

# HOUSE BILL No. 4741

May 16, 2013, Introduced by Reps. Lamonte, Tlaib, Durhal, Brinks, Roberts, Dianda, Driskell, Kivela, Knezek, Schor, Slavens, Brown, Cochran, Stanley, Santana, Dillon, Abed, Yanez, Faris, Brunner, Smiley, Rutledge, Cavanagh, Lane, Haugh, Kosowski, Singh, Barnett, Greimel, Hobbs, Segal, McCann, Lauwers, Geiss, Banks, Darany, Oakes and Nathan and referred to the Committee on Military and Veterans Affairs.

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending section 312e (MCL 257.312e), as amended by 2011 PA 159.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 312e. (1) Except as otherwise provided in this section, a  
2 person, before operating a commercial motor vehicle, shall obtain  
3 the required vehicle group designation as follows:

4       (a) A person, before operating a combination of vehicles with  
5 a gross combination weight rating of 26,001 pounds or more  
6 including a towed vehicle with a gross vehicle weight rating of  
7 more than 10,000 pounds, shall procure a group A vehicle  
8 designation on his or her operator's or chauffeur's license. Unless  
9 an indorsement or the removal of restrictions is required, a person  
10 licensed to operate a group A vehicle may operate a group B or C  
11 vehicle without taking another test.

12       (b) A person, before operating a vehicle having a gross

1 vehicle weight rating of 26,001 pounds or more, shall procure a  
2 group B vehicle designation on his or her operator's or chauffeur's  
3 license. Unless an indorsement or the removal of restrictions is  
4 required, a person licensed to operate a group B vehicle may  
5 operate a group C vehicle without taking another test.

6 (c) A person, before operating a single vehicle or a  
7 combination of vehicles that fits the definition of small vehicle  
8 (group C) under 49 CFR 383.91(a)(3) shall procure a group C vehicle  
9 designation and a hazardous material or passenger vehicle  
10 indorsement on his or her operator's or chauffeur's license.

11 (2) An applicant for a vehicle group designation shall take  
12 knowledge and driving skills tests that comply with minimum federal  
13 standards prescribed in 49 CFR part 383 as required under this act.

14 (3) The license shall be issued, suspended, revoked, canceled,  
15 or renewed in accordance with this act.

16 (4) Except as provided in this subsection, all of the  
17 following apply:

18 (a) If a person operates a group B passenger vehicle while  
19 taking his or her driving skills test for a P indorsement, he or  
20 she is restricted to operating only group B or C passenger vehicles  
21 under that P indorsement. If a person operates a group B school bus  
22 while taking his or her driving skills test for an S indorsement,  
23 he or she is restricted to operating only group B or C school buses  
24 under that S indorsement.

25 (b) If a person operates a group C passenger vehicle while  
26 taking his or her driving skills test for a P indorsement, he or  
27 she is restricted to operating only group C passenger vehicles

1 under that P indorsement. If a person operates a group C school bus  
2 while taking his or her driving skills test for an S indorsement,  
3 he or she is restricted to operating only group C school buses  
4 under that S indorsement.

5 (c) A person who fails the air brake portion of the written or  
6 driving skills test provided under section 312f or who takes the  
7 driving skills test ~~provided~~ under that section in a commercial  
8 motor vehicle that is not equipped with air brakes shall not  
9 operate a commercial motor vehicle equipped with air brakes.

10 (5) A person, before operating a commercial motor vehicle,  
11 shall obtain required vehicle indorsements as follows:

12 (a) A person, before operating a commercial motor vehicle  
13 pulling double trailers, shall procure the appropriate vehicle  
14 group designation and a T vehicle indorsement under this act.

15 (b) A person, before operating a commercial motor vehicle that  
16 is a tank vehicle, shall procure the appropriate vehicle group  
17 designation and an N vehicle indorsement under this act.

18 (c) A person, before operating a commercial motor vehicle  
19 carrying hazardous materials on which a placard is required under  
20 49 CFR parts 100 to 199, shall procure the appropriate vehicle  
21 group designation and an H vehicle indorsement under this act.

22 (d) A person, before operating a commercial motor vehicle that  
23 is a tank vehicle carrying hazardous material, shall procure the  
24 appropriate vehicle group designation and both an N and H vehicle  
25 indorsement, which shall be designated by the code letter X on the  
26 person's operator's or chauffeur's license.

27 (e) A person, before operating a vehicle that is designed to

1 transport 16 or more passengers including the driver but is not a  
2 school bus, shall procure the appropriate vehicle group designation  
3 and a P vehicle indorsement under this act. An applicant for a P  
4 vehicle indorsement shall take the driving skills test in a vehicle  
5 designed to transport 16 or more passengers including the driver.

6 (f) A person who does not currently possess a P indorsement,  
7 before operating a school bus designed to transport 16 or more  
8 passengers, including the driver, shall procure the appropriate  
9 vehicle group designation, pass the knowledge tests for the P and S  
10 indorsements, and procure the P and S vehicle indorsements under  
11 this act. An applicant for an S vehicle indorsement shall take a  
12 driving skills test in a school bus designed to transport 16 or  
13 more passengers, including the driver, that represents the same  
14 type of vehicle that the applicant intends to operate as a school  
15 bus.

16 (g) A person who currently possesses a P indorsement, before  
17 operating a school bus designed to transport 16 or more passengers,  
18 including the driver, shall procure the appropriate vehicle group  
19 designation, pass the knowledge test for an S indorsement, and  
20 procure an S vehicle indorsement under this act. An applicant for  
21 an S vehicle indorsement shall take a driving skills test in a  
22 school bus designed to transport 16 or more passengers, including  
23 the driver, that represents the same type of vehicle that the  
24 applicant intends to operate as a school bus.

25 (6) ~~An~~ **EXCEPT AS PROVIDED IN SUBSECTION (16), AN** applicant for  
26 an indorsement shall take the knowledge and driving skills tests  
27 described and required under 49 CFR part 383.

1           (7) The holder of an unexpired operator's or chauffeur's  
2 license may be issued a vehicle group designation and indorsement  
3 valid for the remainder of the license upon meeting the  
4 qualifications of section 312f and payment of the original vehicle  
5 group designation fee of \$25.00 and an indorsement fee of \$5.00 per  
6 indorsement, and a corrected license fee of \$18.00. A person  
7 required to procure an F vehicle indorsement under subsection (9)  
8 shall pay an indorsement fee of \$5.00.

9           (8) Except as otherwise provided in subsections (9) and (10),  
10 this section does not apply to a driver or operator of a vehicle  
11 under all of the following conditions:

12           (a) The vehicle is controlled and operated by a farmer or an  
13 employee or family member of the farmer.

14           (b) The vehicle is used to transport agricultural products,  
15 farm machinery, farm supplies, or a combination of these items, to  
16 or from a farm.

17           (c) The vehicle is not used in the operation of a common or  
18 contract motor carrier.

19           (d) The vehicle is operated within 150 miles of the farm.

20           (9) A person, before driving or operating a combination of  
21 vehicles having a gross vehicle weight rating of 26,001 pounds or  
22 more on the power unit that is used as described in subsection  
23 (8)(a) to (d), shall obtain an F vehicle indorsement. The F vehicle  
24 indorsement shall be issued upon successful completion of a  
25 knowledge test only.

26           (10) A person, before driving or operating a single vehicle  
27 truck having a gross vehicle weight rating of 26,001 pounds or more

1 or a combination of vehicles having a gross vehicle weight rating  
2 of 26,001 pounds or more on the power unit that is used as  
3 described in subsection (8)(a) to (d) for carrying hazardous  
4 materials on which a placard is required under 49 CFR parts 100 to  
5 199, shall successfully complete both a knowledge test and a  
6 driving skills test. Upon successful completion of the knowledge  
7 test and driving skills test, the person shall be issued the  
8 appropriate vehicle group designation and any vehicle indorsement  
9 necessary under this act.

10 (11) This section does not apply to a police officer operating  
11 an authorized emergency vehicle or to a firefighter operating an  
12 authorized emergency vehicle who has met the driver training  
13 standards published under the firefighters training council act, ~~of~~  
14 ~~1966,~~ 1966 PA 291, MCL 29.361 to 29.377.

15 (12) This section does not apply to a person operating a  
16 vehicle used exclusively to transport personal possessions or  
17 family members for nonbusiness purposes.

18 (13) The money collected under subsection (7) for a vehicle  
19 group designation or indorsement shall be deposited in the state  
20 treasury to the credit of the general fund. The secretary of state  
21 shall refund out of the fees collected to each county or  
22 municipality acting as an examining officer or examining bureau  
23 \$3.00 for each applicant examined for a first designation or  
24 indorsement to an operator's or chauffeur's license and \$1.50 for  
25 each renewal designation or indorsement to an operator's or  
26 chauffeur's license, whose application is not denied, on the  
27 condition that the money refunded shall be paid to the county or

1 local treasurer and is appropriated to the county, municipality, or  
2 officer or bureau receiving that money for the purpose of carrying  
3 out this act.

4 (14) Notwithstanding any other provision of this section, a  
5 person operating a vehicle described in subsections (8) and (9) is  
6 subject to ~~the provisions of~~ sections 303 and 319b.

7 (15) This state shall comply with the requirements of the  
8 American association of motor vehicle administrators' AAMVAnet,  
9 incorporated's "Commercial Driver License Information System  
10 (CDLIS) State Procedures Manual" that the secretary of state  
11 determines are required for implementing and enforcing federal law.

12 (16) THE SECRETARY OF STATE IN ACCORD WITH FEDERAL  
13 RESTRICTIONS MAY WAIVE THE DRIVING SKILLS TEST UNDER THIS SECTION  
14 FOR AN APPLICANT WHO PAYS THE APPLICABLE LICENSE FEES FOR THE  
15 VEHICLE GROUP DESIGNATION OR INDORSEMENT IF THE APPLICANT DOES BOTH  
16 OF THE FOLLOWING:

17 (A) CERTIFIES THAT, DURING THE 2 YEARS IMMEDIATELY PRECEDING  
18 THE APPLICATION, HE OR SHE MET THE CONDITIONS FOR WAIVER OF THE  
19 DRIVING SKILLS TEST IN 49 CFR 383.77 AND WAS REGULARLY EMPLOYED IN  
20 A MILITARY OCCUPATIONAL SPECIALTY THAT REQUIRED OPERATION OF A  
21 COMMERCIAL MOTOR VEHICLE.

22 (B) PRESENTS MILITARY DOCUMENTATION CERTIFYING THAT, FOR AT  
23 LEAST THE 2 YEARS IMMEDIATELY PRECEDING THE APPLICATION, HE OR SHE  
24 OPERATED A VEHICLE REPRESENTATIVE OF THE COMMERCIAL MOTOR VEHICLE  
25 FOR WHICH THE APPLICANT SEEKS A VEHICLE GROUP DESIGNATION OR  
26 INDORSEMENT.