

Act No. 428
Public Acts of 2018
Approved by the Governor
December 19, 2018
Filed with the Secretary of State
December 20, 2018
EFFECTIVE DATE: March 20, 2019

**STATE OF MICHIGAN
99TH LEGISLATURE
REGULAR SESSION OF 2018**

Introduced by Reps. LaFave, Bellino, Barrett, Crawford, Rendon, Leutheuser, Frederick and Howrylak

ENROLLED HOUSE BILL No. 5834

AN ACT to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of manufacturers, the manufacturers of certain devices, the manufacturers of automated technology, upfitters, owners, and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to regulate and certify the manufacturers of certain devices; to provide for approval and certification of installers and servicers of certain devices; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending section 302 (MCL 257.302), as amended by 2008 PA 7.

The People of the State of Michigan enact:

Sec. 302. The following persons are exempt from obtaining a license under this chapter:

(a) A person serving in the Armed Forces of the United States if furnished with a driver's permit and operating an official motor vehicle in that service or a person who is a military driver and operates a commercial motor vehicle for a military purpose. This exemption applies to active duty military personnel, members of the military reserves, active duty United States Coast Guard personnel, and members of the national guard while on active duty, including, but not limited to, personnel on full-time national guard duty, personnel on part-time national guard training, and national guard military technicians who are civilians required to wear military uniforms. This exemption does not apply to any of the following:

(i) United States reserve technicians.

(ii) Except as otherwise provided in this subdivision, a person who is a civilian and in the employ of the Armed Forces of the United States.

(b) A person while driving or operating a road roller, a snow motor, road machinery, or a farm tractor or implement of husbandry temporarily drawn, moved, or propelled on a highway, if the person is a citizen of the United States or is otherwise eligible to be issued an operator's license or chauffeur's license under section 307(1).

(c) A nonresident who is not less than 16 years of age and who has been licensed either as an operator or a chauffeur under a law requiring the licensing of operators or chauffeurs in his or her home state and who has in his or her immediate possession either a valid operator's or a valid chauffeur's license issued to him or her in his or her home state.

(d) A nonresident who is over the age of 17 years, whose home state does not require the licensing of operators, may operate a motor vehicle as an operator only, for a period of not more than 90 days in any calendar year, if all of the following apply:

(i) The motor vehicle is registered in the home state or country of the nonresident.

(ii) The nonresident has in his or her immediate possession a registration card evidencing ownership and registration of the motor vehicle in his or her home state or country, or is able at any time or place required to prove lawful possession or the right to operate the motor vehicle and to establish his or her proper identity.

(iii) The nonresident is a citizen of the United States or is otherwise eligible to be issued an operator's license or chauffeur's license under section 307(1).

(e) A person who is a member of the Armed Forces of the United States on official leave, who on the date of his or her orders granting leave possessed an operator's or chauffeur's license, valid except for the expiration date of the license. This exemption applies only to the person's first leave of absence following the expiration of his or her license and exempts the person from the provisions of this act for a period not to exceed 30 days.

(f) A person who is a discharged member of the Armed Forces of the United States, who on the date of his or her discharge possesses an operator's or chauffeur's license, valid except for the expiration date, for a period not to exceed 30 days from date of discharge.

(g) A person who is a member of the Armed Forces of the United States, stationed in this state, who resides in another state and has a valid license issued by the state in which he or she resides.

(h) A person while operating a commercial motor vehicle in the course of a driving test administered by a certified examiner appointed by the secretary of state and while accompanied by the examiner, if the person is a citizen of the United States or is otherwise eligible to be issued an operator's license or chauffeur's license under section 307(1).

(i) A person while operating a commercial motor vehicle who is not disqualified from operating a commercial motor vehicle and who holds a commercial driver license that is issued to him or her by another state or jurisdiction under 49 CFR part 383.

(j) A person with a mobility disability while operating a power-driven mobility device. This subdivision does not apply to a person with a mobility disability while operating a power-driven mobility device on a street, road, or highway in this state.

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

Enacting section 2. This amendatory act does not take effect unless House Bill No. 5374 of the 99th Legislature is enacted into law.

This act is ordered to take immediate effect.



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Clerk of the House of Representatives



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Secretary of the Senate

Approved

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Governor