

HOUSE BILL No. 5936

September 20, 2012, Introduced by Reps. Hughes, MacMaster, Jenkins, Gilbert, Heise, Shirkey, Johnson, Foster, Damrow, Potvin, Kurtz, Kowall, Lund, Price, Denby, Pscholka, Ouimet, Lyons, Goike, O'Brien, Rendon, Zorn, Liss, Opsommer, Hobbs, Rutledge, Tyler, Ananich, Lane, MacGregor, Agema, Glardon, Nesbitt, Genetski, Lori, Poleski, Huuki, Crawford, Somerville, Knollenberg, Callton, LaFontaine, Muxlow, Outman, Shaughnessy, Wayne Schmidt, Rogers, Bumstead, Graves, Hooker, Daley, Haveman, Franz, Haines, Jacobsen, Moss, Horn and Stapleton and referred to the Committee on Military and Veterans Affairs and Homeland Security.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 312f (MCL 257.312f), as amended by 2011 PA 159.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 312f. (1) Except as otherwise provided in this section, a
2 person shall be not less than 18 years of age before he or she is
3 issued a vehicle group designation or indorsement, other than a
4 motorcycle indorsement, or not less than 21 years of age and has
5 been approved by the transportation security administration for a
6 hazardous material endorsement before he or she is issued a
7 hazardous material indorsement on an operator's or chauffeur's
8 license and, as provided in this section, the person shall pass
9 knowledge and driving skills tests that comply with minimum federal
10 standards prescribed in 49 CFR part 383. A person who is 18 years

1 of age or older operating a vehicle to be used for farming purposes
2 only may obtain an A or B vehicle group designation or an F vehicle
3 indorsement. Each written examination given an applicant for a
4 vehicle group designation or indorsement shall include subjects
5 designed to cover the type or general class of vehicle to be
6 operated. A-**EXCEPT AS FOLLOWS, A** person shall pass an examination
7 that includes a driving skills test designed to test competency of
8 the applicant for an original vehicle group designation and
9 passenger indorsement on an operator's or chauffeur's license to
10 drive that type or general class of vehicle upon the highways of
11 this state with safety to persons and property: -

12 (A) The secretary of state shall waive the driving skills test
13 for a person operating a vehicle that is used under the conditions
14 described in section 312e(8)(a) to (d) unless the vehicle has a
15 gross vehicle weight rating of 26,001 pounds or more on the power
16 unit and is to be used to carry hazardous materials on which a
17 placard is required under 49 CFR parts 100 to 199.

18 (B) The driving skills test may be waived if the applicant has
19 a valid license with the appropriate vehicle group designation,
20 passenger vehicle indorsement, or school bus indorsement in another
21 state issued in compliance with 49 USC 31301 to 31317.

22 (C) **THE SECRETARY OF STATE MAY WAIVE THE DRIVING SKILLS TEST**
23 **REQUIRED UNDER THIS SECTION FOR A PERSON WITH MILITARY COMMERCIAL**
24 **MOTOR VEHICLE EXPERIENCE IF THE PERSON, AT THE TIME OF APPLICATION,**
25 **CERTIFIES TO THE SECRETARY OF STATE THAT HE OR SHE CONTINUOUSLY MET**
26 **ALL OF THE REQUIREMENTS UNDER 49 CFR 383 DURING THE 2-YEAR PERIOD**
27 **IMMEDIATELY PRECEDING THE DATE OF APPLICATION FOR THE COMMERCIAL**

1 **DRIVER LICENSE.**

2 (2) Except for a person who has held an operator's or
3 chauffeur's license for less than 1 year, the secretary of state
4 shall waive the knowledge test and the driving skills test and
5 issue a 1-year seasonal restricted vehicle group designation to an
6 otherwise qualified applicant to operate a group B or a group C
7 vehicle for a farm related service industry if all of the following
8 conditions are met:

9 (a) The applicant meets the requirements of 49 CFR 383.77.

10 (b) The seasons for which the seasonal restricted vehicle
11 group designation is issued are from April 2 to June 30 and from
12 September 2 to November 30 only of a 12-month period or, at the
13 option of the applicant, for not more than 180 days from the date
14 of issuance in a 12-month period.

15 (c) The commercial motor vehicle for which the seasonal
16 restricted vehicle group designation is issued shall be operated
17 only if all the following conditions are met:

18 (i) The commercial motor vehicle is operated only on routes
19 within 150 miles from the place of business to the farm or farms
20 being served.

21 (ii) The commercial motor vehicle does not transport a quantity
22 of hazardous materials on which a placard under 49 CFR parts 100 to
23 199 is required except for the following:

24 (A) Diesel motor fuel in quantities of 1,000 gallons or less.

25 (B) Liquid fertilizers in quantities of 3,000 gallons or less.

26 (C) Solid fertilizers that are not transported with any
27 organic substance.

1 (iii) The commercial motor vehicle does not require the H, N, P,
2 S, T, or X vehicle indorsement.

3 (3) A seasonal restricted vehicle group designation under this
4 section shall be issued, suspended, revoked, canceled, denied, or
5 renewed in accordance with this act.

6 (4) The secretary of state may enter into an agreement with
7 another public or private corporation or agency to conduct a
8 driving skills test required under this section, section 312e, or
9 49 CFR part 383. Before the secretary of state authorizes a person
10 to administer a corporation's or agency's driver skills testing
11 operations or authorizes an examiner to conduct a driving skills
12 test, that person or examiner must complete both a state and
13 federal bureau of investigation fingerprint based criminal history
14 check through the department of state police.

15 (5) The secretary of state shall not issue a **COMMERCIAL**
16 **LEARNER'S PERMIT**, A vehicle group designation, or a vehicle
17 indorsement to an applicant for an original vehicle group
18 designation or vehicle indorsement under section 312e or may cancel
19 **A COMMERCIAL LEARNER'S PERMIT OR** all vehicle group designations or
20 endorsements on a person's operator's or chauffeur's license to
21 whom 1 or more of the following apply:

22 (a) The applicant has had his or her license suspended or
23 revoked for a reason other than as provided in section 321a, 515,
24 732a, or 801c or section 30 of the support and parenting time
25 enforcement act, 1982 PA 295, MCL 552.630, in the 36 months
26 immediately preceding application. However, a vehicle group
27 designation may be issued if the suspension or revocation was due

1 to a temporary medical condition or failure to appear at a
2 reexamination as provided in section 320.

3 (b) The applicant was convicted of or incurred a bond
4 forfeiture in relation to a 6-point violation as provided in
5 section 320a in the 24 months immediately preceding application if
6 the violation occurred while the applicant was operating a
7 commercial motor vehicle, or a violation of section 625(3) or
8 former section 625b, or a local ordinance substantially
9 corresponding to section 625(3) or former section 625b in the 24
10 months immediately preceding application, if the applicant was
11 operating any type of motor vehicle.

12 (c) The applicant is listed on the national driver register,
13 the commercial driver license information system, or the driving
14 records of the state in which the applicant was previously licensed
15 as being disqualified from operating a commercial motor vehicle or
16 as having a license or driving privilege suspended, revoked,
17 canceled, or denied.

18 (d) The applicant is listed on the national driver register,
19 the commercial driver license information system, or the driving
20 records of the state in which the applicant was previously licensed
21 as having had a license suspended, revoked, or canceled in the 36
22 months immediately preceding application if a suspension or
23 revocation would have been imposed under this act had the applicant
24 been licensed in this state in the original instance. This
25 subdivision does not apply to a suspension or revocation that would
26 have been imposed due to a temporary medical condition or ~~pursuant~~
27 ~~to~~ **UNDER** section 321a, 515, 732a, or 801c or section 30 of the

1 support and parenting time enforcement act, 1982 PA 295, MCL
2 552.630.

3 (e) The applicant is subject to a suspension or revocation
4 under section 319b or would have been subject to a suspension or
5 revocation under section 319b if the applicant had been issued a
6 vehicle group designation or vehicle indorsement.

7 (f) The applicant has been disqualified from operating a
8 commercial motor vehicle under 49 USC 31301 to 31317 or the
9 applicant's license to operate a commercial motor vehicle has been
10 suspended, revoked, denied, or canceled within 36 months
11 immediately preceding the date of application.

12 (g) The United States secretary of transportation has
13 disqualified the applicant from operating a commercial motor
14 vehicle.

15 (h) The applicant fails to satisfy the federal regulations
16 promulgated under 49 CFR parts 383 and 391 by refusing to certify
17 the type of commercial motor vehicle operation the applicant
18 intends to perform and fails to present valid medical certification
19 to the secretary of state if required to do so.

20 (i) The applicant has been disqualified from operating a
21 commercial motor vehicle due to **IMPROPER OR** fraudulent testing.

22 **(J) IF THE SECRETARY OF STATE DETERMINES THROUGH A**
23 **GOVERNMENTAL INVESTIGATION THAT THERE IS REASON TO BELIEVE THE**
24 **PERSON MAY HAVE ENGAGED IN FRAUD DURING THE KNOWLEDGE OR DRIVING**
25 **SKILLS TEST REQUIRED UNDER 49 CFR 383 TO OBTAIN HIS OR HER**
26 **COMMERCIAL DRIVER'S LICENSE, THE SECRETARY OF STATE MAY REQUIRE THE**
27 **APPLICANT TO RETAKE AND SUCCESSFULLY PASS THAT TEST BEFORE ISSUING**

1 **THE LICENSE TO THAT PERSON.**

2 (6) The secretary of state shall not renew or upgrade a
3 vehicle group designation if 1 or more of the following conditions
4 exist:

5 (a) The United States secretary of transportation has
6 disqualified the applicant from operating a commercial motor
7 vehicle.

8 (b) The applicant is listed on the national driver register or
9 the commercial driver license information system as being
10 disqualified from operating a commercial motor vehicle or as having
11 a driver license or driving privilege suspended, revoked, canceled,
12 or denied.

13 (c) On or after January 30, 2012, the applicant fails to meet
14 the requirements of 49 CFR parts 383 and 391 by refusing to certify
15 the type of commercial motor vehicle operation the applicant
16 intends to perform and fails to present medical certification to
17 the secretary of state if required to do so.

18 (7) The secretary of state shall only consider bond
19 forfeitures under subsection (5)(b) for violations that occurred on
20 or after January 1, 1990 when determining the applicability of
21 subsection (5).

22 (8) If an applicant for an original vehicle group designation
23 was previously licensed in another jurisdiction, the secretary of
24 state shall request a copy of the applicant's driving record from
25 that jurisdiction. If 1 or more of the conditions described in
26 subsection (5) exist in that jurisdiction when the secretary of
27 state receives the copy, the secretary of state shall cancel all

1 vehicle group designations on the person's operator's or
2 chauffeur's license.

3 (9) The secretary of state shall cancel all vehicle group
4 designations on a person's operator's or chauffeur's license upon
5 receiving notice from the United States secretary of
6 transportation, the national driver register, the commercial driver
7 license system, or another state or jurisdiction that 1 or more of
8 the conditions described in subsection (5) existed at the time of
9 the person's application in this state.

10 (10) The secretary of state shall cancel all vehicle group
11 designations on the person's operator's or chauffeur's license upon
12 receiving proper notice that the person no longer meets the federal
13 driver qualification requirements under 49 CFR parts 383 and 391 to
14 operate a commercial motor vehicle in interstate or intrastate
15 commerce, or the person no longer meets the driver qualification
16 requirements to operate a commercial motor vehicle in intrastate
17 commerce under the motor carrier safety act of 1963, 1963 PA 181,
18 MCL 480.11 to 480.25.

19 (11) Subsection (5)(a), (b), (d), and (f) do not apply to an
20 applicant for an original vehicle group designation who at the time
21 of application has a valid license to operate a commercial motor
22 vehicle issued by any state in compliance with 49 USC 31301 to
23 31317.

24 (12) As used in this section, "farm related service industry"
25 means custom harvesters, farm retail outlets and suppliers, agri-
26 chemical business, or livestock feeders.