

HOUSE BILL No. 5217

December 13, 2011, Introduced by Rep. Somerville and referred to the Committee on Transportation.

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 skills
17 test conducted under this section. Before the secretary of state
18 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. **THE SECRETARY OF STATE MAY CHARGE A FEE FOR**
3 **ANY TRAINING PROVIDED TO A CORPORATION, AGENCY, OR EXAMINER THAT IS**
4 **NECESSARY FOR PROPERLY ADMINISTERING A DRIVING SKILLS TEST UNDER**
5 **THIS SECTION. THE FEE SHALL NOT EXCEED THE ACTUAL EXPENSES OF THE**
6 **SECRETARY OF STATE IN PROVIDING THAT TRAINING.** An original vehicle
7 group designation or indorsement shall not be issued by the
8 secretary of state without a knowledge test conducted by the
9 secretary of state. Except as provided in section 312f(1), an
10 original vehicle group designation or passenger or school bus
11 indorsement shall not be issued by the secretary of state without a
12 driving skills test conducted by an examiner appointed or
13 authorized by the secretary of state.

14 (5) Except as otherwise provided in this act, the secretary of
15 state may waive the requirement of a driving skills test, knowledge
16 test, or road sign test of an applicant for an original operator's
17 or chauffeur's license without a vehicle group designation or
18 indorsement who at the time of the application is the holder of a
19 valid, unrevoked operator's or chauffeur's license issued by
20 another state or country.

21 (6) A driving skills test conducted under this section shall
22 include a behind-the-wheel road test. A behind-the-wheel road test
23 for an original vehicle group designation or passenger indorsement
24 shall not be conducted unless the applicant has been issued a
25 temporary instruction permit.

26 (7) A person who corrupts or attempts to corrupt a designated
27 examining officer appointed or designated by the secretary of state

1 under this section or section 310e by giving, offering, or
2 promising any gift or gratuity with the intent to influence the
3 opinion or decision of the examining officer conducting the test is
4 guilty of a felony.

5 (8) A designated examining officer appointed or designated by
6 the secretary of state who conducts a driving skills test under an
7 agreement entered into under this section or section 310e and who
8 varies from, shortens, or in any other way changes the method or
9 examination criteria prescribed in that agreement in conducting a
10 driving skills test is guilty of a felony.

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