

# HOUSE BILL No. 6754

November 25, 2008, Introduced by Reps. Mayes, Sheltrown and Rick Jones and referred to the Committee on Military and Veterans Affairs and Homeland Security.

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending section 309 (MCL 257.309), as amended by 2004 PA 362.

**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  
5 this state providing for the licensing of drivers. In all other  
6 cases, the secretary of state may waive the examination, except  
7 that an examination shall not be waived if it appears from the  
8 application, from the apparent physical or mental condition of the

1 applicant, or from any other information which has come to the  
2 secretary of state from another source, that the applicant does not  
3 possess the physical, mental, or other qualifications necessary to  
4 operate a motor vehicle in a manner as not to jeopardize the safety  
5 of persons or property; or that the applicant is not entitled to a  
6 license under section 303. A licensee who applies for the renewal  
7 of his or her license by mail pursuant to section 307 shall certify  
8 to his or her physical capability to operate a motor vehicle. The  
9 secretary of state may check the applicant's driving record through  
10 the national driver register and the commercial driver license  
11 information system before issuing a license under this section.

12 (2) The secretary of state may appoint sheriffs, their  
13 deputies, the chiefs of police of cities and villages having  
14 organized police departments within this state, their duly  
15 authorized representatives, or employees of the secretary of state  
16 as examining officers for the purpose of examining applicants for  
17 operator's and chauffeur's licenses. An examining officer shall  
18 conduct examinations of applicants for operator's and chauffeur's  
19 licenses in accordance with this chapter and the rules promulgated  
20 by the secretary of state under subsection (3). After conducting an  
21 examination an examining officer shall make a written report of his  
22 or her findings and recommendations to the secretary of state.

23 (3) The secretary of state shall promulgate rules pursuant to  
24 the administrative procedures act of 1969, 1969 PA 306, MCL 24.201  
25 to 24.328, for the examination of the applicant's physical and  
26 mental qualifications to operate a motor vehicle in a manner as not  
27 to jeopardize the safety of persons or property, and shall

1 ascertain whether facts exist that would bar the issuance of a  
2 license under section 303. The secretary of state shall also  
3 ascertain whether the applicant has sufficient knowledge of the  
4 English language to understand highway warnings or direction signs  
5 written in that language. The examination shall not include  
6 investigation of facts other than those facts directly pertaining  
7 to the ability of the applicant to operate a motor vehicle with  
8 safety or facts declared to be prerequisite to the issuance of a  
9 license under this act.

10 (4) The secretary of state shall not issue an original  
11 operator's or chauffeur's license without a vehicle group  
12 designation or indorsement without an examination that includes a  
13 driving skills test conducted by the secretary of state or by a  
14 designated examining officer under subsection (2) or section 310e.  
15 The secretary of state may enter into an agreement with another  
16 public or private corporation or agency to conduct a driving  
17 skills test conducted under this section. Before the secretary of  
18 state authorizes a person to administer a corporation's or agency's  
19 driver skills testing operations or authorizes an examiner to  
20 conduct a driving skills test, that person or examiner must  
21 complete both a state and federal bureau of investigation  
22 fingerprint based criminal history check through the department of  
23 state police. In an agreement with another public or private  
24 corporation or agency to conduct a driving skills test, the  
25 secretary of state shall prescribe the method and examination  
26 criteria to be followed by the corporation, agency, or examiner  
27 when conducting the driving skills test and the form of the

1 certification to be issued to a person who satisfactorily completes  
2 a driving skills test. An original vehicle group designation or  
3 indorsement shall not be issued by the secretary of state without a  
4 knowledge test conducted by the secretary of state. Except as  
5 provided in section 312f(1), an original vehicle group designation  
6 or passenger or school bus indorsement shall not be issued by the  
7 secretary of state without a driving skills test conducted by an  
8 examiner appointed or authorized by the secretary of state.

9 (5) Except as otherwise provided in this act, the secretary of  
10 state may waive the requirement of a driving skills test, knowledge  
11 test, or road sign test of an applicant for an original operator's  
12 or chauffeur's license without a vehicle group designation or  
13 indorsement who at the time of the application is the holder of a  
14 valid, unrevoked operator's or chauffeur's license issued by  
15 another state or country **OR THE UNITED STATES MILITARY.**

16 (6) A driving skills test conducted under this section shall  
17 include a behind-the-wheel road test. A behind-the-wheel road test  
18 for an original vehicle group designation or passenger indorsement  
19 shall not be conducted unless the applicant has been issued a  
20 temporary instruction permit.

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

27 (8) A designated examining officer appointed or designated by

1 the secretary of state who conducts a driving skills test under an  
2 agreement entered into under this section or section 310e and who  
3 varies from, shortens, or in any other way changes the method or  
4 examination criteria prescribed in that agreement in conducting a  
5 driving skills test is guilty of a felony.

6 (9) A person who forges, counterfeits, or alters a  
7 satisfactorily completed driving skills test certification issued  
8 by a designated examining officer appointed or designated by the  
9 secretary of state under this section or section 310e is guilty of  
10 a felony.