

HOUSE BILL No. 4854

September 9, 2015, Introduced by Reps. Tedder, Pettalia, LaVoy, Jacobsen, Heise, Singh, Sheppard, Geiss, Cochran, Dianda, Goike, Cole, Derek Miller, Schor, Chatfield, Runestad and Kosowski and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 309 and 312b (MCL 257.309 and 257.312b),
section 309 as amended by 2015 PA 11 and section 312b as amended by
2013 PA 177.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 309. (1) Before issuing a license, the secretary of state
2 shall examine each applicant for an operator's or chauffeur's
3 license who at the time of the application is not the holder of a
4 valid, unrevoked operator's or chauffeur's license under a law of
5 this state providing for the licensing of drivers. Before the
6 secretary of state authorizes a person to administer vehicle group
7 designation or endorsement knowledge tests, that person must
8 successfully complete both a state and Federal Bureau of

1 Investigation fingerprint-based criminal history check or the
2 equivalent through the department of state police. In all other
3 cases, the secretary of state may waive the examination, except
4 that an examination shall not be waived if it appears from the
5 application, from the apparent physical or mental condition of the
6 applicant, or from any other information that has come to the
7 secretary of state from another source, that the applicant does not
8 possess the physical, mental, or other qualifications necessary to
9 operate a motor vehicle in a manner as not to jeopardize the safety
10 of persons or property, or that the applicant is not entitled to a
11 license under section 303. A licensee who applies for the renewal
12 of his or her license by mail under section 307 shall certify to
13 his or her physical capability to operate a motor vehicle. The
14 secretary of state may check the applicant's driving record through
15 the national driver register and the commercial driver license
16 information system before issuing a license under this section.

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

1 (3) The secretary of state shall promulgate rules under the
2 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
3 24.328, for the examination of the applicant's physical and mental
4 qualifications to operate a motor vehicle in a manner as not to
5 jeopardize the safety of persons or property, and shall ascertain
6 whether facts exist that would bar the issuance of a license under
7 section 303. The secretary of state may consider a written medical
8 report and recommendation submitted under section 5139 of the
9 public health code, 1978 PA 368, MCL 333.5139, from the personal
10 physician or optometrist of an applicant, in making the examination
11 regarding the applicant's physical and mental qualifications to
12 operate a motor vehicle under this section and R 257.851 to R
13 257.855 of the Michigan administrative code. A report received by
14 the secretary of state from a physician or an optometrist under
15 this section is confidential. The secretary of state shall also
16 ascertain whether the applicant has sufficient knowledge of the
17 English language to understand highway warnings or direction signs
18 written in that language. The examination shall not include
19 investigation of facts other than those facts directly pertaining
20 to the ability of the applicant to operate a motor vehicle with
21 safety or facts declared to be prerequisite to the issuance of a
22 license under this act.

23 (4) The secretary of state shall not issue an original
24 operator's or chauffeur's license without a vehicle group
25 designation or indorsement without an examination that includes a
26 driving skills test conducted by the secretary of state or by a
27 designated examining officer under subsection (2) or section 310e.

1 The secretary of state may enter into an agreement with another
2 public or private corporation or agency to conduct a driving skills
3 test conducted under this section. Before the secretary of state
4 authorizes a person to administer a corporation's or agency's
5 driver skills testing operations or authorizes an examiner to
6 conduct a driving skills test, that person or examiner must
7 successfully complete both a state and Federal Bureau of
8 Investigation fingerprint based criminal history check through the
9 department of state police as required by law and as provided under
10 49 CFR 384.228. In an agreement with another public or private
11 corporation or agency to conduct a driving skills test, the
12 secretary of state shall prescribe the method and examination
13 criteria to be followed by the corporation, agency, or examiner
14 when conducting the driving skills test and the form of the
15 certification to be issued to a person who satisfactorily completes
16 a driving skills test. An original vehicle group designation or
17 indorsement shall not be issued by the secretary of state without a
18 knowledge test conducted by the secretary of state. Except as
19 provided in section 312f(1), an original vehicle group designation
20 or passenger or school bus indorsement shall not be issued by the
21 secretary of state without a driving skills test conducted by an
22 examiner appointed or authorized by the secretary of state or an
23 equivalent driving skills test meeting the requirements of 49 CFR
24 part 383 conducted in another jurisdiction.

25 (5) Except as otherwise provided in this act, the secretary of
26 state may waive the requirement of a driving skills test, knowledge
27 test, or road sign test of an applicant for an original operator's

1 or chauffeur's license without a vehicle group designation or
2 indorsement who at the time of the application is the holder of a
3 valid, unrevoked operator's or chauffeur's license issued by
4 another state or country.

5 (6) A driving skills test conducted under this section shall
6 include a behind-the-wheel road test. Before conducting a behind-
7 the-wheel road test for an applicant seeking a vehicle group
8 designation, including any upgrade to a vehicle group designation,
9 or for any indorsement required to operate a commercial motor
10 vehicle, the examiner shall determine that the applicant was issued
11 his or her commercial learner's permit not less than 14 days before
12 the date of that test and that he or she has that permit in his or
13 her possession.

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

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

26 (9) A person who forges, counterfeits, or alters a
27 satisfactorily completed driving skills test certification issued

1 by a designated examining officer appointed or designated by the
2 secretary of state under this section or section 310e is guilty of
3 a felony.

4 (10) THE SECRETARY OF STATE SHALL WAIVE THE REQUIREMENT OF A
5 WRITTEN KNOWLEDGE TEST, ROAD SIGN TEST, AND DRIVING SKILLS TEST OF
6 AN APPLICANT FOR AN ORIGINAL MOTORCYCLE ENDORSEMENT IF THE PERSON
7 HAS SUCCESSFULLY PASSED A MOTORCYCLE SAFETY COURSE APPROVED BY THE
8 DEPARTMENT AS DESCRIBED IN SECTIONS 811A AND 811B.

9 Sec. 312b. (1) Before a person who is less than 18 years of
10 age is issued an original motorcycle endorsement on an operator's
11 or chauffeur's license, the person shall pass ~~an examination as~~
12 ~~required by this section and a motorcycle safety course~~ **APPROVED BY**
13 **THE DEPARTMENT** as ~~provided DESCRIBED in section~~ **SECTIONS 811a or**
14 **AND 811b.**

15 (2) Before a person who is 18 years of age or older is issued
16 an original motorcycle endorsement on an operator's or chauffeur's
17 license, the person shall pass an examination as required by this
18 section. A person who fails this examination 2 or more times is
19 required to successfully complete a motorcycle safety course
20 **APPROVED BY THE DEPARTMENT** as ~~provided DESCRIBED in section~~
21 **SECTIONS 811a or AND 811b.** Each written examination given an
22 applicant for a motorcycle endorsement on an operator's or
23 chauffeur's license as provided in section 309 shall also include
24 subjects designed to cover a motorcycle. A person shall pass an
25 examination that shall include a driving test designed to test the
26 competency of the applicant for the first motorcycle endorsement on
27 an operator's or chauffeur's license to operate a motorcycle upon

1 the roads and highways of this state with safety to himself or
2 herself and other persons and property. All examinations shall be
3 administered as provided in this act. The requirement of a **WRITTEN**
4 **KNOWLEDGE TEST, ROAD SIGN TEST, AND** motorcycle driving skills test
5 shall be waived for an applicant who has successfully completed a
6 motorcycle safety course ~~conducted by a school or business~~
7 ~~enterprise~~ **APPROVED BY THE DEPARTMENT** as ~~provided~~ **DESCRIBED** in
8 ~~section~~ **SECTIONS** 811a ~~or~~ **AND** 811b. The motorcycle safety course
9 skills test shall meet or exceed the motorcycle skills test from
10 the secretary of state. The requirement of a motorcycle driving
11 skills test may be waived if the applicant has a valid license or
12 endorsement to operate a motorcycle from another state.

13 (3) A motorcycle endorsement issued to a person who operates a
14 3-wheeled motorcycle other than an autocycle is restricted to
15 operation of that type of motorcycle and does not permit operation
16 of a 2-wheeled motorcycle. The secretary of state shall develop a
17 driving test specifically pertaining to a 3-wheeled motorcycle
18 other than an autocycle.

19 (4) The secretary of state is responsible for establishing and
20 conducting the motorcycle operator driving skills test and shall
21 promulgate rules under the administrative procedures act of 1969,
22 1969 PA 306, MCL 24.201 to 24.328, for purposes of this subsection.
23 An audit of the motorcycle safety fund shall be conducted by the
24 office of the auditor general to determine compliance with the
25 requirement that funds are being withdrawn only in relation to this
26 act. A copy of the audit shall be transmitted to the legislature
27 upon completion.

1 (5) The secretary of state may enter into an agreement with
2 another public or private corporation or agency to conduct a
3 driving skills test required under this section. Before the
4 secretary of state authorizes a person to administer a
5 corporation's or agency's driver skills testing operations or
6 authorizes an examiner to conduct a driving skills test, that
7 person or examiner must complete both a state and federal bureau of
8 investigation fingerprint based criminal history check through the
9 department of state police. In an agreement with another public or
10 private corporation or agency to conduct a driving skills test
11 under this section, the secretary of state shall prescribe the
12 method and examination criteria to be followed by the corporation,
13 agency, or examiner when conducting the driving skills test and the
14 form of the certification to be issued to a person who
15 satisfactorily completes a driving skills test. For administering
16 and overseeing a third party motorcycle testing program, the
17 secretary of state shall be reimbursed from the motorcycle safety
18 fund a total amount that does not exceed 50% of the department's
19 1995-1996 fiscal year appropriation for motorcycle testing under
20 this section.

21 (6) A person who corrupts or attempts to corrupt a
22 corporation, agency, or examiner that conducts a driving skills
23 test under an agreement entered into with the secretary of state
24 under this section by giving, offering, or promising any gift or
25 gratuity with the intent to influence the opinion or decision of
26 the corporation, agency, or examiner conducting the driving skills
27 test is guilty of a felony.

1 (7) A designated examining officer appointed or designated by
2 the secretary of state who conducts a driving skills test under an
3 agreement entered into under this section and who varies from,
4 shortens, or in any other way changes the method or examination
5 criteria prescribed to be followed under that agreement in
6 conducting a driving skills test under this section is guilty of a
7 felony.

8 (8) A person who forges, counterfeits, or alters a
9 satisfactorily completed driving skills test certification issued
10 by a designated examining officer appointed or designated by the
11 secretary of state under this section is guilty of a felony.

12 Enacting section 1. This amendatory act takes effect 90 days
13 after the date it is enacted into law.