

MICHIGAN VEHICLE CODE (EXCERPT)
Act 300 of 1949

***** 257.312f.amended THIS AMENDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT
OF THE 2024 REGULAR SESSION SINE DIE *****

257.312f.amended Vehicle group designation or endorsement on operator's or chauffeur's license; hazardous material endorsement; vehicle used for farming purposes; age; tests; waiver; seasonal restricted vehicle group designation; conditions prohibiting issuance of commercial learner's permit, vehicle group designation, or vehicle endorsement; cancellation; determining applicability of subsection (5); "farm related service industry" defined.

Sec. 312f. (1) Except as otherwise provided in this section, an individual shall be not less than 18 years of age before the individual is issued a vehicle group designation or endorsement, other than a motorcycle endorsement, or not less than 21 years of age and has been approved by the Transportation Security Administration for a hazardous material endorsement before the individual is issued a hazardous material endorsement on an operator's or chauffeur's license and, as provided in this section, the individual shall pass a knowledge test and a driving skills test that comply with minimum federal standards prescribed in 49 CFR part 383 and, beginning February 7, 2022, complete the entry level driver training described and required under 49 CFR part 380. The knowledge test and the driving skills test scores must be retained by the secretary of state as provided under 49 CFR 383.135. An individual who is 18 years of age or older operating a vehicle to be used for farming purposes only may obtain an A or B vehicle group designation or an F vehicle endorsement. Each written examination given to an applicant for a vehicle group designation or endorsement must include subjects designed to cover the type or general class of vehicle to be operated. Except as follows, an individual shall pass an examination that includes a driving skills test designed to test competency of the applicant for an original vehicle group designation and passenger endorsement on an operator's or chauffeur's license to drive that type or general class of vehicle upon the highways of this state with safety to persons and property and, beginning February 7, 2022, complete an entry level driver training:

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

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

(c) The secretary of state may waive the knowledge test and the driving skills test required under this section for an individual with military commercial motor vehicle experience if the individual, at the time of application, certifies and provides evidence satisfactory to the secretary of state that the individual continuously met all of the requirements under 49 CFR part 383 during the 2-year period immediately preceding the date of application for the commercial driver license.

(d) Beginning February 7, 2022, the secretary of state may waive the entry level driver training required under this section for an individual who, at the time of application, certifies and provides evidence satisfactory to the secretary of state that the individual meets 1 of the exceptions for taking a driving skills test under 49 CFR part 383.

(2) Except for an individual who has held an operator's or chauffeur's license for less than 1 year, the secretary of state shall waive the knowledge test and the driving skills test and issue a 1-year seasonal restricted vehicle group designation to an otherwise qualified applicant to operate a group B or a group C vehicle for a farm related service industry if all of the following conditions are met:

(a) The applicant meets the requirements of 49 CFR 383.77.

(b) The seasons for which the seasonal restricted vehicle group designation is issued are from April 2 to June 30 and from September 2 to November 30 only of a 12-month period or, at the option of the applicant, for not more than 180 days from the date of issuance in a 12-month period.

(c) The commercial motor vehicle for which the seasonal restricted vehicle group designation is issued must be operated only if all the following conditions are met:

(i) The commercial motor vehicle is operated only on routes within 150 miles from the place of business to the farm or farms being served.

(ii) The commercial motor vehicle does not transport a quantity of hazardous materials on which a placard

under 49 CFR parts 100 to 199 is required except for the following:

- (A) Diesel motor fuel in quantities of 1,000 gallons or less.
- (B) Liquid fertilizers in quantities of 3,000 gallons or less.
- (C) Solid fertilizers that are not transported with any organic substance.
- (iii) The commercial motor vehicle does not require the H, N, P, S, T, or X vehicle endorsement.

(3) A seasonal restricted vehicle group designation under this section must be issued, suspended, revoked, canceled, denied, or renewed in accordance with this act. The secretary of state may renew a seasonal restricted vehicle group designation 1 time per calendar year regardless of whether the seasonal restricted vehicle group designation is expired at the time of renewal.

(4) The secretary of state may enter into an agreement with another public or private corporation or agency to conduct a driving skills test required under this section, section 312e, or 49 CFR part 383 or to provide the entry level driver training described and required under 49 CFR part 380. Before the secretary of state authorizes an individual to administer a corporation's or agency's driver skills testing operations, authorizes an examiner to conduct a driving skills test, or authorizes an entry level driver training provider that meets the requirements of 49 CFR 380.700 to conduct an entry level driving training, that individual, examiner, or entry level driver training provider must complete both a state and Federal Bureau of Investigation fingerprint-based criminal history check through the department of state police.

(5) The secretary of state shall not issue a commercial learner's permit, a vehicle group designation, or a vehicle endorsement to an applicant for an original vehicle group designation or vehicle endorsement under section 312e or may cancel a commercial learner's permit or all vehicle group designations or endorsements on an individual's operator's or chauffeur's license to whom 1 or more of the following apply:

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

(b) The applicant was convicted of or incurred a bond forfeiture in relation to a 6-point violation as provided in section 320a in the 24 months immediately preceding application if the violation occurred while the applicant was operating a commercial motor vehicle, or a violation of section 625(3) or former section 625b, or a local ordinance that substantially corresponds to section 625(3) or former section 625b in the 24 months immediately preceding application, if the applicant was operating any type of motor vehicle.

(c) The applicant is listed on the National Driver Register, the Commercial Driver's License Information System, the driving records of the state in which the applicant was previously licensed, or, beginning November 18, 2024, the National Drug and Alcohol Clearinghouse as being disqualified from operating a commercial motor vehicle or as having a license or driving privilege suspended, revoked, canceled, or denied.

(d) The applicant is listed on the National Driver Register, the Commercial Driver's License Information System, or the driving records of the state in which the applicant was previously licensed as having had a license suspended, revoked, or canceled in the 36 months immediately preceding application if a suspension or revocation would have been imposed under this act had the applicant been licensed in this state in the original instance. This subdivision does not apply to a suspension or revocation that would have been imposed due to a temporary medical condition or under section 321a, 515, or 801c or section 30 of the support and parenting time enforcement act, 1982 PA 295, MCL 552.630.

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

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

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

(h) The applicant fails to satisfy the federal regulations promulgated under 49 CFR parts 383 and 391 by refusing to certify the type of commercial motor vehicle operation the applicant intends to perform and fails to present valid medical certification to the secretary of state if required to do so. The requirement of this subdivision is waived from July 1, 2020 to August 31, 2021, pursuant to the Waiver in Response to the COVID-19 National Emergency – For States, CDL Holders, CLP Holders, and Interstate Drivers Operating Commercial Motor Vehicles, or any extension of that waiver issued after August 31, 2021.

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

(j) If the secretary of state determines through a governmental investigation that there is reason to believe that a commercial driver license or endorsement was issued as a result of fraudulent or improper conduct in taking a knowledge test or driving skills test required under 49 CFR part 383 or in completing the entry level driver training described and required under 49 CFR part 380, the secretary of state shall require the applicant to retake and successfully pass that test or complete the training. The secretary of state shall cancel any commercial driver license or endorsement issued as a result of the suspect test or training unless the applicant retakes and passes that test or completes the training.

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

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

(b) The applicant is listed on the National Driver Register, the Commercial Driver's License Information System, or, beginning November 18, 2024, the National Drug and Alcohol Clearinghouse as being disqualified from operating a commercial motor vehicle or as having a driver license or driving privilege suspended, revoked, canceled, or denied.

(c) On or after January 30, 2012, the applicant fails to meet the requirements of 49 CFR parts 383 and 391 by refusing to certify the type of commercial motor vehicle operation the applicant intends to perform and fails to present medical certification to the secretary of state if required to do so. The requirement of this subdivision is waived from July 1, 2020 to August 31, 2021, pursuant to the Waiver in Response to the COVID-19 National Emergency – For States, CDL Holders, CLP Holders, and Interstate Drivers Operating Commercial Motor Vehicles, or any extension of that waiver issued after August 31, 2021.

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

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

(9) The secretary of state shall cancel all vehicle group designations on an individual's operator's or chauffeur's license upon receiving notice from the United States Secretary of Transportation, the National Driver Register, the Commercial Driver's License Information System, or another state or jurisdiction that 1 or more of the conditions described in subsection (5) existed at the time of the individual's application in this state.

(10) The secretary of state shall cancel all vehicle group designations on the individual's operator's or chauffeur's license upon receiving proper notice that the individual no longer meets the federal driver qualification requirements under 49 CFR parts 380, 383, and 391 to operate a commercial motor vehicle in interstate or intrastate commerce, or the individual no longer meets the driver qualification requirements to operate a commercial motor vehicle in intrastate commerce under the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.25.

(11) Subsection (5)(a), (b), (d), and (f) does not apply to an applicant for an original vehicle group designation who at the time of application has a valid license to operate a commercial motor vehicle issued by any state in compliance with 49 USC 31301 to 31317.

(12) As used in this section, "farm related service industry" means custom harvesters, farm retail outlets and suppliers, agri-chemical business, or livestock feeders.

History: Add. 1978, Act 139, Eff. May 1, 1979;—Am. 1980, Act 174, Imd. Eff. June 23, 1980;—Am. 1981, Act 92, Imd. Eff. July 2, 1981;—Am. 1984, Act 306, Imd. Eff. Dec. 21, 1984;—Am. 1988, Act 346, Eff. Jan. 1, 1990;—Am. 1990, Act 67, Imd. Eff. Apr. 27, 1990;—Am. 1990, Act 181, Imd. Eff. July 18, 1990;—Am. 1991, Act 99, Eff. Jan. 1, 1992;—Am. 1991, Act 100, Eff. Jan. 1, 1993;—Am. 1992, Act 179, Imd. Eff. July 31, 1992;—Am. 1992, Act 180, Eff. Jan. 1, 1993;—Am. 2002, Act 259, Imd. Eff. May 1, 2002;—Am. 2002, Act 534, Eff. Oct. 1, 2002;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004;—Am. 2006, Act 298, Imd. Eff. July 20, 2006;—Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011;—Am. 2012, Act 473, Eff. Mar. 28, 2013;—Am. 2015, Act 11, Eff. July 8, 2015;—Am. 2016, Act 58, Imd. Eff. Mar. 29, 2016;—Am. 2020, Act 127, Imd. Eff. July 1, 2020;—Am. 2020, Act 241, Eff. Oct. 28, 2020;—Am. 2020, Act 304, Imd. Eff. Dec. 29, 2020;—Am. 2021, Act 71, Imd. Eff. July 29, 2021;—Am. 2021, Act 148, Imd. Eff. Dec. 27, 2021;—Am. 2022, Act 193, Imd. Eff. Oct. 4, 2022;—Am. 2024, Act 113, Eff. (sine die).

Compiler's note: Section 2 of Act 346 of 1988 provides:

"(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

"(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

"(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act."

Section 2 of Act 173 of 1989 provides:

"(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b,

319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

“(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed.”