

# HOUSE BILL No. 6040

June 23, 2004, Introduced by Rep. Accavitti 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 2002 PA  
534.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 309. (1) Before issuing a license, the secretary of  
2 state shall examine each applicant for an operator's or  
3 chauffeur's license who at the time of the application is not the  
4 holder of a valid, unrevoked operator's or chauffeur's license  
5 under a law of this state providing for the licensing of  
6 drivers. ~~In all other cases~~ **Except as provided in subsection**  
7 **(5)**, the secretary of state may waive the examination, except  
8 that an examination shall not be waived if it appears from the  
9 application, from the apparent physical or mental condition of  
10 the applicant, or from any other information which has come to

1 the secretary of state from another source, that the applicant  
2 does not possess the physical, mental, or other qualifications  
3 necessary to operate a motor vehicle in a manner as not to  
4 jeopardize the safety of persons or property; or that the  
5 applicant is not entitled to a license under section 303. A  
6 licensee who applies for the renewal of his or her license by  
7 mail pursuant to section 307 shall certify to his or her physical  
8 capability to operate a motor vehicle.

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

21 (3) The secretary of state shall promulgate rules pursuant to  
22 the administrative procedures act of 1969, 1969 PA 306,  
23 MCL 24.201 to 24.328, for the examination of the applicant's  
24 physical and mental qualifications to operate a motor vehicle in  
25 a manner as not to jeopardize the safety of persons or property,  
26 and shall ascertain whether facts exist that would bar the  
27 issuance of a license under section 303. The secretary of state

1 shall also ascertain whether the applicant has sufficient  
2 knowledge of the English language to understand highway warnings  
3 or direction signs written in that language. The examination  
4 shall not include investigation of facts other than those facts  
5 directly pertaining to the ability of the applicant to operate a  
6 motor vehicle with safety or facts declared to be prerequisite to  
7 the issuance of a license under this act.

8 (4) The secretary of state shall not issue an original  
9 operator's or chauffeur's license without a vehicle group  
10 designation or indorsement without an examination that includes a  
11 driving skills test conducted by the secretary of state or by a  
12 designated examining officer under subsection (2) or  
13 section 310e. The secretary of state may enter into an agreement  
14 with another public or private person or agency to conduct a  
15 driving skills test conducted under this section. In an  
16 agreement with another person or agency to conduct a driving  
17 skills test, the secretary of state may prescribe the method and  
18 examination criteria to be followed by the person or agency when  
19 conducting the driving skills test and the form of the  
20 certification to be issued to a person who satisfactorily  
21 completes a driving skills test. An original vehicle group  
22 designation or indorsement shall not be issued by the secretary  
23 of state without a knowledge test conducted by the secretary of  
24 state. Except as provided in section 312f(1), an original  
25 vehicle group designation or passenger indorsement shall not be  
26 issued by the secretary of state without a driving skills test  
27 conducted by an examiner appointed or authorized by the secretary

1 of state. While in the course of taking a driving skills test  
2 conducted by the examiner who shall occupy a seat beside the  
3 applicant, an applicant for an original vehicle group designation  
4 or passenger indorsement who has been issued a temporary  
5 instruction permit to operate a commercial motor vehicle is  
6 permitted to operate a vehicle requiring a vehicle group  
7 designation or passenger indorsement without a person licensed to  
8 operate a commercial motor vehicle occupying a seat beside him or  
9 her.

10 (5) Except as otherwise provided in this act, the secretary  
11 of state may waive the requirement of a driving skills test,  
12 knowledge test, or road sign test of an applicant for an original  
13 operator's or chauffeur's license without a vehicle group  
14 designation or indorsement who at the time of the application is  
15 the holder of a valid, unrevoked operator's or chauffeur's  
16 license issued by another state or country. **However, the**  
17 **secretary of state shall not renew an applicant's original**  
18 **operator's license or chauffeur's license more than once without**  
19 **administering a written knowledge test to that applicant.**

20 (6) A driving skills test conducted under this section shall  
21 include a behind-the-wheel road test. A behind-the-wheel road  
22 test for an original vehicle group designation or passenger  
23 indorsement shall not be conducted unless the applicant has been  
24 issued a temporary instruction permit.

25 (7) A person who corrupts or attempts to corrupt a designated  
26 examining officer appointed or designated by the secretary of  
27 state under this section or section 310e by giving, offering, or

1 promising any gift or gratuity with the intent to influence the  
2 opinion or decision of the examining officer conducting the test  
3 is guilty of a felony.

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

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