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House Bill 5662 (Substitute H-1 as reported without amendment)
House Bill 5663 (Substitute H-4 as reported without amendment)
Sponsor: Representative Jack O'Malley (H.B. 5662)
Representative Tim Sneller (H.B. 5663)
House Committee: Transportation
Senate Committee: Transportation and Infrastructure

CONTENT

House Bill 5662 (H-1) would amend the Driver Education Provider and Instruction Act to do the following:

- Replace references to "truck driver training" with "commercial vehicle driver training".
- Require a driver education provider that conducted commercial vehicle driver training to be registered with the Federal Motor Carrier Safety Administration (FMCSA) through the training provider registry (TPR).
- Require the Secretary of State (SOS) to deny automatically a driver education provider's or instructor's application or revoke a provider's or instructor's certificate without notice and an opportunity for a hearing if for any reason a driver education provider or instructor was removed from the FMCSA's TPR.
- Require an applicant for a driver education provider certificate that intended to use a multiple vehicle driving facility to make certain that the facility range was large enough to accommodate any driver skills testing maneuver required by Federal law.
- Require a driver education provider classified to provide entry-level driver training to issue a driver education course certificate of completion to a student who successfully passed theory or behind-the-wheel training prescribed in Federal law.
- Allow the SOS to issue a person a behind-the-wheel commercial vehicle driver instructor certificate for behind-the-wheel instruction if the person met the requirements of a behind-the-wheel instructor as defined in Federal law.
- Require the SOS, if an investigation under the Act found reason to believe that a written knowledge test or entry-level driver training was not administered in accordance with Federal standards, to cancel the course completion reported by the provider and any license subsequently issued unless a student retook and passed the test within 30 days.

House Bill 5663 (H-4) would amend the Michigan Vehicle Code to do the following:

- Require an applicant for a vehicle group designation to complete the entry-level driver training required under Federal law, beginning February 7, 2022.
- Require an individual, beginning February 7, 2022, and before operating a commercial motor vehicle carrying hazardous materials on which a placard was required, to complete the entry-level driver training to procure the appropriate vehicle group designation and an H (hazardous) vehicle endorsement.
- Require an applicant for a P (passenger) or S (school) vehicle endorsement, beginning February 7, 2022, to complete the entry-level driver training.
- Require an individual, beginning February 7, 2022, to complete an entry-level driver training before being issued a vehicle group designation or endorsement.

- Allow the SOS to waive, beginning February 7, 2022, the entry-level driver training for an individual, who at the time of application, certified and provided evidence satisfactory to the SOS that the individual met one of the exceptions for taking a driving skills test under Federal law.
- Allow the SOS to enter into an agreement with another public or private corporation or agency to provide the entry-level driver training.
- Require an applicant to retake and successfully pass an entry-level driver training if the SOS determined through a governmental investigation that there was reason to believe that a commercial driver license or endorsement was issued because of fraudulent or improper conduct.

MCL 256.623 et al. (H.B. 5662)
257.306a et al. (H.B. 5663)

Legislative Analyst: Tyler P. VanHuysse

FISCAL IMPACT

The bills would not directly affect the Department of State or local units of government. House Bill 5663 (H-4), however, would not allow the SOS to issue a commercial driver license to anyone who has not complied with the Federal regulation required after February 7, 2022. Accordingly, SOS would not be able to collect fee revenue for a commercial driver license. The amount of lost revenue for the State would be indeterminate and would depend on the number of actual commercial licenses that would not be issued as a result. Revenue from commercial licenses fees is deposited into the General Fund and is redistributed to counties and local municipalities for costs incurred to act as the examining officer for commercial licenses.

A failure to conform to Federal regulations could jeopardize Federal funding under the National Highway Performance Program. According to the Federal Funds Information for States website, the program will award Michigan \$760,792,000 in fiscal year (FY) 2022-23 and \$776,027,000 in FY 2023-24. A 4.0% loss in FY 2022-23 would mean a loss of \$30.4 million, and an 8.0% loss in FY 2023-24 would mean a loss of \$62.1 million in those respective fiscal years.

Date Completed: 7-5-22

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