

HOUSE BILL No. 5803

August 15, 2012, Introduced by Reps. Hughes, Price, Zorn, Haines, Poleski, Genetski, Tyler, LaFontaine, Damrow, Gilbert, Jenkins, Heise, Hooker, Yonker, Opsommer, Shaughnessy, Pscholka, Horn, Rendon, Graves, Ouimet, Rutledge, Hobbs, Foster, Johnson, Daley, Kurtz, Denby, Muxlow, Bumstead, Wayne Schmidt, Franz, Moss, Pettalia, Agema, Glardon, Knollenberg, Outman, Goike, MacGregor, Jacobsen, Somerville, Cotter, Crawford, Lori, Nesbitt, Lyons, Lane, Huuki and Liss 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 312e (MCL 257.312e), as amended by 2011 PA 159.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 312e. (1) Except as otherwise provided in this section, a
2 person, before operating a commercial motor vehicle, shall obtain
3 the required vehicle group designation as follows:

4 (a) A person, before operating a combination of vehicles with
5 a gross combination weight rating of 26,001 pounds or more
6 including a towed vehicle with a gross vehicle weight rating of
7 more than 10,000 pounds, shall procure a group A vehicle
8 designation on his or her operator's or chauffeur's license. Unless
9 an indorsement or the removal of restrictions is required, a person

1 licensed to operate a group A vehicle may operate a group B or C
2 vehicle without taking another test.

3 (b) A person, before operating a vehicle having a gross
4 vehicle weight rating of 26,001 pounds or more, shall procure a
5 group B vehicle designation on his or her operator's or chauffeur's
6 license. Unless an indorsement or the removal of restrictions is
7 required, a person licensed to operate a group B vehicle may
8 operate a group C vehicle without taking another test.

9 (c) A person, before operating a single vehicle or a
10 combination of vehicles that fits the definition of small vehicle
11 (group C) under 49 CFR 383.91(a)(3) shall procure a group C vehicle
12 designation and a hazardous material or passenger vehicle
13 indorsement on his or her operator's or chauffeur's license.

14 (2) An applicant for a vehicle group designation shall take
15 knowledge and driving skills tests that comply with minimum federal
16 standards prescribed in 49 CFR part 383 as required under this act.

17 (3) The license shall be issued, suspended, revoked, canceled,
18 or renewed in accordance with this act.

19 (4) Except as provided in this subsection, all of the
20 following apply:

21 (a) If a person operates a group B passenger vehicle while
22 taking his or her driving skills test for a P indorsement, he or
23 she is restricted to operating only group B or C passenger vehicles
24 under that P indorsement. If a person operates a group B school bus
25 while taking his or her driving skills test for an S indorsement,
26 he or she is restricted to operating only group B or C school buses
27 under that S indorsement.

1 (b) If a person operates a group C passenger vehicle while
2 taking his or her driving skills test for a P indorsement, he or
3 she is restricted to operating only group C passenger vehicles
4 under that P indorsement. If a person operates a group C school bus
5 while taking his or her driving skills test for an S indorsement,
6 he or she is restricted to operating only group C school buses
7 under that S indorsement.

8 (c) A person who fails the air brake portion of the written or
9 driving skills test provided under section 312f or who takes the
10 driving skills test ~~provided~~ under that section in a commercial
11 motor vehicle that is not equipped with air brakes shall not
12 operate a commercial motor vehicle equipped with air brakes.

13 (5) A person, before operating a commercial motor vehicle,
14 shall obtain required vehicle indorsements as follows:

15 (a) A person, before operating a commercial motor vehicle
16 pulling double trailers, shall procure the appropriate vehicle
17 group designation and a T vehicle indorsement under this act.

18 (b) A person, before operating a commercial motor vehicle that
19 is a tank vehicle, shall procure the appropriate vehicle group
20 designation and an N vehicle indorsement under this act.

21 (c) A person, before operating a commercial motor vehicle
22 carrying hazardous materials on which a placard is required under
23 49 CFR parts 100 to 199, shall procure the appropriate vehicle
24 group designation and an H vehicle indorsement under this act.

25 (d) A person, before operating a commercial motor vehicle that
26 is a tank vehicle carrying hazardous material, shall procure the
27 appropriate vehicle group designation and both an N and H vehicle

1 indorsement, which shall be designated by the code letter X on the
2 person's operator's or chauffeur's license.

3 (e) A person, before operating a vehicle that is designed to
4 transport 16 or more passengers including the driver but is not a
5 school bus shall procure the appropriate vehicle group designation
6 and a P vehicle indorsement under this act. An applicant for a P
7 vehicle indorsement shall take the driving skills test in a vehicle
8 designed to transport 16 or more passengers including the driver.

9 (f) A person who does not currently possess a P indorsement,
10 before operating a school bus designed to transport 16 or more
11 passengers, including the driver, shall procure the appropriate
12 vehicle group designation, pass the knowledge tests for the P and S
13 indorsements, and procure the P and S vehicle indorsements under
14 this act. An applicant for an S vehicle indorsement shall take a
15 driving skills test in a school bus designed to transport 16 or
16 more passengers, including the driver, that represents the same
17 type of vehicle that the applicant intends to operate as a school
18 bus.

19 (g) A person who currently possesses a P indorsement, before
20 operating a school bus designed to transport 16 or more passengers,
21 including the driver, shall procure the appropriate vehicle group
22 designation, pass the knowledge test for an S indorsement, and
23 procure an S vehicle indorsement under this act. An applicant for
24 an S vehicle indorsement shall take a driving skills test in a
25 school bus designed to transport 16 or more passengers, including
26 the driver, that represents the same type of vehicle that the
27 applicant intends to operate as a school bus.

1 (6) ~~An~~ **EXCEPT AS PROVIDED IN SUBSECTION (16), AN** applicant for
2 an indorsement shall take the knowledge and driving skills tests
3 described and required under 49 CFR part 383.

4 (7) The holder of an unexpired operator's or chauffeur's
5 license may be issued a vehicle group designation and indorsement
6 valid for the remainder of the license upon meeting the
7 qualifications of section 312f and payment of the original vehicle
8 group designation fee of \$25.00 and an indorsement fee of \$5.00 per
9 indorsement, and a corrected license fee of \$18.00. A person
10 required to procure an F vehicle indorsement under subsection (9)
11 shall pay an indorsement fee of \$5.00.

12 (8) Except as otherwise provided in subsections (9) and (10),
13 this section does not apply to a driver or operator of a vehicle
14 under all of the following conditions:

15 (a) The vehicle is controlled and operated by a farmer or an
16 employee or family member of the farmer.

17 (b) The vehicle is used to transport agricultural products,
18 farm machinery, farm supplies, or a combination of these items, to
19 or from a farm.

20 (c) The vehicle is not used in the operation of a common or
21 contract motor carrier.

22 (d) The vehicle is operated within 150 miles of the farm.

23 (9) A person, before driving or operating a combination of
24 vehicles having a gross vehicle weight rating of 26,001 pounds or
25 more on the power unit that is used as described in subsection
26 (8)(a) to (d), shall obtain an F vehicle indorsement. The F vehicle
27 indorsement shall be issued upon successful completion of a

1 knowledge test only.

2 (10) A person, before driving or operating a single vehicle
3 truck having a gross vehicle weight rating of 26,001 pounds or more
4 or a combination of vehicles having a gross vehicle weight rating
5 of 26,001 pounds or more on the power unit that is used as
6 described in subsection (8)(a) to (d) for carrying hazardous
7 materials on which a placard is required under 49 CFR parts 100 to
8 199, shall successfully complete both a knowledge test and a
9 driving skills test. Upon successful completion of the knowledge
10 test and driving skills test, the person shall be issued the
11 appropriate vehicle group designation and any vehicle indorsement
12 necessary under this act.

13 (11) This section does not apply to a police officer operating
14 an authorized emergency vehicle or to a firefighter operating an
15 authorized emergency vehicle who has met the driver training
16 standards published under the firefighters training council act, ~~of~~
17 ~~1966~~, 1966 PA 291, MCL 29.361 to 29.377.

18 (12) This section does not apply to a person operating a
19 vehicle used exclusively to transport personal possessions or
20 family members for nonbusiness purposes.

21 (13) The money collected under subsection (7) for a vehicle
22 group designation or indorsement shall be deposited in the state
23 treasury to the credit of the general fund. The secretary of state
24 shall refund out of the fees collected to each county or
25 municipality acting as an examining officer or examining bureau
26 \$3.00 for each applicant examined for a first designation or
27 indorsement to an operator's or chauffeur's license and \$1.50 for

1 each renewal designation or indorsement to an operator's or
2 chauffeur's license, whose application is not denied, on the
3 condition that the money refunded shall be paid to the county or
4 local treasurer and is appropriated to the county, municipality, or
5 officer or bureau receiving that money for the purpose of carrying
6 out this act.

7 (14) Notwithstanding any other provision of this section, a
8 person operating a vehicle described in subsections (8) and (9) is
9 subject to the provisions of sections 303 and 319b.

10 (15) This state shall comply with the requirements of the
11 American association of motor vehicle administrators' AAMVAnet,
12 incorporated's "Commercial Driver License Information System
13 (CDLIS) State Procedures Manual" that the secretary of state
14 determines are required for implementing and enforcing federal law.

15 (16) **THE SECRETARY OF STATE IN ACCORD WITH FEDERAL**
16 **RESTRICTIONS MAY WAIVE THE DRIVING SKILLS TEST UNDER THIS SECTION**
17 **FOR AN APPLICANT WHO PAYS THE APPLICABLE LICENSE FEES FOR THE**
18 **VEHICLE GROUP DESIGNATION OR INDORSEMENT IF THE APPLICANT DOES BOTH**
19 **OF THE FOLLOWING:**

20 (A) **CERTIFIES THAT, DURING THE 2 YEARS IMMEDIATELY PRECEDING**
21 **THE APPLICATION, HE OR SHE MET THE CONDITIONS FOR WAIVER OF THE**
22 **DRIVING SKILLS TEST IN 49 CFR 383.77 AND WAS REGULARLY EMPLOYED IN**
23 **A MILITARY OCCUPATIONAL SPECIALTY THAT REQUIRED OPERATION OF A**
24 **COMMERCIAL MOTOR VEHICLE.**

25 (B) **PRESENTS MILITARY DOCUMENTATION CERTIFYING THAT, FOR AT**
26 **LEAST THE 2 YEARS IMMEDIATELY PRECEDING THE APPLICATION, HE OR SHE**
27 **OPERATED A VEHICLE REPRESENTATIVE OF THE COMMERCIAL MOTOR VEHICLE**

1 FOR WHICH THE APPLICANT SEEKS A VEHICLE GROUP DESIGNATION OR
2 INDORSEMENT.