

# SENATE BILL No. 970

June 2, 2014, Introduced by Senators CASPERSON and PAPPAGEORGE and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 7a, 18b, 25, 67a, 212, 306, 307, 309, 312e, 312f, 319, 324, and 904 (MCL 257.7a, 257.18b, 257.25, 257.67a, 257.212, 257.306, 257.307, 257.309, 257.312e, 257.312f, 257.319, 257.324, and 257.904), sections 7a and 212 as amended by 2002 PA 534, section 18b as added and section 67a as amended by 1988 PA 346, sections 306 and 312e as amended by 2011 PA 159, section 307 as amended by 2012 PA 55, section 309 as amended by 2012 PA 355, section 312f as amended by 2012 PA 473, section 319 as amended by 2012 PA 306, section 324 as amended by 2006 PA 298, and section 904 as amended by 2008 PA 461, and by adding section 306a.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 7a. (1) "Commercial motor vehicle" means a motor

1 vehicle USED IN COMMERCE TO TRANSPORT PASSENGERS OR PROPERTY IF 1  
2 OR MORE OF THE FOLLOWING APPLY:

3 (A) IT IS designed to transport 16 or more passengers,  
4 INDIVIDUALS, including the driver. ~~; a motor vehicle, having~~

5 (B) IT HAS a gross vehicle weight rating OR GROSS WEIGHT of  
6 26,001 or more pounds, ~~; a motor vehicle with~~WHICHEVER IS  
7 GREATER.

8 (C) IT HAS a gross combination weight rating OR GROSS  
9 COMBINATION WEIGHT of 26,001 pounds or more, ~~including a towed~~  
10 ~~unit~~WHICHEVER IS GREATER, INCLUSIVE OF TOWED UNITS with a gross  
11 vehicle weight rating OR GROSS VEHICLE WEIGHT of more than 10,000  
12 pounds, ~~; or a~~WHICHEVER IS GREATER.

13 (D) A motor vehicle carrying hazardous material and on which  
14 is required to be posted a placard as defined and required under  
15 49 C.F.R. ~~CFR~~ parts 100 to 199.

16 (2) A commercial motor vehicle does not include a vehicle  
17 used exclusively to transport personal possessions or family  
18 members for nonbusiness purposes.

19 Sec. 18b. (1) "Gross combination weight rating" or "GCWR"  
20 means ~~the~~A value specified by the manufacturer as ~~the~~loaded  
21 ~~weight of a combination vehicle. In the absence of a value~~  
22 ~~specified by the manufacturer, GCWR will be determined by adding~~  
23 ~~the GVWR of the power unit and the total weight of the towed unit~~  
24 ~~and any load on that unit.~~OF THE POWER UNIT IF THAT VALUE IS  
25 DISPLAYED ON THE FEDERAL MOTOR VEHICLE SAFETY STANDARD (FMVSS)  
26 CERTIFICATION LABEL REQUIRED BY THE NATIONAL HIGHWAY TRAFFIC  
27 SAFETY ADMINISTRATION.

1           (2) "Gross vehicle weight rating" or "GVWR" means the value  
 2 ~~specified by the manufacturer as the loaded weight of a single~~  
 3 ~~vehicle.~~ **SUM OF THE GROSS VEHICLE WEIGHT RATINGS, OR THE SUM OF**  
 4 **THE GROSS VEHICLE WEIGHTS OF THE POWER UNIT AND THE TOWED UNIT OR**  
 5 **UNITS, OR ANY COMBINATION OF THE GROSS VEHICLE WEIGHT RATINGS AND**  
 6 **THE GROSS VEHICLE WEIGHTS OF POWER UNIT AND TOWED UNIT OR UNITS**  
 7 **THAT PRODUCES THE HIGHEST VALUE. THE GROSS VEHICLE WEIGHT RATING**  
 8 **OF THE POWER UNIT SHALL NOT BE USED IN DETERMINING WHETHER THE**  
 9 **VEHICLE IS A COMMERCIAL MOTOR VEHICLE WHEN THAT POWER UNIT IS NOT**  
 10 **TOWING ANOTHER UNIT.**

11           Sec. 25. "License" means any driving privileges, license,  
 12 temporary instruction permit, **COMMERCIAL LEARNER'S PERMIT**, or  
 13 temporary license issued under the laws of this state pertaining  
 14 to the licensing of persons to operate motor vehicles.

15           Sec. 67a. (1) "Tandem axle assembly" means 2 axles spaced  
 16 more than 3 feet 6 inches and less than 9 feet apart, 1 axle in  
 17 front of the other and so attached to the vehicle wherein an  
 18 attempt is made by connecting mechanism to distribute the weight  
 19 equally between the 2 axles.

20           (2) "Tank vehicle" means any commercial motor vehicle that  
 21 is designed to transport any liquid or gaseous material within a  
 22 tank ~~that is either permanently or temporarily attached to the~~  
 23 ~~vehicle. Tank vehicle does not include a vehicle attached to a~~  
 24 ~~portable tank having a rated capacity less than 1,000 gallons.~~ **OR**  
 25 **TANKS HAVING AN INDIVIDUAL RATED CAPACITY OF MORE THAN 119**  
 26 **GALLONS AND AN AGGREGATE RATED CAPACITY OF 1,000 GALLONS OR MORE**  
 27 **THAT ARE EITHER PERMANENTLY OR TEMPORARILY ATTACHED TO THE**

1 VEHICLE OR THE CHASSIS. IF A COMMERCIAL MOTOR VEHICLE TRANSPORTS  
2 1 OR MORE TANKS MANIFESTED EITHER AS BEING EMPTY OR CONTAINING  
3 ONLY RESIDUE, THOSE TANKS SHALL NOT BE CONSIDERED IN DETERMINING  
4 WHETHER THE VEHICLE IS A TANK VEHICLE.

5 Sec. 212. If the secretary of state is authorized or  
6 required to give notice under this act or other law regulating  
7 the operation of a vehicle, unless a different method of giving  
8 notice is otherwise expressly prescribed, notice shall be given  
9 either by personal delivery to the person to be notified or by  
10 first-class United States mail addressed to the person at the  
11 address shown by the record of the secretary of state. The giving  
12 of notice by mail is complete upon the expiration of 5 days after  
13 mailing the notice. ~~Proof of the giving of notice in either~~  
14 ~~manner may be made by the certificate of a person 18 years of age~~  
15 ~~or older, naming the person to whom notice was given and~~  
16 ~~specifying the time, place, and manner of the giving of notice.~~

17 Sec. 306. (1) The secretary of state, upon receiving an  
18 application for a temporary instruction permit from a person who  
19 is 18 years of age or older, may issue that permit entitling the  
20 applicant, while carrying the permit, to drive a motor vehicle  
21 other than a motor vehicle requiring an indorsement under section  
22 312a or a vehicle group designation under section 312e upon the  
23 highways for a period of 180 days when accompanied by a licensed  
24 adult operator or chauffeur who is actually occupying a seat  
25 beside the driver.

26 (2) The secretary of state may issue an original operator's  
27 license and designate level 1, 2, or 3 graduated licensing

1 provisions to a person who is less than 18 years of age, has been  
2 licensed in another state or country, and has satisfied the  
3 applicable requirements of section 310e.

4 (3) A student enrolled in a driver education course as ~~that~~  
5 ~~term is~~ defined in section 3 of the driver education provider and  
6 instructor act, 2006 PA 384, MCL 256.623, or a motorcycle safety  
7 course approved by the department of state may operate a motor  
8 vehicle **THAT DOES NOT REQUIRE A VEHICLE GROUP DESIGNATION UNDER**  
9 **SECTION 312E** without holding an operator's license or permit  
10 while under the direct supervision of the program instructor.

11 (4) A student enrolled in a driver education course as ~~that~~  
12 ~~term is~~ defined in section 3 of the driver education provider and  
13 instructor act, 2006 PA 384, MCL 256.623, and who has  
14 successfully completed 10 hours of classroom instruction and the  
15 equivalent of 2 hours of behind-the-wheel training may be issued  
16 a temporary driver education certificate furnished by the  
17 department of state that authorizes a student to drive a motor  
18 vehicle, other than a motor vehicle requiring an indorsement  
19 ~~pursuant to~~ **UNDER** section 312a, or a vehicle group designation  
20 ~~pursuant to~~ **UNDER** section 312e, when accompanied by a licensed  
21 parent or guardian, or when accompanied by a nonlicensed parent  
22 or guardian and a licensed adult for the purpose of receiving  
23 additional instruction until the end of the student's driver  
24 education course.

25 (5) The secretary of state, upon receiving proper  
26 application from a person 16 or 17 years of age who is enrolled  
27 in or has successfully completed an approved motorcycle safety

1 course under section 811a, or a person who is 18 years of age or  
2 older and who holds a valid operator's or chauffeur's license,  
3 may issue a motorcycle temporary instruction permit entitling the  
4 applicant, while carrying the permit, to operate a motorcycle  
5 upon the public streets and highways for a period of 180 days,  
6 but only when under the constant visual supervision of a licensed  
7 motorcycle operator at least 18 years of age. The applicant shall  
8 not operate the motorcycle at night or with a passenger.

9 ~~—— (6) Except as prohibited under federal law, the secretary of~~  
10 ~~state, upon receiving proper application from a person who is 18~~  
11 ~~years of age or older, who holds a valid operator's or~~  
12 ~~chauffeur's license other than a restricted license, and who has~~  
13 ~~passed the knowledge test for an original vehicle group~~  
14 ~~designation or indorsement, and, if the person is applying for a~~  
15 ~~hazardous material indorsement, the person has been approved for~~  
16 ~~the hazardous materials indorsement by the transportation~~  
17 ~~security administration, may issue a temporary instruction permit~~  
18 ~~entitling the person, while carrying the permit, to drive a~~  
19 ~~vehicle requiring a vehicle group designation or vehicle group~~  
20 ~~indorsement under section 312e upon the streets and highways for~~  
21 ~~a period of 180 days, but only when accompanied by a licensed~~  
22 ~~adult operator or chauffeur who is licensed with the appropriate~~  
23 ~~vehicle group designation and indorsement for the vehicle group~~  
24 ~~being driven and who is actually occupying a seat beside the~~  
25 ~~driver, or behind the driver if the permittee is driving a bus or~~  
26 ~~school bus. In addition, if a permittee is enrolled in a driver~~  
27 ~~training program for drivers of motor vehicles requiring a~~

~~1 vehicle group designation or vehicle group indorsement under  
2 section 312e, which program is conducted by a college, a  
3 university, a school licensed by the department under the driver  
4 education provider and instructor act, 2006 PA 384, MCL 256.621  
5 to 256.705, or a local or intermediate school district, the  
6 permittee may drive a vehicle requiring a vehicle group  
7 designation or vehicle group indorsement on the streets and  
8 highways of this state for a period of 180 days when accompanied  
9 by an instructor licensed with the appropriate vehicle group  
10 designation and indorsement for the vehicle being driven who is  
11 either occupying the seat beside the driver or in direct visual  
12 and audio communication with the permittee. A person issued a  
13 temporary instruction permit under this section shall not operate  
14 a vehicle designed to carry 16 or more passengers that is  
15 transporting passengers except with an instructor licensed with  
16 the appropriate vehicle group designation and indorsement for the  
17 vehicle being driven or a driver skills test examiner.~~

18       **SEC. 306A. (1) THE SECRETARY OF STATE MAY ISSUE A COMMERCIAL**  
19 **LEARNER'S PERMIT ENTITLING A PERSON TO DRIVE A VEHICLE REQUIRING**  
20 **A VEHICLE GROUP DESIGNATION OR INDORSEMENT UNDER SECTION 312E IF**  
21 **ALL OF THE FOLLOWING APPLY:**

22           **(A) THE PERSON SUBMITS A PROPER APPLICATION AND MEETS THE**  
23 **REQUIREMENTS OF 49 CFR PART 383.**

24           **(B) THE PERSON IS 18 YEARS OF AGE OR OLDER.**

25           **(C) THE PERSON HOLDS A VALID OPERATOR'S OR CHAUFFEUR'S**  
26 **LICENSE THAT IS NOT A RESTRICTED LICENSE.**

27           **(D) THE PERSON PASSES THE KNOWLEDGE TESTS FOR AN ORIGINAL**

1 VEHICLE GROUP DESIGNATION OR INDORSEMENT, AS REQUIRED BY 49 CFR  
2 PART 383.

3 (E) IF THE PERSON IS APPLYING FOR A HAZARDOUS MATERIALS  
4 INDORSEMENT, HE OR SHE HAS BEEN APPROVED FOR THE HAZARDOUS  
5 MATERIALS INDORSEMENT BY THE FEDERAL TRANSPORTATION SECURITY  
6 ADMINISTRATION.

7 (2) A PERSON ISSUED A COMMERCIAL LEARNER'S PERMIT UNDER  
8 SUBSECTION (1), OR AN EQUIVALENT COMMERCIAL LEARNER'S PERMIT  
9 ISSUED BY ANOTHER JURISDICTION, MAY OPERATE A VEHICLE REQUIRING A  
10 VEHICLE GROUP DESIGNATION OR INDORSEMENT UNDER SECTION 312E, IF  
11 ALL OF THE FOLLOWING APPLY:

12 (A) THE PERSON HAS THE PERMIT AND A VALID OPERATOR'S OR  
13 CHAUFFEUR'S LICENSE IN HIS OR HER POSSESSION WHILE OPERATING THE  
14 VEHICLE.

15 (B) THE PERSON IS ACCOMPANIED BY AN INSTRUCTOR CERTIFIED  
16 UNDER THE DRIVER EDUCATION PROVIDER AND INSTRUCTOR ACT, 2006 PA  
17 384, MCL 256.621 TO 256.705, OR AN ADULT WITH A VALID OPERATOR'S  
18 OR CHAUFFEUR'S LICENSE, AND ALL OF THE FOLLOWING APPLY:

19 (i) THE INSTRUCTOR OR LICENSED ADULT HAS IN HIS OR HER  
20 POSSESSION A VALID LICENSE WITH A VEHICLE GROUP DESIGNATION AND  
21 ANY INDORSEMENT NECESSARY TO OPERATE THE VEHICLE AS PROVIDED IN  
22 SECTION 312E.

23 (ii) THE INSTRUCTOR OR LICENSED ADULT IS AT ALL TIMES  
24 PHYSICALLY PRESENT IN THE FRONT SEAT OF THE VEHICLE NEXT TO THE  
25 OPERATOR OR, IN THE CASE OF A PASSENGER VEHICLE, DIRECTLY BEHIND  
26 THE OPERATOR OR IN THE FIRST ROW BEHIND THE OPERATOR.

27 (iii) THE INSTRUCTOR OR LICENSED ADULT HAS THE OPERATOR UNDER

1 OBSERVATION AND DIRECT SUPERVISION.

2 (C) THE PERSON SHALL NOT OPERATE A VEHICLE TRANSPORTING  
3 HAZARDOUS MATERIALS AS DEFINED IN 49 CFR PART 383.

4 (D) IF THE PERSON HAS A PERMIT TO OPERATE A TANK VEHICLE,  
5 THE PERSON MAY ONLY OPERATE AN EMPTY TANK VEHICLE AND SHALL NOT  
6 OPERATE ANY TANK VEHICLE THAT PREVIOUSLY CONTAINED HAZARDOUS  
7 MATERIALS UNLESS THE TANK HAS BEEN PURGED OF ALL HAZARDOUS  
8 MATERIAL RESIDUE.

9 (E) IF THE PERSON HAS A PERMIT TO OPERATE A VEHICLE DESIGNED  
10 TO CARRY 16 OR MORE PASSENGERS OR A SCHOOL BUS, THE PERSON SHALL  
11 NOT OPERATE A VEHICLE DESIGNED TO CARRY 16 OR MORE PASSENGERS OR  
12 A SCHOOL BUS WITH ANY PASSENGERS OTHER THAN THE FOLLOWING  
13 INDIVIDUALS:

14 (i) THE INSTRUCTOR OR LICENSED ADULT DESCRIBED IN THIS  
15 SECTION.

16 (ii) FEDERAL OR STATE AUDITORS OR INSPECTORS.

17 (iii) TEST EXAMINERS.

18 (iv) OTHER TRAINEES.

19 (3) A COMMERCIAL LEARNER'S PERMIT ISSUED UNDER THIS SECTION  
20 IS VALID FOR 180 DAYS FROM THE DATE OF ISSUANCE. A PERSON MAY  
21 APPLY 1 TIME TO RENEW THE PERMIT FOR AN ADDITIONAL 180 DAYS  
22 WITHOUT TAKING THE KNOWLEDGE TESTS DESCRIBED IN SUBSECTION (1) IF  
23 THE PERSON APPLIES FOR THE RENEWAL BEFORE THE EXPIRATION OF THE  
24 ORIGINAL PERMIT.

25 Sec. 307. (1) If an applicant for an operator's license or  
26 chauffeur's license TO OPERATE A NONCOMMERCIAL MOTOR VEHICLE is a  
27 citizen of the United States, the applicant shall supply a

1 photographic identity document, a birth certificate, or other  
2 sufficient documents as the secretary of state may require, to  
3 verify the identity and citizenship of the applicant. If an  
4 applicant for an operator's or chauffeur's license is not a  
5 citizen of the United States, the applicant shall supply a  
6 photographic identity document and other sufficient documents to  
7 verify the identity of the applicant and the applicant's legal  
8 presence in the United States under subdivision (b). The  
9 documents required under this subsection shall include the  
10 applicant's full legal name, date of birth, and address and  
11 residency and demonstrate that the applicant is a citizen of the  
12 United States or is legally present in the United States. If the  
13 applicant's full legal name differs from the name of the  
14 applicant that appears on a document presented under this  
15 subsection, the applicant shall present documents to verify his  
16 or her current full legal name. The secretary of state shall  
17 accept as 1 of the required identification documents an  
18 identification card issued by the department of corrections to  
19 prisoners who are placed on parole or released from a  
20 correctional facility, containing the prisoner's legal name,  
21 photograph, and other information identifying the prisoner as  
22 provided in section 37(4) of the corrections code of 1953, 1953  
23 PA 232, MCL 791.237. An application for an operator's or  
24 chauffeur's license shall be made in a manner prescribed by the  
25 secretary of state and shall contain all of the following:  
26 (a) The applicant's full legal name, date of birth,  
27 residence address, height, sex, eye color, signature, intent to

1 make an anatomical gift, other information required or permitted  
2 on the license under this chapter, and, only to the extent  
3 required to comply with federal law, the applicant's social  
4 security number. The applicant may provide a mailing address if  
5 the applicant receives mail at an address different from his or  
6 her residence address.

7 (b) If the applicant is not a citizen of the United States,  
8 the applicant shall provide, and the department shall verify,  
9 documents demonstrating his or her legal presence in the United  
10 States. Nothing in this act shall obligate or be construed to  
11 obligate this state to comply with title II of the real ID act of  
12 2005, Public Law 109-13. The secretary of state may adopt rules  
13 under the administrative procedures act of 1969, 1969 PA 306, MCL  
14 24.201 to 24.328, as are necessary for the administration of this  
15 subdivision. A determination by the secretary of state that an  
16 applicant is not legally present in the United States may be  
17 appealed under section 631 of the revised judicature act of 1961,  
18 1961 PA 236, MCL 600.631.

19 (c) The following notice shall be included to inform the  
20 applicant that under sections 509o and 509r of the Michigan  
21 election law, 1954 PA 116, MCL 168.509o and 168.509r, the  
22 secretary of state is required to use the residence address  
23 provided on this application as the applicant's residence address  
24 on the qualified voter file for voter registration and voting:

25 "NOTICE: Michigan law requires that the same address  
26 be used for voter registration and driver license  
27 purposes. Therefore, if the residence address

1       you provide in this application differs from your  
2       voter registration address as it appears on the  
3       qualified voter file, the secretary of state  
4       will automatically change your voter registration  
5       to match the residence address on this application,  
6       after which your voter registration at your former  
7       address will no longer be valid for voting purposes.  
8       A new voter registration card, containing the  
9       information of your polling place, will be provided  
10      to you by the clerk of the jurisdiction where your  
11      residence address is located.".

12           (d) For an original or renewal operator's or chauffeur's  
13      license with a vehicle group designation or indorsement, the  
14      names of all states where the applicant has been licensed to  
15      drive any type of motor vehicle during the previous 10 years.

16           (e) For an operator's or chauffeur's license with a vehicle  
17      group designation or indorsement, the following certifications by  
18      the applicant:

19           (i) The applicant meets the applicable federal driver  
20      qualification requirements under 49 CFR parts 383 and 391 ~~if the~~  
21      ~~applicant operates or intends to operate in interstate commerce~~  
22      or meets the applicable qualifications of the department of state  
23      police under the motor carrier safety act of 1963, 1963 PA 181,  
24      MCL 480.11 to 480.25. ~~, if the applicant operates or intends to~~  
25      ~~operate in intrastate commerce.~~

26           (ii) The vehicle in which the applicant will take the driving  
27      skills tests is representative of the type of vehicle the  
28      applicant operates or intends to operate.

1           (iii) The applicant is not subject to disqualification by the  
2 United States secretary of transportation, or a suspension,  
3 revocation, or cancellation under any state law for conviction of  
4 an offense described in section 312f or 319b.

5           (iv) The applicant does not have a driver's license from more  
6 than 1 state or jurisdiction.

7           (f) An applicant for an operator's or chauffeur's license  
8 with a vehicle group designation and a hazardous material  
9 indorsement shall provide his or her fingerprints as prescribed  
10 by state and federal law.

11           (2) An applicant for an operator's or chauffeur's license  
12 may have his or her image and signature captured or reproduced  
13 when the application for the license is made. The secretary of  
14 state shall acquire equipment purchased or leased under this  
15 section under standard purchasing procedures of the department of  
16 technology, management, and budget based on standards and  
17 specifications established by the secretary of state. The  
18 secretary of state shall not purchase or lease equipment until an  
19 appropriation for the equipment has been made by the legislature.  
20 A digital photographic image and signature captured under this  
21 section shall appear on the applicant's operator's license or  
22 chauffeur's license. A person's digital photographic image and  
23 signature shall be used as follows:

24           (a) By a federal, state, or local governmental agency for a  
25 law enforcement purpose authorized by law.

26           (b) By the secretary of state for a use specifically  
27 authorized by law.

1 (c) By the secretary of state for forwarding to the  
2 department of state police the images of persons required to be  
3 registered under the sex offenders registration act, 1994 PA 295,  
4 MCL 28.721 to 28.736, upon the department of state police  
5 providing the secretary of state an updated list of the names of  
6 those persons.

7 (d) As necessary to comply with a law of this state or of  
8 the United States.

9 (3) An application shall contain a signature or verification  
10 and certification by the applicant, as determined by the  
11 secretary of state, and shall be accompanied by the proper fee.  
12 The secretary of state shall collect the application fee with the  
13 application. The secretary of state shall refund the application  
14 fee to the applicant if the license applied for is denied, but  
15 shall not refund the fee to an applicant who fails to complete  
16 the examination requirements of the secretary of state within 90  
17 days after the date of application for a license.

18 (4) In conjunction with the application for an operator's  
19 license or chauffeur's license, the secretary of state shall do  
20 all of the following:

21 (a) Provide the applicant with all of the following:

22 (i) Information explaining the applicant's right to make an  
23 anatomical gift in the event of death in accordance with section  
24 310.

25 (ii) Information describing the anatomical gift donor  
26 registry program under part 101 of the public health code, 1978  
27 PA 368, MCL 333.10101 to 333.10123. The information required

1 under this subparagraph includes the address and telephone number  
2 of Michigan's federally designated organ procurement organization  
3 or its successor organization as defined in section 10102 of the  
4 public health code, 1978 PA 368, MCL 333.10102.

5 (iii) Information giving the applicant the opportunity to be  
6 placed on the donor registry described in subparagraph (ii).

7 (b) Provide the applicant with the opportunity to specify on  
8 his or her operator's or chauffeur's license that he or she is  
9 willing to make an anatomical gift in the event of death in  
10 accordance with section 310.

11 (c) Inform the applicant that, if he or she indicates to the  
12 secretary of state under this section a willingness to have his  
13 or her name placed on the donor registry described in subdivision  
14 (a) (ii), the secretary of state will mark the applicant's record  
15 for the donor registry.

16 (5) The secretary of state may fulfill the requirements of  
17 subsection (4) by 1 or more of the following methods:

18 (a) Providing printed material enclosed with a mailed notice  
19 for an operator's or chauffeur's license renewal or the issuance  
20 of an operator's or chauffeur's license.

21 (b) Providing printed material to an applicant who  
22 personally appears at a secretary of state branch office.

23 (c) Through electronic information transmittals for  
24 operator's and chauffeur's licenses processed by electronic  
25 means.

26 (6) The secretary of state shall maintain a record of an  
27 individual who indicates a willingness to have his or her name

1 placed on the donor registry described in subsection (4) (a) (ii) .  
2 Information about an applicant's indication of a willingness to  
3 have his or her name placed on the donor registry that is  
4 obtained by the secretary of state under subsection (4) and  
5 forwarded under subsection (14) is exempt from disclosure under  
6 section 13(1) (d) of the freedom of information act, 1976 PA 442,  
7 MCL 15.243.

8 (7) If an application is received from a person previously  
9 licensed in another jurisdiction, the secretary of state shall  
10 request a copy of the applicant's driving record and other  
11 available information from the national driver register. When  
12 received, the driving record and other available information  
13 become a part of the driver's record in this state.

14 ~~(8) If an application is received for an original, renewal,~~  
15 ~~or upgrade of a vehicle group designation or indorsement, the IF~~  
16 **A PERSON APPLIES FOR A COMMERCIAL LEARNER'S PERMIT FOR AN**  
17 **ORIGINAL VEHICLE GROUP DESIGNATION, OR INDORSEMENT, OR UPGRADE OF**  
18 **A VEHICLE GROUP DESIGNATION OR INDORSEMENT, TO OPERATE A**  
19 **COMMERCIAL MOTOR VEHICLE, THE SECRETARY OF STATE MAY VERIFY THE**  
20 **PERSON'S IDENTITY, MAY REQUIRE PROOF OF MICHIGAN DOMICILE UNDER**  
21 **49 CFR 383.5, AND MAY VERIFY THE PERSON'S PROOF OF UNITED STATES**  
22 **CITIZENSHIP OR PROOF OF LAWFUL PERMANENT RESIDENCY AS REQUIRED**  
23 **UNDER 49 CFR 383.71 AND 383.73, IF THAT INFORMATION IS NOT ON THE**  
24 **PERSON'S MICHIGAN DRIVING RECORD. IF A PERSON APPLIES FOR A**  
25 **RENEWAL OR UPGRADE OF AN OPERATOR'S OR CHAUFFEUR'S LICENSE TO**  
26 **OPERATE A COMMERCIAL MOTOR VEHICLE, THE SECRETARY OF STATE MAY**  
27 **VERIFY THE PERSON'S IDENTITY, REQUIRE PROOF OF MICHIGAN DOMICILE**

1 UNDER 49 CFR 383.5, AND VERIFY THE PERSON'S PROOF OF CITIZENSHIP  
2 OR LAWFUL PERMANENT RESIDENCY UNDER 49 CFR 383.71 AND 383.73, IF  
3 THEIR INFORMATION IS NOT ON THE PERSON'S MICHIGAN DRIVING RECORD.  
4 THE secretary of state shall request the person's complete  
5 driving record from all states where the applicant was previously  
6 licensed to drive any type of motor vehicle over the last 10  
7 years before issuing a vehicle group designation or indorsement  
8 to the applicant. If the applicant does not hold a valid  
9 commercial motor vehicle driver license from a state where he or  
10 she was licensed in the last 10 years, this complete driving  
11 record request must be made not earlier than 24 hours before the  
12 secretary of state issues the applicant a vehicle group  
13 designation or indorsement. For all other drivers, this request  
14 must be made not earlier than 10 days before the secretary of  
15 state issues the applicant a vehicle group designation or  
16 indorsement. IF THE APPLICATION IS FOR THE RENEWAL OF A VEHICLE  
17 GROUP DESIGNATION OR INDORSEMENT, AND IF THE SECRETARY OF STATE  
18 ENTERS ON THE PERSON'S DRIVING RECORD MAINTAINED UNDER SECTION  
19 204A A NOTATION THAT THE REQUEST WAS MADE AND THE DATE OF THE  
20 REQUEST, THE SECRETARY OF STATE IS REQUIRED TO REQUEST THE  
21 APPLICANT'S COMPLETE DRIVING RECORD FROM OTHER STATES ONLY ONCE  
22 UNDER THIS SECTION. The secretary of state shall also check the  
23 applicant's driving record with the national driver register and  
24 the federal commercial driver license information system before  
25 issuing that group designation or indorsement. ~~If the application~~  
26 ~~is for the renewal of a vehicle group designation or indorsement,~~  
27 ~~and if the secretary of state enters on the person's historical~~

1 ~~driving record maintained under section 204a a notation that the~~  
2 ~~request was made and the date of the request, the secretary of~~  
3 ~~state is required to request the applicant's complete driving~~  
4 ~~record from other states only once under this section.~~

5 (9) Except for a vehicle group designation or indorsement or  
6 as provided in this subsection or section 314(5), the secretary  
7 of state may issue a renewal operator's or chauffeur's license  
8 for 1 additional 4-year period or until the person is no longer  
9 determined to be legally present under this section by mail or by  
10 other methods prescribed by the secretary of state. The secretary  
11 of state may check the applicant's driving record through the  
12 national driver register and the commercial driver license  
13 information system before issuing a license under this section.  
14 The secretary of state shall issue a renewal license only in  
15 person if the person is a person required under section 5a of the  
16 sex offenders registration act, 1994 PA 295, MCL 28.725a, to  
17 maintain a valid operator's or chauffeur's license or official  
18 state personal identification card. If a license is renewed by  
19 mail or by other method, the secretary of state shall issue  
20 evidence of renewal to indicate the date the license expires in  
21 the future. The department of state police shall provide to the  
22 secretary of state updated lists of persons required under  
23 section 5a of the sex offenders registration act, 1994 PA 295,  
24 MCL 28.725a, to maintain a valid operator's or chauffeur's  
25 license or official state personal identification card.

26 (10) Upon request, the secretary of state shall provide an  
27 information manual to an applicant explaining how to obtain a

1 vehicle group designation or indorsement. The manual shall  
2 contain the information required under 49 CFR part 383.

3 (11) The secretary of state shall not disclose a social  
4 security number obtained under subsection (1) to another person  
5 except for use for 1 or more of the following purposes:

6 (a) Compliance with 49 USC 31301 to 31317 and regulations  
7 and state law and rules related to this chapter.

8 (b) To carry out the purposes of section 466(a) of the  
9 social security act, 42 USC 666, in connection with matters  
10 relating to paternity, child support, or overdue child support.

11 (c) To check an applicant's driving record through the  
12 national driver register and the commercial driver license  
13 information system when issuing a license under this act.

14 (d) With the department of community health, for comparison  
15 with vital records maintained by the department of community  
16 health under part 28 of the public health code, 1978 PA 368, MCL  
17 333.2801 to 333.2899.

18 (e) As otherwise required by law.

19 (12) The secretary of state shall not display a person's  
20 social security number on the person's operator's or chauffeur's  
21 license.

22 (13) A requirement under this section to include a social  
23 security number on an application does not apply to an applicant  
24 who demonstrates he or she is exempt under law from obtaining a  
25 social security number.

26 (14) As required in section 10120 of the public health code,  
27 1978 PA 368, MCL 333.10120, the secretary of state shall maintain

1 the donor registry in a manner that provides electronic access,  
2 including, but not limited to, the transfer of data to this  
3 state's federally designated organ procurement organization or  
4 its successor organization, tissue banks, and eye banks, in a  
5 manner that complies with that section.

6 (15) The secretary of state, with the approval of the state  
7 administrative board created under 1921 PA 2, MCL 17.1 to 17.3,  
8 may enter into agreements with the United States government to  
9 verify whether an applicant for an operator's license or a  
10 chauffeur's license under this section who is not a citizen of  
11 the United States is authorized under federal law to be present  
12 in the United States.

13 (16) The secretary of state shall not issue an operator's  
14 license or a chauffeur's license to a person holding an  
15 operator's license or chauffeur's license issued by another state  
16 without confirmation that the person is terminating or has  
17 terminated the operator's license or chauffeur's license issued  
18 by the other state.

19 (17) The secretary of state shall do all of the following:

20 (a) Ensure the physical security of locations where  
21 operator's licenses and chauffeur's licenses are produced and the  
22 security of document materials and papers from which operator's  
23 licenses and chauffeur's licenses are produced.

24 (b) Subject all persons authorized to manufacture or produce  
25 operator's licenses or chauffeur's licenses and all persons who  
26 have the ability to affect the identity information that appears  
27 on operator's licenses or chauffeur's licenses to appropriate

1 security clearance requirements. The security requirements of  
2 this subdivision and subdivision (a) may require that licenses be  
3 manufactured or produced in this state.

4 (c) Provide fraudulent document recognition programs to  
5 department of state employees engaged in the issuance of  
6 operator's licenses and chauffeur's licenses.

7 (18) The secretary of state shall have electronic access to  
8 prisoner information maintained by the department of corrections  
9 for the purpose of verifying the identity of a prisoner who  
10 applies for an operator's or chauffeur's license under subsection  
11 (1).

12 Sec. 309. (1) Before issuing a license, the secretary of  
13 state shall examine each applicant for an operator's or  
14 chauffeur's license who at the time of the application is not the  
15 holder of a valid, unrevoked operator's or chauffeur's license  
16 under a law of this state providing for the licensing of drivers.  
17 **BEFORE THE SECRETARY OF STATE AUTHORIZES A PERSON TO ADMINISTER**  
18 **VEHICLE GROUP DESIGNATION OR ENDORSEMENT KNOWLEDGE TESTS, THAT**  
19 **PERSON MUST SUCCESSFULLY COMPLETE BOTH A STATE AND FEDERAL BUREAU**  
20 **OF INVESTIGATION FINGERPRINT-BASED CRIMINAL HISTORY CHECK OR THE**  
21 **EQUIVALENT THROUGH THE DEPARTMENT OF STATE POLICE.** In all other  
22 cases, the secretary of state may waive the examination, except  
23 that an examination shall not be waived if it appears from the  
24 application, from the apparent physical or mental condition of  
25 the applicant, or from any other information that has come to the  
26 secretary of state from another source, that the applicant does  
27 not possess the physical, mental, or other qualifications

1 necessary to operate a motor vehicle in a manner as not to  
2 jeopardize the safety of persons or property, or that the  
3 applicant is not entitled to a license under section 303. A  
4 licensee who applies for the renewal of his or her license by  
5 mail pursuant to section 307 shall certify to his or her physical  
6 capability to operate a motor vehicle. The secretary of state may  
7 check the applicant's driving record through the national driver  
8 register and the commercial driver license information system  
9 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  
14 state as examining officers for the purpose of examining  
15 applicants for operator's and chauffeur's licenses. An examining  
16 officer shall conduct examinations of applicants for operator's  
17 and chauffeur's licenses in accordance with this chapter and the  
18 rules promulgated by the secretary of state under subsection (3).  
19 After conducting an examination an examining officer shall make a  
20 written report of his or her findings and recommendations to the  
21 secretary of state.

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

1 license under section 303. The secretary of state may consider a  
2 written medical report and recommendation submitted under section  
3 5139 of the public health code, 1978 PA 368, MCL 333.5139, from  
4 the personal physician or optometrist of an applicant, in making  
5 the examination regarding the applicant's physical and mental  
6 qualifications to operate a motor vehicle under this section and  
7 R 257.851 to R 257.855 of the Michigan administrative code. A  
8 report received by the secretary of state from a physician or an  
9 optometrist under this section is confidential. The secretary of  
10 state shall also ascertain whether the applicant has sufficient  
11 knowledge of the English language to understand highway warnings  
12 or direction signs written in that language. The examination  
13 shall not include investigation of facts other than those facts  
14 directly pertaining to the ability of the applicant to operate a  
15 motor vehicle with safety or facts declared to be prerequisite to  
16 the issuance of a license under this act.

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

1 person or examiner must **SUCCESSFULLY** complete both a state and  
2 federal bureau of investigation fingerprint based criminal  
3 history check through the department of state police **AS REQUIRED**  
4 **BY LAW AND AS PROVIDED UNDER 49 CFR 384.228**. In an agreement with  
5 another public or private corporation or agency to conduct a  
6 driving skills test, the secretary of state shall prescribe the  
7 method and examination criteria to be followed by the  
8 corporation, agency, or examiner when conducting the driving  
9 skills test and the form of the certification to be issued to a  
10 person who satisfactorily completes a driving skills test. An  
11 original vehicle group designation or indorsement shall not be  
12 issued by the secretary of state without a knowledge test  
13 conducted by the secretary of state. Except as provided in  
14 section 312f(1), an original vehicle group designation or  
15 passenger or school bus indorsement shall not be issued by the  
16 secretary of state without a driving skills test conducted by an  
17 examiner appointed or authorized by the secretary of state **OR AN**  
18 **EQUIVALENT DRIVING SKILLS TEST MEETING THE REQUIREMENTS OF 49 CFR**  
19 **PART 383 CONDUCTED IN ANOTHER JURISDICTION**.

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

27 (6) A driving skills test conducted under this section shall

1 include a behind-the-wheel road test. A behind-the-wheel road  
2 test for an original vehicle group designation or passenger  
3 indorsement shall not be conducted unless the applicant has been  
4 issued a temporary instruction permit. BEFORE CONDUCTING A BEHIND-  
5 THE-WHEEL ROAD TEST FOR AN APPLICANT SEEKING A VEHICLE GROUP  
6 DESIGNATION, INCLUDING ANY UPGRADE TO A VEHICLE GROUP  
7 DESIGNATION, OR FOR ANY INDORSEMENT REQUIRED TO OPERATE A  
8 COMMERCIAL MOTOR VEHICLE, THE EXAMINER SHALL DETERMINE THAT THE  
9 APPLICANT WAS ISSUED HIS OR HER COMMERCIAL LEARNER'S PERMIT NOT  
10 LESS THAN 14 DAYS BEFORE THE DATE OF THAT TEST AND THAT HE OR SHE  
11 HAS THAT PERMIT IN HIS OR HER POSSESSION.

12 (7) A person who corrupts or attempts to corrupt a  
13 designated examining officer appointed or designated by the  
14 secretary of state under this section or section 310e by giving,  
15 offering, or promising any gift or gratuity with the intent to  
16 influence the opinion or decision of the examining officer  
17 conducting the test is guilty of a felony.

18 (8) A designated examining officer appointed or designated  
19 by the secretary of state who conducts a driving skills test  
20 under an agreement entered into under this section or section  
21 310e and who varies from, shortens, or in any other way changes  
22 the method or examination criteria prescribed in that agreement  
23 in conducting a driving skills test is guilty of a felony.

24 (9) A person who forges, counterfeits, or alters a  
25 satisfactorily completed driving skills test certification issued  
26 by a designated examining officer appointed or designated by the  
27 secretary of state under this section or section 310e is guilty

1 of a felony.

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

5 (a) A person, before operating a combination of **MOTOR**  
6 vehicles with a gross combination weight rating **OR GROSS**  
7 **COMBINATION WEIGHT** of 26,001 pounds or more, ~~including a towed~~  
8 ~~vehicle~~ **WHICHEVER IS GREATER, INCLUSIVE OF TOWED UNITS** with a  
9 gross vehicle weight rating **OR GROSS VEHICLE WEIGHT** of more than  
10 10,000 pounds, shall procure a group A vehicle designation on his  
11 or her operator's or chauffeur's license. Unless an indorsement  
12 or the removal of restrictions is required, a person licensed to  
13 operate a group A vehicle may operate a group B or C vehicle  
14 without taking another test.

15 (b) A person, before operating a **SINGLE** vehicle having a  
16 gross vehicle weight rating **OR GROSS VEHICLE WEIGHT** of 26,001  
17 pounds or more, **WHICHEVER IS GREATER, INCLUDING WHILE TOWING A**  
18 **VEHICLE HAVING A GROSS VEHICLE WEIGHT RATING OR GROSS VEHICLE**  
19 **WEIGHT OF NOT MORE THAN 10,000 POUNDS**, shall procure a group B  
20 vehicle designation on his or her operator's or chauffeur's  
21 license. Unless an indorsement or the removal of restrictions is  
22 required, a person licensed to operate a group B vehicle may  
23 operate a group C vehicle without taking another test.

24 (c) A person, before operating a single vehicle or a  
25 combination of vehicles that fits the definition of small vehicle  
26 (group C) under 49 CFR 383.91(a)(3) shall procure a group C  
27 vehicle designation and a hazardous material or passenger vehicle

1 indorsement on his or her operator's or chauffeur's license.

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

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

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

10 (a) If a person operates a group B passenger vehicle while  
11 taking his or her driving skills test for a P indorsement, he or  
12 she is restricted to operating only group B or C passenger  
13 vehicles under that P indorsement. If a person operates a group B  
14 school bus while taking his or her driving skills test for an S  
15 indorsement, he or she is restricted to operating only group B or  
16 C school buses under that S indorsement. **EXCEPT AS PROVIDED IN  
17 THIS SECTION, THE SECRETARY OF STATE SHALL PLACE ON THE  
18 COMMERCIAL LEARNER'S PERMIT OR COMMERCIAL DRIVER LICENSE THE  
19 FOLLOWING RESTRICTION CODE AS PROVIDED UNDER 49 CFR 383.95 AND  
20 383.153: NOT VALID TO OPERATE A GROUP A PASSENGER COMMERCIAL  
21 MOTOR VEHICLE.**

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

1 school buses under that S indorsement. EXCEPT AS PROVIDED IN THIS  
 2 SECTION, BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT  
 3 THAT ADDED THIS SENTENCE, THE SECRETARY OF STATE SHALL PLACE ON  
 4 THE COMMERCIAL LEARNER'S PERMIT OR COMMERCIAL DRIVER LICENSE THE  
 5 FOLLOWING RESTRICTION CODE AS PROVIDED UNDER 49 CFR 383.95 AND  
 6 383.153: NOT VALID TO OPERATE A GROUP A OR GROUP B PASSENGER  
 7 COMMERCIAL MOTOR VEHICLE.

8 (c) A person who fails the air brake portion of the written  
 9 or driving skills test provided under section 312f or who takes  
 10 the driving skills test provided under that section in a  
 11 commercial motor vehicle that is not equipped with air brakes  
 12 shall not operate a commercial motor vehicle equipped with air  
 13 brakes. EXCEPT AS PROVIDED IN THIS SECTION, BEGINNING ON THE  
 14 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SENTENCE,  
 15 THE SECRETARY OF STATE SHALL PLACE ON THE COMMERCIAL LEARNER'S  
 16 PERMIT OR COMMERCIAL DRIVER LICENSE THE FOLLOWING RESTRICTION  
 17 CODE AS PROVIDED UNDER 49 CFR 383.95 AND 383.153: CDL NOT VALID  
 18 FOR VEHICLE WITH AIR BRAKES.

19 (D) EXCEPT AS PROVIDED IN THIS SECTION, BEGINNING ON THE  
 20 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION,  
 21 THE SECRETARY OF STATE SHALL PLACE ON A COMMERCIAL LEARNER'S  
 22 PERMIT OR COMMERCIAL DRIVER LICENSE THE FOLLOWING RESTRICTION  
 23 CODES AS PROVIDED UNDER 49 CFR 383.95 AND 383.153:

- 24 (i) FOR A COMMERCIAL LEARNER'S PERMIT:
- 25 (A) NO PASSENGERS IN A COMMERCIAL MOTOR VEHICLE BUS.
- 26 (B) NO CARGO IN A COMMERCIAL MOTOR VEHICLE TANK VEHICLE.
- 27 (C) COMMERCIAL MOTOR VEHICLE OPERATION WITH MEDICAL

1 VARIANCE.

2 (D) COMMERCIAL MOTOR VEHICLE OPERATION INTRASTATE ONLY.

3 (ii) FOR A COMMERCIAL DRIVER LICENSE:

4 (A) NOT VALID TO OPERATE COMMERCIAL MOTOR VEHICLE EQUIPPED  
5 WITH FULL AIR BRAKES.

6 (B) NOT VALID TO OPERATE COMMERCIAL MOTOR VEHICLE EQUIPPED  
7 WITH MANUAL TRANSMISSION.

8 (C) NOT VALID TO OPERATE A GROUP A COMMERCIAL VEHICLE  
9 TRACTOR-TRAILER COMBINATION CONNECTED BY FIFTH WHEEL.

10 (D) COMMERCIAL MOTOR VEHICLE OPERATION INTRASTATE ONLY.

11 (E) COMMERCIAL MOTOR VEHICLE OPERATION WITH MEDICAL  
12 VARIANCE.

13 (5) A person, before operating a commercial motor vehicle,  
14 shall obtain ~~required~~ **THE FOLLOWING** vehicle indorsements as  
15 ~~follows~~: **PROVIDED UNDER 49 CFR 383.93 AND 383.153:**

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

20 (b) **A PERSON APPLYING FOR A COMMERCIAL LEARNER'S PERMIT TO**  
21 **OPERATE AN EMPTY TANK MOTOR VEHICLE SHALL OBTAIN THE APPROPRIATE**  
22 **VEHICLE GROUP DESIGNATION AND AN N INDORSEMENT.** A person, before  
23 operating a ~~commercial-TANK~~ motor vehicle, ~~that is a tank~~  
24 ~~vehicle,~~ shall ~~procure~~ **HAVE ON A COMMERCIAL DRIVER LICENSE** the  
25 appropriate vehicle group designation and an N vehicle  
26 indorsement under this act.

27 (c) A person, before operating a commercial motor vehicle

1 carrying hazardous materials on which a placard is required under  
2 49 CFR parts 100 to 199, shall procure the appropriate vehicle  
3 group designation and an H vehicle indorsement under this act.

4 (d) A person, before operating a ~~commercial-TANK~~ motor  
5 vehicle ~~that is a tank vehicle carrying hazardous material,~~  
6 **MATERIALS**, shall ~~procure~~**OBTAIN** the appropriate vehicle group  
7 designation and both an N and H vehicle indorsement, which shall  
8 be designated by the code letter X on the person's operator's or  
9 chauffeur's license.

10 (e) **A PERSON APPLYING FOR A COMMERCIAL LEARNER'S PERMIT TO**  
11 **OPERATE A PASSENGER COMMERCIAL MOTOR VEHICLE THAT IS NOT A SCHOOL**  
12 **BUS SHALL OBTAIN THE APPROPRIATE COMMERCIAL VEHICLE GROUP**  
13 **DESIGNATION AND A P INDORSEMENT.** A person, before operating a  
14 vehicle that is designed to transport 16 or more passengers  
15 including the driver but **THAT** is not a school bus shall ~~procure~~  
16 **HAVE ON A COMMERCIAL DRIVER LICENSE** the appropriate vehicle group  
17 designation and a P vehicle indorsement under this act. An  
18 applicant for a P vehicle indorsement shall take the driving  
19 skills test in a vehicle designed to transport 16 or more  
20 passengers including the driver.

21 (f) **A PERSON APPLYING FOR A COMMERCIAL LEARNER'S PERMIT TO**  
22 **OPERATE A SCHOOL BUS DESIGNED TO TRANSPORT 16 OR MORE PASSENGERS,**  
23 **INCLUDING THE DRIVER, AS SET FORTH IN SECTION 306A(2)(E), WHO**  
24 **DOES NOT CURRENTLY POSSESS A P INDORSEMENT, SHALL OBTAIN BOTH THE**  
25 **P AND S INDORSEMENTS.** A person, ~~who does not currently possess a~~  
26 ~~P indorsement,~~ before operating a school bus, ~~designed to~~  
27 ~~transport 16 or more passengers, including the driver,~~ shall

1 ~~procure~~ **HAVE ON A COMMERCIAL DRIVER LICENSE** the appropriate  
 2 vehicle group designation, ~~pass the knowledge tests for the P~~  
 3 ~~and S indorsements,~~ and ~~procure~~ **AND BOTH** the P and S vehicle  
 4 indorsements under this act. An applicant for an S vehicle  
 5 indorsement shall take a driving skills test in a school bus  
 6 designed to transport 16 or more passengers, including the  
 7 driver, that represents the same type of vehicle that the  
 8 applicant intends to operate as a school bus.

9 (g) **A PERSON WHO CURRENTLY POSSESSES A P INDORSEMENT AND IS**  
 10 **APPLYING FOR A COMMERCIAL LEARNER'S PERMIT TO OPERATE A SCHOOL**  
 11 **BUS DESIGNED TO TRANSPORT 16 OR MORE PASSENGERS, INCLUDING THE**  
 12 **DRIVER, AS SET FORTH IN SECTION 306(A)(2)(E), SHALL OBTAIN THE**  
 13 **APPROPRIATE VEHICLE GROUP DESIGNATION AND AN S INDORSEMENT. A**  
 14 person who currently possesses a P indorsement, before operating  
 15 a school bus designed to transport 16 or more passengers,  
 16 including the driver, shall ~~procure~~ **OBTAIN** the appropriate  
 17 vehicle group designation, pass the knowledge test for an S  
 18 indorsement, and ~~procure~~ **OBTAIN** an S vehicle indorsement **FOR HIS**  
 19 **OR HER COMMERCIAL DRIVER LICENSE** under this act. An applicant for  
 20 an S vehicle indorsement shall take a driving skills test in a  
 21 school bus designed to transport 16 or more passengers, including  
 22 the driver, that represents the same type of vehicle that the  
 23 applicant intends to operate as a school bus.

24 (6) An applicant for an indorsement shall take the knowledge  
 25 and driving skills tests described and required under 49 CFR part  
 26 383.

27 (7) 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  
4 vehicle group designation fee of \$25.00 and an indorsement fee of  
5 \$5.00 per indorsement, and a corrected license fee of \$18.00. A  
6 person required to procure an F vehicle indorsement under  
7 subsection (9) shall pay an indorsement fee of \$5.00.

8 (8) Except as otherwise provided in subsections (9) and  
9 (10), this section does not apply to a driver or operator of a  
10 vehicle 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,  
15 to 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 (9) 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 (8)(a) to (d), shall obtain an F vehicle indorsement. The F  
23 vehicle indorsement shall be issued upon successful completion of  
24 a knowledge test only.

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

1 rating of 26,001 pounds or more on the power unit that is used as  
2 described in subsection (8)(a) to (d) for carrying hazardous  
3 materials on which a placard is required under 49 CFR parts 100  
4 to 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 (11) This section does not apply to a police officer  
10 operating an authorized emergency vehicle or to a firefighter  
11 operating an authorized emergency vehicle who has met the driver  
12 training standards published under the firefighters training  
13 council act, ~~of 1966,~~ 1966 PA 291, MCL 29.361 to 29.377.

14 (12) 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 (13) The money collected under subsection (7) 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  
20 state 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,

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

3 (14) Notwithstanding any other provision of this section, a  
4 person operating a vehicle described in subsections (8) and (9)  
5 is subject to the provisions of sections 303 and 319b.

6 (15) 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  
11 law.

12 Sec. 312f. (1) Except as otherwise provided in this section,  
13 a person shall be not less than 18 years of age before he or she  
14 is issued a vehicle group designation or indorsement, other than  
15 a motorcycle indorsement, or not less than 21 years of age and  
16 has been approved by the transportation security administration  
17 for a hazardous material indorsement before he or she is issued a  
18 hazardous material indorsement on an operator's or chauffeur's  
19 license and, as provided in this section, the person shall pass  
20 knowledge and driving skills tests that comply with minimum  
21 federal standards prescribed in 49 CFR part 383. **THE KNOWLEDGE**  
22 **AND SKILLS TEST SCORES SHALL BE RETAINED BY THE SECRETARY OF**  
23 **STATE AS PROVIDED UNDER 49 CFR 383.135.** A person who is 18 years  
24 of age or older operating a vehicle to be used for farming  
25 purposes only may obtain an A or B vehicle group designation or  
26 an F vehicle indorsement. Each written examination given an  
27 applicant for a vehicle group designation or indorsement shall

1 include subjects designed to cover the type or general class of  
2 vehicle to be operated. Except as follows, a person shall pass an  
3 examination that includes a driving skills test designed to test  
4 competency of the applicant for an original vehicle group  
5 designation and passenger indorsement on an operator's or  
6 chauffeur's license to drive that type or general class of  
7 vehicle upon the highways of this state with safety to persons  
8 and property:

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

16 (b) The driving skills test may be waived if the applicant  
17 has a valid license with the appropriate vehicle group  
18 designation, passenger vehicle indorsement, or school bus  
19 indorsement in another state issued in compliance with 49 USC  
20 31301 to 31317, **OR IF THE PERSON SUCCESSFULLY PASSES A DRIVING**  
21 **SKILLS TEST ADMINISTERED IN ANOTHER STATE THAT MEETS THE**  
22 **REQUIREMENTS OF FEDERAL LAW AND THE LAW OF THIS STATE.**

23 (c) The secretary of state may waive the driving skills test  
24 required under this section for a person with military commercial  
25 motor vehicle experience if the person, at the time of  
26 application, certifies and provides evidence satisfactory to the  
27 secretary of state that he or she continuously met all of the

1 requirements under 49 CFR 383 during the 2-year period  
2 immediately preceding the date of application for the commercial  
3 driver license.

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

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

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

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

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

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

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

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

3 (C) Solid fertilizers that are not transported with any  
4 organic substance.

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

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

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

19 (5) The secretary of state shall not issue a commercial  
20 learner's permit, a vehicle group designation, or a vehicle  
21 indorsement to an applicant for an original vehicle group  
22 designation or vehicle indorsement under section 312e or may  
23 cancel a commercial learner's permit or all vehicle group  
24 designations or endorsements on a person's operator's or  
25 chauffeur's license to whom 1 or more of the following apply:

26 (a) The applicant has had his or her license suspended or  
27 revoked for a reason other than as provided in section 321a, 515,

1 732a, or 801c or section 30 of the support and parenting time  
2 enforcement act, 1982 PA 295, MCL 552.630, in the 36 months  
3 immediately preceding application. However, a vehicle group  
4 designation may be issued if the suspension or revocation was due  
5 to a temporary medical condition or failure to appear at a  
6 reexamination as provided in section 320.

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

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

22 (d) The applicant is listed on the national driver register,  
23 the commercial driver license information system, or the driving  
24 records of the state in which the applicant was previously  
25 licensed as having had a license suspended, revoked, or canceled  
26 in the 36 months immediately preceding application if a  
27 suspension or revocation would have been imposed under this act

1 had the applicant been licensed in this state in the original  
2 instance. This subdivision does not apply to a suspension or  
3 revocation that would have been imposed due to a temporary  
4 medical condition or under section 321a, 515, 732a, or 801c or  
5 section 30 of the support and parenting time enforcement act,  
6 1982 PA 295, MCL 552.630.

7 (e) The applicant is subject to a suspension or revocation  
8 under section 319b or would have been subject to a suspension or  
9 revocation under section 319b if the applicant had been issued a  
10 vehicle group designation or vehicle indorsement.

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

16 (g) The United States secretary of transportation has  
17 disqualified the applicant from operating a commercial motor  
18 vehicle.

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

24 (i) The applicant has been disqualified from operating a  
25 commercial motor vehicle due to improper or fraudulent testing.

26 (j) If the secretary of state determines through a  
27 governmental investigation that there is reason to believe that a

1 commercial driver license or endorsement was issued as a result  
2 of fraudulent or improper conduct in taking a knowledge test or  
3 driving skills test required under 49 CFR 383, the secretary of  
4 state shall require the applicant to retake and successfully pass  
5 that test. The secretary of state shall cancel any commercial  
6 driver license or endorsement issued as a result of the suspect  
7 test unless the applicant retakes and passes that test.

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

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

14 (b) The applicant is listed on the national driver register  
15 or the commercial driver license information system as being  
16 disqualified from operating a commercial motor vehicle or as  
17 having a driver license or driving privilege suspended, revoked,  
18 canceled, or denied.

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

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

1           (8) If an applicant for an original vehicle group  
2 designation was previously licensed in another jurisdiction, the  
3 secretary of state shall request a copy of the applicant's  
4 driving record from that jurisdiction. If 1 or more of the  
5 conditions described in subsection (5) exist in that jurisdiction  
6 when the secretary of state receives the copy, the secretary of  
7 state shall cancel all vehicle group designations on the person's  
8 operator's or chauffeur's license.

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

16           (10) The secretary of state shall cancel all vehicle group  
17 designations on the person's operator's or chauffeur's license  
18 upon receiving proper notice that the person no longer meets the  
19 federal driver qualification requirements under 49 CFR parts 383  
20 and 391 to operate a commercial motor vehicle in interstate or  
21 intrastate commerce, or the person no longer meets the driver  
22 qualification requirements to operate a commercial motor vehicle  
23 in intrastate commerce under the motor carrier safety act of  
24 1963, 1963 PA 181, MCL 480.11 to 480.25.

25           (11) Subsection (5)(a), (b), (d), and (f) ~~do~~**DOES** not apply  
26 to an applicant for an original vehicle group designation who at  
27 the time of application has a valid license to operate a

1 commercial motor vehicle issued by any state in compliance with  
2 49 USC 31301 to 31317.

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

6 Sec. 319. (1) The secretary of state shall immediately  
7 suspend a person's license as provided in this section upon  
8 receiving a record of the person's conviction for a crime  
9 described in this section, whether the conviction is under a law  
10 of this state, a local ordinance substantially corresponding to a  
11 law of this state, a law of another state substantially  
12 corresponding to a law of this state, or, beginning October 31,  
13 2010, a law of the United States substantially corresponding to a  
14 law of this state.

15 (2) The secretary of state shall suspend the person's  
16 license for 1 year for any of the following crimes:

17 (a) Fraudulently altering or forging documents pertaining to  
18 motor vehicles in violation of section 257.

19 (b) A violation of section 413 of the Michigan penal code,  
20 1931 PA 328, MCL 750.413.

21 (c) A violation of section 1 of former 1931 PA 214, MCL  
22 752.191, or **FORMER** section 626c.

23 (d) A felony in which a motor vehicle was used. As used in  
24 this section, "felony in which a motor vehicle was used" means a  
25 felony during the commission of which the person convicted  
26 operated a motor vehicle and while operating the vehicle  
27 presented real or potential harm to persons or property and 1 or

1 more of the following circumstances existed:

2 (i) The vehicle was used as an instrument of the felony.

3 (ii) The vehicle was used to transport a victim of the  
4 felony.

5 (iii) The vehicle was used to flee the scene of the felony.

6 (iv) The vehicle was necessary for the commission of the  
7 felony.

8 (e) A violation of section 602a(2) or (3) of this act or  
9 section 479a(2) or (3) of the Michigan penal code, 1931 PA 328,  
10 MCL 750.479a.

11 (f) Beginning October 31, 2010, a violation of section 601d.

12 (3) The secretary of state shall suspend the person's  
13 license for 90 days for any of the following crimes:

14 (a) Failing to stop and disclose identity at the scene of an  
15 accident resulting in injury in violation of section 617a.

16 (b) A violation of section 601b(2), section 601c(1), section  
17 653a(3), section 626 before October 31, 2010, or, beginning  
18 October 31, 2010, section 626(2).

19 (c) Malicious destruction resulting from the operation of a  
20 vehicle under section 382(1)(b), (c), or (d) of the Michigan  
21 penal code, 1931 PA 328, MCL 750.382.

22 (d) A violation of section 703(2) of the Michigan liquor  
23 control code of 1998, 1998 PA 58, MCL 436.1703.

24 (4) The secretary of state shall suspend the person's  
25 license for 30 days for malicious destruction resulting from the  
26 operation of a vehicle under section 382(1)(a) of the Michigan  
27 penal code, 1931 PA 328, MCL 750.382.

1           (5) For perjury or making a false certification to the  
2 secretary of state under any law requiring the registration of a  
3 motor vehicle or regulating the operation of a vehicle on a  
4 highway, or for conduct prohibited under section 324(1) or a  
5 local ordinance substantially corresponding to section 324(1),  
6 the secretary shall suspend the person's license as follows:

7           (a) If the person has no prior conviction for an offense  
8 described in this subsection within 7 years, for 90 days.

9           (b) If the person has 1 or more prior convictions for an  
10 offense described in this subsection within 7 years, for 1 year.

11           (6) For a violation of section 414 of the Michigan penal  
12 code, 1931 PA 328, MCL 750.414, the secretary of state shall  
13 suspend the person's license as follows:

14           (a) If the person has no prior conviction for that offense  
15 within 7 years, for 90 days.

16           (b) If the person has 1 or more prior convictions for that  
17 offense within 7 years, for 1 year.

18           (7) For a violation of section 624a or 624b of this act or  
19 section 703(1) of the Michigan liquor control code of 1998, 1998  
20 PA 58, MCL 436.1703, the secretary of state shall suspend the  
21 person's license as follows:

22           (a) If the person has 1 prior conviction for an offense  
23 described in this subsection or section 33b(1) of former 1933 (Ex  
24 Sess) PA 8, for 90 days. The secretary of state may issue the  
25 person a restricted license after the first 30 days of  
26 suspension.

27           (b) If the person has 2 or more prior convictions for an

1 offense described in this subsection or section 33b(1) of former  
2 1933 (Ex Sess) PA 8, for 1 year. The secretary of state may issue  
3 the person a restricted license after the first 60 days of  
4 suspension.

5 (8) The secretary of state shall suspend the person's  
6 license for a violation of section 625 or 625m as follows:

7 (a) For 180 days for a violation of section 625(1) or (8)  
8 before October 31, 2010 or, beginning October 31, 2010, section  
9 625(1)(a) or (b) or (8) if the person has no prior convictions  
10 within 7 years. The secretary of state may issue the person a  
11 restricted license during a specified portion of the suspension,  
12 except that the secretary of state shall not issue a restricted  
13 license during the first 30 days of suspension.

14 (b) For 90 days for a violation of section 625(3) if the  
15 person has no prior convictions within 7 years. However, if the  
16 person is convicted of a violation of section 625(3), for  
17 operating a vehicle when, due to the consumption of a controlled  
18 substance or a combination of alcoholic liquor and a controlled  
19 substance, the person's ability to operate the vehicle was  
20 visibly impaired, the secretary of state shall suspend the  
21 person's license under this subdivision for 180 days. The  
22 secretary of state may issue the person a restricted license  
23 during all or a specified portion of the suspension.

24 (c) For 30 days for a violation of section 625(6) if the  
25 person has no prior convictions within 7 years. The secretary of  
26 state may issue the person a restricted license during all or a  
27 specified portion of the suspension.

1 (d) For 90 days for a violation of section 625(6) if the  
2 person has 1 or more prior convictions for that offense within 7  
3 years.

4 (e) For 180 days for a violation of section 625(7) if the  
5 person has no prior convictions within 7 years. The secretary of  
6 state may issue the person a restricted license after the first  
7 90 days of suspension.

8 (f) For 90 days for a violation of section 625m if the  
9 person has no prior convictions within 7 years. The secretary of  
10 state may issue the person a restricted license during all or a  
11 specified portion of the suspension.

12 (g) Beginning October 31, 2010, for 1 year for a violation  
13 of section 625(1)(c) if the person has no prior convictions  
14 within 7 years or not more than 2 convictions within 10 years.  
15 The secretary of state may issue the person a restricted license,  
16 except that the secretary of state shall not issue a restricted  
17 license during the first 45 days of suspension.

18 (h) Beginning October 31, 2010, the department shall order a  
19 person convicted of violating section 625(1)(c) not to operate a  
20 motor vehicle under a restricted license issued under subdivision  
21 (g) unless the vehicle is equipped with an ignition interlock  
22 device approved, certified, and installed as required under  
23 sections 625k and 625l. The ignition interlock device may be  
24 removed after the interlock device provider provides the  
25 department with verification that the person has operated the  
26 vehicle with no instances of reaching or exceeding a blood  
27 alcohol level of 0.025 grams per 210 liters of breath. This

1 subdivision does not prohibit the removal of the ignition  
2 interlock device for any of the following:

3 (i) A start-up test failure that occurs within the first 2  
4 months after installation of the device. As used in this  
5 subdivision, "start-up test failure" means that the ignition  
6 interlock device has prevented the motor vehicle from being  
7 started. Multiple unsuccessful attempts at 1 time to start the  
8 vehicle shall be treated as 1 start-up test failure only under  
9 this subparagraph.

10 (ii) A start-up test failure occurring more than 2 months  
11 after installation of the device, if not more than 15 minutes  
12 after detecting the start-up test failure the person delivers a  
13 breath sample that the ignition interlock device analyzes as  
14 having an alcohol level of less than 0.025 grams per 210 liters  
15 of breath.

16 (iii) A retest prompted by the device, if not more than 5  
17 minutes after detecting the retest failure the person delivers a  
18 breath sample that the ignition interlock device analyzes as  
19 having an alcohol level of less than 0.025 grams per 210 liters  
20 of breath.

21 (i) Beginning October 31, 2010, if an individual violates  
22 the conditions of the restricted license issued under subdivision  
23 (g) or operates or attempts to operate a motor vehicle with a  
24 blood alcohol level of 0.025 grams per 210 liters of breath, the  
25 secretary of state shall impose an additional like period of  
26 suspension and restriction as prescribed under subdivision (g).  
27 This subdivision does not require an additional like period of

1 suspension and restriction for any of the following:

2 (i) A start-up test failure within the first 2 months after  
3 installation of the ignition interlock device. As used in this  
4 subdivision, "start-up test failure" means that the ignition  
5 interlock device has prevented the motor vehicle from being  
6 started. Multiple unsuccessful attempts at 1 time to start the  
7 vehicle shall be treated as 1 start-up test failure only under  
8 this subparagraph.

9 (ii) A start-up test failure occurring more than 2 months  
10 after installation of the device, if not more than 15 minutes  
11 after detecting the start-up test failure the person delivers a  
12 breath sample that the ignition interlock device analyzes as  
13 having an alcohol level of less than 0.025 grams per 210 liters  
14 of breath.

15 (iii) Any retest prompted by the device, if not more than 5  
16 minutes after detecting the retest failure the person delivers a  
17 breath sample that the ignition interlock device analyzes as  
18 having an alcohol level of less than 0.025 grams per 210 liters  
19 of breath.

20 (9) For a violation of section 367c of the Michigan penal  
21 code, 1931 PA 328, MCL 750.367c, the secretary of state shall  
22 suspend the person's license as follows:

23 (a) If the person has no prior conviction for an offense  
24 described in this subsection within 7 years, for 6 months.

25 (b) If the person has 1 or more convictions for an offense  
26 described in this subsection within 7 years, for 1 year.

27 (10) For a violation of section 315(4), the secretary of

1 state may suspend the person's license for 6 months.

2 (11) For a violation or attempted violation of section  
3 411a(2) of the Michigan penal code, 1931 PA 328, MCL 750.411a,  
4 involving a school, the secretary of state shall suspend the  
5 license of a person 14 years of age or over but less than 21  
6 years of age until 3 years after the date of the conviction or  
7 juvenile disposition for the violation. The secretary of state  
8 may issue the person a restricted license after the first 365  
9 days of suspension.

10 (12) For a second or subsequent violation of section 701(1)  
11 of the Michigan liquor control code of 1998, 1998 PA 58, MCL  
12 436.1701, by an individual who is not a retail licensee or a  
13 retail licensee's clerk, agent, or employee, the secretary of  
14 state shall suspend the person's license for 180 days. The  
15 secretary of state may issue a person a restricted license during  
16 all or a specified portion of the suspension.

17 (13) Except as provided in subsection (15), a suspension  
18 under this section shall be imposed notwithstanding a court order  
19 unless the court order complies with section 323.

20 (14) If the secretary of state receives records of more than  
21 1 conviction of a person resulting from the same incident, a  
22 suspension shall be imposed only for the violation to which the  
23 longest period of suspension applies under this section.

24 (15) The secretary of state may waive a restriction,  
25 suspension, or revocation of a person's license imposed under  
26 this act if the person submits proof that a court in another  
27 state revoked, suspended, or restricted his or her license for a

1 period equal to or greater than the period of a restriction,  
2 suspension, or revocation prescribed under this act for the  
3 violation and that the revocation, suspension, or restriction was  
4 served for the violation, or may grant a restricted license.

5 (16) The secretary of state shall not issue a restricted  
6 license to a person whose license is suspended under this section  
7 unless a restricted license is authorized under this section and  
8 the person is otherwise eligible for a license.

9 (17) The secretary of state shall not issue a restricted  
10 license to a person under subsection (8) that would permit the  
11 person to operate a commercial motor vehicle.

12 (18) Except as provided in subsection (17), a restricted  
13 license issued under this section shall permit the person to whom  
14 it is issued to take any driving skills test required by the  
15 secretary of state and to operate a vehicle under 1 or more of  
16 the following circumstances:

17 (a) In the course of the person's employment or occupation.

18 (b) To and from any combination of the following:

19 (i) The person's residence.

20 (ii) The person's work location.

21 (iii) An alcohol or drug education or treatment program as  
22 ordered by the court.

23 (iv) The court probation department.

24 (v) A court-ordered community service program.

25 (vi) An educational institution at which the person is  
26 enrolled as a student.

27 (vii) A place of regularly occurring medical treatment for a

1 serious condition for the person or a member of the person's  
2 household or immediate family.

3 **(viii) AN IGNITION INTERLOCK SERVICE PROVIDER AS REQUIRED.**

4 (19) While driving with a restricted license, the person  
5 shall carry proof of his or her destination and the hours of any  
6 employment, class, or other reason for traveling and shall  
7 display that proof upon a peace officer's request.

8 (20) Subject to subsection (22), as used in subsection (8),  
9 "prior conviction" means a conviction for any of the following,  
10 whether under a law of this state, a local ordinance  
11 substantially corresponding to a law of this state, or a law of  
12 another state substantially corresponding to a law of this state:

13 (a) Except as provided in subsection (21), a violation or  
14 attempted violation of any of the following:

15 (i) Section 625, except a violation of section 625(2), or a  
16 violation of any prior enactment of section 625 in which the  
17 defendant operated a vehicle while under the influence of  
18 intoxicating or alcoholic liquor or a controlled substance, or a  
19 combination of intoxicating or alcoholic liquor and a controlled  
20 substance, or while visibly impaired, or with an unlawful bodily  
21 alcohol content.

22 (ii) Section 625m.

23 (iii) Former section 625b.

24 (b) Negligent homicide, manslaughter, or murder resulting  
25 from the operation of a vehicle or an attempt to commit any of  
26 those crimes.

27 (c) Beginning October 31, 2010, a violation of section 601d

1 or section 626(3) or (4).

2 (21) Except for purposes of the suspensions described in  
3 subsection (8)(c) and (d), only 1 violation or attempted  
4 violation of section 625(6), a local ordinance substantially  
5 corresponding to section 625(6), or a law of another state  
6 substantially corresponding to section 625(6) may be used as a  
7 prior conviction.

8 (22) If 2 or more convictions described in subsection (20)  
9 are convictions for violations arising out of the same  
10 transaction, only 1 conviction shall be used to determine whether  
11 the person has a prior conviction.

12 Sec. 324. (1) A person shall not do any of the following:

13 (a) Display, or cause or permit to be displayed, or have in  
14 possession an operator's or chauffeur's license knowing the  
15 operator's or chauffeur's license to be fictitious or to have  
16 been canceled, revoked, suspended, or altered.

17 (b) Lend to or knowingly permit use of, by one not entitled  
18 to its use, the operator's or chauffeur's license issued to the  
19 person lending or permitting the use of the operator's or  
20 chauffeur's license.

21 (c) Display or to represent as one's own any operator's or  
22 chauffeur's license not issued to the person displaying the  
23 operator's or chauffeur's license.

24 (d) Fail or refuse to surrender to the department upon  
25 demand, any operator's or chauffeur's license which has been  
26 suspended, canceled, or revoked as provided by law.

27 (e) Use a false or fictitious name or give a false or

1 fictitious address in an application for an operator's or  
2 chauffeur's license, or any renewal or duplicate of an operator's  
3 or chauffeur's license, or knowingly make a false statement or  
4 knowingly conceal a material fact or otherwise commit a fraud in  
5 making an application.

6 (f) Alter or otherwise cause to be altered any operator's or  
7 chauffeur's license so as to knowingly make a false statement or  
8 knowingly conceal a material fact in order to misrepresent as  
9 one's own the operator's or chauffeur's license.

10 (g) Use or have in possession in committing a crime an  
11 operator's or chauffeur's license that has been altered or that  
12 is used to knowingly make a false statement or to knowingly  
13 conceal a material fact in order to misrepresent as one's own the  
14 operator's or chauffeur's license.

15 (h) Furnish to a peace officer false, forged, fictitious, or  
16 misleading verbal or written information identifying the person  
17 as another person, if the person is detained for a violation of  
18 this act or of a local ordinance substantially corresponding to a  
19 provision of this act.

20 (I) COMMIT FRAUD RELATED TO THE TESTING FOR OR ISSUANCE OF A  
21 COMMERCIAL DRIVER LICENSE OR PERMIT.

22 (J) FAIL TO SCHEDULE A RETEST APPOINTMENT WITHIN 30 DAYS  
23 AFTER RECEIVING THE SECRETARY OF STATE'S RETEST NOTIFICATION.

24 (2) ~~A license for an operator or chauffeur~~ **AN OPERATOR'S OR**  
25 **CHAUFFEUR'S LICENSE** issued **TO A PERSON** under this chapter upon an  
26 application that is untrue, or that contains false statements as  
27 to any material matters, **OR THAT WAS OBTAINED BY FRAUD IN THE**

1 **TESTING FOR OR ISSUANCE OF THE LICENSE**, is ~~absolutely~~ void from  
2 the date of issuance. The operator or chauffeur who was issued  
3 the license is considered unlicensed and the license issued shall  
4 be returned upon request or order of the department. A person  
5 whose commercial driver license application is voided or canceled  
6 under this subsection, **INCLUDING AS REQUIRED UNDER 49 CFR PART**  
7 **383**, shall not reapply for a commercial driver license ~~for at~~  
8 ~~least~~ **EXCEPT AS FOLLOWS:**

9 (A) **NOT SOONER THAN** 60 days after an application is voided  
10 or canceled.

11 (B) **IF THE PERSON OBTAINED THE LICENSE BY FRAUD IN THE**  
12 **TESTING FOR OR ISSUANCE OF THE COMMERCIAL DRIVER LICENSE OR**  
13 **COMMERCIAL LEARNER'S PERMIT, NOT SOONER THAN 365 DAYS AFTER THE**  
14 **PERMIT OR LICENSE IS CANCELED.**

15 (C) **IF THE PERSON FAILED TO SCHEDULE A RETESTING FOR A NEW**  
16 **COMMERCIAL LEARNER'S PERMIT OR COMMERCIAL DRIVER LICENSE WITHIN**  
17 **30 DAYS AFTER RECEIVING THE NOTIFICATION BY THE SECRETARY OF**  
18 **STATE FOR RETESTING, UNTIL THE DRIVER MEETS THE DEPARTMENT'S**  
19 **REQUIREMENTS FOR APPLYING FOR A NEW COMMERCIAL LEARNER'S PERMIT**  
20 **OR COMMERCIAL DRIVER LICENSE.**

21 Sec. 904. (1) A person whose operator's or chauffeur's  
22 license or registration certificate has been suspended or  
23 revoked, ~~and who has been notified as provided in section 212 of~~  
24 ~~that suspension or revocation,~~ whose application for license has  
25 been denied, or who has never applied for a license, shall not  
26 operate a motor vehicle upon a highway or other place open to the  
27 general public or generally accessible to motor vehicles,

1 including an area designated for the parking of motor vehicles,  
2 within this state.

3 (2) A person shall not knowingly permit a motor vehicle  
4 owned by the person to be operated upon a highway or other place  
5 open to the general public or generally accessible to motor  
6 vehicles, including an area designated for the parking of  
7 vehicles, within this state by a person whose license or  
8 registration certificate is suspended or revoked, whose  
9 application for license has been denied, or who has never applied  
10 for a license, except as permitted under this act.

11 (3) Except as otherwise provided in this section, a person  
12 who violates subsection (1) or (2) is guilty of a misdemeanor  
13 punishable as follows:

14 (a) For a first violation, by imprisonment for not more than  
15 93 days or a fine of not more than \$500.00, or both. Unless the  
16 vehicle was stolen or used with the permission of a person who  
17 did not knowingly permit an unlicensed driver to operate the  
18 vehicle, the registration plates of the vehicle shall be canceled  
19 by the secretary of state upon notification by a peace officer.

20 (b) For a violation that occurs after a prior conviction, by  
21 imprisonment for not more than 1 year or a fine of not more than  
22 \$1,000.00, or both. Unless the vehicle was stolen, the  
23 registration plates of the vehicle shall be canceled by the  
24 secretary of state upon notification by a peace officer.

25 (4) A person who operates a motor vehicle in violation of  
26 subsection (1) and who, by operation of that motor vehicle,  
27 causes the death of another person is guilty of a felony

1 punishable by imprisonment for not more than 15 years or a fine  
2 of not less than \$2,500.00 or more than \$10,000.00, or both. This  
3 subsection does not apply to a person whose operator's or  
4 chauffeur's license was suspended because that person failed to  
5 answer a citation or comply with an order or judgment pursuant to  
6 section 321a.

7 (5) A person who operates a motor vehicle in violation of  
8 subsection (1) and who, by operation of that motor vehicle,  
9 causes the serious impairment of a body function of another  
10 person is guilty of a felony punishable by imprisonment for not  
11 more than 5 years or a fine of not less than \$1,000.00 or more  
12 than \$5,000.00, or both. This subsection does not apply to a  
13 person whose operator's or chauffeur's license was suspended  
14 because that person failed to answer a citation or comply with an  
15 order or judgment pursuant to section 321a.

16 (6) In addition to being subject to any other penalty  
17 provided for in this act, if a person is convicted under  
18 subsection (4) or (5), the court may impose the sanction  
19 permitted under section 625n. If the vehicle is not ordered  
20 forfeited under section 625n, the court shall order vehicle  
21 immobilization under section 904d in the judgment of sentence.

22 (7) A person shall not knowingly permit a motor vehicle  
23 owned by the person to be operated upon a highway or other place  
24 open to the general public or generally accessible to motor  
25 vehicles, including an area designated for the parking of  
26 vehicles, within this state, by a person whose license or  
27 registration certificate is suspended or revoked, whose

1 application for license has been denied, or who has never been  
2 licensed except as permitted by this act. If a person permitted  
3 to operate a motor vehicle in violation of this subsection causes  
4 the serious impairment of a body function of another person by  
5 operation of that motor vehicle, the person knowingly permitting  
6 the operation of that motor vehicle is guilty of a felony  
7 punishable by imprisonment for not more than 2 years, or a fine  
8 of not less than \$1,000.00 or more than \$5,000.00, or both. If a  
9 person permitted to operate a motor vehicle in violation of this  
10 subsection causes the death of another person by operation of  
11 that motor vehicle, the person knowingly permitting the operation  
12 of that motor vehicle is guilty of a felony punishable by  
13 imprisonment for not more than 5 years, or a fine of not less  
14 than \$1,000.00 or more than \$5,000.00, or both.

15 (8) If the prosecuting attorney intends to seek an enhanced  
16 sentence under this section based upon the defendant having 1 or  
17 more prior convictions, the prosecuting attorney shall include on  
18 the complaint and information, or an amended complaint and  
19 information, filed in district court, circuit court, municipal  
20 court, or family division of circuit court, a statement listing  
21 the defendant's prior convictions.

22 (9) A prior conviction under this section shall be  
23 established at or before sentencing by 1 or more of the  
24 following:

25 (a) A copy of a judgment of conviction.

26 (b) An abstract of conviction.

27 (c) A transcript of a prior trial, plea, or sentencing.

1 (d) A copy of a court register of action.

2 (e) A copy of the defendant's driving record.

3 (f) Information contained in a presentence report.

4 (g) An admission by the defendant.

5 (10) Upon receiving a record of a person's conviction or  
6 civil infraction determination for the unlawful operation of a  
7 motor vehicle or a moving violation reportable under section 732  
8 while the person's operator's or chauffeur's license is suspended  
9 or revoked, the secretary of state immediately shall impose an  
10 additional like period of suspension or revocation. This  
11 subsection applies only if the violation occurs during a  
12 suspension of definite length or if the violation occurs before  
13 the person is approved for a license following a revocation.

14 (11) Upon receiving a record of a person's conviction or  
15 civil infraction determination for the unlawful operation of a  
16 motor vehicle or a moving violation reportable under section 732  
17 while the person's operator's or chauffeur's license is  
18 indefinitely suspended or whose application for a license has  
19 been denied, the secretary of state immediately shall impose a  
20 30-day period of suspension or denial.

21 (12) Upon receiving a record of the conviction, bond  
22 forfeiture, or a civil infraction determination of a person for  
23 unlawful operation of a motor vehicle requiring a vehicle group  
24 designation while the designation is suspended or revoked under  
25 section 319b, or while the person is disqualified from operating  
26 a commercial motor vehicle by the United States secretary of  
27 transportation or under 49 USC 31301 to 31317, the secretary of

1 state immediately shall impose an additional like period of  
2 suspension or revocation. This subsection applies only if the  
3 violation occurs during a suspension of definite length or if the  
4 violation occurs before the person is approved for a license  
5 following a revocation.

6 (13) If the secretary of state receives records of more than  
7 1 conviction or civil infraction determination resulting from the  
8 same incident, all of the convictions or civil infraction  
9 determinations shall be treated as a single violation for  
10 purposes of imposing an additional period of suspension or  
11 revocation under subsection (10), (11), or (12).

12 (14) Before a person is arraigned before a district court  
13 magistrate or judge on a charge of violating this section, the  
14 arresting officer shall obtain the person's driving record from  
15 the secretary of state and shall furnish the record to the court.  
16 The driving record of the person may be obtained from the  
17 secretary of state's computer information network.

18 (15) This section does not apply to a person who operates a  
19 vehicle solely for the purpose of protecting human life or  
20 property if the life or property is endangered and summoning  
21 prompt aid is essential.

22 (16) A person whose vehicle group designation is suspended  
23 or revoked and who has been notified as provided in section 212  
24 of that suspension or revocation, or whose application for a  
25 vehicle group designation has been denied as provided in this  
26 act, or who has never applied for a vehicle group designation and  
27 who operates a commercial motor vehicle within this state, except

1 as permitted under this act, while any of those conditions exist  
2 is guilty of a misdemeanor punishable, except as otherwise  
3 provided in this section, by imprisonment for not less than 3  
4 days or more than 93 days or a fine of not more than \$100.00, or  
5 both.

6 (17) If a person has a second or subsequent suspension or  
7 revocation under this section within 7 years as indicated on the  
8 person's Michigan driving record, the court shall proceed as  
9 provided in section 904d.

10 (18) Any period of suspension or revocation required under  
11 subsection (10), (11), or (12) does not apply to a person who has  
12 only 1 currently effective suspension or denial on his or her  
13 Michigan driving record under section 321a and was convicted of  
14 or received a civil infraction determination for a violation that  
15 occurred during that suspension or denial. This subsection may  
16 only be applied once during the person's lifetime.

17 (19) For purposes of this section, a person who never  
18 applied for a license includes a person who applied for a  
19 license, was denied, and never applied again.