

# HOUSE BILL No. 5504

December 12, 2001, Introduced by Reps. Rich Brown, Koetje, Toy, Julian, Bishop, Caul, Gosselin, Gilbert, Faunce, Meyer, Mead, Van Woerkom, Woronchak, Hummel, Birkholz, Newell, Voorhees, Tabor, Middaugh, Ruth Johnson, Schauer, Ehardt, George, Lockwood, Kowall, Jelinek, Rocca, Neumann, Bernero, Sheltrown, DeVuyst, Callahan, Hager, Pumford, Zelenko, Lipsey, Phillips, Frank, Jacobs, Pestka, Basham, Shackleton, Richardville, Bisbee, Pappageorge, McConico and Whitmer and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending section 312f (MCL 257.312f), as amended by 1992 PA  
180, and by adding section 312g.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 312f. (1) Except as otherwise provided in this sec-  
2 tion, a person shall be ~~not less than~~ AT LEAST 18 years of age  
3 before he or she is issued a vehicle group designation or  
4 indorsement, other than a motorcycle indorsement, on an  
5 operator's or chauffeur's license and, as provided in this sec-  
6 tion, the person shall pass knowledge and driving skills tests  
7 that comply with minimum federal standards prescribed in  
8 49 C.F.R. part 383. A person operating a vehicle to be used for  
9 farming purposes only may obtain a group A, a group B, or an F  
10 vehicle group designation if he or she is ~~not less than~~ AT

1 LEAST 16 years of age. Each written examination given an  
2 applicant for a vehicle group designation or indorsement on an  
3 operator's or chauffeur's license shall include subjects designed  
4 to cover the type or general class of vehicle to be operated. A  
5 person shall pass an examination that includes a driving test  
6 designed to test competency of the applicant for an original  
7 vehicle group designation and passenger indorsement on an  
8 operator's or chauffeur's license to drive that type or general  
9 class of vehicle upon the highways of this state with safety to  
10 that person and other persons and property. The secretary of  
11 state shall waive the driving skills test for a person operating  
12 a vehicle that is used under the conditions described in section  
13 312e(4)(a) to (d) unless the vehicle has a gross vehicle weight  
14 rating of 26,001 pounds or more on the power unit and is to be  
15 used to carry hazardous materials on which a placard is required  
16 under 49 C.F.R. parts 100 to 199. The driving test may be waived  
17 if the applicant has a valid license, indorsement, or vehicle  
18 group designation to operate that type or group of vehicle in  
19 another state, except that the driving test for a vehicle group  
20 designation or passenger vehicle indorsement may not be waived  
21 unless the applicant has a valid license with the appropriate  
22 vehicle group designation or passenger vehicle indorsement in  
23 another state issued in compliance with the commercial motor  
24 vehicle safety act of 1986, title XII of Public Law 99-570, 100  
25 Stat. 3207-170.

26 (2) The secretary of state shall waive the knowledge test  
27 and the driving skills test and issue a 1-year seasonal

1 restricted vehicle group designation for an otherwise qualified  
2 person who desires to operate a group B or a group C vehicle for  
3 a farm related service industry under the following conditions:

4 (a) An applicant shall possess a good driving record.

5 However, an applicant who has not held an operator's or  
6 chauffeur's license for at least 1 year is not eligible for a  
7 waiver. An applicant who has between 1 and 2 years of driving  
8 experience shall possess a good driving record for his or her  
9 entire driving history. An applicant who has more than 2 years  
10 of driving experience shall possess a good driving record for the  
11 2 years immediately preceding application for a waiver.

12 (b) The seasons for which the seasonal restricted vehicle  
13 group designation is issued shall be from April 2 to June 30 and  
14 from September 2 to November 30 only of a 12-month period or, at  
15 the option of the applicant, for not more than 180 days from the  
16 date of issuance in a 12-month period subsequent to 1992. A sea-  
17 sonal restricted vehicle group designation under this subsection  
18 shall be issued, suspended, revoked, canceled, or renewed in  
19 accordance with this act. The good driving record shall be con-  
20 firmed before each season and 180-day period.

21 (c) The commercial motor vehicle for which the seasonal  
22 restricted vehicle group designation is issued shall be operated  
23 only on routes within 150 miles from the place of business to the  
24 farm or farms being served.

25 (d) The commercial motor vehicle for which the seasonal  
26 restricted vehicle group designation is issued shall not

1 transport a quantity of hazardous materials on which a placard is  
2 required except for the following:

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

5       (ii) Liquid fertilizers in quantities of 3,000 gallons or  
6 less.

7       (iii) Solid fertilizers that are not transported with any  
8 organic substance.

9       (e) The commercial motor vehicle for which a seasonal  
10 restricted vehicle group designation is issued shall not include  
11 a bus or school bus.

12       (3) The secretary of state may enter into an agreement with  
13 another public or private person or agency to conduct a skills  
14 test required under this section, section 312e, or 49 C.F.R. part  
15 383.

16       (4) The secretary of state shall not issue a vehicle group  
17 designation to an applicant for an original vehicle group design-  
18 nation to whom 1 or more of the following apply:

19       (a) The applicant has had his or her license suspended or  
20 revoked for a reason other than as provided in section 321a, 515,  
21 or 801c in the 36 months immediately preceding application,  
22 except that a vehicle group designation may be issued if the sus-  
23 pension or revocation was due to a temporary medical condition or  
24 failure to appear at a reexamination as provided in section 320.

25       (b) The applicant was convicted of or incurred a bond for-  
26 feiture in relation to a 6-point violation as provided in section  
27 320a in the 24 months immediately preceding application, or a

1 violation of section 625(3) or former section 625b, or a local  
2 ordinance substantially corresponding to section 625(3) or former  
3 section 625b in the 24 months immediately preceding application,  
4 if the violation occurred while the applicant was operating a  
5 type of vehicle that is operated under a vehicle group  
6 designation.

7       (c) The applicant is listed on the national driver register,  
8 the commercial driver license information system, or the driving  
9 records of the state in which the applicant was previously  
10 licensed as being disqualified from operating a commercial motor  
11 vehicle or as having a license suspended, revoked, canceled, or  
12 denied.

13       (d) The applicant is listed on the national driver register,  
14 the commercial driver license information system, or the driving  
15 records of the state in which the applicant was previously  
16 licensed as having had a license suspended, revoked, or canceled  
17 in the 36 months immediately preceding application if a suspen-  
18 sion or revocation would have been imposed under this act had the  
19 applicant been licensed in this state in the original instance.  
20 This subdivision does not apply to a suspension or revocation  
21 that would have been imposed due to a temporary medical condition  
22 or pursuant to section 321a, 515, or 801c.

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

1 (f) The applicant has been disqualified from operating a  
2 commercial motor vehicle under title XII of Public Law 99-570,  
3 100 Stat. 3207-170 or the applicant's license to operate a com-  
4 mercial motor vehicle has been suspended, revoked, denied, or  
5 canceled within 36 months immediately preceding the date of  
6 application.

7 (G) THE APPLICANT HAS NOT SUBMITTED A SET OF FINGERPRINTS AS  
8 PRESCRIBED IN SECTION 312G, OR THE COMPARISON FINGERPRINT REPORT  
9 HAS NOT BEEN RECEIVED BY THE DEPARTMENT.

10 (5) The secretary of state shall only consider bond forfei-  
11 tures under subsection (4)(b) for violations that occurred on or  
12 after January 1, 1990 when determining the applicability of sub-  
13 section (4).

14 (6) If an applicant for an original vehicle group designa-  
15 tion was previously licensed in another jurisdiction, the secre-  
16 tary of state shall request a copy of the applicant's driving  
17 record from that jurisdiction. If 1 or more of the conditions  
18 described in subsection (4) exist in that jurisdiction when the  
19 secretary of state receives the copy, the secretary of state  
20 shall cancel all vehicle group designations on the person's  
21 operator's or chauffeur's license.

22 (7) Subsection (4)(a), (b), (d), and (f) do not apply to an  
23 applicant for an original vehicle group designation who at the  
24 time of application has a valid class 1, class 2, or class 3  
25 indorsement under this act or a valid license to operate a com-  
26 mercial motor vehicle issued by any state in compliance with  
27 title XII of Public Law 99-570.

1 (8) As used in this section:

2 (a) "Farm related service industry" means custom harvesters,  
3 farm retail outlets and suppliers, agri-chemical business, or  
4 livestock feeders.

5 (b) "Good driving record" means the criteria required under  
6 regulations described at 49 C.F.R. 383.77 and 57 F.R. 75, P.  
7 13650 (April 17, 1992).

8 SEC. 312G. (1) AN APPLICANT FOR A VEHICLE GROUP DESIGNATION  
9 OR INDORSEMENT, BEFORE BEING ISSUED A VEHICLE GROUP DESIGNATION  
10 OR INDORSEMENT, OTHER THAN A MOTORCYCLE INDORSEMENT, ON HIS OR  
11 HER OPERATOR'S OR CHAUFFEUR'S LICENSE, SHALL SUBMIT A SET OF FIN-  
12 GERPRINTS ON FORMS OR IN A MANNER PRESCRIBED BY THE DEPARTMENT OF  
13 STATE POLICE WITH THE APPLICATION.

14 (2) UPON RECEIPT OF A SET OF FINGERPRINTS SUBMITTED UNDER  
15 THIS SECTION, THE DEPARTMENT OF STATE POLICE SHALL COMPARE THE  
16 FINGERPRINTS WITH THOSE ALREADY ON FILE WITH THE DEPARTMENT AND  
17 FORWARD A COPY OF THE FINGERPRINTS TO THE FEDERAL BUREAU OF  
18 INVESTIGATION FOR COMPARISON WITH FINGERPRINTS ALREADY IN THE  
19 FEDERAL BUREAU OF INVESTIGATION'S FILES. THE DEPARTMENT OF STATE  
20 POLICE SHALL REQUEST A REPORT OF THE COMPARISON MADE BY THE FED-  
21 ERAL BUREAU OF INVESTIGATION AND PREPARE A REPORT OF THE COMPARI-  
22 SON MADE BY THE DEPARTMENT OF STATE POLICE AND FORWARD BOTH COM-  
23 PARISON REPORTS TO THE DEPARTMENT.

24 (3) THE DEPARTMENT SHALL NOT ISSUE A VEHICLE GROUP DESIGNA-  
25 TION OR INDORSEMENT, OTHER THAN A MOTORCYCLE INDORSEMENT, ON AN  
26 OPERATOR'S OR CHAUFFEUR'S LICENSE IF EITHER OF THE FINGERPRINT  
27 COMPARISON REPORTS RECEIVED FROM THE DEPARTMENT OF STATE POLICE

1 INDICATES THAT THE APPLICANT HAS BEEN CONVICTED OF A VIOLATION OF  
2 CHAPTER LXXXIII-A OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL  
3 750.543A TO 750.543Z.