

**SUBSTITUTE FOR
HOUSE BILL NO. 4306**

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
5 this state providing for the licensing of drivers. Before the
6 secretary of state authorizes an individual to administer vehicle
7 group designation or endorsement knowledge tests, that individual
8 must successfully complete both a state and Federal Bureau of

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

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

1 the secretary of state.

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

24 (4) The secretary of state shall not issue an original
25 operator's or chauffeur's license without a vehicle group
26 designation or ~~indorsement~~ **endorsement** without an examination that
27 includes a driving skills test conducted by the secretary of state
28 or by a designated examining officer under subsection (2) or
29 section 310e. The secretary of state may enter into an agreement

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

25 (5) Except as otherwise provided in this act, the secretary of
26 state may waive the requirement of a driving skills test, knowledge
27 test, or road sign test of an applicant for an original operator's
28 or chauffeur's license without a vehicle group designation or
29 ~~indorsement~~**endorsement** 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 must 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~~**endorsement** required to operate a commercial motor vehicle, the examiner shall determine that the applicant was issued ~~his or her~~**the applicant's** commercial learner's permit not less than 14 days before the date of that test and that ~~he or she~~**the applicant** has that permit in ~~his or her~~**the applicant's** 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.

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

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

11 **Sec. 309a. (1) Except as otherwise provided in subsection (2)**
12 **or (3), if an individual experiences an epileptic seizure, the**
13 **secretary of state shall suspend the individual's operator's**
14 **license for not less than 6 months.**

15 **(2) Except as otherwise provided in subsection (3), if an**
16 **individual described in subsection (1) submits to the secretary of**
17 **state, not later than 30 days after the individual experiences the**
18 **individual's last epileptic seizure, a statement of physical or**
19 **mental history that meets the requirements of this subsection, the**
20 **secretary of state may suspend the individual's operator's license**
21 **for not more than 3 months. A statement of physical or mental**
22 **history submitted under this subsection must meet both of the**
23 **following requirements:**

24 **(a) Be issued by a physician who is treating the individual.**

25 **(b) Include certification from the physician that both of the**
26 **following conditions are met:**

27 **(i) The individual's epileptic seizure is under control by**
28 **medication or another treatment method.**

29 **(ii) All of the individual's symptoms and conditions that would**

1 affect the safe operation of a motor vehicle have abated or have
2 been corrected, cured, or controlled.

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

6 (a) The secretary of state finds that any of the following
7 conditions apply:

8 (i) The epileptic seizure occurred because of a medically
9 directed medication change.

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

13 (iii) The epileptic seizure has an established pattern of being
14 purely nocturnal.

15 (iv) The epileptic seizure is secondary to provoking factors
16 that are unlikely to recur, including, but not limited to,
17 metabolic, infectious, or other acute illnesses.

18 (v) The epileptic seizure is related to an acute illness that
19 is reversible.

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

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

28 (ii) Documentation showing that the epileptic seizure occurred
29 as a result of a specific epilepsy syndrome and that the epileptic

1 seizure occurs at specific times of day. The documentation must
2 include an established history of the epilepsy pattern described
3 under this subparagraph.

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

10 (iv) Evidence that an individual's epileptic seizure is
11 secondary to provoking factors that are unlikely to recur,
12 including, but not limited to, metabolic, infectious, or other
13 acute illnesses.

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

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

19 Enacting section 1. This amendatory act does not take effect
20 unless House Bill No. 4307 of the 103rd Legislature is enacted into
21 law.