretary of state
10 determines are required for implementing and enforcing federal law.