

HOUSE BILL NO. 4306

March 27, 2025, Introduced by Reps. VanderWall and DeBoer and referred to Committee on Health Policy.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 309 (MCL 257.309), as amended by 2022 PA 45,
and by adding section 309a.

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

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

22 (2) The secretary of state may appoint sheriffs, their
23 deputies, the chiefs of police of cities and villages that have
24 organized police departments within this state, their duly
25 authorized representatives, employees of the secretary of state, or
26 the secretary of state's duly authorized representatives as
27 examining officers for the purpose of examining applicants for
28 operator's and chauffeur's licenses. An examining officer shall
29 conduct examinations of applicants for operator's and chauffeur's

1 licenses in accordance with this chapter and the rules promulgated
2 by the secretary of state under subsection (3). After conducting an
3 examination, an examining officer shall make a written report of
4 ~~his or her~~ **the examining officer's** findings and recommendations to
5 the secretary of state.

6 (3) The secretary of state shall promulgate rules under the
7 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
8 24.328, for the examination of the applicant's physical and mental
9 qualifications to operate a motor vehicle in a manner as not to
10 jeopardize the safety of persons or property, and shall ascertain
11 whether facts exist that would bar the issuance of a license under
12 section 303. ~~The~~ **Subject to section 309a, the** secretary of state
13 may consider a written medical report and recommendation submitted
14 under section 5139 of the public health code, 1978 PA 368, MCL
15 333.5139, from the personal physician or optometrist of an
16 applicant, in making the examination regarding the applicant's
17 physical and mental qualifications to operate a motor vehicle under
18 this section and R 257.851 to ~~R 257.855~~ **R 257.857** of the Michigan
19 Administrative Code. A report received by the secretary of state
20 from a physician or an optometrist under this section is
21 confidential. The secretary of state shall also ascertain whether
22 the applicant has sufficient knowledge of the English language to
23 understand highway warnings or direction signs written in that
24 language. The examination must not include investigation of facts
25 other than those facts directly pertaining to the ability of the
26 applicant to operate a motor vehicle with safety or facts declared
27 to be prerequisite to the issuance of a license under this act.

28 (4) The secretary of state shall not issue an original
29 operator's or chauffeur's license without a vehicle group

1 designation or ~~indorsement~~**endorsement** without an examination that
2 includes a driving skills test conducted by the secretary of state
3 or by a designated examining officer under subsection (2) or
4 section 310e. The secretary of state may enter into an agreement
5 with another public or private corporation or agency to conduct a
6 driving skills test conducted under this section. Before the
7 secretary of state authorizes an individual to administer a
8 corporation's or agency's driver skills testing operations or
9 authorizes an examiner to conduct a driving skills test, that
10 individual or examiner must successfully complete both a state and
11 Federal Bureau of Investigation fingerprint-based criminal history
12 check through the department of state police as required by law and
13 as provided under 49 CFR 384.228. In an agreement with another
14 public or private corporation or agency to conduct a driving skills
15 test, the secretary of state shall prescribe the method and
16 examination criteria to be followed by the corporation, agency, or
17 examiner when conducting the driving skills test and the form of
18 the certification to be issued to an individual who satisfactorily
19 completes a driving skills test. An original vehicle group
20 designation or ~~indorsement~~**endorsement** must not be issued by the
21 secretary of state without a knowledge test conducted by the
22 secretary of state. Except as provided in section 312f(1), an
23 original vehicle group designation or passenger or school bus
24 ~~indorsement~~**endorsement** must not be issued by the secretary of
25 state without a driving skills test conducted by an examiner
26 appointed or authorized by the secretary of state or an equivalent
27 driving skills test meeting the requirements of 49 CFR part 383
28 conducted in another jurisdiction.

29 (5) Except as otherwise provided in this act, the secretary of

1 state may waive the requirement of a driving skills test, knowledge
2 test, or road sign test of an applicant for an original operator's
3 or chauffeur's license without a vehicle group designation or
4 ~~indorsement~~**endorsement** who at the time of the application is the
5 holder of a valid, unrevoked operator's or chauffeur's license
6 issued by another state or country.

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

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

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

29 (9) A person who forges, counterfeits, or alters a

1 satisfactorily completed driving skills test certification issued
2 by a designated examining officer appointed or designated by the
3 secretary of state under this section or section 310e is guilty of
4 a felony.

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

10 (11) An operator's or chauffeur's license that expires on or
11 after March 1, 2020 is valid until March 31, 2021. An operator's or
12 chauffeur's license that expires after March 31, 2021 but before
13 August 1, 2021 is valid until 120 days after the date of the
14 expiration.

15 **Sec. 309a. (1) Except as otherwise provided in subsection (2)**
16 **or (3), the secretary of state shall, after notice and a hearing as**
17 **provided in the administrative procedures act of 1969, 1969 PA 306,**
18 **MCL 24.201 to 24.328, suspend the operator's license of an**
19 **individual who has experienced an epileptic seizure for at least 6**
20 **months or longer.**

21 (2) The secretary of state may, after notice and a hearing as
22 provided in the administrative procedures act of 1969, 1969 PA 306,
23 MCL 24.201 to 24.328, suspend the operator's license of an
24 individual who has experienced an epileptic seizure for 3 months if
25 the individual submits a statement of physical or mental history
26 from a treating physician not later than 30 days after the last
27 epileptic seizure. The statement of physical or mental history
28 required under this subsection must include certification that the
29 individual's epileptic seizure is under control by medication or

1 another treatment method and that all symptoms and conditions that
2 would affect the safe operation of a motor vehicle have been
3 corrected, cured, or controlled, or have abated.

4 (3) The secretary of state may reduce or waive the time period
5 required under subsection (1) or (2) if any of the following
6 conditions apply:

7 (a) The secretary of state finds that any of the following
8 conditions apply:

9 (i) The epileptic seizure occurred because of a medically
10 directed medication change.

11 (ii) The epileptic seizure was a partial seizure that did not
12 interfere with the individual's consciousness or ability to operate
13 a motor vehicle.

14 (iii) The epileptic seizure has an established pattern of being
15 purely nocturnal.

16 (iv) The epileptic seizure is secondary to provoking factors
17 that are unlikely to recur, including, but not limited to,
18 metabolic, infectious, or other acute illnesses.

19 (v) The epileptic seizure is related to a reversible acute
20 illness.

21 (b) The secretary of state receives a written recommendation
22 from a treating physician to reduce or waive the time period
23 required under subsection (1) or (2). A written recommendation
24 under this subdivision may include, but is not limited to, all of
25 the following:

26 (i) Evidence that the individual's epileptic seizure resulted
27 from medical intervention or a medically supervised experiment with
28 a prescribed medication.

29 (ii) Documentation showing that the epileptic seizure occurred

1 as a result of a specific epilepsy syndrome and that the epileptic
2 seizure occurs at specific times of day. The documentation must
3 include an established history of the epilepsy pattern described
4 under this subparagraph.

5 (iii) Documentation showing that the individual's epileptic
6 seizure is a focal aware seizure and that the individual has an
7 established clinical history of having only focal aware seizures.
8 As used in this subparagraph, "focal aware seizure" means a seizure
9 that does not impair an individual's awareness and includes a
10 simple partial seizure or aura.

11 (iv) Evidence that an individual's epileptic seizure is
12 secondary to provoking factors that are unlikely to recur,
13 including, but not limited to, metabolic, infectious, or other
14 acute illnesses.

15 (v) Other evidence or documentation that establishes a low
16 risk of reoccurrence of an epileptic seizure.

17 (4) As used in this section, "physician" means an individual
18 authorized to practice medicine or osteopathic medicine and surgery
19 under the law of any state.

20 Enacting section 1. This amendatory act does not take effect
21 unless House Bill No. 4307 request no. H01772'25 a) of the 103rd
22 Legislature is enacted into law.