

HOUSE BILL NO. 5342

November 14, 2023, Introduced by Reps. Shannon, BeGole, Mueller, Borton, Kuhn, Kunse, Martin, Roth, Bezotte, McKinney, Slagh, Wozniak, Beson, Schmaltz, Thompson, Zorn, Neyer, Markkanen, Alexander, Phil Green and Outman and referred to the Committee on Transportation, Mobility and Infrastructure.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 312e (MCL 257.312e), as amended by 2022 PA 193.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 312e. (1) Except as otherwise provided in this section,
2 an individual, before operating a commercial motor vehicle, shall
3 obtain the required vehicle group designation as follows:

4 (a) An individual, before operating a combination of motor
5 vehicles with a gross combination weight rating or gross
6 combination weight of 26,001 pounds or more, whichever is greater,
7 inclusive of towed units with a gross vehicle weight rating or

1 gross vehicle weight of more than 10,000 pounds, shall procure a
2 group A vehicle designation on ~~his or her~~ **the individual's**
3 operator's or chauffeur's license. Unless an endorsement or the
4 removal of restrictions is required, an individual licensed to
5 operate a group A vehicle may operate a group B or C vehicle
6 without taking another test.

7 (b) An individual, before operating a single vehicle having a
8 gross vehicle weight rating or gross vehicle weight of 26,001
9 pounds or more, whichever is greater, including while towing a
10 vehicle having a gross vehicle weight rating or gross vehicle
11 weight of not more than 10,000 pounds, shall procure a group B
12 vehicle designation on ~~his or her~~ **the individual's** operator's or
13 chauffeur's license. Unless an endorsement or the removal of
14 restrictions is required, an individual licensed to operate a group
15 B vehicle may operate a group C vehicle without taking another
16 test.

17 (c) An individual, before operating a single vehicle or a
18 combination of vehicles that fits the definition of small vehicle
19 (group C) under 49 CFR 383.91(a)(3), shall procure a group C
20 vehicle designation and a hazardous material or passenger vehicle
21 endorsement on ~~his or her~~ **the individual's** operator's or
22 chauffeur's license.

23 (2) An applicant for a vehicle group designation shall take
24 knowledge and driving skills tests that comply with minimum federal
25 standards prescribed in 49 CFR part 383 as required under this act
26 and, beginning February 7, 2022, complete the entry level driver
27 training described and required under 49 CFR part 380.

28 (3) The license must be issued, suspended, revoked, canceled,
29 or renewed in accordance with this act.

1 (4) Except as provided in this subsection, all of the
2 following apply:

3 (a) If an individual operates a group B passenger vehicle
4 while taking ~~his or her~~ **the individual's** driving skills test for a
5 P endorsement, ~~he or she~~ **the individual** is restricted to operating
6 only group B or C passenger vehicles under that P endorsement. If
7 an individual operates a group B school bus while taking ~~his or her~~
8 **the individual's** driving skills test for an S endorsement, ~~he or~~
9 ~~she~~ **the individual** is restricted to operating only group B or C
10 school buses under that S endorsement. Except as provided in this
11 section, beginning July 8, 2015, the secretary of state shall place
12 on the commercial learner's permit or commercial driver license the
13 following restriction code as provided under 49 CFR 383.95 and
14 383.153: not valid to operate a group A passenger commercial motor
15 vehicle.

16 (b) If an individual operates a group C passenger vehicle
17 while taking ~~his or her~~ **the individual's** driving skills test for a
18 P endorsement, ~~he or she~~ **the individual** is restricted to operating
19 only group C passenger vehicles under that P endorsement. If an
20 individual operates a group C school bus while taking ~~his or her~~
21 **the individual's** driving skills test for an S endorsement, ~~he or~~
22 ~~she~~ **the individual** is restricted to operating only group C school
23 buses under that S endorsement. Except as provided in this section,
24 beginning July 8, 2015, the secretary of state shall place on the
25 commercial learner's permit or commercial driver license the
26 following restriction code as provided under 49 CFR 383.95 and
27 383.153: not valid to operate a group A or group B passenger
28 commercial motor vehicle.

29 (c) An individual who fails the air brake portion of the

1 written or driving skills test provided under section 312f or who
2 takes the driving skills test provided under that section in a
3 commercial motor vehicle that is not equipped with air brakes shall
4 not operate a commercial motor vehicle equipped with air brakes.
5 Except as provided in this section, beginning July 8, 2015, the
6 secretary of state shall place on the commercial learner's permit
7 or commercial driver license the following restriction code as
8 provided under 49 CFR 383.95 and 383.153: CDL not valid for vehicle
9 with air brakes.

10 (d) Except as provided in this section, beginning July 8,
11 2015, the secretary of state shall place on a commercial learner's
12 permit or commercial driver license the following restriction codes
13 as provided under 49 CFR 383.95 and 383.153:

14 (i) For a commercial learner's permit:

15 (A) No passengers in a commercial motor vehicle bus.

16 (B) No cargo in a commercial motor vehicle tank vehicle.

17 (C) Commercial motor vehicle operation with medical variance.

18 (D) Commercial motor vehicle operation intrastate only.

19 (ii) For a commercial driver license:

20 (A) Not valid to operate commercial motor vehicle equipped
21 with full air brakes.

22 (B) Not valid to operate commercial motor vehicle equipped
23 with manual transmission.

24 (C) Not valid to operate a group A commercial vehicle tractor-
25 trailer combination connected by fifth wheel.

26 (D) Commercial motor vehicle operation intrastate only.

27 (E) Commercial motor vehicle operation with medical variance.

28 (5) An individual, before operating a commercial motor
29 vehicle, shall obtain the following vehicle endorsements as

1 provided under 49 CFR 383.93 and 383.153:

2 (a) An individual, before operating a commercial motor vehicle
3 pulling double trailers, shall obtain the appropriate vehicle group
4 designation and a T vehicle endorsement under this act.

5 (b) An individual applying for a commercial learner's permit
6 to operate an empty tank motor vehicle shall obtain the appropriate
7 vehicle group designation and an N endorsement. An individual,
8 before operating a tank motor vehicle, shall have on a commercial
9 driver license the appropriate vehicle group designation and an N
10 vehicle endorsement under this act.

11 (c) Until February 6, 2022, an individual, before operating a
12 commercial motor vehicle carrying hazardous materials on which a
13 placard is required under 49 CFR parts 100 to 199, shall procure
14 the appropriate vehicle group designation and an H vehicle
15 endorsement under this act. Beginning February 7, 2022, an
16 individual, before operating a commercial motor vehicle carrying
17 hazardous materials on which a placard is required under 49 CFR
18 parts 100 to 199, shall complete the entry level driver training
19 described and required under 49 CFR part 380 to procure the
20 appropriate vehicle group designation and an H vehicle endorsement
21 under this act.

22 (d) An individual, before operating a tank motor vehicle
23 carrying hazardous materials, shall obtain the appropriate vehicle
24 group designation and both an N and H vehicle endorsement, which
25 must be designated by the code letter X on the individual's
26 operator's or chauffeur's license.

27 (e) An individual applying for a commercial learner's permit
28 to operate a passenger commercial motor vehicle that is not a
29 school bus, as set forth in section 306a(2)(e), shall obtain the

1 appropriate commercial vehicle group designation and a P
2 endorsement. An individual, before operating a vehicle that is
3 designed to transport 16 or more passengers including the driver
4 but that is not a school bus must have on a commercial driver
5 license the appropriate vehicle group designation and a P vehicle
6 endorsement under this act. An applicant for a P vehicle
7 endorsement must take the driving skills test in a vehicle designed
8 to transport 16 or more passengers including the driver and,
9 beginning February 7, 2022, complete the entry level driver
10 training described and required under 49 CFR part 380.

11 (f) An individual applying for a commercial learner's permit
12 to operate a school bus designed to transport 16 or more
13 passengers, including the driver, as set forth in section
14 306a(2)(e), who does not currently possess a P endorsement, shall
15 obtain the appropriate vehicle group designation and pass the
16 knowledge tests for both the P and S endorsements. An individual,
17 before operating a school bus, must have on a commercial driver
18 license the appropriate vehicle group designation and both the P
19 and S vehicle endorsements under this act. An applicant for an S
20 vehicle endorsement shall take a driving skills test in a school
21 bus designed to transport 16 or more passengers, including the
22 driver, that represents the same type of vehicle that the applicant
23 intends to operate as a school bus and, beginning February 7, 2022,
24 complete the entry level driver training described and required
25 under 49 CFR part 380.

26 (g) An individual who currently possesses a P endorsement and
27 is applying for a commercial learner's permit to operate a school
28 bus designed to transport 16 or more passengers, including the
29 driver, as set forth in section ~~306(a)(2)(e)~~, **306a(2)(e)**, shall

1 obtain the appropriate vehicle group designation and pass the
2 knowledge test for the S endorsement. An individual who currently
3 possesses a P endorsement, before operating a school bus designed
4 to transport 16 or more passengers, including the driver, shall
5 obtain the appropriate vehicle group designation, pass the
6 knowledge test for an S endorsement, and obtain an S vehicle
7 endorsement for ~~his or her~~ **the individual's** commercial driver
8 license under this act. An applicant for an S vehicle endorsement
9 shall take a driving skills test in a school bus designed to
10 transport 16 or more passengers, including the driver, that
11 represents the same type of vehicle that the applicant intends to
12 operate as a school bus and, beginning February 7, 2022, complete
13 the entry level driver training described and required under 49 CFR
14 part 380.

15 (6) An applicant for an endorsement shall take the knowledge
16 and driving skills tests described and required under 49 CFR part
17 383 and, beginning February 7, 2022, complete the entry level
18 driver training described and required under 49 CFR part 380.

19 (7) The holder of an unexpired operator's or chauffeur's
20 license may be issued a vehicle group designation and endorsement
21 valid for the remainder of the license upon meeting the
22 qualifications of section 312f, ~~and~~ payment of the original vehicle
23 group designation fee of \$25.00, ~~and~~ an endorsement fee of \$5.00
24 per endorsement, and a corrected license fee of \$18.00. An
25 individual required to procure an F vehicle endorsement under
26 subsection (9) shall pay an endorsement fee of \$5.00.

27 (8) Except as otherwise provided in subsections (9) and (10),
28 this section does not apply to a driver or operator of a vehicle
29 under all of the following conditions:

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

3 (b) The vehicle is used to transport agricultural products,
4 farm machinery, farm supplies, or a combination of ~~these~~**those**
5 items, to or from a farm.

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

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

9 (9) An individual, before driving or operating a combination
10 of vehicles having a gross vehicle weight rating of 26,001 pounds
11 or more on the power unit that is used as described in subsection
12 (8) (a) to (d), shall obtain an F vehicle endorsement. The F vehicle
13 endorsement must be issued upon successful completion of a
14 knowledge test only.

15 (10) An individual, before driving or operating a single
16 vehicle truck having a gross vehicle weight rating of 26,001 pounds
17 or more or a combination of vehicles having a gross vehicle weight
18 rating of 26,001 pounds or more on the power unit that is used as
19 described in subsection (8) (a) to (d) for carrying hazardous
20 materials on which a placard is required under 49 CFR parts 100 to
21 199, shall successfully complete both a knowledge test and a
22 driving skills test. Upon successful completion of the knowledge
23 test and driving skills test, the individual ~~shall~~**must** be issued
24 the appropriate vehicle group designation and any vehicle
25 endorsement necessary under this act.

26 (11) This section does not apply to **the following individuals:**

27 (a) ~~a~~**A** police officer operating an authorized emergency
28 vehicle. ~~or to a~~

29 (b) **A firefighter or Michigan Mutual Aid Box Alarm System**

1 **employee or member who is** operating an authorized emergency vehicle
2 ~~who~~**and** has met the driver training standards published under the
3 firefighters training council act, 1966 PA 291, MCL 29.361 to
4 29.377.

5 (12) This section does not apply to an individual operating a
6 vehicle used exclusively to transport personal possessions or
7 family members for nonbusiness purposes.

8 (13) The money collected under subsection (7) for a vehicle
9 group designation or endorsement must be deposited in the state
10 treasury to the credit of the general fund. The secretary of state
11 shall refund out of the fees collected to each county or
12 municipality acting as an examining officer or examining bureau
13 \$3.00 for each applicant examined for a first designation or
14 endorsement to an operator's or chauffeur's license and \$1.50 for
15 each renewal designation or endorsement to an operator's or
16 chauffeur's license, whose application is not denied, on the
17 condition that the money refunded must be paid to the county or
18 local treasurer and is appropriated to the county, municipality, or
19 officer or bureau receiving that money for the purpose of carrying
20 out this act.

21 (14) Notwithstanding any other provision of this section, an
22 individual operating a vehicle described in subsections (8) and (9)
23 is subject to the provisions of sections 303 and 319b.

24 (15) This state shall comply with the requirements of the
25 American Association of Motor Vehicle Administrators' AAMVANet,
26 Incorporated's "Commercial Driver License Information System
27 (CDLIS) State Procedures Manual" that the secretary of state
28 determines are required ~~for implementing~~ **to implement** and ~~enforcing~~
29 **enforce** federal law.

1 Enacting section 1. This amendatory act does not take effect
2 unless Senate Bill No. _____ or House Bill No. 5341 (request no.
3 02210'23) of the 102nd Legislature is enacted into law.