

SENATE BILL No. 1190

March 6, 2002, Introduced by Senator HART and referred to the Committee on Transportation and Tourism.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 309 (MCL 257.309), as amended by 2000 PA 456.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 309. (1) Before issuing a license, the secretary of
2 state shall examine each applicant for an operator's or
3 chauffeur's license who at the time of the application is not the
4 holder of a valid, unrevoked operator's or chauffeur's license
5 under a law of this state providing for the licensing of
6 drivers. In all other cases, the secretary of state may waive
7 the examination, except that an examination shall not be waived
8 if it appears from the application, from the apparent physical or
9 mental condition of the applicant, or from any other information
10 which has come to the secretary of state from another source,

1 that the applicant does not possess the physical, mental or other
2 qualifications necessary to operate a motor vehicle in a manner
3 as not to jeopardize the safety of persons or property; or that
4 the applicant is not entitled to a license under section 303. A
5 licensee who applies for the renewal of his or her license by
6 mail pursuant to section 307 shall be required to certify to his
7 or her physical capability to operate a motor vehicle.

8 (2) Sheriffs, their deputies and the chiefs of police of
9 cities and villages having organized police departments within
10 this state and their duly authorized representatives, and employ-
11 ees of the secretary of state may be appointed examining officers
12 for the purpose of examining applicants for operator's and
13 chauffeur's licenses by the secretary of state. An examining
14 officer shall conduct examinations of applicants for operator's
15 and chauffeur's licenses, under this chapter, and in accordance
16 with the rules promulgated by the secretary of state under sub-
17 section (3). After conducting an examination an examining offi-
18 cer shall make a written report of his or her findings and recom-
19 mendations to the secretary of state.

20 (3) The secretary of state shall promulgate rules pursuant
21 to the administrative procedures act of 1969, 1969 PA 306,
22 MCL 24.201 to 24.328, for the examination of the applicant's
23 physical and mental qualifications to operate a motor vehicle in
24 a manner as not to jeopardize the safety of persons or property,
25 and shall ascertain whether facts exist that would bar the issu-
26 ance of a license under section 303. The secretary of state
27 shall also ascertain whether the applicant has sufficient

1 knowledge of the English language to understand highway warnings
2 or direction signs written in that language. The examination
3 shall not include investigation of facts other than those facts
4 directly pertaining to the ability of the applicant to operate a
5 motor vehicle with safety or facts declared to be prerequisite to
6 the issuance of a license under this act.

7 (4) THE BEHIND-THE-WHEEL ROAD TEST PRESCRIBED BY THIS SEC-
8 TION SHALL NOT BE OFFERED TO A PERSON OVER 18 YEARS OF AGE UNLESS
9 THE PERSON HAS SUCCESSFULLY COMPLETED A DRIVER'S TRAINING CLASS
10 FROM A COMMERCIAL DRIVER TRAINING SCHOOL OR HAS HELD A VALID
11 LEARNER'S PERMIT FOR AT LEAST 30 DAYS.

12 (5) ~~(4)~~ An original operator's or chauffeur's license
13 without a vehicle group designation or indorsement shall not be
14 issued by the secretary of state without an examination which
15 shall include a behind-the-wheel road test conducted by the sec-
16 retary of state or by a designated examining officer under sub-
17 section (2) or section 310e. The secretary of state may enter
18 into an agreement with another public or private person or agency
19 to conduct a behind-the-wheel road test conducted under this
20 section. In an agreement with another person or agency to con-
21 duct a behind-the-wheel road test, the secretary of state may
22 prescribe the method and examination criteria to be followed by
23 the person or agency when conducting the behind-the-wheel road
24 test and the form of the certification to be issued to a person
25 who satisfactorily completes a behind-the-wheel road test. An
26 original vehicle group designation or indorsement shall not be
27 issued by the secretary of state without a knowledge test

1 conducted by the secretary of state. Except as provided in
2 section 312f(1), an original vehicle group designation or passen-
3 ger indorsement shall not be issued by the secretary of state
4 without a behind-the-wheel road test conducted by an examiner
5 appointed or authorized by the secretary of state. While in the
6 course of taking a behind-the-wheel road test conducted by the
7 examiner who shall occupy a seat beside the applicant, an appli-
8 cant for an original vehicle group designation or passenger
9 indorsement who has been issued a temporary instruction permit to
10 operate a commercial motor vehicle shall be permitted to operate
11 a vehicle requiring a vehicle group designation or passenger
12 indorsement without a person licensed to operate a commercial
13 motor vehicle occupying a seat beside him or her.

14 (6) ~~-(5)-~~ Except as otherwise provided in this act, the sec-
15 retary of state may waive the requirement of a behind-the-wheel
16 road test, knowledge test, or road sign test of an applicant for
17 an original operator's or chauffeur's license without a vehicle
18 group designation or indorsement who at the time of the applica-
19 tion is the holder of a valid, unrevoked operator's or
20 chauffeur's license issued by another state or country.

21 (7) ~~-(6)-~~ Beginning April 1, 2001, a person who corrupts or
22 attempts to corrupt a designated examining officer appointed or
23 designated by the secretary of state under this section or sec-
24 tion 310e by giving, offering, or promising any gift or gratuity
25 with the intent to influence the opinion or decision of the
26 examining officer conducting the test is guilty of a felony.

1 (8) ~~-(7)-~~ Beginning April 1, 2001, a designated examining
2 officer appointed or designated by the secretary of state who
3 conducts a behind-the-wheel road test under an agreement entered
4 into under this section or section 310e and who varies from,
5 shortens, or in any other way changes the method or examination
6 criteria prescribed to be followed under that agreement in con-
7 ducting a behind-the-wheel road test is guilty of a felony.

8 (9) ~~-(8)-~~ Beginning April 1, 2001, a person who forges,
9 counterfeits, or alters a satisfactorily completed
10 behind-the-wheel road test certification issued by a designated
11 examining officer appointed or designated by the secretary of
12 state under this section or section 310e is guilty of a felony.