

# HOUSE BILL NO. 6217

June 09, 2022, Introduced by Rep. O'Malley 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 2022 PA 45,  
and by adding section 309a.

**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

1 this state providing for the licensing of drivers. Before the  
2 secretary of state authorizes an individual to administer vehicle  
3 group designation or endorsement knowledge tests, that individual  
4 must successfully complete both a state and Federal Bureau of  
5 Investigation fingerprint-based criminal history check or the  
6 equivalent through the department of state police. In all other  
7 cases, the secretary of state may waive the examination, except  
8 that an examination must not be waived if it appears from the  
9 application, from the apparent physical or mental condition of the  
10 applicant, or from any other information that has come to the  
11 secretary of state from another source, that the applicant does not  
12 possess the physical, mental, or other qualifications necessary to  
13 operate a motor vehicle in a manner as not to jeopardize the safety  
14 of persons or property, or that the applicant is not entitled to a  
15 license under section 303. A licensee who applies for the renewal  
16 of his or her license by mail under section 307 shall certify to  
17 his or her physical capability to operate a motor vehicle. The  
18 secretary of state may check the applicant's driving record through  
19 the National Driver Register and the Commercial Driver's License  
20 Information System before issuing a license under this section.

21 (2) The secretary of state may appoint sheriffs, their  
22 deputies, the chiefs of police of cities and villages that have  
23 organized police departments within this state, their duly  
24 authorized representatives, employees of the secretary of state, or  
25 the secretary of state's duly authorized representatives as  
26 examining officers for the purpose of examining applicants for  
27 operator's and chauffeur's licenses. An examining officer shall  
28 conduct examinations of applicants for operator's and chauffeur's  
29 licenses in accordance with this chapter and the rules promulgated

1 by the secretary of state under subsection (3). After conducting an  
 2 examination an examining officer shall make a written report of his  
 3 or her findings and recommendations to the secretary of state.

4 (3) The secretary of state shall promulgate rules under the  
 5 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to  
 6 24.328, for the examination of the applicant's physical and mental  
 7 qualifications to operate a motor vehicle in a manner as not to  
 8 jeopardize the safety of persons or property, and shall ascertain  
 9 whether facts exist that would bar the issuance of a license under  
 10 section 303. ~~The~~ **Subject to section 309a, the** secretary of state  
 11 may consider a written medical report and recommendation submitted  
 12 under section 5139 of the public health code, 1978 PA 368, MCL  
 13 333.5139, from the personal physician or optometrist of an  
 14 applicant, in making the examination regarding the applicant's  
 15 physical and mental qualifications to operate a motor vehicle under  
 16 this section and R 257.851 to ~~R 257.855~~ **R 257.857** of the Michigan  
 17 Administrative Code. A report received by the secretary of state  
 18 from a physician or an optometrist under this section is  
 19 confidential. The secretary of state shall also ascertain whether  
 20 the applicant has sufficient knowledge of the English language to  
 21 understand highway warnings or direction signs written in that  
 22 language. The examination must not include investigation of facts  
 23 other than those facts directly pertaining to the ability of the  
 24 applicant to operate a motor vehicle with safety or facts declared  
 25 to be prerequisite to the issuance of a license under this act.

26 (4) The secretary of state shall not issue an original  
 27 operator's or chauffeur's license without a vehicle group  
 28 designation or ~~indorsement~~ **endorsement** without an examination that  
 29 includes a driving skills test conducted by the secretary of state

1 or by a designated examining officer under subsection (2) or  
2 section 310e. The secretary of state may enter into an agreement  
3 with another public or private corporation or agency to conduct a  
4 driving skills test conducted under this section. Before the  
5 secretary of state authorizes an individual to administer a  
6 corporation's or agency's driver skills testing operations or  
7 authorizes an examiner to conduct a driving skills test, that  
8 individual or examiner must successfully complete both a state and  
9 Federal Bureau of Investigation fingerprint-based criminal history  
10 check through the department of state police as required by law and  
11 as provided under 49 CFR 384.228. In an agreement with another  
12 public or private corporation or agency to conduct a driving skills  
13 test, the secretary of state shall prescribe the method and  
14 examination criteria to be followed by the corporation, agency, or  
15 examiner when conducting the driving skills test and the form of  
16 the certification to be issued to an individual who satisfactorily  
17 completes a driving skills test. An original vehicle group  
18 designation or ~~indorsement~~**endorsement** must not be issued by the  
19 secretary of state without a knowledge test conducted by the  
20 secretary of state. Except as provided in section 312f(1), an  
21 original vehicle group designation or passenger or school bus  
22 ~~indorsement~~**endorsement** must not be issued by the secretary of  
23 state without a driving skills test conducted by an examiner  
24 appointed or authorized by the secretary of state or an equivalent  
25 driving skills test meeting the requirements of 49 CFR part 383  
26 conducted in another jurisdiction.

27 (5) Except as otherwise provided in this act, the secretary of  
28 state may waive the requirement of a driving skills test, knowledge  
29 test, or road sign test of an applicant for an original operator's

1 or chauffeur's license without a vehicle group designation or  
2 ~~indorsement~~**endorsement** who at the time of the application is the  
3 holder of a valid, unrevoked operator's or chauffeur's license  
4 issued by another state or country.

5 (6) A driving skills test conducted under this section must  
6 include a behind-the-wheel road test. Before conducting a behind-  
7 the-wheel road test for an applicant seeking a vehicle group  
8 designation, including any upgrade to a vehicle group designation,  
9 or for any ~~indorsement~~**endorsement** required to operate a commercial  
10 motor vehicle, the examiner shall determine that the applicant was  
11 issued his or her commercial learner's permit not less than 14 days  
12 before the date of that test and that he or she has that permit in  
13 his or her possession.

14 (7) A person who corrupts or attempts to corrupt a designated  
15 examining officer appointed or designated by the secretary of state  
16 under this section or section 310e by giving, offering, or  
17 promising any gift or gratuity with the intent to influence the  
18 opinion or decision of the examining officer conducting the test is  
19 guilty of a felony.

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

26 (9) A person who forges, counterfeits, or alters a  
27 satisfactorily completed driving skills test certification issued  
28 by a designated examining officer appointed or designated by the  
29 secretary of state under this section or section 310e is guilty of

1 a felony.

2 (10) The secretary of state shall waive the requirement of a  
3 written knowledge test, road sign test, and driving skills test of  
4 an applicant for an original motorcycle endorsement if the person  
5 has successfully passed a motorcycle safety course approved by the  
6 department as described in sections 811a and 811b.

7 (11) An operator's or chauffeur's license that expires on or  
8 after March 1, 2020 is valid until March 31, 2021. An operator's or  
9 chauffeur's license that expires after March 31, 2021 but before  
10 August 1, 2021 is valid until 120 days after the date of the  
11 expiration.

12 **Sec. 309a. (1) Except as otherwise provided in subsection (2)**  
13 **or (3), the secretary of state shall, after notice and a hearing as**  
14 **provided in the administrative procedures act of 1969, 1969 PA 306,**  
15 **MCL 24.201 to 24.328, suspend the operator's license of an**  
16 **individual who has experienced an epileptic seizure for at least 6**  
17 **months or longer.**

18 (2) Notwithstanding subsection (1), the secretary of state  
19 may, after notice and a hearing as provided in the administrative  
20 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, suspend  
21 the operator's license of an individual who has experienced an  
22 epileptic seizure for 3 months if the individual submits a  
23 statement of physical or mental history from a treating physician  
24 within 30 days after the last epileptic seizure. The statement of  
25 physical or mental history required under this subsection must  
26 include certification that the individual's epileptic seizure is  
27 under control by medication or another treatment method and that  
28 all symptoms and conditions that would affect the safe operation of  
29 a motor vehicle have been corrected, cured, or controlled, or have

1 abated.

2 (3) The secretary of state may reduce or waive the time period  
3 required under subsection (1) or (2) if any of the following apply:

4 (a) The secretary of state finds that any of the following  
5 apply:

6 (i) The epileptic seizure occurred because of a medically  
7 directed medication change.

8 (ii) The epileptic seizure was a partial seizure that did not  
9 interfere with the individual's consciousness or ability to operate  
10 a motor vehicle.

11 (iii) The epileptic seizure has a consistent and prolonged aura.

12 (iv) The epileptic seizure has an established pattern of being  
13 purely nocturnal.

14 (v) The epileptic seizure is secondary to acute metabolic or  
15 sleep-deprived seizures.

16 (vi) The epileptic seizure is related to a reversible acute  
17 illness.

18 (b) The secretary of state receives a written recommendation  
19 from a treating physician to reduce or waive the time period  
20 required under subsection (1) or (2). A written recommendation  
21 under this subdivision may include, but is not limited to, all of  
22 the following:

23 (i) Evidence that the individual's epileptic seizure resulted  
24 from medical intervention or a medically supervised experiment with  
25 a prescribed medication.

26 (ii) Documentation showing that the epileptic seizure occurred  
27 as a result of a specific epilepsy syndrome and that the epileptic  
28 seizure occurs at specific times of day. The documentation must  
29 include an established history of the epilepsy pattern described

1 under this subparagraph.

2 (iii) Documentation showing that the individual's epileptic  
3 seizure is a focal aware seizure and that the individual has an  
4 established clinical history of having only focal aware seizures.  
5 As used in this subparagraph, "focal aware seizure" means a seizure  
6 that does not impair an individual's awareness and includes a  
7 simple partial seizure or aura.

8 (iv) Evidence that an individual's epileptic seizure resulted  
9 from an acute and reversible condition that has been medically  
10 addressed and is unlikely to happen again.

11 (v) Other evidence or documentation that establishes a low  
12 risk of reoccurrence of an epileptic seizure.

13 (4) As used in this section, "physician" means an individual  
14 authorized to practice medicine or osteopathic medicine and surgery  
15 under the law of any state.

16 Enacting section 1. This amendatory act does not take effect  
17 unless Senate Bill No. \_\_\_\_\_ or House Bill No. 6216 (request no.  
18 03967'21 a \*) of the 101st Legislature is enacted into law.