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BILL ANALYSIS



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Senate Bill 1211 (as reported without amendment)  
Sponsor: Senator Valde Garcia  
Committee: Senior Citizens and Veterans Affairs

*(as passed by the Senate)*

Date Completed: 4-28-08

### **RATIONALE**

The Michigan Vehicle Code requires a person to obtain the required vehicle group designation before operating a commercial motor vehicle. An applicant for a commercial driver license (CDL) must take knowledge and driving skills tests that conform to minimum Federal standards. The Federal regulations allow a state to waive the driving skills test for drivers who have certain experience in the operation of large vehicles similar to commercial motor vehicles. Subject to these regulations, some people believe that the Secretary of State should be allowed to waive the driving skills test if a CDL applicant has recently been honorably discharged and spent at least two years operating military vehicles similar to the commercial motor vehicles he or she would be driving.

immediately preceding discharge, he or she operated a vehicle representative of the commercial motor vehicle for which he or she sought a vehicle group designation or indorsement.

(Under 49 CFR 383.77, a state has the discretion to waive the driving skill test for a commercial motor vehicle operator who is currently licensed at the time of his or her application for a commercial driver license, and substitute the test with either an applicant's driving record and previous passage of an acceptable skills test or an applicant's driving record in combination with certain driving experience. The state must impose conditions and limitations to restrict the applicants from whom it may accept alternative requirements for the skills test. Under 49 CFR 383.77(a), an applicant must certify that, during the two-year period immediately before applying for a commercial driver license, he or she:

### **CONTENT**

The bill would amend the Michigan Vehicle Code to allow the Secretary of State to waive the driving skills test for a commercial driver license applicant who paid the applicable license fees for the vehicle group designation or indorsement, applied within one year of his or her honorable discharge from the U.S. Armed Forces, and did both of the following:

- Certified that, during the two years immediately preceding discharge, he or she met the conditions for waiver of the driving skills test specified in Federal regulations (49 CFR 383.77(a)) and was regularly employed in a military occupational specialty that required operation of a commercial motor vehicle.
- Presented military documentation verifying that, for at least the two years

- Has not had more than one license.
- Has not had any license suspended, revoked, or canceled.
- Has not had any convictions for any type of motor vehicle for the disqualifying offenses contained in 49 CFR 383.51(b).
- Has not had more than one conviction for any type of motor vehicle for serious traffic violations.
- Has not had any convictions for a violation of state or local law relating to motor vehicle traffic control (other than a parking violation) arising in connection with any traffic accident, and has no record of an accident in which he or she was at fault.

The disqualifying convictions under 49 CFR 383.51(b) include, for example, driving under the influence, leaving the scene of an accident, and using a vehicle to commit a felony.)

MCL 257.312e

## **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

### **Supporting Argument**

Military personnel assigned to operate large vehicles, similar to the trucks commercial drivers operate on Michigan roadways, have the training and experience necessary to operate commercial vehicles safely when the soldiers return to civilian life. It would seem to be a natural transition for service members with that kind of driving experience to be employed after their discharge as truck drivers. In order to obtain a CDL from the Secretary of State, a person must receive the appropriate vehicle group designation (which is based on the type and size of the vehicle to be operated). An applicant for a vehicle group designation must take knowledge and driving skills tests that conform to minimum Federal standards. Under those Federal regulations, a state may waive the driving skill test and instead issue a CDL based on the applicant's driving record and experience, but the Michigan Vehicle Code does not specifically authorize a waiver for military experience.

The State should give honorably discharged service members every opportunity to make a successful transition to civilian life, including the ability to find gainful employment. By providing a waiver for a CDL driving skills test for an applicant who had been honorably discharged from military service in the past year, who had at least two years' experience before that in driving comparable vehicles, and who had a good driving record, the bill would help to accommodate veterans who need to earn a living and provide for themselves and their families.

Legislative Analyst: Patrick Affholter

## **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government. Private companies administer these driving skills tests, and applicants pay any associated fees.

Fiscal Analyst: Stephanie Yu

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.