

HOUSE BILL NO. 4451

March 09, 2021, Introduced by Reps. Howell, Sneller, Clemente and Eisen and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 309 (MCL 257.309), as amended by 2020 PA 304.

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

1 secretary of state authorizes an individual to administer vehicle
2 group designation or endorsement knowledge tests, that individual
3 must successfully complete both a state and Federal Bureau of
4 Investigation fingerprint-based criminal history check or the
5 equivalent through the department of state police. In all other
6 cases, the secretary of state may waive the examination, except
7 that an examination must not be waived if it appears from the
8 application, from the apparent physical or mental condition of the
9 applicant, or from any other information that has come to the
10 secretary of state from another source, that the applicant does not
11 possess the physical, mental, or other qualifications necessary to
12 operate a motor vehicle in a manner as not to jeopardize the safety
13 of persons or property, or that the applicant is not entitled to a
14 license under section 303. A licensee who applies for the renewal
15 of his or her license by mail under section 307 shall certify to
16 his or her physical capability to operate a motor vehicle. The
17 secretary of state may check the applicant's driving record through
18 the National Driver Register and the Commercial Driver's License
19 Information System before issuing a license under this section.

20 (2) The secretary of state may appoint sheriffs, their
21 deputies, the chiefs of police of cities and villages that have
22 organized police departments within this state, their duly
23 authorized representatives, ~~or~~ employees of the secretary of state,
24 **or the secretary of state's duly authorized representatives** as
25 examining officers for the purpose of examining applicants for
26 operator's and chauffeur's licenses. An examining officer shall
27 conduct examinations of applicants for operator's and chauffeur's
28 licenses in accordance with this chapter and the rules promulgated
29 by the secretary of state under subsection (3). After conducting an

1 examination an examining officer shall make a written report of his
2 or her findings and recommendations to the secretary of state.

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

25 (4) The secretary of state shall not issue an original
26 operator's or chauffeur's license without a vehicle group
27 designation or indorsement without an examination that includes a
28 driving skills test conducted by the secretary of state or by a
29 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 an individual 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 individual 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 an individual who satisfactorily
16 completes a driving skills test. An original vehicle group
17 designation or indorsement ~~shall~~**must** not be issued by the
18 secretary of state without a knowledge test conducted by the
19 secretary of state. Except as provided in section 312f(1), an
20 original vehicle group designation or passenger or school bus
21 indorsement must not be issued by the secretary of state without a
22 driving skills test conducted by an examiner appointed or
23 authorized by the secretary of state or an equivalent driving
24 skills test meeting the requirements of 49 CFR part 383 conducted
25 in another jurisdiction.

26 (5) Except as otherwise provided in this act, the secretary of
27 state may waive the requirement of a driving skills test, knowledge
28 test, or road sign test of an applicant for an original operator's
29 or chauffeur's license without a vehicle group designation or

1 indorsement who at the time of the application is the holder of a
2 valid, unrevoked operator's or chauffeur's license issued by
3 another state or country.

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

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

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

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

1 (10) The secretary of state shall waive the requirement of a
2 written knowledge test, road sign test, and driving skills test of
3 an applicant for an original motorcycle endorsement if the person
4 has successfully passed a motorcycle safety course approved by the
5 department as described in sections 811a and 811b.

6 (11) An operator's or chauffeur's license that expires on or
7 after March 1, 2020 is valid until March 31, 2021.