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Act No. 127

Public Acts of 2020

Approved by the Governor

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STATE OF MICHIGAN

100TH LEGISLATURE

REGULAR SESSION OF 2020

Introduced by Senator Schmidt

ENROLLED SENATE BILL NO. 876

AN ACT to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of manufacturers, the manufacturers of certain devices, the manufacturers of automated technology, upfitters, owners, and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to regulate and certify the manufacturers of certain devices; to provide for approval and certification of installers and servicers of certain devices; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,” by amending 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:

Sec. 216. (1) Every motor vehicle, recreational vehicle, trailer, semitrailer, and pole trailer, when driven or moved on a street or highway, is subject to the registration and certificate of title provisions of this act except the following:

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

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

(c) An implement of husbandry.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) For an original registration, the tax must bear the same relationship to the tax required under section 801 for a 12-month registration as the length of the registration bears to 12 months.

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

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

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

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

(7) A certificate of title remains valid until canceled by the secretary of state for cause or upon a transfer of an interest shown on the certificate of title.

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

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

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

(b) A vehicle purchased or leased in this state and delivered to the purchaser or lessee by a dealer or by the owner of the vehicle for removal to a place outside of this state, if a certification is made that the vehicle will be primarily used, stored, and registered outside of this state and will not be returned to this state by the purchaser or lessee for use or storage.

(10) A special registration issued under subsection (9) is valid for not more than 30 days after the date of issuance, and a fee must be collected for each special registration as provided in section 802(3). The special registration may be in the form determined by the secretary of state. If a dealer makes a retail sale or lease of a vehicle to a purchaser or lessee who is qualified and eligible to obtain a special registration, the dealer shall apply for the special registration for the purchaser or lessee. If a person other than a dealer sells or leases a vehicle to a purchaser or lessee who is qualified and eligible to obtain a special registration, the purchaser or lessee shall appear in person, or by a person exercising the purchaser's or lessee's power of attorney, at an office of the secretary of state and furnish a certification that the person is the bona fide purchaser or lessee or that the person has granted the power of attorney, together with other forms required for the issuance of the special registration and provide the secretary of state with proof that the vehicle is covered by an automobile insurance policy issued under section 3101 of the insurance code of 1956, 1956 PA 218, MCL 500.3101, or proof that the vehicle is covered by a policy of insurance issued by an insurer under section 3163 of the insurance code of 1956, 1956 PA 218, MCL 500.3163. The certification required in this subsection must contain all of the following:

(a) The address of the purchaser or lessee.

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

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

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

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

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

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

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

Sec. 255. (1) Except as otherwise provided in this chapter, a person shall not operate, nor shall an owner knowingly permit to be operated, upon any highway, a vehicle required to be registered under this act unless, except as otherwise provided in this subsection, no later than 30 days after the vehicle is registered or the vehicle's registration is renewed, a valid registration plate issued for the vehicle

by the department for the current registration year is attached to and displayed on the vehicle as required by this chapter. For purposes of this subsection, a printed or electronic copy of a valid registration or verification of a valid registration through the L.E.I.N. is proof that the vehicle is registered or that the vehicle's registration has been renewed. A registration plate is not required for a wrecked or disabled vehicle, or vehicle destined for repair or junking, that is being transported or drawn on a highway by a wrecker or a registered motor vehicle. The 30-day period described in this subsection does not apply to the first registration of a vehicle after a transfer of ownership or to a transfer registration under section 809.

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

(3) A person who operates a vehicle licensed under the international registration plan and does not have a valid registration due to nonpayment of the apportioned fee is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or by a fine of not more than $100.00, or both. In addition, a police officer may impound the vehicle until a valid registration is obtained. If the vehicle is impounded, the towing and storage costs of the vehicle, and the care or preservation of the load in the vehicle are the owner's responsibility. Vehicles impounded are subject to a lien in the amount of the apportioned fee and any fine and costs incurred under this subsection, subject to a valid lien of prior record. If the apportioned fee, fine, and costs are not paid within 90 days after impoundment, then following a hearing before the judge or magistrate who imposed the fine and costs, the judge or magistrate shall certify the unpaid judgment to the prosecuting attorney of the county in which the violation occurred. The prosecuting attorney shall enforce the lien by foreclosure sale in accordance with the procedure authorized by law for chattel mortgage foreclosures.

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

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

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

(3) An individual shall not have more than 1 valid driver license.

(4) An individual shall not drive a motor vehicle as a chauffeur unless that individual holds a valid chauffeur's license. An individual shall not receive a chauffeur's license until that individual surrenders to the secretary of state a valid operator's or chauffeur's license issued to that individual by this or any state or certifies that he or she does not possess a valid license.

(5) An individual holding a valid chauffeur's license need not procure an operator's license.

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

Sec. 306. (1) The secretary of state, upon receiving an application for a temporary instruction permit from a person who is 18 years of age or older, may issue that permit entitling the applicant, while carrying the permit, to drive a motor vehicle other than a motor vehicle requiring an indorsement under section 312a or a vehicle group designation under section 312e on the highways for a period of 180 days when accompanied by a licensed adult operator or chauffeur who is actually occupying a seat beside the driver. A temporary instruction permit issued under this subsection that expires on or after March 1, 2020 is valid until September 30, 2020.

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

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

(4) A student enrolled in a driver education course as defined in section 3 of the driver education provider and instructor act, 2006 PA 384, MCL 256.623, and who has successfully completed 10 hours of classroom instruction and the equivalent of 2 hours of behind-the-wheel training may be issued a temporary driver education certificate furnished by the department of state that authorizes a student to drive a motor vehicle, other than a motor vehicle requiring an indorsement under section 312a or a vehicle group designation under section 312e, when accompanied by a licensed parent or guardian, or when accompanied by a nonlicensed parent or guardian and a licensed adult for the purpose of receiving additional instruction until the end of the student's driver education course. A temporary driver education certificate issued under this subsection that expires on or after March 1, 2020 is valid until September 30, 2020.

(5) Beginning January 1, 2015, the secretary of state, upon receiving proper application from a person 16 or 17 years of age who is enrolled in or has successfully completed an approved motorcycle safety course under section 811a, or a person who is 18 years of age or older and who holds a valid operator's or chauffeur's license, may issue a motorcycle temporary instruction permit entitling the

applicant, while carrying the permit, to operate a motorcycle upon the public streets and highways for a period of 180 days under the following conditions:

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

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

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

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

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

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

(a) The person submits a proper application and meets the requirements of 49 CFR part 383.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(*ii*) Federal or state auditors or inspectors.

(*iii*) Test examiners.

(*iv*) Other trainees.

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

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

Sec. 309. (1) Before issuing a license, the secretary of state shall examine each applicant for an operator's or chauffeur's license who at the time of the application is not the holder of a valid, unrevoked operator's or chauffeur's license under a law of this state providing for the licensing of drivers. Before the secretary of state authorizes a person to administer vehicle group designation or endorsement knowledge tests, that person must successfully complete both a state and Federal Bureau of Investigation fingerprint-based criminal history check or the equivalent through the department of state police. In all other cases, the secretary of state may waive

the examination, except that an examination must not be waived if it appears from the application, from the apparent physical or mental condition of the applicant, or from any other information that has come to the secretary of state from another source, that the applicant does not possess the physical, mental, or other qualifications necessary to operate a motor vehicle in a manner as not to jeopardize the safety of persons or property, or that the applicant is not entitled to a license under section 303. A licensee who applies for the renewal of his or her license by mail under section 307 shall certify to his or her physical capability to operate a motor vehicle. The secretary of state may check the applicant's driving record through the National Driver Register and the Commercial Driver's License Information System before issuing a license under this section.

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

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

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

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

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

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

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

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

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

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

Sec. 312f. (1) Except as otherwise provided in this section, a person shall be not less than 18 years of age before he or she is issued a vehicle group designation or indorsement, other than a motorcycle indorsement, or not less than 21 years of age and has been approved by the Transportation Security Administration for a hazardous material endorsement before he or she is issued a hazardous material indorsement on an operator's or chauffeur's license and, as provided in this section, the person shall pass knowledge and driving skills tests that comply with minimum federal standards prescribed in 49 CFR part 383. The knowledge and skills test scores

must be retained by the secretary of state as provided under 49 CFR 383.135. A person who is 18 years of age or older operating a vehicle to be used for farming purposes only may obtain an A or B vehicle group designation or an F vehicle indorsement. Each written examination given an applicant for a vehicle group designation or indorsement must include subjects designed to cover the type or general class of vehicle to be operated. Except as follows, a person shall pass an examination that includes a driving skills test designed to test competency of the applicant for an original vehicle group designation and passenger indorsement on an operator's or chauffeur's license to drive that type or general class of vehicle upon the highways of this state with safety to persons and property:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(9) The secretary of state shall cancel all vehicle group designations on a person's operator's or chauffeur's license upon receiving notice from the United States Secretary of Transportation, the national driver register, the commercial driver's license information system, or another state or jurisdiction that 1 or more of the conditions described in subsection (5) existed at the time of the person's application in this state.

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

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

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

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

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

(b) Medical certification for operator's or chauffeur's license holders with a group designation required under 49 CFR 391.45 that expires on or after March 1, 2020 are valid until September 30, 2020. This subdivision does not apply to either of the following:

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

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

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

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

Sec. 314. (1) Except as otherwise provided in this section, an operator's license and chauffeur's license expire on the birthday of the individual to whom the license is issued in the fourth year following the date of the issuance of the license or on the date the individual is no longer considered to be legally present in the United States under section 307, whichever is earlier, unless suspended or revoked before that date. A license must not be issued for a period longer than 4 years. An individual holding a license at any time 12 months before the expiration of his or her license may apply for a new license as provided for in this chapter. A knowledge test for an original group designation or indorsement may be taken at any time during this period and the results are valid for 12 months. A license renewed under this subsection must be renewed for the time remaining on the license before its renewal combined with the 4-year renewal period.

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

(3) The first chauffeur's license issued to an individual expires on the licensee's birthday in the fourth year following the date of issuance or on the date the individual is no longer considered to be legally present in the United States under section 307, whichever is earlier, unless the license is suspended or revoked before that date. The chauffeur's license of an individual who at the time of application is less than 20-1/2 years of age expires on the licensee's twenty-first birthday or on the date the individual is no longer considered to be legally present in the United States under section 307, whichever is earlier, unless suspended or revoked. A subsequent chauffeur's license expires on the birthday of the individual to whom the license is issued in the fourth year following the date of issuance of the license or on the date the individual is no longer considered to be legally present in the United States under section 307, whichever is earlier, unless the license is suspended or revoked before that date.

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

(5) The secretary of state may issue a renewal operator's or chauffeur's license to an individual who will be out of state for more than 180 days beyond the expiration date of his or her operator's or chauffeur's license, if the secretary of state has a digital image of the individual on file. The applicant for this renewal shall submit a statement evidencing a vision examination in accordance with the rules promulgated by the secretary of state under section 309 and any other statement required by this act or federal law. An individual is not eligible for consecutive renewals of a license under this subsection. This subsection does not apply to an individual who fails to meet the requirements of 49 CFR parts 383 and 391 with regard to medical certification documentation requirements, or an individual with a hazardous material indorsement on his or her operator's or chauffeur's license.

(6) The secretary of state may check the applicant's driving record through the National Driver Register and the Commercial Driver's License Information System before issuing a renewal under this section.

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

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

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

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

(a) The person obtains a certificate from the friend of the court showing that the person is complying with the custody, parenting time, or support order, and provides that certificate to the secretary of state.

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

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

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

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

(a) Fifteen dollars to the secretary of state. The secretary of state shall deposit money received under this subdivision in the general fund. The money must be expended to defray the expenses of the secretary of state in processing the suspension and reinstatement of driver licenses under this section.

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

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

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

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

This act is ordered to take immediate effect.

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