

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 876

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 216, 226, 255, 301, 306, 306a, 309, 312f, 314, and 321c (MCL 257.216, 257.226, 257.255, 257.301, 257.306, 257.306a, 257.309, 257.312f, 257.314, and 257.321c), section 216 as amended by 2009 PA 32, section 226 as amended by 2018 PA 342, section 255 as amended by 2018 PA 64, sections 301 and 314 as amended by 2011 PA 159, section 306 as amended by 2015 PA 11, section 306a as added by 2015 PA 11, section 309 as amended by 2016 PA 23, section 312f as amended by 2016 PA 58, and section 321c as amended by 2009 PA 194, and by adding sections 312k and 801k.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 216. **(1)** Every motor vehicle, recreational vehicle,



1 trailer, semitrailer, and pole trailer, when driven or moved on a
2 street or highway, is subject to the registration and certificate
3 of title provisions of this act except the following:

4 (a) A vehicle driven or moved on a street or highway in
5 conformance with the provisions of this act relating to
6 manufacturers, transporters, dealers, or nonresidents.

7 (b) A vehicle that is driven or moved on a street or highway
8 only for the purpose of crossing that street or highway from 1
9 property to another.

10 (c) An implement of husbandry.

11 (d) Special mobile equipment. The secretary of state may issue
12 a special registration to an individual, partnership, corporation,
13 or association not licensed as a dealer that pays the required fee,
14 to identify special mobile equipment that is driven or moved on a
15 street or highway.

16 (e) A vehicle that is propelled exclusively by electric power
17 obtained from overhead trolley wires though not operated on rails.

18 (f) Any vehicle subject to registration, but owned by the
19 government of the United States.

20 (g) A certificate of title is not required for a trailer,
21 semitrailer, or pole trailer that weighs less than 2,500 pounds.

22 (h) A vehicle driven or moved on a street or highway, by the
23 most direct route, only for the purpose of securing a scale weight
24 receipt from a weighmaster for purposes of section 801 or obtaining
25 a vehicle inspection by a law enforcement agency before titling or
26 registration of that vehicle.

27 (i) A certificate of title is not required for a vehicle owned
28 by a manufacturer or dealer and held for sale or lease, even though
29 incidentally moved on a street or highway or used for purposes of



1 testing or demonstration.

2 (j) A bus or a school bus that is not self-propelled and is
3 used exclusively as a construction shanty.

4 (k) A certificate of title is not required for a moped.

5 (l) For 3 days immediately following the date of a properly
6 assigned title or signed lease agreement from any person other than
7 a dealer, a registration is not required for a vehicle driven or
8 moved on a street or highway for the sole purpose of transporting
9 the vehicle by the most direct route from the place of purchase or
10 lease to a place of storage if the driver has in his or her
11 possession the assigned title showing the date of sale or a lease
12 agreement showing the date of the lease.

13 (m) A certificate of registration is not required for a pickup
14 camper, but a certificate of title is required.

15 (n) A new motor vehicle driven or moved on a street or highway
16 only for the purpose of moving the vehicle from an accident site to
17 a storage location if the vehicle was being transported on a
18 railroad car or semitrailer that was involved in a disabling
19 accident.

20 (o) A boat lift used for transporting vessels between a marina
21 or a body of water and a place of inland storage.

22 **(2) Except as otherwise provided in this subsection, a**
23 **registration issued to a motor vehicle, recreational vehicle,**
24 **trailer, semitrailer, or pole trailer, when driven or moved on a**
25 **street or highway, that expires on or after March 1, 2020 is valid**
26 **until September 30, 2020. If the registration issued to a motor**
27 **vehicle, recreational vehicle, trailer, semitrailer, or pole**
28 **trailer, when driven or moved on a street or highway, that is used**
29 **for commercial purposes expires on or after March 1, 2020, the**



1 registration is valid until September 30, 2020.

2 Sec. 226. (1) ~~A~~ Except as otherwise provided in subsection
 3 (13), a vehicle registration issued by the secretary of state
 4 expires on the owner's birthday, unless another expiration date is
 5 provided for under this act or unless the registration is for the
 6 following vehicles, in which case registration expires on the last
 7 day of February:

8 (a) A commercial vehicle except for a commercial vehicle
 9 issued a registration under the international registration plan or
 10 a pickup truck or van owned by an individual.

11 (b) Except for a trailer or semitrailer issued a registration
 12 under the international registration plan, a trailer or semitrailer
 13 owned by a business, corporation, or person other than an
 14 individual; or a pole trailer.

15 (2) ~~The~~ Except as otherwise provided in subsection (13), the
 16 expiration date for a registration issued for a motorcycle is the
 17 motorcycle owner's birthday.

18 (3) The expiration date for a registration bearing the letters
 19 "SEN" or "REP" is February 1.

20 (4) In the case of a vehicle owned by a business, corporation,
 21 or an owner other than an individual, the secretary of state may
 22 assign or reassign the expiration date of the registration.

23 (5) The secretary of state shall do all of the following:

24 (a) After the October 1 immediately preceding the year
 25 designated on the registration, issue a registration upon
 26 application and payment of the proper fee for a commercial vehicle,
 27 other than a pickup or van owned by an individual; or a trailer
 28 owned by a business, corporation, or person other than an
 29 individual.



1 (b) Beginning 60 days before the expiration date assigned on
 2 an international registration plan registration plate, issue a
 3 registration under section 801g upon application and payment of the
 4 proper apportioned fee for a commercial vehicle engaged in
 5 interstate commerce.

6 (c) Beginning 45 days before the owner's birthday and 120 days
 7 before the expiration date assigned by the secretary of state,
 8 issue a registration for a vehicle other than those designated in
 9 subsection (1) (a) or (b). However, if an owner whose registration
 10 period begins 45 days before his or her birthday will be out of the
 11 state during the 45 days immediately preceding expiration of a
 12 registration or for other good cause shown cannot apply for a
 13 renewal registration within the 45-day period, application for a
 14 renewal registration may be made not more than 6 months before
 15 expiration.

16 (6) Except as otherwise provided in this subsection, the
 17 secretary of state, upon application and payment of the proper fee,
 18 shall issue a registration for a vehicle or a motorcycle to a
 19 resident that ~~shall expire~~ **expires** on the owner's birthday. If the
 20 owner's next birthday is at least 6 months but not more than 12
 21 months in the future, the owner shall receive a registration valid
 22 until the owner's next birthday. If the owner's next birthday is
 23 less than 6 months in the future, the owner shall receive a
 24 registration valid until the owner's birthday following the owner's
 25 next birthday. The tax required under this act for a registration
 26 described in this subsection ~~shall be~~ **is** either of the following:

27 (a) For an original registration, the tax ~~shall~~ **must** bear the
 28 same relationship to the tax required under section 801 for a 12-
 29 month registration as the length of the registration bears to 12



1 months.

2 (b) For a renewal of a registration, either of the following:

3 (i) For a registration that is for at least 6 months but not
4 more than 12 months, the same amount as for 12 months.

5 (ii) For a renewal of a registration that is for more than 12
6 months, 2 times the amount for 12 months.

7 Partial months ~~shall~~**must** be considered as whole months in the
8 calculation of the required tax and in the determination of the
9 length of time between the application for a registration and the
10 owner's next birthday. The tax required for that registration ~~shall~~
11 **must** be rounded off to whole dollars as provided in section 801.

12 (7) A certificate of title ~~shall remain~~**remains** valid until
13 canceled by the secretary of state for cause or upon a transfer of
14 an interest shown on the certificate of title.

15 (8) The secretary of state, upon request, shall issue special
16 registration for commercial vehicles, valid for 6 months after the
17 date of issue, if the full registration fee exceeds \$50.00, on the
18 payment of 1/2 the full registration fee and a service charge as
19 enumerated in section 802(1).

20 (9) The secretary of state may issue a special registration
21 for each of the following:

22 (a) A new vehicle purchased or leased outside of this state
23 and delivered in this state to the purchaser or lessee by the
24 manufacturer of that vehicle for removal to a place outside of this
25 state, if a certification is made that the vehicle will be
26 primarily used, stored, and registered outside of this state and
27 will not be returned to this state by the purchaser or lessee for
28 use or storage.

29 (b) A vehicle purchased or leased in this state and delivered



1 to the purchaser or lessee by a dealer or by the owner of the
2 vehicle for removal to a place outside of this state, if a
3 certification is made that the vehicle will be primarily used,
4 stored, and registered outside of this state and will not be
5 returned to this state by the purchaser or lessee for use or
6 storage.

7 (10) A special registration issued under subsection (9) is
8 valid for not more than 30 days after the date of issuance, and a
9 fee ~~shall~~**must** be collected for each special registration as
10 provided in section 802(3). The special registration may be in the
11 form determined by the secretary of state. If a dealer makes a
12 retail sale or lease of a vehicle to a purchaser or lessee who is
13 qualified and eligible to obtain a special registration, the dealer
14 shall apply for the special registration for the purchaser or
15 lessee. If a person other than a dealer sells or leases a vehicle
16 to a purchaser or lessee who is qualified and eligible to obtain a
17 special registration, the purchaser or lessee shall appear in
18 person, or by a person exercising the purchaser's or lessee's power
19 of attorney, at an office of the secretary of state and furnish a
20 certification that the person is the bona fide purchaser or lessee
21 or that the person has granted the power of attorney, together with
22 other forms required for the issuance of the special registration
23 and provide the secretary of state with proof that the vehicle is
24 covered by a ~~Michigan no-fault~~**an automobile** insurance policy
25 issued under section 3101 of the insurance code of 1956, 1956 PA
26 218, MCL 500.3101, or proof that the vehicle is covered by a policy
27 of insurance issued by an insurer under section 3163 of the
28 insurance code of 1956, 1956 PA 218, MCL 500.3163. The
29 certification required in this subsection ~~shall~~**must** contain all of



1 the following:

2 (a) The address of the purchaser or lessee.

3 (b) A statement that the vehicle is purchased or leased for
4 registration outside of this state.

5 (c) A statement that the vehicle ~~shall~~**must** be primarily used,
6 stored, and registered outside of this state.

7 (d) The name of the jurisdiction in which the vehicle is to be
8 registered.

9 (e) Other information requested by the secretary of state.

10 (11) In the case of a commercial vehicle, trailer, or
11 semitrailer issued a registration under the international
12 registration plan, the secretary of state in mutual agreement with
13 the owner may assign or reassign the expiration date of the
14 registration. However, the expiration date agreed to ~~shall~~**must** be
15 either March 31, June 30, September 30, or December 31 or beginning
16 on February 19, 2019, the last day of a calendar month. Renewals
17 expiring on or after June 30, 2020 ~~shall~~**must** be for a minimum of
18 at least 12 months if there is a change in the established
19 expiration date. **Notwithstanding the provisions of this subsection,**
20 **a commercial vehicle, trailer, or semitrailer registration issued**
21 **under this subsection that expires on or after March 1, 2020 is**
22 **valid until September 30, 2020.**

23 (12) The expiration date for a multiyear registration issued
24 for a leased vehicle ~~shall~~**must** be the date the lease expires but
25 shall not be for a period longer than 24 months.

26 (13) **A vehicle registration described in subsection (1) or a**
27 **motorcycle registration described in subsection (2) that expires on**
28 **or after March 1, 2020 is valid until September 30, 2020.**

29 Sec. 255. (1) Except as otherwise provided in this chapter, a



1 person shall not operate, nor shall an owner knowingly permit to be
2 operated, upon any highway, a vehicle required to be registered
3 under this act unless, except as otherwise provided in this
4 subsection, no later than 30 days after the vehicle is registered
5 or the vehicle's registration is renewed, a valid registration
6 plate issued for the vehicle by the department for the current
7 registration year is attached to and displayed on the vehicle as
8 required by this chapter. For purposes of this subsection, a
9 printed or electronic copy of a valid registration or verification
10 of a valid registration through the L.E.I.N. is proof that the
11 vehicle is registered or that the vehicle's registration has been
12 renewed. A registration plate is not required ~~upon any~~ **for a**
13 wrecked or disabled vehicle, or vehicle destined for repair or
14 junking, ~~which that~~ is being transported or drawn ~~upon on~~ a highway
15 by a wrecker or a registered motor vehicle. The 30-day period
16 described in this subsection does not apply to the first
17 registration of a vehicle after a transfer of ownership or to a
18 transfer registration under section 809.

19 (2) Except as otherwise provided in this section, a person who
20 violates subsection (1) is responsible for a civil infraction.
21 However, if the vehicle is a commercial vehicle which is required
22 to be registered according to the schedule of elected gross vehicle
23 weights under section 801(1)(k), the person is guilty of a
24 misdemeanor punishable by imprisonment for not more than 90 days or
25 a fine of not more than \$500.00, or both.

26 (3) A person who operates a vehicle licensed under the
27 international registration plan and does not have a valid
28 registration due to nonpayment of the apportioned fee is guilty of
29 a misdemeanor, punishable by imprisonment for not more than 90



1 days, or by a fine of not more than \$100.00, or both. In addition,
 2 a police officer may impound the vehicle until a valid registration
 3 is obtained. If the vehicle is impounded, the towing and storage
 4 costs of the vehicle, and the care or preservation of the load in
 5 the vehicle are the owner's responsibility. Vehicles impounded are
 6 subject to a lien in the amount of the apportioned fee and any fine
 7 and costs incurred under this subsection, subject to a valid lien
 8 of prior record. If the apportioned fee, fine, and costs are not
 9 paid within 90 days after impoundment, then following a hearing
 10 before the judge or magistrate who imposed the fine and costs, the
 11 judge or magistrate shall certify the unpaid judgment to the
 12 prosecuting attorney of the county in which the violation occurred.
 13 The prosecuting attorney shall enforce the lien by foreclosure sale
 14 in accordance with the procedure authorized by law for chattel
 15 mortgage foreclosures.

16 **(4) A noncommercial vehicle registration described in**
 17 **subsection (1) that expires on or after March 1, 2020 but is**
 18 **renewed on or before September 30, 2020 is not in violation of this**
 19 **section. A commercial vehicle registration described in subsection**
 20 **(1) that expires on or after March 1, 2020 but is renewed on or**
 21 **before September 30, 2020 is not in violation of this section.**

22 Sec. 301. (1) Except as provided in this act, ~~a person an~~
 23 **individual** shall not drive a motor vehicle ~~upon on~~ a highway in
 24 this state unless that ~~person individual~~ has a valid operator's or
 25 chauffeur's license with the appropriate group designation and
 26 indorsements for the type or class of vehicle being driven or
 27 towed. A resident of this state holding a commercial ~~driver's~~
 28 **driver** license group indorsement issued by another state shall
 29 apply for a license transfer within 30 days after establishing



1 domicile in this state.

2 (2) ~~A person~~**An individual** shall not receive a license to
 3 operate a motor vehicle until that ~~person~~**individual** surrenders to
 4 the secretary of state all valid licenses to operate a motor
 5 vehicle issued to that ~~person~~**individual** by this or any state or
 6 certifies that he or she does not possess a valid license. The
 7 secretary of state shall notify the issuing state that the licensee
 8 is now licensed in this state.

9 (3) ~~A person~~**An individual** shall not have more than 1 valid
 10 ~~driver's~~**driver** license.

11 (4) ~~A person~~**An individual** shall not drive a motor vehicle as
 12 a chauffeur unless that ~~person~~**individual** holds a valid chauffeur's
 13 license. ~~A person~~**An individual** shall not receive a chauffeur's
 14 license until that ~~person~~**individual** surrenders to the secretary of
 15 state a valid operator's or chauffeur's license issued to that
 16 ~~person~~**individual** by this or any state or certifies that he or she
 17 does not possess a valid license.

18 (5) ~~A person~~**An individual** holding a valid chauffeur's license
 19 need not procure an operator's license.

20 (6) **An operator's or chauffeur's license that expires on or**
 21 **after March 1, 2020 is valid until September 30, 2020.**

22 Sec. 306. (1) The secretary of state, upon receiving an
 23 application for a temporary instruction permit from a person who is
 24 18 years of age or older, may issue that permit entitling the
 25 applicant, while carrying the permit, to drive a motor vehicle
 26 other than a motor vehicle requiring an indorsement under section
 27 312a or a vehicle group designation under section 312e ~~upon~~**on** the
 28 highways for a period of 180 days when accompanied by a licensed
 29 adult operator or chauffeur who is actually occupying a seat beside



1 the driver. **A temporary instruction permit issued under this**
2 **subsection that expires on or after March 1, 2020 is valid until**
3 **September 30, 2020.**

4 (2) The secretary of state may issue an original operator's
5 license and designate level 1, 2, or 3 graduated licensing
6 provisions to a person who is less than 18 years of age, has been
7 licensed in another state or country, and has satisfied the
8 applicable requirements of section 310e. **An original operator's**
9 **license with a designated level 1, 2, or 3 graduated licensing**
10 **provision issued under this subsection that expires on or before**
11 **March 1, 2020 is valid until September 30, 2020.**

12 (3) A student enrolled in a driver education course as defined
13 in section 3 of the driver education provider and instructor act,
14 2006 PA 384, MCL 256.623, or a motorcycle safety course approved by
15 the department of state may operate a motor vehicle that does not
16 require a group designation under section 312e without holding an
17 operator's license or permit while under the direct supervision of
18 the program instructor.

19 (4) A student enrolled in a driver education course as defined
20 in section 3 of the driver education provider and instructor act,
21 2006 PA 384, MCL 256.623, and who has successfully completed 10
22 hours of classroom instruction and the equivalent of 2 hours of
23 behind-the-wheel training may be issued a temporary driver
24 education certificate furnished by the department of state that
25 authorizes a student to drive a motor vehicle, other than a motor
26 vehicle requiring an indorsement under section 312a or a vehicle
27 group designation under section 312e, when accompanied by a
28 licensed parent or guardian, or when accompanied by a nonlicensed
29 parent or guardian and a licensed adult for the purpose of



1 receiving additional instruction until the end of the student's
 2 driver education course. **A temporary driver education certificate**
 3 **issued under this subsection that expires on or after March 1, 2020**
 4 **is valid until September 30, 2020.**

5 (5) Beginning January 1, 2015, the secretary of state, upon
 6 receiving proper application from a person 16 or 17 years of age
 7 who is enrolled in or has successfully completed an approved
 8 motorcycle safety course under section 811a, or a person who is 18
 9 years of age or older and who holds a valid operator's or
 10 chauffeur's license, may issue a motorcycle temporary instruction
 11 permit entitling the applicant, while carrying the permit, to
 12 operate a motorcycle upon the public streets and highways for a
 13 period of 180 days under the following conditions:

14 (a) The applicant shall operate the motorcycle under the
 15 constant visual supervision of a licensed motorcycle operator who
 16 is at least 18 years of age.

17 (b) The applicant shall not operate the motorcycle at night.

18 (c) The applicant shall not operate the motorcycle with a
 19 passenger.

20 (d) The applicant shall not be eligible for more than 2
 21 motorcycle temporary instruction permits in a 10-year period.

22 **(6) A motorcycle temporary instruction permit issued under**
 23 **subsection (5) that expires on or after March 1, 2020 is valid**
 24 **until September 30, 2020.**

25 Sec. 306a. (1) The secretary of state may issue a commercial
 26 learner's permit entitling a person to drive a vehicle requiring a
 27 vehicle group designation or indorsement under section 312e if all
 28 of the following apply:

29 (a) The person submits a proper application and meets the



1 requirements of 49 CFR part 383.

2 (b) The person is 18 years of age or older.

3 (c) The person holds a valid operator's or chauffeur's license
4 that is not a restricted license.

5 (d) The person passes the knowledge tests for an original
6 vehicle group designation or indorsement, as required by 49 CFR
7 part 383.

8 (e) If the person is applying for a hazardous materials
9 indorsement, he or she has been approved for the hazardous
10 materials indorsement by the federal transportation security
11 administration.

12 (2) A person issued a commercial learner's permit under
13 subsection (1), or an equivalent commercial learner's permit issued
14 by another jurisdiction, may operate a vehicle requiring a vehicle
15 group designation or indorsement under section 312e, if all of the
16 following apply:

17 (a) The person has the permit and a valid operator's or
18 chauffeur's license in his or her possession while operating the
19 vehicle.

20 (b) The person is accompanied by an instructor certified under
21 the driver education provider and instructor act, 2006 PA 384, MCL
22 256.621 to 256.705, or an adult with a valid operator's or
23 chauffeur's license, and all of the following apply:

24 (i) The instructor or licensed adult has in his or her
25 possession a valid license with a vehicle group designation and any
26 indorsement necessary to operate the vehicle as provided in section
27 312e.

28 (ii) The instructor or licensed adult is at all times
29 physically present in the front seat of the vehicle next to the



1 operator or, in the case of a passenger vehicle, directly behind
2 the operator or in the first row behind the operator.

3 (iii) The instructor or licensed adult has the operator under
4 observation and direct supervision.

5 (c) The person shall not operate a vehicle transporting
6 hazardous materials as defined in 49 CFR part 383.

7 (d) If the person has a permit to operate a tank vehicle, the
8 person may only operate an empty tank vehicle and shall not operate
9 any tank vehicle that previously contained hazardous materials
10 unless the tank has been purged of all hazardous material residue.

11 (e) If the person has a permit to operate a vehicle designed
12 to carry 16 or more passengers or a school bus, the person shall
13 not operate a vehicle designed to carry 16 or more passengers or a
14 school bus with any passengers other than the following
15 individuals:

16 (i) The instructor or licensed adult described in this section.

17 (ii) Federal or state auditors or inspectors.

18 (iii) Test examiners.

19 (iv) Other trainees.

20 (3) A commercial learner's permit issued under this section is
21 valid for 180 days from the date of issuance. A person may apply 1
22 time to renew the permit for an additional 180 days without taking
23 the knowledge tests described in subsection (1) if the person
24 applies for the renewal before the expiration of the original
25 permit.

26 **(4) Notwithstanding subsection (3), a commercial learner's**
27 **permit issued under this section that expires on or after March 1,**
28 **2020 is valid until September 30, 2020.**

29 Sec. 309. (1) Before issuing a license, the secretary of state



1 shall examine each applicant for an operator's or chauffeur's
 2 license who at the time of the application is not the holder of a
 3 valid, unrevoked operator's or chauffeur's license under a law of
 4 this state providing for the licensing of drivers. Before the
 5 secretary of state authorizes a person to administer vehicle group
 6 designation or endorsement knowledge tests, that person must
 7 successfully complete both a state and Federal Bureau of
 8 Investigation fingerprint-based criminal history check or the
 9 equivalent through the department of state police. In all other
 10 cases, the secretary of state may waive the examination, except
 11 that an examination ~~shall~~**must** not be waived if it appears from the
 12 application, from the apparent physical or mental condition of the
 13 applicant, or from any other information that has come to the
 14 secretary of state from another source, that the applicant does not
 15 possess the physical, mental, or other qualifications necessary to
 16 operate a motor vehicle in a manner as not to jeopardize the safety
 17 of persons or property, or that the applicant is not entitled to a
 18 license under section 303. A licensee who applies for the renewal
 19 of his or her license by mail under section 307 shall certify to
 20 his or her physical capability to operate a motor vehicle. The
 21 secretary of state may check the applicant's driving record through
 22 the ~~national driver register~~**National Driver Register** and the
 23 ~~commercial driver license information system~~**Commercial Driver's**
 24 **License Information System** before issuing a license under this
 25 section.

26 (2) The secretary of state may appoint sheriffs, their
 27 deputies, the chiefs of police of cities and villages having
 28 organized police departments within this state, their duly
 29 authorized representatives, or employees of the secretary of state



1 as examining officers for the purpose of examining applicants for
 2 operator's and chauffeur's licenses. An examining officer shall
 3 conduct examinations of applicants for operator's and chauffeur's
 4 licenses in accordance with this chapter and the rules promulgated
 5 by the secretary of state under subsection (3). After conducting an
 6 examination an examining officer shall make a written report of his
 7 or her findings and recommendations to the secretary of state.

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



1 (4) The secretary of state shall not issue an original
2 operator's or chauffeur's license without a vehicle group
3 designation or indorsement without an examination that includes a
4 driving skills test conducted by the secretary of state or by a
5 designated examining officer under subsection (2) or section 310e.
6 The secretary of state may enter into an agreement with another
7 public or private corporation or agency to conduct a driving skills
8 test conducted under this section. Before the secretary of state
9 authorizes a person to administer a corporation's or agency's
10 driver skills testing operations or authorizes an examiner to
11 conduct a driving skills test, that person or examiner must
12 successfully complete both a state and Federal Bureau of
13 Investigation fingerprint based criminal history check through the
14 department of state police as required by law and as provided under
15 49 CFR 384.228. In an agreement with another public or private
16 corporation or agency to conduct a driving skills test, the
17 secretary of state shall prescribe the method and examination
18 criteria to be followed by the corporation, agency, or examiner
19 when conducting the driving skills test and the form of the
20 certification to be issued to a person who satisfactorily completes
21 a driving skills test. An original vehicle group designation or
22 indorsement shall not be issued by the secretary of state without a
23 knowledge test conducted by the secretary of state. Except as
24 provided in section 312f(1), an original vehicle group designation
25 or passenger or school bus indorsement ~~shall~~**must** not be issued by
26 the secretary of state without a driving skills test conducted by
27 an examiner appointed or authorized by the secretary of state or an
28 equivalent driving skills test meeting the requirements of 49 CFR
29 part 383 conducted in another jurisdiction.



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

8 (6) A driving skills test conducted under this section ~~shall~~
9 **must** include a behind-the-wheel road test. Before conducting a
10 behind-the-wheel road test for an applicant seeking a vehicle group
11 designation, including any upgrade to a vehicle group designation,
12 or for any indorsement required to operate a commercial motor
13 vehicle, the examiner shall determine that the applicant was issued
14 his or her commercial learner's permit not less than 14 days before
15 the date of that test and that he or she has that permit in his or
16 her possession.

17 (7) A person who corrupts or attempts to corrupt a designated
18 examining officer appointed or designated by the secretary of state
19 under this section or section 310e by giving, offering, or
20 promising any gift or gratuity with the intent to influence the
21 opinion or decision of the examining officer conducting the test is
22 guilty of a felony.

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

29 (9) A person who forges, counterfeits, or alters a



1 satisfactorily completed driving skills test certification issued
 2 by a designated examining officer appointed or designated by the
 3 secretary of state under this section or section 310e is guilty of
 4 a felony.

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

10 **(11) An operator's or chauffeur's license that expires on or**
 11 **after March 1, 2020 is valid until September 30, 2020.**

12 Sec. 312f. (1) Except as otherwise provided in this section, a
 13 person shall be not less than 18 years of age before he or she is
 14 issued a vehicle group designation or indorsement, other than a
 15 motorcycle indorsement, or not less than 21 years of age and has
 16 been approved by the Transportation Security Administration for a
 17 hazardous material endorsement before he or she is issued a
 18 hazardous material indorsement on an operator's or chauffeur's
 19 license and, as provided in this section, the person shall pass
 20 knowledge and driving skills tests that comply with minimum federal
 21 standards prescribed in 49 CFR part 383. The knowledge and skills
 22 test scores ~~shall~~**must** be retained by the secretary of state as
 23 provided under 49 CFR 383.135. A person who is 18 years of age or
 24 older operating a vehicle to be used for farming purposes only may
 25 obtain an A or B vehicle group designation or an F vehicle
 26 indorsement. Each written examination given an applicant for a
 27 vehicle group designation or indorsement ~~shall~~**must** include
 28 subjects designed to cover the type or general class of vehicle to
 29 be operated. Except as follows, a person shall pass an examination



1 that includes a driving skills test designed to test competency of
2 the applicant for an original vehicle group designation and
3 passenger indorsement on an operator's or chauffeur's license to
4 drive that type or general class of vehicle upon the highways of
5 this state with safety to persons and property:

6 (a) The secretary of state shall waive the driving skills test
7 for a person operating a vehicle that is used under the conditions
8 described in section 312e(8) (a) to (d) unless the vehicle has a
9 gross vehicle weight rating of 26,001 pounds or more on the power
10 unit and is to be used to carry hazardous materials on which a
11 placard is required under 49 CFR parts 100 to 199.

12 (b) The driving skills test may be waived if the applicant has
13 a valid license with the appropriate vehicle group designation,
14 passenger vehicle indorsement, or school bus indorsement in another
15 state issued in compliance with 49 USC 31301 to 31317, or if the
16 person successfully passes a driving skills test administered in
17 another state that meets the requirements of federal law and the
18 law of this state.

19 (c) The secretary of state may waive the driving skills test
20 required under this section for a person with military commercial
21 motor vehicle experience if the person, at the time of application,
22 certifies and provides evidence satisfactory to the secretary of
23 state that he or she continuously met all of the requirements under
24 49 CFR 383 during the 2-year period immediately preceding the date
25 of application for the commercial driver license.

26 (2) Except for a person who has held an operator's or
27 chauffeur's license for less than 1 year, the secretary of state
28 shall waive the knowledge test and the driving skills test and
29 issue a 1-year seasonal restricted vehicle group designation to an



1 otherwise qualified applicant to operate a group B or a group C
2 vehicle for a farm related service industry if all of the following
3 conditions are met:

4 (a) The applicant meets the requirements of 49 CFR 383.77.

5 (b) The seasons for which the seasonal restricted vehicle
6 group designation is issued are from April 2 to June 30 and from
7 September 2 to November 30 only of a 12-month period or, at the
8 option of the applicant, for not more than 180 days from the date
9 of issuance in a 12-month period.

10 (c) The commercial motor vehicle for which the seasonal
11 restricted vehicle group designation is issued shall be operated
12 only if all the following conditions are met:

13 (i) The commercial motor vehicle is operated only on routes
14 within 150 miles from the place of business to the farm or farms
15 being served.

16 (ii) The commercial motor vehicle does not transport a quantity
17 of hazardous materials on which a placard under 49 CFR parts 100 to
18 199 is required except for the following:

19 (A) Diesel motor fuel in quantities of 1,000 gallons or less.

20 (B) Liquid fertilizers in quantities of 3,000 gallons or less.

21 (C) Solid fertilizers that are not transported with any
22 organic substance.

23 (iii) The commercial motor vehicle does not require the H, N, P,
24 S, T, or X vehicle indorsement.

25 (3) A seasonal restricted vehicle group designation under this
26 section shall be issued, suspended, revoked, canceled, denied, or
27 renewed in accordance with this act. The secretary of state may
28 renew a seasonal restricted vehicle group designation 1 time per
29 calendar year regardless of whether the seasonal restricted vehicle



1 group designation is expired at the time of renewal.

2 (4) The secretary of state may enter into an agreement with
3 another public or private corporation or agency to conduct a
4 driving skills test required under this section, section 312e, or
5 49 CFR part 383. Before the secretary of state authorizes a person
6 to administer a corporation's or agency's driver skills testing
7 operations or authorizes an examiner to conduct a driving skills
8 test, that person or examiner must complete both a state and
9 Federal Bureau of Investigation fingerprint based criminal history
10 check through the department of state police.

11 (5) The secretary of state shall not issue a commercial
12 learner's permit, a vehicle group designation, or a vehicle
13 indorsement to an applicant for an original vehicle group
14 designation or vehicle indorsement under section 312e or may cancel
15 a commercial learner's permit or all vehicle group designations or
16 endorsements on a person's operator's or chauffeur's license to
17 whom 1 or more of the following apply:

18 (a) The applicant has had his or her license suspended or
19 revoked for a reason other than as provided in section 321a, 515,
20 732a, or 801c or section 30 of the support and parenting time
21 enforcement act, 1982 PA 295, MCL 552.630, in the 36 months
22 immediately preceding application. However, a vehicle group
23 designation may be issued if the suspension or revocation was due
24 to a temporary medical condition or failure to appear at a
25 reexamination as provided in section 320.

26 (b) The applicant was convicted of or incurred a bond
27 forfeiture in relation to a 6-point violation as provided in
28 section 320a in the 24 months immediately preceding application if
29 the violation occurred while the applicant was operating a



1 commercial motor vehicle, or a violation of section 625(3) or
2 former section 625b, or a local ordinance substantially
3 corresponding to section 625(3) or former section 625b in the 24
4 months immediately preceding application, if the applicant was
5 operating any type of motor vehicle.

6 (c) The applicant is listed on the national driver register,
7 the commercial driver's license information system, or the driving
8 records of the state in which the applicant was previously licensed
9 as being disqualified from operating a commercial motor vehicle or
10 as having a license or driving privilege suspended, revoked,
11 canceled, or denied.

12 (d) The applicant is listed on the national driver register,
13 the commercial driver's license information system, or the driving
14 records of the state in which the applicant was previously licensed
15 as having had a license suspended, revoked, or canceled in the 36
16 months immediately preceding application if a suspension or
17 revocation would have been imposed under this act had the applicant
18 been licensed in this state in the original instance. This
19 subdivision does not apply to a suspension or revocation that would
20 have been imposed due to a temporary medical condition or under
21 section 321a, 515, 732a, or 801c or section 30 of the support and
22 parenting time enforcement act, 1982 PA 295, MCL 552.630.

23 (e) The applicant is subject to a suspension or revocation
24 under section 319b or would have been subject to a suspension or
25 revocation under section 319b if the applicant had been issued a
26 vehicle group designation or vehicle indorsement.

27 (f) The applicant has been disqualified from operating a
28 commercial motor vehicle under 49 USC 31301 to 31317 or the
29 applicant's license to operate a commercial motor vehicle has been



1 suspended, revoked, denied, or canceled within 36 months
2 immediately preceding the date of application.

3 (g) The United States Secretary of Transportation has
4 disqualified the applicant from operating a commercial motor
5 vehicle.

6 (h) The applicant fails to satisfy the federal regulations
7 promulgated under 49 CFR parts 383 and 391 by refusing to certify
8 the type of commercial motor vehicle operation the applicant
9 intends to perform and fails to present valid medical certification
10 to the secretary of state if required to do so. **The requirement of**
11 **this subdivision is waived from July 1, 2020 to September 30, 2020**
12 **pursuant to the Waiver in Response to the COVID-19 National**
13 **Emergency - For States, CDL Holders, CLP Holders, and Interstate**
14 **Drivers Operating Commercial Motor Vehicles**

15 (i) The applicant has been disqualified from operating a
16 commercial motor vehicle due to improper or fraudulent testing.

17 (j) If the secretary of state determines through a
18 governmental investigation that there is reason to believe that a
19 commercial driver license or endorsement was issued as a result of
20 fraudulent or improper conduct in taking a knowledge test or
21 driving skills test required under 49 CFR 383, the secretary of
22 state shall require the applicant to retake and successfully pass
23 that test. The secretary of state shall cancel any commercial
24 driver license or endorsement issued as a result of the suspect
25 test unless the applicant retakes and passes that test.

26 (6) The secretary of state shall not renew or upgrade a
27 vehicle group designation if 1 or more of the following conditions
28 exist:

29 (a) The United States Secretary of Transportation has



1 disqualified the applicant from operating a commercial motor
2 vehicle.

3 (b) The applicant is listed on the national driver register or
4 the commercial driver's license information system as being
5 disqualified from operating a commercial motor vehicle or as having
6 a driver license or driving privilege suspended, revoked, canceled,
7 or denied.

8 (c) On or after January 30, 2012, the applicant fails to meet
9 the requirements of 49 CFR parts 383 and 391 by refusing to certify
10 the type of commercial motor vehicle operation the applicant
11 intends to perform and fails to present medical certification to
12 the secretary of state if required to do so. **The requirement of
13 this subdivision is waived from July 1, 2020 to September 30, 2020
14 pursuant to the Waiver in Response to the COVID-19 National
15 Emergency - For States, CDL Holders, CLP Holders, and Interstate
16 Drivers Operating Commercial Motor Vehicles**

17 (7) The secretary of state shall only consider bond
18 forfeitures under subsection (5) (b) for violations that occurred on
19 or after January 1, 1990 when determining the applicability of
20 subsection (5).

21 (8) If an applicant for an original vehicle group designation
22 was previously licensed in another jurisdiction, the secretary of
23 state shall request a copy of the applicant's driving record from
24 that jurisdiction. If 1 or more of the conditions described in
25 subsection (5) exist in that jurisdiction when the secretary of
26 state receives the copy, the secretary of state shall cancel all
27 vehicle group designations on the person's operator's or
28 chauffeur's license.

29 (9) The secretary of state shall cancel all vehicle group



1 designations on a person's operator's or chauffeur's license upon
2 receiving notice from the United States Secretary of
3 Transportation, the national driver register, the commercial
4 driver's license information system, or another state or
5 jurisdiction that 1 or more of the conditions described in
6 subsection (5) existed at the time of the person's application in
7 this state.

8 (10) The secretary of state shall cancel all vehicle group
9 designations on the person's operator's or chauffeur's license upon
10 receiving proper notice that the person no longer meets the federal
11 driver qualification requirements under 49 CFR parts 383 and 391 to
12 operate a commercial motor vehicle in interstate or intrastate
13 commerce, or the person no longer meets the driver qualification
14 requirements to operate a commercial motor vehicle in intrastate
15 commerce under the motor carrier safety act of 1963, 1963 PA 181,
16 MCL 480.11 to 480.25.

17 (11) Subsection (5) (a), (b), (d), and (f) does not apply to an
18 applicant for an original vehicle group designation who at the time
19 of application has a valid license to operate a commercial motor
20 vehicle issued by any state in compliance with 49 USC 31301 to
21 31317.

22 (12) As used in this section, "farm related service industry"
23 means custom harvesters, farm retail outlets and suppliers, agri-
24 chemical business, or livestock feeders.

25 **Sec. 312k. (1) Notwithstanding any other provisions in this**
26 **act, all of the following apply:**

27 (a) **A commercial driver license that expires on or after March**
28 **1, 2020 is valid until September 30, 2020.**

29 (b) **Medical certification for operator's or chauffeur's**



1 license holders with a group designation required under 49 CFR
2 391.45 that expires on or after March 1, 2020 are valid until
3 September 30, 2020. This subdivision does not apply to either of
4 the following:

5 (i) A medical certification for operator's or chauffeur's
6 license holders with a group designation required under 49 CFR
7 391.45 that was not valid before March 1, 2020.

8 (ii) An individual issued a medical certification for
9 operator's or chauffeur's license holders with a group designation
10 required under 49 CFR 391.45 who, since his or her last medical
11 certificate was issued, has been diagnosed with a medical condition
12 that would disqualify the individual from operating in interstate
13 commerce, or who, since his or her last medical certificate was
14 issued, has developed a condition that requires an exemption or
15 Skill Performance Evaluation from the Federal Motor Carrier Safety
16 Administration.

17 (c) Hazardous material endorsements that expire on or after
18 March 1, 2020 are valid for an additional 180 days from the
19 original expiration date. A security threat assessment required
20 under 49 CFR 1572.13(a) that is valid on or after March 1, 2020 is
21 valid until the extension is exhausted. An individual with a
22 hazardous material endorsement that is extended for 180 days under
23 this subdivision must initiate a security threat assessment with
24 the National Highway Traffic Safety Administration at least 60 days
25 before the expiration of the hazardous material endorsement.

26 (2) This section does not affect the secretary of state's
27 authority to revoke or suspend an operator's or chauffeur's license
28 or a group designation or indorsement under this act.

29 Sec. 314. (1) Except as otherwise provided in this section,



1 ~~operator's licenses and chauffeur's licenses~~ **an operator's license**
2 **and chauffeur's license** expire on the birthday of the ~~person~~
3 **individual** to whom the license is issued in the fourth year
4 following the date of the issuance of the license or on the date
5 the ~~person~~-**individual** is no longer considered to be legally present
6 in the United States under section 307, whichever is earlier,
7 unless suspended or revoked before that date. A license ~~shall~~-**must**
8 not be issued for a period longer than 4 years. ~~A person~~-**An**
9 **individual** holding a license at any time 12 months before the
10 expiration of his or her license may apply for a new license as
11 provided for in this chapter. A knowledge test for an original
12 group designation or indorsement may be taken at any time during
13 this period and the results are valid for 12 months. A license
14 renewed under this subsection ~~shall~~-**must** be renewed for the time
15 remaining on the license before its renewal combined with the 4-
16 year renewal period.

17 (2) The first operator's license issued to ~~a person~~-**an**
18 **individual** who at the time of application is less than 20-1/2 years
19 of age expires on the licensee's twenty-first birthday or on the
20 date the ~~person~~-**individual** is no longer considered to be legally
21 present in the United States under section 307, whichever is
22 earlier, unless suspended or revoked.

23 (3) The first chauffeur's license issued to ~~a person~~-**an**
24 **individual** expires on the licensee's birthday in the fourth year
25 following the date of issuance or on the date the ~~person~~-**individual**
26 is no longer considered to be legally present in the United States
27 under section 307, whichever is earlier, unless the license is
28 suspended or revoked before that date. The chauffeur's license of a
29 ~~person~~-**an individual** who at the time of application is less than



1 20-1/2 years of age expires on the licensee's twenty-first birthday
 2 or on the date the ~~person~~**individual** is no longer considered to be
 3 legally present in the United States under section 307, whichever
 4 is earlier, unless suspended or revoked. A subsequent chauffeur's
 5 license expires on the birthday of the ~~person~~**individual** to whom
 6 the license is issued in the fourth year following the date of
 7 issuance of the license or on the date the ~~person~~**individual** is no
 8 longer considered to be legally present in the United States under
 9 section 307, whichever is earlier, unless the license is suspended
 10 or revoked before that date.

11 (4) ~~A person~~**An individual** may apply for an extension of his
 12 or her driving privileges if he or she is out of state on the date
 13 that his or her operator's or chauffeur's license expires. The
 14 extension may extend the license for 180 days beyond the expiration
 15 date or not more than 2 weeks after the applicant returns to
 16 Michigan, whichever occurs first. This subsection does not apply to
 17 ~~a person~~**an individual** who fails to meet the requirements of 49 CFR
 18 parts 383 and 391 with regard to medical certification
 19 documentation requirements.

20 (5) The secretary of state may issue a renewal operator's or
 21 chauffeur's license to ~~a person~~**an individual** who will be out of
 22 state for more than 180 days beyond the expiration date of his or
 23 her operator's or chauffeur's license, if the secretary of state
 24 has a digital image of the ~~person~~**individual** on file. The applicant
 25 for this renewal shall submit a statement evidencing a vision
 26 examination in accordance with the rules promulgated by the
 27 secretary of state under section 309 and any other statement
 28 required by this act or federal law. ~~A person~~**An individual** is not
 29 eligible for consecutive renewals of a license under this



1 subsection. This subsection does not apply to ~~a person~~**an**
 2 **individual** who fails to meet the requirements of 49 CFR parts 383
 3 and 391 with regard to medical certification documentation
 4 requirements, or ~~a person~~**an individual** with a hazardous material
 5 indorsement on his or her operator's or chauffeur's license.

6 (6) The secretary of state may check the applicant's driving
 7 record through the ~~national driver register~~**National Driver**
 8 **Register** and the ~~commercial driver license information system~~
 9 **Commercial Driver's License Information System** before issuing a
 10 renewal under this section.

11 (7) **Notwithstanding the provisions of this section, an**
 12 **operator's or chauffeur's license that expires on or after March 1,**
 13 **2020 is valid until September 30, 2020.**

14 Sec. 321c. (1) If a friend of the court notifies the secretary
 15 of state that a licensee has failed to appear for a hearing, comply
 16 with a repayment plan order, or respond to a license suspension
 17 notice under the support and parenting time enforcement act, 1982
 18 PA 295, MCL 552.601 to 552.650, the secretary of state shall
 19 immediately suspend the operator's or chauffeur's license of the
 20 licensee and shall notify the licensee of the suspension by first-
 21 class mail.

22 (2) If a person's license is suspended under subsection (1),
 23 the secretary of state shall not issue a license to the person if
 24 the person's license is already suspended, revoked, or denied or if
 25 the person does not have a license to suspend until the person is
 26 in compliance with subsection (3) and other provisions of this act.

27 (3) A suspension imposed under subsection (1) or (2) remains
 28 in effect until all of the following occur:

29 (a) The person obtains a certificate from the friend of the



1 court showing that the person is complying with the custody,
2 parenting time, or support order, and provides that certificate to
3 the secretary of state. ~~within 10 days after the date of issuance~~
4 ~~noted on the certificate.~~

5 (b) The person pays to the circuit court clerk a \$45.00 driver
6 license clearance fee.

7 (c) The person pays the reinstatement fee imposed under
8 section 320e.

9 (4) Unless a person's license is otherwise suspended, revoked,
10 denied, or canceled, the license is immediately reinstated on
11 satisfaction of the requirements of subsection (3). The secretary
12 of state shall reissue the operator's or chauffeur's license of a
13 person whose suspension is rescinded under subsection (3) within 30
14 days after receipt of the certificate obtained under subsection
15 (3) (a), evidence of the payment of the fee under subsection (3) (b),
16 and the fee imposed under section 320e.

17 ~~(5) If a person provides a copy of a certificate obtained~~
18 ~~under subsection (3) to the secretary of state more than 10 days~~
19 ~~after the date of issuance noted on the certificate, the~~
20 ~~certificate is no longer valid, and the secretary of state shall~~
21 ~~not reinstate the person's license. A person who fails to provide a~~
22 ~~copy of the certificate to the secretary of state within 10 days~~
23 ~~after the date of issuance shall obtain another certificate from~~
24 ~~the friend of the court and satisfy the requirements of subsection~~
25 ~~(3) before the secretary of state shall reinstate that person's~~
26 ~~license.~~

27 (5) ~~(6)~~ For each fee received under subsection (3) (b), the
28 clerk shall transmit the following amounts on a monthly basis:

29 (a) Fifteen dollars to the secretary of state. The secretary



1 of state shall deposit money received under this subdivision in the
2 general fund. The money ~~shall~~**must** be expended to defray the
3 expenses of the secretary of state in processing the suspension and
4 reinstatement of driver licenses under this section.

5 (b) Thirty dollars to the treasurer of the county. The
6 treasurer shall deposit money received under this subdivision in
7 the county friend of the court fund created in section 2530 of the
8 revised judicature act of 1961, 1961 PA 236, MCL 600.2530.

9 **Sec. 801k. Notwithstanding any other provisions in this**
10 **chapter, late fees must not be assessed on the following vehicles:**

11 (a) A vehicle registered under section 801(1)(j) or (k) or
12 section 801g whose registration expires on or after March 1, 2020
13 and whose registration is renewed before September 30, 2020.

14 (b) All other vehicles registered under this chapter whose
15 registration expires on or after March 1, 2020 and whose
16 registration is renewed before September 30, 2020.

