

HOUSE BILL No. 4577

May 12, 2015, Introduced by Reps. Lauwers, Dianda, Rendon, Cole, LaVoy, McBroom, Brett Roberts, Pagel, Victory, Vaupel, Jenkins, Canfield, Brunner, Smiley, Inman, Leutheuser, Kelly, Yonker, LaFontaine, Glardon, Cochran, Jacobsen, Maturen and McCready and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 312f (MCL 257.312f), as amended by 2015 PA 11.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 312f. (1) Except as otherwise provided in this section, a
2 person shall be not less than 18 years of age before he or she is
3 issued a vehicle group designation or indorsement, other than a
4 motorcycle indorsement, or not less than 21 years of age and has
5 been approved by the ~~transportation security administration~~
6 **TRANSPORTATION SECURITY ADMINISTRATION** for a hazardous material
7 endorsement before he or she is issued a hazardous material
8 indorsement on an operator's or chauffeur's license and, as
9 provided in this section, the person shall pass knowledge and
10 driving skills tests that comply with minimum federal standards

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

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

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

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

8 (2) Except for a person 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 shall 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

1 quantity of hazardous materials on which a placard under 49 CFR
2 parts 100 to 199 is required except for the following:

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

4 (B) Liquid fertilizers in quantities of 3,000 gallons or less.

5 (C) Solid fertilizers that are not transported with any
6 organic substance.

7 (iii) The commercial motor vehicle does not require the H, N,
8 P, S, T, or X vehicle indorsement.

9 (3) A seasonal restricted vehicle group designation under this
10 section shall be issued, suspended, revoked, canceled, denied, or
11 renewed in accordance with this act. **THE SECRETARY OF STATE MAY**
12 **RENEW A SEASONAL RESTRICTED VEHICLE GROUP DESIGNATION 1 TIME PER**
13 **CALENDAR YEAR REGARDLESS OF WHETHER THE SEASONAL RESTRICTED VEHICLE**
14 **GROUP DESIGNATION IS EXPIRED AT THE TIME OF RENEWAL.**

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

24 (5) The secretary of state shall not issue a commercial
25 learner's permit, a vehicle group designation, or a vehicle
26 indorsement to an applicant for an original vehicle group
27 designation or vehicle indorsement under section 312e or may cancel

1 a commercial learner's permit or all vehicle group designations or
2 endorsements on a person's operator's or chauffeur's license to
3 whom 1 or more of the following apply:

4 (a) The applicant has had his or her license suspended or
5 revoked for a reason other than as provided in section 321a, 515,
6 732a, or 801c or section 30 of the support and parenting time
7 enforcement act, 1982 PA 295, MCL 552.630, in the 36 months
8 immediately preceding application. However, a vehicle group
9 designation may be issued if the suspension or revocation was due
10 to a temporary medical condition or failure to appear at a
11 reexamination as provided in section 320.

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

21 (c) The applicant is listed on the national driver register,
22 the commercial ~~driver~~**DRIVER'S** license information system, or the
23 driving records of the state in which the applicant was previously
24 licensed as being disqualified from operating a commercial motor
25 vehicle or as having a license or driving privilege suspended,
26 revoked, canceled, or denied.

27 (d) The applicant is listed on the national driver register,

1 the commercial ~~driver~~**DRIVER'S** license information system, or the
2 driving records of the state in which the applicant was previously
3 licensed as having had a license suspended, revoked, or canceled in
4 the 36 months immediately preceding application if a suspension or
5 revocation would have been imposed under this act had the applicant
6 been licensed in this state in the original instance. This
7 subdivision does not apply to a suspension or revocation that would
8 have been imposed due to a temporary medical condition or under
9 section 321a, 515, 732a, or 801c or section 30 of the support and
10 parenting time enforcement act, 1982 PA 295, MCL 552.630.

11 (e) The applicant is subject to a suspension or revocation
12 under section 319b or would have been subject to a suspension or
13 revocation under section 319b if the applicant had been issued a
14 vehicle group designation or vehicle indorsement.

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

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

23 (h) The applicant fails to satisfy the federal regulations
24 promulgated under 49 CFR parts 383 and 391 by refusing to certify
25 the type of commercial motor vehicle operation the applicant
26 intends to perform and fails to present valid medical certification
27 to the secretary of state if required to do so.

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

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

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

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

18 (b) The applicant is listed on the national driver register or
19 the commercial ~~driver~~-**DRIVER'S** license information system as being
20 disqualified from operating a commercial motor vehicle or as having
21 a driver license or driving privilege suspended, revoked, canceled,
22 or denied.

23 (c) On or after January 30, 2012, the applicant fails to meet
24 the requirements of 49 CFR parts 383 and 391 by refusing to certify
25 the type of commercial motor vehicle operation the applicant
26 intends to perform and fails to present medical certification to
27 the secretary of state if required to do so.

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

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

13 (9) The secretary of state shall cancel all vehicle group
14 designations on a person's operator's or chauffeur's license upon
15 receiving notice from the United States Secretary of
16 Transportation, the national driver register, the commercial ~~driver~~
17 **DRIVER'S** license **INFORMATION** system, or another state or
18 jurisdiction that 1 or more of the conditions described in
19 subsection (5) existed at the time of the person's application in
20 this state.

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

1 commerce under the motor carrier safety act of 1963, 1963 PA 181,
2 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.