

2000 PUBLIC AND LOCAL ACTS

[No. 158]

(HB 5172)

AN ACT to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending section 312e (MCL 257.312e), as amended by 1991 PA 100.

The People of the State of Michigan enact:

257.312e Group A, B, or C vehicle designation on operator's or chauffeur's license; H, N, P, T, and X vehicle indorsements; tests; commercial motor vehicle; holder of unexpired operator's or chauffeur's license; qualifications and fees for vehicle group designation and indorsement; F vehicle indorsement; exceptions; former indorsements; expiration; disposition of money received and collected under subsection (3); refund to county or municipality; compliance with §§ 257.303 and 257.319b. [M.S.A. 9.2012(5)]

Sec. 312e. (1) Except as provided in subsections (4), (5), (6), (7), and (8), a person, before operating a vehicle towing a vehicle having a gross vehicle weight rating over 10,000 pounds, shall procure a group A vehicle designation on his or her operator's or chauffeur's license. Unless an indorsement is required, a person licensed to operate a group A vehicle may operate a group B or C vehicle without taking another test. A person, before operating a single vehicle having a gross vehicle weight rating of 26,001 pounds or more, or any combination of vehicles having a gross combination weight rating of 26,001 pounds or more if the vehicle being towed does not have a gross vehicle weight rating over 10,000 pounds, shall procure a group B vehicle designation on his or her operator's or chauffeur's license. Unless an indorsement is required, a person licensed to operate a group B vehicle may operate a group C vehicle without taking another test. A person, before operating a school transportation vehicle or a single vehicle having a gross vehicle weight rating under 26,001 pounds or a combination of vehicles having a gross combination weight rating under 26,001 pounds if the vehicle being towed does not have a gross vehicle weight rating over 10,000 pounds and carrying hazardous materials on which a placard is required under 49 C.F.R. parts 100 to 199, or designed to transport 16 or more passengers including the driver, shall procure a group C vehicle designation and a hazardous material or passenger vehicle indorsement on his or her operator's or chauffeur's license. An applicant for a vehicle group designation shall take knowledge and driving skills tests that comply with minimum federal standards prescribed in 49 C.F.R.

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part 383 as required under this act. The license shall be issued, suspended, revoked, canceled, or renewed in accordance with this act. Except as provided in this subsection, all of the following apply:

(a) A person who takes the driving test required under section 312f for a group A vehicle designation in a combination of vehicles having a gross combination weight rating under 26,001 pounds shall not operate a single vehicle having a gross vehicle weight rating of 26,001 pounds or more, or any combination of vehicles having a gross combination weight rating of 26,001 pounds or more if the vehicle being towed has a gross vehicle weight rating of 10,001 pounds or more or the towing vehicle has a gross vehicle weight rating of 26,001 pounds or more.

(b) A person who has a group B vehicle designation that is not restricted under this subsection and who takes the driving test required under section 312f for a group A vehicle designation in a combination of vehicles having a gross combination weight rating under 26,001 pounds shall not operate any combination of vehicles having a gross combination weight rating of 26,001 pounds or more if the vehicle being towed has a gross vehicle weight rating of 10,001 pounds or more.

(c) A person who takes the driving test required under section 312f for a group B vehicle designation in a combination of vehicles in which the towing vehicle has a gross vehicle weight rating under 26,001 pounds shall not operate a single vehicle having a gross vehicle weight rating of 26,001 pounds or more, or any combination of vehicles if the towing vehicle has a gross vehicle weight rating of 26,001 pounds or more.

(2) A person, before operating a commercial motor vehicle pulling double trailers, shall procure the appropriate vehicle group designation and a T vehicle indorsement under this act. A person, before operating a commercial motor vehicle that is a tank vehicle, shall procure the appropriate vehicle group designation and an N vehicle indorsement under this act. A person, before operating a commercial motor vehicle carrying hazardous materials on which a placard is required under 49 C.F.R. parts 100 to 199, shall procure the appropriate vehicle group designation and an H vehicle indorsement under this act. A person, before operating a commercial motor vehicle that is a tank vehicle carrying hazardous material, shall procure the appropriate vehicle group designation and both an N and H vehicle indorsement, which combination vehicle indorsement shall be designated by the code letter X on the person's operator's or chauffeur's license. A person, before operating a bus, school bus, or school transportation vehicle, shall procure the appropriate vehicle group designation and a P vehicle indorsement under this act. A person who fails the air brake portion of the written or driving tests provided under section 312f or who takes the driving test provided under that section in a commercial motor vehicle that is not equipped with air brakes shall not operate a commercial motor vehicle equipped with air brakes. One or more indorsements may be necessary to operate a commercial motor vehicle. An applicant for an indorsement shall take the knowledge and driving skills tests described and required pursuant to 49 C.F.R. part 383. Knowledge tests shall be limited to that which a driver must have for the safe operation of a commercial motor vehicle. The driver is not expected to have knowledge of subjects, such as vehicle mechanics, that go beyond the scope of the information necessary for safe operation of his or her commercial motor vehicle. An applicant for a P vehicle indorsement shall take the driving skills test in a bus or school bus.

(3) The holder of an unexpired operator's or chauffeur's license may be issued a vehicle group designation and indorsement valid for the remainder of the license upon meeting the qualifications of section 312f and payment of the original vehicle group designation fee of \$20.00 and an indorsement fee of \$5.00 per indorsement for a 4-year operator's or chauffeur's license, payment of a vehicle group designation fee of \$20.00 for a 2-year

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operator's or chauffeur's license under section 314b and an indorsement fee of \$5.00 per indorsement, and a corrected license fee of \$6.00. A person required to procure an F vehicle indorsement pursuant to subsection (5) shall pay an indorsement fee of \$5.00.

(4) Except as otherwise provided in subsections (5) and (6), this section does not apply to a driver or operator of a vehicle under all of the following conditions:

(a) The vehicle is controlled and operated by a farmer or an employee or family member of the farmer.

(b) The vehicle is used to transport agricultural products, farm machinery, farm supplies, or a combination of these items, to or from a farm.

(c) The vehicle is not used in the operation of a common or contract motor carrier.

(d) The vehicle is operated within 150 miles of the farm.

(5) A person, before driving or operating a combination of vehicles having a gross vehicle weight rating of 26,001 pounds or more on the power unit that is used as described in subsection (4)(a) to (d), shall obtain an F vehicle indorsement. The F vehicle indorsement shall be issued upon successful completion of a knowledge test only.

(6) A person, before driving or operating a single vehicle truck having a gross vehicle weight rating of 26,001 pounds or more or a combination of vehicles having a gross vehicle weight rating of 26,001 pounds or more on the power unit that is used as described in subsection (4)(a) to (d) for carrying hazardous materials on which a placard is required under 49 C.F.R. parts 100 to 199, shall successfully complete both a knowledge test and a driving skills test. Upon successful completion of the knowledge test and driving skills test, the person shall be issued the appropriate vehicle group designation and any vehicle indorsement necessary under this act.

(7) This section does not apply to a police officer operating an authorized emergency vehicle or to a firefighter operating an authorized emergency vehicle who has met the driver training standards of the Michigan fire fighters' training council.

(8) This section does not apply to a person operating a motor home or a vehicle used exclusively to transport personal possessions or family members for nonbusiness purposes.

(9) The money received and collected under subsection (3) for a vehicle group designation or indorsement shall be deposited in the state treasury to the credit of the general fund. The secretary of state shall refund out of the fees collected to each county or municipality acting as an examining officer or examining bureau \$3.00 for each applicant examined for a first designation or indorsement to a 4-year operator's or chauffeur's license, \$2.50 for each original designation or indorsement to a 2-year operator's or chauffeur's license, \$1.50 for each renewal designation or indorsement to a 2- or 4-year operator's or chauffeur's license, whose application is not denied, on the condition that the money refunded shall be paid to the county or local treasurer and is appropriated to the county, municipality, or officer or bureau receiving that money for the purpose of carrying out this act.

(10) Notwithstanding any other provision of this section, a person operating a vehicle described in subsections (4) and (5) is subject to the provisions of sections 303 and 319b.

This act is ordered to take immediate effect.

Approved June 14, 2000.

Filed with Secretary of State June 14, 2000.
