

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4787

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 312f (MCL 257.312f), as amended by 2021 PA 71.

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
6 a hazardous material endorsement before he or she is issued a
7 hazardous material endorsement on an operator's or chauffeur's
8 license and, as provided in this section, the individual shall pass
9 a knowledge **test** and a driving skills ~~tests~~**-test** that comply with

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

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

22 (b) The driving skills test may be waived if the applicant has
23 a valid license with the appropriate vehicle group designation,
24 passenger vehicle indorsement, or school bus indorsement in another
25 state issued in compliance with 49 USC 31301 to 31317, or if the
26 individual successfully passes a driving skills test administered
27 in another state that meets the requirements of federal law and the
28 law of this state.

29 (c) The secretary of state may waive the **knowledge test and**

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

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

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

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

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

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

27 (ii) The commercial motor vehicle does not transport a quantity
28 of hazardous materials on which a placard under 49 CFR parts 100 to
29 199 is required except for the following:

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

2 (B) Liquid fertilizers in quantities of 3,000 gallons or 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, P,
6 S, T, or X vehicle indorsement.

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

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

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

29 (a) The applicant has had his or her license suspended or

1 revoked for a reason other than as provided in section 321a, 515,
2 732a, or 801c or section 30 of the support and parenting time
3 enforcement act, 1982 PA 295, MCL 552.630, in the 36 months
4 immediately preceding application. However, a vehicle group
5 designation may be issued if the suspension or revocation was due
6 to a temporary medical condition or failure to appear at a
7 reexamination as provided in section 320.

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

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

24 (d) The applicant is listed on the National Driver Register,
25 the Commercial Driver's License Information System, or the driving
26 records of the state in which the applicant was previously licensed
27 as having had a license suspended, revoked, or canceled in the 36
28 months immediately preceding application if a suspension or
29 revocation would have been imposed under this act had the applicant

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

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

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

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

18 (h) The applicant fails to satisfy the federal regulations
19 promulgated under 49 CFR parts 383 and 391 by refusing to certify
20 the type of commercial motor vehicle operation the applicant
21 intends to perform and fails to present valid medical certification
22 to the secretary of state if required to do so. The requirement of
23 this subdivision is waived from July 1, 2020 to August 31, 2021,
24 pursuant to the Waiver in Response to the COVID-19 National
25 Emergency - For States, CDL Holders, CLP Holders, and Interstate
26 Drivers Operating Commercial Motor Vehicles, or any extension of
27 that waiver issued after August 31, 2021.

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

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

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

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

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

(c) On or after January 30, 2012, the applicant fails to meet the requirements of 49 CFR parts 383 and 391 by refusing to certify the type of commercial motor vehicle operation the applicant intends to perform and fails to present medical certification to the secretary of state if required to do so. The requirement of this subdivision is waived from July 1, 2020 to August 31, 2021, pursuant to the Waiver in Response to the COVID-19 National Emergency - For States, CDL Holders, CLP Holders, and Interstate

1 Drivers Operating Commercial Motor Vehicles, or any extension of
2 that waiver issued after August 31, 2021.

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

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

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

23 (10) The secretary of state shall cancel all vehicle group
24 designations on the individual's operator's or chauffeur's license
25 upon receiving proper notice that the individual no longer meets
26 the federal driver qualification requirements under 49 CFR parts
27 383 and 391 to operate a commercial motor vehicle in interstate or
28 intrastate commerce, or the individual no longer meets the driver
29 qualification requirements to operate a commercial motor vehicle in

1 intrastate commerce under the motor carrier safety act of 1963,
2 1963 PA 181, MCL 480.11 to 480.25.

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

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