

# HOUSE BILL NO. 5663

December 29, 2021, Introduced by Reps. Sneller and O'Malley and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 306a, 312e, and 312f (MCL 257.306a, 257.312e, and 257.312f), sections 306a and 312f as amended by 2021 PA 71 and section 312e as amended by 2015 PA 11.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 306a. (1) The secretary of state may issue a commercial  
2 learner's permit that entitles an individual to drive a vehicle  
3 requiring a vehicle group designation or ~~indorsement~~**endorsement**

1 under section 312e if all of the following apply:

2 (a) The individual submits a proper application and meets the  
3 requirements of 49 CFR ~~part~~**parts 380 and** 383.

4 (b) The individual is 18 years of age or older.

5 (c) The individual holds a valid operator's or chauffeur's  
6 license that is not a restricted license.

7 (d) The individual passes the knowledge tests for an original  
8 vehicle group designation or ~~indorsement,~~**endorsement**, as required  
9 by 49 CFR part 383 **and, beginning February 7, 2022, completes the**  
10 **entry level driver training described and required under 49 CFR**  
11 **part 380.**

12 (e) If the individual is applying for a hazardous materials  
13 endorsement, he or she has been approved for the hazardous  
14 materials endorsement by the Federal Transportation Security  
15 Administration.

16 (2) An individual issued a commercial learner's permit under  
17 subsection (1), or an equivalent commercial learner's permit issued  
18 by another jurisdiction, may operate a vehicle requiring a vehicle  
19 group designation or ~~indorsement~~**endorsement** under section 312e, if  
20 all of the following apply:

21 (a) The individual has the permit and a valid operator's or  
22 chauffeur's license in his or her possession while operating the  
23 vehicle.

24 (b) The individual is accompanied by an instructor certified  
25 under the driver education provider and instructor act, 2006 PA  
26 384, MCL 256.621 to 256.705, ~~or an adult with a valid operator's or~~  
27 ~~chauffeur's license,~~ and all of the following apply:

28 (i) The instructor ~~or licensed adult~~ has in his or her  
29 possession a valid license with a vehicle group designation and any

1 ~~indorsement~~**endorsement** necessary to operate the vehicle as  
2 provided in section 312e.

3 (ii) The instructor ~~or licensed adult~~ is at all times  
4 physically present in the front seat of the vehicle next to the  
5 operator or, in the case of a passenger vehicle, directly behind  
6 the operator or in the first row behind the operator.

7 (iii) The instructor ~~or licensed adult~~ has the operator under  
8 observation and direct supervision.

9 (c) The individual shall not operate a vehicle transporting  
10 hazardous materials as defined in 49 CFR part 383.

11 (d) If the individual has a permit to operate a tank vehicle,  
12 the individual may only operate an empty tank vehicle and shall not  
13 operate any tank vehicle that previously contained hazardous  
14 materials unless the tank has been purged of all hazardous material  
15 residue.

16 (e) If the individual has a permit to operate a vehicle  
17 designed to carry 16 or more passengers or a school bus, the  
18 individual shall not operate a vehicle designed to carry 16 or more  
19 passengers or a school bus with any passengers other than the  
20 following individuals:

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

22 (ii) Federal or state auditors or inspectors.

23 (iii) Test examiners.

24 (iv) Other trainees.

25 (3) Beginning October 1, 2021, a commercial learner's permit  
26 issued under this section is valid for 1 year from the date of  
27 issuance.

28 (4) Notwithstanding subsection (3), a commercial learner's  
29 permit issued under this section that expires on or after March 1,

1 2020 is valid until March 31, 2021. Notwithstanding subsection (3),  
2 a commercial learner's permit issued under this section that  
3 expires after March 31, 2021 but before August 1, 2021 is valid  
4 until 120 days after the date of the expiration.

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

8 (a) ~~A person, An individual~~, before operating a combination of  
9 motor vehicles with a gross combination weight rating or gross  
10 combination weight of 26,001 pounds or more, whichever is greater,  
11 inclusive of towed units with a gross vehicle weight rating or  
12 gross vehicle weight of more than 10,000 pounds, shall procure a  
13 group A vehicle designation on his or her operator's or chauffeur's  
14 license. Unless an ~~indorsement~~ **endorsement** or the removal of  
15 restrictions is required, ~~a person an individual~~ licensed to  
16 operate a group A vehicle may operate a group B or C vehicle  
17 without taking another test.

18 (b) ~~A person, An individual~~, before operating a single vehicle  
19 having a gross vehicle weight rating or gross vehicle weight of  
20 26,001 pounds or more, whichever is greater, including while towing  
21 a vehicle having a gross vehicle weight rating or gross vehicle  
22 weight of not more than 10,000 pounds, shall procure a group B  
23 vehicle designation on his or her operator's or chauffeur's  
24 license. Unless an ~~indorsement~~ **endorsement** or the removal of  
25 restrictions is required, ~~a person an individual~~ licensed to  
26 operate a group B vehicle may operate a group C vehicle without  
27 taking another test.

28 (c) ~~A person, An individual~~, before operating a single vehicle  
29 or a combination of vehicles that fits the definition of small

1 vehicle (group C) under 49 CFR 383.91(a) (3) shall procure a group C  
 2 vehicle designation and a hazardous material or passenger vehicle  
 3 ~~indorsement~~**endorsement** on his or her operator's or chauffeur's  
 4 license.

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

10 (3) The license ~~shall~~**must** be issued, suspended, revoked,  
 11 canceled, or renewed in accordance with this act.

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

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

28 (b) If ~~a person~~**an individual** operates a group C passenger  
 29 vehicle while taking his or her driving skills test for a P

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

13 (c) ~~A person~~ **An individual** who fails the air brake portion of  
 14 the written or driving skills test provided under section 312f or  
 15 who takes the driving skills test provided under that section in a  
 16 commercial motor vehicle that is not equipped with air brakes shall  
 17 not operate a commercial motor vehicle equipped with air brakes.  
 18 Except as provided in this section, beginning ~~on the effective date~~  
 19 ~~of the amendatory act that added this sentence,~~ **July 8, 2015**, the  
 20 secretary of state shall place on the commercial learner's permit  
 21 or commercial driver license the following restriction code as  
 22 provided under 49 CFR 383.95 and 383.153: CDL not valid for vehicle  
 23 with air brakes.

24 (d) Except as provided in this section, beginning ~~on the~~  
 25 ~~effective date of the amendatory act that added this subdivision,~~  
 26 **July 8, 2015**, the secretary of state shall place on a commercial  
 27 learner's permit or commercial driver license the following  
 28 restriction codes as provided under 49 CFR 383.95 and 383.153:

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

- 1 (A) No passengers in a commercial motor vehicle bus.
- 2 (B) No cargo in a commercial motor vehicle tank vehicle.
- 3 (C) Commercial motor vehicle operation with medical variance.
- 4 (D) Commercial motor vehicle operation intrastate only.
- 5 (ii) For a commercial driver license:
- 6 (A) Not valid to operate commercial motor vehicle equipped
- 7 with full air brakes.
- 8 (B) Not valid to operate commercial motor vehicle equipped
- 9 with manual transmission.
- 10 (C) Not valid to operate a group A commercial vehicle tractor-
- 11 trailer combination connected by fifth wheel.
- 12 (D) Commercial motor vehicle operation intrastate only.
- 13 (E) Commercial motor vehicle operation with medical variance.
- 14 (5) ~~A person,~~ **An individual**, before operating a commercial
- 15 motor vehicle, shall obtain the following vehicle ~~indorsements~~
- 16 **endorsements** as provided under 49 CFR 383.93 and 383.153:
- 17 (a) ~~A person,~~ **An individual**, before operating a commercial
- 18 motor vehicle pulling double trailers, shall obtain the appropriate
- 19 vehicle group designation and a T vehicle ~~indorsement~~ **endorsement**
- 20 under this act.
- 21 (b) ~~A person~~ **An individual** applying for a commercial learner's
- 22 permit to operate an empty tank motor vehicle shall obtain the
- 23 appropriate vehicle group designation and an N ~~indorsement.~~ ~~A~~
- 24 ~~person,~~ **endorsement.** **An individual**, before operating a tank motor
- 25 vehicle, shall have on a commercial driver license the appropriate
- 26 vehicle group designation and an N vehicle ~~indorsement~~ **endorsement**
- 27 under this act.
- 28 (c) ~~A person,~~ **Until February 6, 2022, an individual**, before
- 29 operating a commercial motor vehicle carrying hazardous materials

1 on which a placard is required under 49 CFR parts 100 to 199, shall  
2 procure the appropriate vehicle group designation and an H vehicle  
3 ~~indorsement~~**endorsement** under this act. **Beginning February 7, 2022,**  
4 **an individual, before operating a commercial motor vehicle carrying**  
5 **hazardous materials on which a placard is required under 49 CFR**  
6 **parts 100 to 199, shall complete the entry level driver training**  
7 **described and required under 49 CFR part 380 to procure the**  
8 **appropriate vehicle group designation and an H vehicle endorsement**  
9 **under this act.**

10 (d) ~~A person,~~**An individual,** before operating a tank motor  
11 vehicle carrying hazardous materials, shall obtain the appropriate  
12 vehicle group designation and both an N and H vehicle ~~indorsement,~~  
13 **endorsement,** which ~~shall~~**must** be designated by the code letter X on  
14 the ~~person's~~**individual's** operator's or chauffeur's license.

15 (e) ~~A person~~**An individual** applying for a commercial learner's  
16 permit to operate a passenger commercial motor vehicle that is not  
17 a school bus, as set forth in section 306a(2)(e), shall obtain the  
18 appropriate commercial vehicle group designation and a P  
19 ~~indorsement.~~ ~~A person,~~**endorsement. An individual,** before operating  
20 a vehicle that is designed to transport 16 or more passengers  
21 including the driver but that is not a school bus ~~shall~~**must** have  
22 on a commercial driver license the appropriate vehicle group  
23 designation and a P vehicle ~~indorsement~~**endorsement** under this act.  
24 An applicant for a P vehicle ~~indorsement~~**endorsement must**  
25 take the driving skills test in a vehicle designed to transport 16  
26 or more passengers including the driver **and, beginning February 7,**  
27 **2022, complete the entry level driver training described and**  
28 **required under 49 CFR part 380.**

29 (f) ~~A person~~**An individual** applying for a commercial learner's



1 permit to operate a school bus designed to transport 16 or more  
 2 passengers, including the driver, as set forth in section  
 3 306a(2) (e), who does not currently possess a P ~~indorsement,~~  
 4 **endorsement**, shall obtain the appropriate vehicle group designation  
 5 and pass the knowledge tests for both the P and S ~~indorsements.~~ A  
 6 ~~person,~~ **endorsements. An individual**, before operating a school bus,  
 7 ~~shall~~ **must** have on a commercial driver license the appropriate  
 8 vehicle group designation and both the P and S vehicle ~~indorsements~~  
 9 **endorsements** under this act. An applicant for an S vehicle  
 10 ~~indorsement~~ **endorsement** shall take a driving skills test in a  
 11 school bus designed to transport 16 or more passengers, including  
 12 the driver, that represents the same type of vehicle that the  
 13 applicant intends to operate as a school bus **and, beginning**  
 14 **February 7, 2022, complete the entry level driver training**  
 15 **described and required under 49 CFR part 380.**

16 (g) ~~A person~~ **An individual** who currently possesses a P  
 17 ~~indorsement~~ **endorsement** and is applying for a commercial learner's  
 18 permit to operate a school bus designed to transport 16 or more  
 19 passengers, including the driver, as set forth in section  
 20 306(a) (2) (e), shall obtain the appropriate vehicle group  
 21 designation and pass the knowledge test for the S ~~indorsement.~~ A  
 22 ~~person~~ **endorsement. An individual** who currently possesses a P  
 23 ~~indorsement,~~ **endorsement**, before operating a school bus designed to  
 24 transport 16 or more passengers, including the driver, shall obtain  
 25 the appropriate vehicle group designation, pass the knowledge test  
 26 for an S ~~indorsement,~~ **endorsement**, and obtain an S vehicle  
 27 ~~indorsement~~ **endorsement** for his or her commercial driver license  
 28 under this act. An applicant for an S vehicle ~~indorsement~~  
 29 **endorsement** shall take a driving skills test in a school bus

1 designed to transport 16 or more passengers, including the driver,  
 2 that represents the same type of vehicle that the applicant intends  
 3 to operate as a school bus **and, beginning February 7, 2022,**  
 4 **complete the entry level driver training described and required**  
 5 **under 49 CFR part 380.**

6 (6) An applicant for an ~~indorsement~~**endorsement** shall take the  
 7 knowledge and driving skills tests described and required under 49  
 8 CFR part 383 **and, beginning February 7, 2022, complete the entry**  
 9 **level driver training described and required under 49 CFR part 380.**

10 (7) The holder of an unexpired operator's or chauffeur's  
 11 license may be issued a vehicle group designation and ~~indorsement~~  
 12 **endorsement** valid for the remainder of the license upon meeting the  
 13 qualifications of section 312f and payment of the original vehicle  
 14 group designation fee of \$25.00 and an ~~indorsement~~**endorsement** fee  
 15 of \$5.00 per ~~indorsement~~**endorsement**, and a corrected license fee  
 16 of \$18.00. ~~A person~~**An individual** required to procure an F vehicle  
 17 ~~indorsement~~**endorsement** under subsection (9) shall pay an  
 18 ~~indorsement~~**endorsement** fee of \$5.00.

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

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

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

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

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

1           (9) ~~A person,~~ **An individual**, before driving or operating a  
2 combination of vehicles having a gross vehicle weight rating of  
3 26,001 pounds or more on the power unit that is used as described  
4 in subsection (8) (a) to (d), shall obtain an F vehicle ~~indorsement.~~  
5 **endorsement**. The F vehicle ~~indorsement shall~~ **endorsement must** be  
6 issued upon successful completion of a knowledge test only.

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

18           (11) This section does not apply to a police officer operating  
19 an authorized emergency vehicle or to a firefighter operating an  
20 authorized emergency vehicle who has met the driver training  
21 standards published under the firefighters training council act,  
22 1966 PA 291, MCL 29.361 to 29.377.

23           (12) This section does not apply to ~~a person~~ **an individual**  
24 operating a vehicle used exclusively to transport personal  
25 possessions or family members for nonbusiness purposes.

26           (13) The money collected under subsection (7) for a vehicle  
27 group designation or ~~indorsement shall~~ **endorsement must** be  
28 deposited in the state treasury to the credit of the general fund.  
29 The secretary of state shall refund out of the fees collected to

1 each county or municipality acting as an examining officer or  
 2 examining bureau \$3.00 for each applicant examined for a first  
 3 designation or ~~indorsement~~**endorsement** to an operator's or  
 4 chauffeur's license and \$1.50 for each renewal designation or  
 5 ~~indorsement~~**endorsement** to an operator's or chauffeur's license,  
 6 whose application is not denied, on the condition that the money  
 7 refunded ~~shall~~**must** be paid to the county or local treasurer and is  
 8 appropriated to the county, municipality, or officer or bureau  
 9 receiving that money for the purpose of carrying out this act.

10 (14) Notwithstanding any other provision of this section, ~~a~~  
 11 ~~person~~**an individual** operating a vehicle described in subsections  
 12 (8) and (9) is subject to the provisions of sections 303 and 319b.

13 (15) This state shall comply with the requirements of the  
 14 American Association of Motor Vehicle Administrators' AAMVANet,  
 15 Incorporated's "Commercial Driver License Information System  
 16 (CDLIS) State Procedures Manual" that the secretary of state  
 17 determines are required for implementing and enforcing federal law.

18 Sec. 312f. (1) Except as otherwise provided in this section,  
 19 an individual shall be not less than 18 years of age before he or  
 20 she is issued a vehicle group designation or ~~indorsement,~~  
 21 **endorsement**, other than a motorcycle ~~indorsement,~~**endorsement**, or  
 22 not less than 21 years of age and has been approved by the  
 23 Transportation Security Administration for a hazardous material  
 24 endorsement before he or she is issued a hazardous material  
 25 endorsement on an operator's or chauffeur's license and, as  
 26 provided in this section, the individual shall pass **a** knowledge  
 27 **test** and **a** driving skills ~~tests~~**test** that comply with minimum  
 28 federal standards prescribed in 49 CFR part 383 **and, beginning**  
 29 **February 7, 2022, complete the entry level driver training**

1 **described and required under 49 CFR part 380.** The knowledge **test**  
 2 and **the driving** skills test scores must be retained by the  
 3 secretary of state as provided under 49 CFR 383.135. An individual  
 4 who is 18 years of age or older operating a vehicle to be used for  
 5 farming purposes only may obtain an A or B vehicle group  
 6 designation or an F vehicle ~~indorsement~~. **endorsement**. Each written  
 7 examination given **to** an applicant for a vehicle group designation  
 8 or ~~indorsement~~ **endorsement** must include subjects designed to cover  
 9 the type or general class of vehicle to be operated. Except as  
 10 follows, an individual shall pass an examination that includes a  
 11 driving skills test designed to test competency of the applicant  
 12 for an original vehicle group designation and passenger ~~indorsement~~  
 13 **endorsement** on an operator's or chauffeur's license to drive that  
 14 type or general class of vehicle upon the highways of this state  
 15 with safety to persons and property **and, beginning February 7,**  
 16 **2022, complete an entry level driver training:**

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

23 (b) The driving skills test may be waived if the applicant has  
 24 a valid license with the appropriate vehicle group designation,  
 25 passenger vehicle ~~indorsement~~, **endorsement**, or school bus  
 26 ~~indorsement~~ **endorsement** in another state issued in compliance with  
 27 49 USC 31301 to 31317, or if the individual successfully passes a  
 28 driving skills test administered in another state that meets the  
 29 requirements of federal law and the law of this state.

1           (c) The secretary of state may waive the **knowledge test and**  
2 **the** driving skills test required under this section for an  
3 individual with military commercial motor vehicle experience if the  
4 individual, at the time of application, certifies and provides  
5 evidence satisfactory to the secretary of state that he or she  
6 continuously met all of the requirements under 49 CFR part 383  
7 during the 2-year period immediately preceding the date of  
8 application for the commercial driver license.

9           **(d) Beginning February 7, 2022, the secretary of state may**  
10 **waive the entry level driver training required under this section**  
11 **for an individual who, at the time of application, certifies and**  
12 **provides evidence satisfactory to the secretary of state that he or**  
13 **she meets one of the exceptions for taking a driving skills test**  
14 **under 49 CFR part 383.**

15           (2) Except for an individual who has held an operator's or  
16 chauffeur's license for less than 1 year, the secretary of state  
17 shall waive the knowledge test and the driving skills test and  
18 issue a 1-year seasonal restricted vehicle group designation to an  
19 otherwise qualified applicant to operate a group B or a group C  
20 vehicle for a farm related service industry if all of the following  
21 conditions are met:

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

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

28           (c) The commercial motor vehicle for which the seasonal  
29 restricted vehicle group designation is issued must be operated

1 only if all the following conditions are met:

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

5 (ii) The commercial motor vehicle does not transport a quantity  
6 of hazardous materials on which a placard under 49 CFR parts 100 to  
7 199 is required except for the following:

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

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

10 (C) Solid fertilizers that are not transported with any  
11 organic substance.

12 (iii) The commercial motor vehicle does not require the H, N, P,  
13 S, T, or X vehicle ~~indorsement~~**endorsement**.

14 (3) A seasonal restricted vehicle group designation under this  
15 section must be issued, suspended, revoked, canceled, denied, or  
16 renewed in accordance with this act. The secretary of state may  
17 renew a seasonal restricted vehicle group designation 1 time per  
18 calendar year regardless of whether the seasonal restricted vehicle  
19 group designation is expired at the time of renewal.

20 (4) The secretary of state may enter into an agreement with  
21 another public or private corporation or agency to conduct a  
22 driving skills test required under this section, section 312e, or  
23 49 CFR part 383 **or to provide the entry level driver training**  
24 **described and required under 49 CFR part 380**. Before the secretary  
25 of state authorizes an individual to administer a corporation's or  
26 agency's driver skills testing operations, ~~or~~ authorizes an  
27 examiner to conduct a driving skills test, **or authorizes an entry**  
28 **level driver training provider that meets the requirements of 49**  
29 **CFR 380.700 to conduct an entry level driving training**, that

1 individual, ~~or~~ **examiner, or entry level driver training provider**  
2 must complete both a state and Federal Bureau of Investigation  
3 fingerprint-based criminal history check through the department of  
4 state police.

5 (5) The secretary of state shall not issue a commercial  
6 learner's permit, a vehicle group designation, or a vehicle  
7 ~~indorsement~~ **endorsement** to an applicant for an original vehicle  
8 group designation or vehicle ~~indorsement~~ **endorsement** under section  
9 312e or may cancel a commercial learner's permit or all vehicle  
10 group designations or endorsements on an individual's operator's or  
11 chauffeur's license to whom 1 or more of the following apply:

12 (a) The applicant has had his or her license suspended or  
13 revoked for a reason other than as provided in section 321a, 515,  
14 732a, or 801c or section 30 of the support and parenting time  
15 enforcement act, 1982 PA 295, MCL 552.630, in the 36 months  
16 immediately preceding application. However, a vehicle group  
17 designation may be issued if the suspension or revocation was due  
18 to a temporary medical condition or failure to appear at a  
19 reexamination as provided in section 320.

20 (b) The applicant was convicted of or incurred a bond  
21 forfeiture in relation to a 6-point violation as provided in  
22 section 320a in the 24 months immediately preceding application if  
23 the violation occurred while the applicant was operating a  
24 commercial motor vehicle, or a violation of section 625(3) or  
25 former section 625b, or a local ordinance that substantially  
26 corresponds to section 625(3) or former section 625b in the 24  
27 months immediately preceding application, if the applicant was  
28 operating any type of motor vehicle.

29 (c) The applicant is listed on the National Driver Register,



1 the Commercial Driver's License Information System, or the driving  
2 records of the state in which the applicant was previously licensed  
3 as being disqualified from operating a commercial motor vehicle or  
4 as having a license or driving privilege suspended, revoked,  
5 canceled, or denied.

6 (d) 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 having had a license suspended, revoked, or canceled in the 36  
10 months immediately preceding application if a suspension or  
11 revocation would have been imposed under this act had the applicant  
12 been licensed in this state in the original instance. This  
13 subdivision does not apply to a suspension or revocation that would  
14 have been imposed due to a temporary medical condition or under  
15 section 321a, 515, 732a, or 801c or section 30 of the support and  
16 parenting time enforcement act, 1982 PA 295, MCL 552.630.

17 (e) The applicant is subject to a suspension or revocation  
18 under section 319b or would have been subject to a suspension or  
19 revocation under section 319b if the applicant had been issued a  
20 vehicle group designation or vehicle ~~indorsement~~**endorsement**.

21 (f) The applicant has been disqualified from operating a  
22 commercial motor vehicle under 49 USC 31301 to 31317 or the  
23 applicant's license to operate a commercial motor vehicle has been  
24 suspended, revoked, denied, or canceled within 36 months  
25 immediately preceding the date of application.

26 (g) The United States Secretary of Transportation has  
27 disqualified the applicant from operating a commercial motor  
28 vehicle.

29 (h) The applicant fails to satisfy the federal regulations

1 promulgated under 49 CFR parts 383 and 391 by refusing to certify  
2 the type of commercial motor vehicle operation the applicant  
3 intends to perform and fails to present valid medical certification  
4 to the secretary of state if required to do so. The requirement of  
5 this subdivision is waived from July 1, 2020 to August 31, 2021,  
6 pursuant to the Waiver in Response to the COVID-19 National  
7 Emergency - For States, CDL Holders, CLP Holders, and Interstate  
8 Drivers Operating Commercial Motor Vehicles, or any extension of  
9 that waiver issued after August 31, 2021.

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

12 (j) If the secretary of state determines through a  
13 governmental investigation that there is reason to believe that a  
14 commercial driver license or endorsement was issued as a result of  
15 fraudulent or improper conduct in taking a knowledge test or  
16 driving skills test required under 49 CFR part 383 **or in completing**  
17 **the entry level driver training described and required under 49 CFR**  
18 **part 380**, the secretary of state shall require the applicant to  
19 retake and successfully pass that test **or complete the training**.  
20 The secretary of state shall cancel any commercial driver license  
21 or endorsement issued as a result of the suspect test **or training**  
22 unless the applicant retakes and passes that test **or completes the**  
23 **training**.

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

27 (a) The United States Secretary of Transportation has  
28 disqualified the applicant from operating a commercial motor  
29 vehicle.

1           (b) The applicant is listed on the National Driver Register or  
2 the Commercial Driver's License Information System as being  
3 disqualified from operating a commercial motor vehicle or as having  
4 a driver license or driving privilege suspended, revoked, canceled,  
5 or denied.

6           (c) On or after January 30, 2012, the applicant fails to meet  
7 the requirements of 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 medical certification to  
10 the secretary of state if required to do so. The requirement of  
11 this subdivision is waived from July 1, 2020 to August 31, 2021,  
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, or any extension of  
15 that waiver issued after August 31, 2021.

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

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

28           (9) The secretary of state shall cancel all vehicle group  
29 designations on an individual's operator's or chauffeur's license

1 upon receiving notice from the United States Secretary of  
2 Transportation, the National Driver Register, the Commercial  
3 Driver's License Information System, or another state or  
4 jurisdiction that 1 or more of the conditions described in  
5 subsection (5) existed at the time of the individual's application  
6 in this state.

7 (10) The secretary of state shall cancel all vehicle group  
8 designations on the individual's operator's or chauffeur's license  
9 upon receiving proper notice that the individual no longer meets  
10 the federal driver qualification requirements under 49 CFR parts  
11 380, 383, and 391 to operate a commercial motor vehicle in  
12 interstate or intrastate commerce, or the individual no longer  
13 meets the driver qualification requirements to operate a commercial  
14 motor vehicle in intrastate commerce under the motor carrier safety  
15 act of 1963, 1963 PA 181, MCL 480.11 to 480.25.

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

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