

SENATE BILL No. 403

June 1, 2011, Introduced by Senator SCHUITMAKER 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
9 applicant, or from any other information ~~which~~ **THAT** has come to the
10 secretary of state from another source, that the applicant does not
11 possess the physical, mental, or other qualifications necessary to

1 operate a motor vehicle in a manner as not to jeopardize the safety
2 of persons or property, ~~+~~ or that the applicant is not entitled to
3 a license under section 303. A licensee who applies for the renewal
4 of his or her license by mail pursuant to section 307 shall certify
5 to his or her physical capability to operate a motor vehicle. The
6 secretary of state may check the applicant's driving record through
7 the national driver register and the commercial driver license
8 information system before issuing a license under this section.

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

20 (3) The secretary of state shall promulgate rules pursuant to
21 the administrative procedures act of 1969, 1969 PA 306, MCL 24.201
22 to 24.328, for the examination of the applicant's physical and
23 mental qualifications to operate a motor vehicle in a manner as not
24 to jeopardize the safety of persons or property, and shall
25 ascertain whether facts exist that would bar the issuance of a
26 license under section 303. **THE SECRETARY OF STATE MAY CONSIDER A**
27 **WRITTEN MEDICAL REPORT AND RECOMMENDATION SUBMITTED UNDER SECTION**

1 5139 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.5139, FROM THE
2 PERSONAL PHYSICIAN OF AN APPLICANT, IN MAKING THE EXAMINATION
3 REGARDING THE APPLICANT'S PHYSICAL AND MENTAL QUALIFICATIONS TO
4 OPERATE A MOTOR VEHICLE UNDER THIS SECTION AND R 257.851 TO R
5 257.855 OF THE MICHIGAN ADMINISTRATIVE CODE. A REPORT RECEIVED BY
6 THE SECRETARY OF STATE FROM A PHYSICIAN UNDER THIS SECTION IS
7 **CONFIDENTIAL.** The secretary of state shall also ascertain whether
8 the applicant has sufficient knowledge of the English language to
9 understand highway warnings or direction signs written in that
10 language. The examination shall not include investigation of facts
11 other than those facts directly pertaining to the ability of the
12 applicant to operate a motor vehicle with safety or facts declared
13 to be prerequisite to the issuance of a license under this act.

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

1 corporation or agency to conduct a driving skills test, the
2 secretary of state shall prescribe the method and examination
3 criteria to be followed by the corporation, agency, or examiner
4 when conducting the driving skills test and the form of the
5 certification to be issued to a person who satisfactorily completes
6 a driving skills test. An original vehicle group designation or
7 indorsement shall not be issued by the secretary of state without a
8 knowledge test conducted by the secretary of state. Except as
9 provided in section 312f(1), an original vehicle group designation
10 or passenger or school bus indorsement shall not be issued by the
11 secretary of state without a driving skills test conducted by an
12 examiner appointed or authorized by the secretary of state.

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

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

25 (7) A person who corrupts or attempts to corrupt a designated
26 examining officer appointed or designated by the secretary of state
27 under this section or section 310e by giving, offering, or

1 promising any gift or gratuity with the intent to influence the
2 opinion or decision of the examining officer conducting the test is
3 guilty of a felony.

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

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

15 Enacting section 1. This amendatory act does not take effect
16 unless Senate Bill No. 402

17 of the 96th Legislature is enacted into law.