

# SENATE BILL No. 980

February 12, 2004, Introduced by Senators PATTERSON, KUIPERS, GOSCHKA,  
LELAND, SCHAUER and HARDIMAN and referred to the Committee on Health Policy.

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, the secretary of state may waive  
7 the examination, except that an examination shall not be waived  
8 if it appears from the application, from the apparent physical or  
9 mental condition of the applicant, or from any other information  
10 ~~which~~ **that** has come to the secretary of state from another

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

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

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

1 condition that may affect his or her ability to safely operate a  
2 motor vehicle, the application shall not be processed until the  
3 applicant is examined by a physician or certified nurse  
4 practitioner licensed to practice in this state and a statement  
5 of the applicant's physical condition is received and reviewed.

6 The secretary of state shall also ascertain whether the applicant  
7 has sufficient knowledge of the English language to understand  
8 highway warnings or direction signs written in that language.

9 The examination shall not include investigation of facts other  
10 than those facts directly pertaining to the ability of the  
11 applicant to operate a motor vehicle with safety or facts  
12 declared to be prerequisite to the issuance of a license under  
13 this act.

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

1 designation or indorsement shall not be issued by the secretary  
2 of state without a knowledge test conducted by the secretary of  
3 state. Except as provided in section 312f(1), an original  
4 vehicle group designation or passenger indorsement shall not be  
5 issued by the secretary of state without a driving skills test  
6 conducted by an examiner appointed or authorized by the secretary  
7 of state. While in the course of taking a driving skills test  
8 conducted by the examiner who shall occupy a seat beside the  
9 applicant, an applicant for an original vehicle group designation  
10 or passenger indorsement who has been issued a temporary  
11 instruction permit to operate a commercial motor vehicle is  
12 permitted to operate a vehicle requiring a vehicle group  
13 designation or passenger indorsement without a person licensed to  
14 operate a commercial motor vehicle occupying a seat beside him or  
15 her.

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

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

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

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

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