

HOUSE BILL NO. 6298

October 14, 2020, Introduced by Rep. Markkanen 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 2020 PA 127.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 312f. (1) Except as otherwise provided in this section, a
2 ~~person~~**an individual** shall be not less than 18 years of age before
3 he or she is issued a vehicle group designation or indorsement,



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1 other than a motorcycle indorsement, or not less than 21 years of
2 age and has been approved by the Transportation Security
3 Administration for a hazardous material indorsement before he or
4 she is issued a hazardous material indorsement on an operator's or
5 chauffeur's license and, as provided in this section, the ~~person~~
6 **individual** shall pass **a** knowledge **test** and **a** driving skills ~~tests~~
7 **test** that comply with minimum federal standards prescribed in 49
8 CFR part 383. The knowledge **test** and **the driving** skills test scores
9 must be retained by the secretary of state as provided under 49 CFR
10 383.135. ~~A person~~**An individual** who is 18 years of age or older
11 operating a vehicle to be used for farming purposes only may obtain
12 an A or B vehicle group designation or an F vehicle indorsement.
13 Each written examination given **to** an applicant for a vehicle group
14 designation or indorsement must include subjects designed to cover
15 the type or general class of vehicle to be operated. Except as
16 follows, ~~a person~~**an individual** shall pass an examination that
17 includes a driving skills test designed to test competency of the
18 applicant for an original vehicle group designation and passenger
19 indorsement on an operator's or chauffeur's license to drive that
20 type or general class of vehicle upon the highways of this state
21 with safety to ~~persons~~**individuals** and property:

22 (a) The secretary of state shall waive the driving skills test
23 for ~~a person~~**an individual** operating a vehicle that is used under
24 the conditions described in section 312e(8)(a) to (d) unless the
25 vehicle has a gross vehicle weight rating of 26,001 pounds or more
26 on the power unit and is to be used to carry hazardous materials on
27 which a placard is required under 49 CFR parts 100 to 199.

28 (b) The driving skills test may be waived if the applicant has
29 a valid license with the appropriate vehicle group designation,



1 passenger vehicle indorsement, or school bus indorsement in another
2 state issued in compliance with 49 USC 31301 to 31317, or if the
3 ~~person~~**individual** successfully passes a driving skills test
4 administered in another state that meets the requirements of
5 federal law and the law of this state.

6 (c) The secretary of state may waive the **knowledge test and**
7 **the** driving skills test required under this section for ~~a person~~**an**
8 **individual** with military commercial motor vehicle experience if the
9 ~~person~~**individual**, at the time of application, certifies and
10 provides evidence satisfactory to the secretary of state that he or
11 she continuously met all of the requirements under 49 CFR **part** 383
12 during the 2-year period immediately preceding the date of
13 application for the commercial driver license.

14 (2) Except for ~~a person~~**an individual** who has held an
15 operator's or chauffeur's license for less than 1 year, the
16 secretary of state shall waive the knowledge test and the driving
17 skills test and issue a 1-year seasonal restricted vehicle group
18 designation to an otherwise qualified applicant to operate a group
19 B or a group C vehicle for a farm related service industry if all
20 of the following conditions are met:

21 (a) The applicant meets the requirements of 49 CFR 383.77.

22 (b) The seasons for which the seasonal restricted vehicle
23 group designation is issued are from April 2 to June 30 and from
24 September 2 to November 30 only of a 12-month period or, at the
25 option of the applicant, for not more than 180 days from the date
26 of issuance in a 12-month period.

27 (c) The commercial motor vehicle for which the seasonal
28 restricted vehicle group designation is issued ~~shall~~**must** be
29 operated only if all the following conditions are met:



1 (i) The commercial motor vehicle is operated only on routes
2 within 150 miles from the place of business to the farm or farms
3 being served.

4 (ii) The commercial motor vehicle does not transport a quantity
5 of hazardous materials on which a placard under 49 CFR parts 100 to
6 199 is required except for the following:

7 (A) Diesel motor fuel in quantities of 1,000 gallons or less.

8 (B) Liquid fertilizers in quantities of 3,000 gallons or less.

9 (C) Solid fertilizers that are not transported with any
10 organic substance.

11 (iii) The commercial motor vehicle does not require the H, N, P,
12 S, T, or X vehicle indorsement.

13 (3) A seasonal restricted vehicle group designation under this
14 section ~~shall~~**must** be issued, suspended, revoked, canceled, denied,
15 or renewed in accordance with this act. The secretary of state may
16 renew a seasonal restricted vehicle group designation 1 time per
17 calendar year regardless of whether the seasonal restricted vehicle
18 group designation is expired at the time of renewal.

19 (4) The secretary of state may enter into an agreement with
20 another public or private corporation or agency to conduct a
21 driving skills test required under this section, section 312e, or
22 49 CFR part 383. Before the secretary of state authorizes ~~a person~~
23 **an individual** to administer a corporation's or agency's driver
24 skills testing operations or authorizes an examiner to conduct a
25 driving skills test, that ~~person~~**individual** or examiner must
26 complete both a state and Federal Bureau of Investigation
27 fingerprint-based criminal history check through the department of
28 state police.

29 (5) The secretary of state shall not issue a commercial



1 learner's permit, a vehicle group designation, or a vehicle
 2 indorsement to an applicant for an original vehicle group
 3 designation or vehicle indorsement under section 312e or may cancel
 4 a commercial learner's permit or all vehicle group designations or
 5 endorsements on ~~a person's~~ **an individual's** operator's or
 6 chauffeur's license to whom 1 or more of the following apply:

7 (a) The applicant has had his or her license suspended or
 8 revoked for a reason other than as provided in section 321a, 515,
 9 732a, or 801c or section 30 of the support and parenting time
 10 enforcement act, 1982 PA 295, MCL 552.630, in the 36 months
 11 immediately preceding application. However, a vehicle group
 12 designation may be issued if the suspension or revocation was due
 13 to a temporary medical condition or failure to appear at a
 14 reexamination as provided in section 320.

15 (b) The applicant was convicted of or incurred a bond
 16 forfeiture in relation to a 6-point violation as provided in
 17 section 320a in the 24 months immediately preceding application if
 18 the violation occurred while the applicant was operating a
 19 commercial motor vehicle, or a violation of section 625(3) or
 20 former section 625b, or a local ordinance **that** substantially
 21 ~~corresponding~~ **corresponds** to section 625(3) or former section 625b
 22 in the 24 months immediately preceding application, if the
 23 applicant was operating any type of motor vehicle.

24 (c) The applicant is listed on the national driver register,
 25 the commercial driver's license information system, **beginning on**
 26 **January 6, 2023, the national drug and alcohol clearinghouse**, or
 27 the driving records of the state in which the applicant was
 28 previously licensed as being disqualified from operating a
 29 commercial motor vehicle or as having a license or driving



1 privilege suspended, revoked, canceled, or denied.

2 (d) The applicant is listed on the national driver register,
3 the commercial driver's license information system, or the driving
4 records of the state in which the applicant was previously licensed
5 as having had a license suspended, revoked, or canceled in the 36
6 months immediately preceding application if a suspension or
7 revocation would have been imposed under this act had the applicant
8 been licensed in this state in the original instance. This
9 subdivision does not apply to a suspension or revocation that would
10 have been imposed due to a temporary medical condition or under
11 section 321a, 515, 732a, or 801c or section 30 of the support and
12 parenting time enforcement act, 1982 PA 295, MCL 552.630.

13 (e) The applicant is subject to a suspension or revocation
14 under section 319b or would have been subject to a suspension or
15 revocation under section 319b if the applicant had been issued a
16 vehicle group designation or vehicle indorsement.

17 (f) The applicant has been disqualified from operating a
18 commercial motor vehicle under 49 USC 31301 to 31317 or the
19 applicant's license to operate a commercial motor vehicle has been
20 suspended, revoked, denied, or canceled within 36 months
21 immediately preceding the date of application.

22 (g) The United States Secretary of Transportation has
23 disqualified the applicant from operating a commercial motor
24 vehicle.

25 (h) The applicant fails to satisfy the federal regulations
26 promulgated under 49 CFR parts 383 and 391 by refusing to certify
27 the type of commercial motor vehicle operation the applicant
28 intends to perform and fails to present valid medical certification
29 to the secretary of state if required to do so. The requirement of



1 this subdivision is waived from July 1, 2020 to September 30, 2020
2 pursuant to the Waiver in Response to the COVID-19 National
3 Emergency - For States, CDL Holders, CLP Holders, and Interstate
4 Drivers Operating Commercial Motor Vehicles.

5 (i) The applicant has been disqualified from operating a
6 commercial motor vehicle due to improper or fraudulent testing.

7 (j) If the secretary of state determines through a
8 governmental investigation that there is reason to believe that a
9 commercial driver license or endorsement was issued as a result of
10 fraudulent or improper conduct in taking a knowledge test or a
11 driving skills test required under 49 CFR 383, the secretary of
12 state shall require the applicant to retake and successfully pass
13 that test. The secretary of state shall cancel any commercial
14 driver license or endorsement issued as a result of the suspect
15 test unless the applicant retakes and passes that test.

16 (6) The secretary of state shall not renew or upgrade a
17 vehicle group designation if 1 or more of the following conditions
18 exist:

19 (a) The United States Secretary of Transportation has
20 disqualified the applicant from operating a commercial motor
21 vehicle.

22 (b) The applicant is listed on the national driver register,
23 ~~or~~ the commercial driver's license information system, **or beginning**
24 **on January 6, 2023, the national drug and alcohol clearinghouse** as
25 being disqualified from operating a commercial motor vehicle or as
26 having a driver license or driving privilege suspended, revoked,
27 canceled, or denied.

28 (c) On or after January 30, 2012, the applicant fails to meet
29 the requirements of 49 CFR parts 383 and 391 by refusing to certify



1 the type of commercial motor vehicle operation the applicant
2 intends to perform and fails to present medical certification to
3 the secretary of state if required to do so. The requirement of
4 this subdivision is waived from July 1, 2020 to September 30, 2020
5 pursuant to the Waiver in Response to the COVID-19 National
6 Emergency - For States, CDL Holders, CLP Holders, and Interstate
7 Drivers Operating Commercial Motor Vehicles.

8 (7) The secretary of state shall only consider bond
9 forfeitures under subsection (5)(b) for violations that occurred on
10 or after January 1, 1990 when determining the applicability of
11 subsection (5).

12 (8) If an applicant for an original vehicle group designation
13 was previously licensed in another jurisdiction, the secretary of
14 state shall request a copy of the applicant's driving record from
15 that jurisdiction. If 1 or more of the conditions described in
16 subsection (5) exist in that jurisdiction when the secretary of
17 state receives the copy, the secretary of state shall cancel all
18 vehicle group designations on the ~~person's~~**individual's** operator's
19 or chauffeur's license.

20 (9) The secretary of state shall cancel all vehicle group
21 designations on a ~~person's~~**an individual's** operator's or
22 chauffeur's license upon receiving notice from the United States
23 Secretary of Transportation, the national driver register, the
24 commercial driver's license information system, or another state or
25 jurisdiction that 1 or more of the conditions described in
26 subsection (5) existed at the time of the ~~person's~~**individual's**
27 application in this state.

28 (10) The secretary of state shall cancel all vehicle group
29 designations on the ~~person's~~**individual's** operator's or chauffeur's



1 license upon receiving proper notice that the ~~person~~**individual** no
2 longer meets the federal driver qualification requirements under 49
3 CFR parts 383 and 391 to operate a commercial motor vehicle in
4 interstate or intrastate commerce, or the ~~person~~**individual** no
5 longer meets the driver qualification requirements to operate a
6 commercial motor vehicle in intrastate commerce under the motor
7 carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.25.

8 (11) Subsection (5) (a), (b), (d), and (f) does not apply to an
9 applicant for an original vehicle group designation who at the time
10 of application has a valid license to operate a commercial motor
11 vehicle issued by any state in compliance with 49 USC 31301 to
12 31317.

13 (12) As used in this section, "farm related service industry"
14 means custom harvesters, farm retail outlets and suppliers, agri-
15 chemical business, or livestock feeders.

