A bill to amend 1949 PA 300, entitled "Michigan vehicle code,"
by amending section 312f (MCL 257.312f), as amended by 2020 PA 304.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 312f. (1) Except as otherwise provided in this section, an individual shall be not less than 18 years of age before he or she is issued a vehicle group designation or indorsement, other than a motorcycle indorsement, or not less than 21 years of age and has been approved by the Transportation Security Administration for...
a hazardous material endorsement before he or she is issued a hazardous material endorsement on an operator's or chauffeur's license and, as provided in this section, the individual shall pass a knowledge test and a driving skills test that comply with minimum federal standards prescribed in 49 CFR part 383. The knowledge test and the driving skills test scores must be retained by the secretary of state as provided under 49 CFR 383.135. An individual who is 18 years of age or older operating a vehicle to be used for farming purposes only may obtain an A or B vehicle group designation or an F vehicle indorsement. Each written examination given to an applicant for a vehicle group designation or indorsement must include subjects designed to cover the type or general class of vehicle to be operated. Except as follows, an individual shall pass an examination that includes a driving skills test designed to test competency of the applicant for an original vehicle group designation and passenger indorsement on an operator's or chauffeur's license to drive that type or general class of vehicle upon the highways of this state with safety to persons and property:

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

(b) The driving skills test may be waived if the applicant has a valid license with the appropriate vehicle group designation, passenger vehicle indorsement, or school bus indorsement in another state issued in compliance with 49 USC 31301 to 31317, or if the
individual successfully passes a driving skills test administered in another state that meets the requirements of federal law and the law of this state.

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

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

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

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

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

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

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

(A) Diesel motor fuel in quantities of 1,000 gallons or less.
(B) Liquid fertilizers in quantities of 3,000 gallons or less.
(C) Solid fertilizers that are not transported with any organic substance.

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

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

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

(5) The secretary of state shall not issue a commercial learner's permit, a vehicle group designation, or a vehicle indorsement to an applicant for an original vehicle group designation or vehicle indorsement under section 312e or may cancel
a commercial learner's permit or all vehicle group designations or endorsements on an individual's operator's or chauffeur's license to whom 1 or more of the following apply:

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

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

(c) The applicant is listed on the National Driver Register, the Commercial Driver's License Information System, or the driving records of the state in which the applicant was previously licensed, or, beginning January 6, 2023, the National Drug and Alcohol Clearinghouse as being disqualified from operating a commercial motor vehicle or as having a license or driving privilege suspended, revoked, canceled, or denied.

(d) The applicant is listed on the National Driver Register, the Commercial Driver's License Information System, or the driving
records of the state in which the applicant was previously licensed
as having had a license suspended, revoked, or canceled in the 36
months immediately preceding application if a suspension or
revocation would have been imposed under this act had the applicant
been licensed in this state in the original instance. This
subdivision does not apply to a suspension or revocation that would
have been imposed due to a temporary medical condition or under
section 321a, 515, 732a, or 801c or section 30 of the support and
parenting time enforcement act, 1982 PA 295, MCL 552.630.

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

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

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

(h) The applicant fails to satisfy the federal regulations
promulgated under 49 CFR parts 383 and 391 by refusing to certify
the type of commercial motor vehicle operation the applicant
intends to perform and fails to present valid medical certification
to the secretary of state if required to do so. The requirement of
this subdivision is waived from July 1, 2020 to December 31, 2020
pursuant to the Waiver in Response to the COVID-19 National
Emergency - For States, CDL Holders, CLP Holders, and Interstate
Drivers Operating Commercial Motor Vehicles, or any extension of that waiver issued after December 31, 2020.

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

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

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

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

(b) The applicant is listed on the National Driver Register, or the Commercial Driver's License Information System, or, beginning on January 6, 2023, the National Drug and Alcohol Clearinghouse as being disqualified from operating a commercial motor vehicle or as having a driver license or driving privilege suspended, revoked, canceled, or denied.

(c) On or after January 30, 2012, the applicant fails to meet the requirements of 49 CFR parts 383 and 391 by refusing to certify the type of commercial motor vehicle operation the applicant intends to perform and fails to present medical certification to
the secretary of state if required to do so. The requirement of
this subdivision is waived from July 1, 2020 to December 31, 2020,
pursuant to the Waiver in Response to the COVID-19 National
Emergency - For States, CDL Holders, CLP Holders, and Interstate
Drivers Operating Commercial Motor Vehicles.

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

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

(9) The secretary of state shall cancel all vehicle group
designations on an individual's operator's or chauffeur's license
upon receiving notice from the United States Secretary of
Transportation, the National Driver Register, the Commercial
Driver's License Information System, or another state or
jurisdiction that 1 or more of the conditions described in
subsection (5) existed at the time of the individual's application
in this state.

(10) The secretary of state shall cancel all vehicle group
designations on the individual's operator's or chauffeur's license
upon receiving proper notice that the individual no longer meets
the federal driver qualification requirements under 49 CFR parts
383 and 391 to operate a commercial motor vehicle in interstate or intrastate commerce, or the individual no longer meets the driver qualification requirements to operate a commercial motor vehicle in intrastate commerce under the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.25.

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

(12) As used in this section, "farm related service industry" means custom harvesters, farm retail outlets and suppliers, agricultural business, or livestock feeders.