

HOUSE BILL NO. 4787

May 05, 2021, Introduced by Rep. Markkanen and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 312f (MCL 257.312f), as amended by 2020 PA 304.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 312f. (1) Except as otherwise provided in this section,
2 an individual shall be not less than 18 years of age before he or
3 she is issued a vehicle group designation or indorsement, other
4 than a motorcycle indorsement, or not less than 21 years of age and
5 has been approved by the Transportation Security Administration for

1 a hazardous material endorsement before he or she is issued a
2 hazardous material endorsement on an operator's or chauffeur's
3 license and, as provided in this section, the individual shall pass
4 a knowledge **test** and a driving skills ~~tests~~**test** that comply with
5 minimum federal standards prescribed in 49 CFR part 383. The
6 knowledge **test** and **the driving** skills test scores must be retained
7 by the secretary of state as provided under 49 CFR 383.135. An
8 individual who is 18 years of age or older operating a vehicle to
9 be used for farming purposes only may obtain an A or B vehicle
10 group designation or an F vehicle indorsement. Each written
11 examination given **to** an applicant for a vehicle group designation
12 or indorsement must include subjects designed to cover the type or
13 general class of vehicle to be operated. Except as follows, an
14 individual shall pass an examination that includes a driving skills
15 test designed to test competency of the applicant for an original
16 vehicle group designation and passenger indorsement on an
17 operator's or chauffeur's license to drive that type or general
18 class of vehicle upon the highways of this state with safety to
19 persons and property:

20 (a) The secretary of state shall waive the driving skills test
21 for an individual operating a vehicle that is used under the
22 conditions described in section 312e(8)(a) to (d) unless the
23 vehicle has a gross vehicle weight rating of 26,001 pounds or more
24 on the power unit and is to be used to carry hazardous materials on
25 which a placard is required under 49 CFR parts 100 to 199.

26 (b) The driving skills test may be waived if the applicant has
27 a valid license with the appropriate vehicle group designation,
28 passenger vehicle indorsement, or school bus indorsement in another
29 state issued in compliance with 49 USC 31301 to 31317, or if the

1 individual successfully passes a driving skills test administered
2 in another state that meets the requirements of federal law and the
3 law of this state.

4 (c) The secretary of state may waive the **knowledge test and**
5 **the** driving skills test required under this section for an
6 individual with military commercial motor vehicle experience if the
7 individual, at the time of application, certifies and provides
8 evidence satisfactory to the secretary of state that he or she
9 continuously met all of the requirements under 49 CFR part 383
10 during the 2-year period immediately preceding the date of
11 application for the commercial driver license.

12 (2) Except for an individual who has held an operator's or
13 chauffeur's license for less than 1 year, the secretary of state
14 shall waive the knowledge test and the driving skills test and
15 issue a 1-year seasonal restricted vehicle group designation to an
16 otherwise qualified applicant to operate a group B or a group C
17 vehicle for a farm related service industry if all of the following
18 conditions are met:

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

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

25 (c) The commercial motor vehicle for which the seasonal
26 restricted vehicle group designation is issued must be operated
27 only if all the following conditions are met:

28 (i) The commercial motor vehicle is operated only on routes
29 within 150 miles from the place of business to the farm or farms

1 being served.

2 (ii) The commercial motor vehicle does not transport a quantity
3 of hazardous materials on which a placard under 49 CFR parts 100 to
4 199 is required except for the following:

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

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

7 (C) Solid fertilizers that are not transported with any
8 organic substance.

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

11 (3) A seasonal restricted vehicle group designation under this
12 section must be issued, suspended, revoked, canceled, denied, or
13 renewed in accordance with this act. The secretary of state may
14 renew a seasonal restricted vehicle group designation 1 time per
15 calendar year regardless of whether the seasonal restricted vehicle
16 group designation is expired at the time of renewal.

17 (4) The secretary of state may enter into an agreement with
18 another public or private corporation or agency to conduct a
19 driving skills test required under this section, section 312e, or
20 49 CFR part 383. Before the secretary of state authorizes an
21 individual to administer a corporation's or agency's driver skills
22 testing operations or authorizes an examiner to conduct a driving
23 skills test, that individual or examiner must complete both a state
24 and Federal Bureau of Investigation fingerprint-based criminal
25 history check through the department of state police.

26 (5) The secretary of state shall not issue a commercial
27 learner's permit, a vehicle group designation, or a vehicle
28 indorsement to an applicant for an original vehicle group
29 designation or vehicle indorsement under section 312e or may cancel

1 a commercial learner's permit or all vehicle group designations or
2 endorsements on an individual's operator's or chauffeur's license
3 to whom 1 or more of the following apply:

4 (a) The applicant has had his or her license suspended or
5 revoked for a reason other than as provided in section 321a, 515,
6 732a, or 801c or section 30 of the support and parenting time
7 enforcement act, 1982 PA 295, MCL 552.630, in the 36 months
8 immediately preceding application. However, a vehicle group
9 designation may be issued if the suspension or revocation was due
10 to a temporary medical condition or failure to appear at a
11 reexamination as provided in section 320.

12 (b) The applicant was convicted of or incurred a bond
13 forfeiture in relation to a 6-point violation as provided in
14 section 320a in the 24 months immediately preceding application if
15 the violation occurred while the applicant was operating a
16 commercial motor vehicle, or a violation of section 625(3) or
17 former section 625b, or a local ordinance that substantially
18 corresponds to section 625(3) or former section 625b in the 24
19 months immediately preceding application, if the applicant was
20 operating any type of motor vehicle.

21 (c) The applicant is listed on the National Driver Register,
22 the Commercial Driver's License Information System, ~~or~~ the driving
23 records of the state in which the applicant was previously
24 licensed, **or, beginning January 6, 2023, the National Drug and**
25 **Alcohol Clearinghouse** as being disqualified from operating a
26 commercial motor vehicle or as having a license or driving
27 privilege suspended, revoked, canceled, or denied.

28 (d) The applicant is listed on the National Driver Register,
29 the Commercial Driver's License Information System, or the driving

1 records of the state in which the applicant was previously licensed
2 as having had a license suspended, revoked, or canceled in the 36
3 months immediately preceding application if a suspension or
4 revocation would have been imposed under this act had the applicant
5 been licensed in this state in the original instance. This
6 subdivision does not apply to a suspension or revocation that would
7 have been imposed due to a temporary medical condition or under
8 section 321a, 515, 732a, or 801c or section 30 of the support and
9 parenting time enforcement act, 1982 PA 295, MCL 552.630.

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

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

19 (g) The United States Secretary of Transportation has
20 disqualified the applicant from operating a commercial motor
21 vehicle.

22 (h) The applicant fails to satisfy the federal regulations
23 promulgated under 49 CFR parts 383 and 391 by refusing to certify
24 the type of commercial motor vehicle operation the applicant
25 intends to perform and fails to present valid medical certification
26 to the secretary of state if required to do so. The requirement of
27 this subdivision is waived from July 1, 2020 to December 31, 2020
28 pursuant to the Waiver in Response to the COVID-19 National
29 Emergency - For States, CDL Holders, CLP Holders, and Interstate

1 Drivers Operating Commercial Motor Vehicles, or any extension of
2 that waiver issued after December 31, 2020.

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

5 (j) If the secretary of state determines through a
6 governmental investigation that there is reason to believe that a
7 commercial driver license or endorsement was issued as a result of
8 fraudulent or improper conduct in taking a knowledge test or
9 driving skills test required under 49 CFR part 383, the secretary
10 of state shall require the applicant to retake and successfully
11 pass that test. The secretary of state shall cancel any commercial
12 driver license or endorsement issued as a result of the suspect
13 test unless the applicant retakes and passes that test.

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

17 (a) The United States Secretary of Transportation has
18 disqualified the applicant from operating a commercial motor
19 vehicle.

20 (b) The applicant is listed on the National Driver Register,
21 ~~or~~ the Commercial Driver's License Information System, **or,**
22 **beginning on January 6, 2023, the National Drug and Alcohol**
23 **Clearinghouse** as being disqualified from operating a commercial
24 motor vehicle or as having a driver license or driving privilege
25 suspended, revoked, canceled, or denied.

26 (c) On or after January 30, 2012, the applicant fails to meet
27 the requirements of 49 CFR parts 383 and 391 by refusing to certify
28 the type of commercial motor vehicle operation the applicant
29 intends to perform and fails to present medical certification to

1 the secretary of state if required to do so. The requirement of
2 this subdivision is waived from July 1, 2020 to December 31, 2020,
3 pursuant to the Waiver in Response to the COVID-19 National
4 Emergency - For States, CDL Holders, CLP Holders, and Interstate
5 Drivers Operating Commercial Motor Vehicles.

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

10 (8) If an applicant for an original vehicle group designation
11 was previously licensed in another jurisdiction, the secretary of
12 state shall request a copy of the applicant's driving record from
13 that jurisdiction. If 1 or more of the conditions described in
14 subsection (5) exist in that jurisdiction when the secretary of
15 state receives the copy, the secretary of state shall cancel all
16 vehicle group designations on the individual's operator's or
17 chauffeur's license.

18 (9) The secretary of state shall cancel all vehicle group
19 designations on an individual's operator's or chauffeur's license
20 upon receiving notice from the United States Secretary of
21 Transportation, the National Driver Register, the Commercial
22 Driver's License Information System, or another state or
23 jurisdiction that 1 or more of the conditions described in
24 subsection (5) existed at the time of the individual's application
25 in this state.

26 (10) The secretary of state shall cancel all vehicle group
27 designations on the individual's operator's or chauffeur's license
28 upon receiving proper notice that the individual no longer meets
29 the federal driver qualification requirements under 49 CFR parts

1 383 and 391 to operate a commercial motor vehicle in interstate or
2 intrastate commerce, or the individual no longer meets the driver
3 qualification requirements to operate a commercial motor vehicle in
4 intrastate commerce under the motor carrier safety act of 1963,
5 1963 PA 181, MCL 480.11 to 480.25.

6 (11) Subsection (5) (a), (b), (d), and (f) does not apply to an
7 applicant for an original vehicle group designation who at the time
8 of application has a valid license to operate a commercial motor
9 vehicle issued by any state in compliance with 49 USC 31301 to
10 31317.

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