

MICHIGAN VEHICLE CODE (EXCERPT)
Act 300 of 1949

***** 257.309.amended THIS AMENDED SECTION IS EFFECTIVE MAY 23, 2016 *****

257.309.amended Examination of applicant for operator's or chauffeur's license; criminal history check; waiver; exception; certification of licensee applying for renewal of license by mail; examining officers; conducting examinations; report of findings and recommendations; rules; issuance of original operator's or chauffeur's license without vehicle group designation or indorsement; driver skills test; waiver; behind-the-wheel road test; prohibited conduct; penalty; applicant for original motorcycle endorsement; waiver of certain requirements.

Sec. 309. (1) Before issuing a license, the secretary of state shall examine each applicant for an operator's or chauffeur's license who at the time of the application is not the holder of a valid, unrevoked operator's or chauffeur's license under a law of this state providing for the licensing of drivers. Before the secretary of state authorizes a person to administer vehicle group designation or endorsement knowledge tests, that person must successfully complete both a state and Federal Bureau of Investigation fingerprint-based criminal history check or the equivalent through the department of state police. In all other cases, the secretary of state may waive the examination, except that an examination shall not be waived if it appears from the application, from the apparent physical or mental condition of the applicant, or from any other information that has come to the secretary of state from another source, that the applicant does not possess the physical, mental, or other qualifications necessary to operate a motor vehicle in a manner as not to jeopardize the safety of persons or property, or that the applicant is not entitled to a license under section 303. A licensee who applies for the renewal of his or her license by mail under section 307 shall certify to his or her physical capability to operate a motor vehicle. The secretary of state may check the applicant's driving record through the national driver register and the commercial driver license information system before issuing a license under this section.

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

(3) The secretary of state shall promulgate rules under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, for the examination of the applicant's physical and mental qualifications to operate a motor vehicle in a manner as not to jeopardize the safety of persons or property, and shall ascertain whether facts exist that would bar the issuance of a license under section 303. The secretary of state may consider a written medical report and recommendation submitted under section 5139 of the public health code, 1978 PA 368, MCL 333.5139, from the personal physician or optometrist of an applicant, in making the examination regarding the applicant's physical and mental qualifications to operate a motor vehicle under this section and R 257.851 to R 257.855 of the Michigan administrative code. A report received by the secretary of state from a physician or an optometrist under this section is confidential. The secretary of state shall also ascertain whether the applicant has sufficient knowledge of the English language to understand highway warnings or direction signs written in that language. The examination shall not include investigation of facts other than those facts directly pertaining to the ability of the applicant to operate a motor vehicle with safety or facts declared to be prerequisite to the issuance of a license under this act.

(4) The secretary of state shall not issue an original operator's or chauffeur's license without a vehicle group designation or indorsement without an examination that includes a driving skills test conducted by the secretary of state or by a designated examining officer under subsection (2) or section 310e. The secretary of state may enter into an agreement with another public or private corporation or agency to conduct a driving skills test conducted under this section. Before the secretary of state authorizes a person to administer a corporation's or agency's driver skills testing operations or authorizes an examiner to conduct a driving skills test, that person or examiner must successfully complete both a state and Federal Bureau of Investigation fingerprint based criminal history check through the department of state police as required by law and as provided under 49 CFR 384.228. In an agreement with another public or private corporation or agency to conduct a driving skills test, the secretary of state shall prescribe the method and examination criteria to be followed by the corporation, agency, or examiner when conducting the driving skills test and the form of the certification to be issued to a person who satisfactorily completes a driving skills test. An original vehicle

group designation or indorsement shall not be issued by the secretary of state without a knowledge test conducted by the secretary of state. Except as provided in section 312f(1), an original vehicle group designation or passenger or school bus indorsement shall not be issued by the secretary of state without a driving skills test conducted by an examiner appointed or authorized by the secretary of state or an equivalent driving skills test meeting the requirements of 49 CFR part 383 conducted in another jurisdiction.

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

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

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

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

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

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

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1953, Act 215, Eff. Oct. 2, 1953;—Am. 1958, Act 123, Eff. Sept. 13, 1958;—Am. 1978, Act 139, Eff. May 1, 1979;—Am. 1980, Act 290, Imd. Eff. Oct. 15, 1980;—Am. 1982, Act 25, Imd. Eff. Mar. 4, 1982;—Am. 1987, Act 232, Imd. Eff. Dec. 28, 1987;—Am. 1988, Act 346, Eff. Jan. 1, 1990;—Am. 1989, Act 280, Imd. Eff. Dec. 26, 1989;—Am. 1996, Act 387, Eff. Mar. 31, 1997;—Am. 1996, Act 551, Eff. Apr. 1, 1997;—Am. 2000, Act 456, Imd. Eff. Jan. 10, 2001;—Am. 2002, Act 534, Eff. Oct. 1, 2002;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004;—Am. 2012, Act 355, Imd. Eff. Dec. 13, 2012;—Am. 2015, Act 11, Eff. July 8, 2015;—Am. 2016, Act 23, Eff. May 23, 2016.

Compiler's note: Section 2 of Act 346 of 1988 provides:

“(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

“(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

“(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act.”

Section 2 of Act 173 of 1989 provides:

“(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

“(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed.”

Administrative rules: R 257.851 et seq. of the Michigan Administrative Code.