

PLANNING AND DEPLOYMENT
TRANSMITTAL OF WRITTEN DIRECTIVE

FOR SIGNATURE OF: James E. Craig, Chief of Police

TYPE OF DIRECTIVE: Manual Directive 204.5

SUBJECT: DRIVER'S LICENSES AND PERMITS

ORIGINATED OR REQUESTED BY: Planning and Deployment

APPROVALS OR COMMENTS:

The above referenced was reviewed by Metro Division/Traffic Enforcement Unit. Revisions are marked in strikethroughs, bold, and italics.

The recommended changes reflected in this policy are as follows:

1. "Officer" was changed to "member" throughout the directive to eliminate any possible misunderstandings of rank.
2. Verbiage and grammatical changes were made to provide a clear read for all members of this Department.
3. 204.5 – 2 – State Driver's Licenses and Permits – Operator's license was added.
4. 204.5 – 6 – Appearance and Content of License – Changes were made to reflect the current Michigan driver's license.
5. 204.5 – 9.1 – License Expired or not on Person – Procedures relating to Traffic Warrant Requests were removed because this is no longer policy (per Teletype #15-0204, copied enclosed).
6. 204.5 – 10.4 – Restricted Licenses and Permits – Traffic Warrant Requests were removed per Teletype #15-0204.
7. 204.5 – 11 – Violation of Denied, Revoked, or Suspended License - Traffic Warrant Requests were removed per Teletype #15-0204.
8. 204.5 – 13 – When Outstanding Warrants Exist – The last two paragraphs were removed because they are obsolete.

APPROVED

APPROVED

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1st ASSISTANT CHIEF
OFFICE OF THE CHIEF

SECOND DEPUTY CHIEF
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**AFTER THE DIRECTIVE IS APPROVED AND SIGNED, PLEASE RETURN TO
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1301 Third Avenue, 7th Floor, Detroit MI 48226

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BOARD OF POLICE COMMISSIONERS



Series 200 Operations	Effective Date	Review Date Three Years	Directive Number 204.5
Chapter 204 – Traffic Operations			
Reviewing Office <i>Metro Division</i>			<input type="checkbox"/> New Directive <input checked="" type="checkbox"/> Revised <i>Revisions in italics</i>
References			

DRIVER’S LICENSES AND PERMITS

204.5 - 1 PURPOSE

The primary purpose of this directive is to outline policies, guidelines, and procedures in the issuance and processing of licenses and permits handled by members of the Detroit Police Department (DPD).

204.5 - 2 State Driver’s Licenses and Permits

Every person eighteen (18) years or older who is employed for the principal purpose of operating a motor vehicle or who drives a vehicle while in use as a public or common carrier of persons or property must be in possession of a valid Michigan *Operator’s or Chauffeur’s License*. A person shall be considered to be employed for the principal purpose of operating a motor vehicle when such employment involves the necessary use of a motor vehicle for hire for transporting passenger or merchandise. An exception shall be a farmer or an employee of a farmer who operates a vehicle exclusively in connection with farming operations.

204.5 - 3 Persons Exempt

Every person who operates a motor vehicle upon the public highways of this state shall possess a valid Michigan Operator or Chauffeur’s License, with the following exceptions:

- a. Any person who operates road machinery, farm machinery, or an implement of husbandry temporarily upon the public highways;
- b. Any employee of the United States government who operates a motor vehicle owned or leased by the United States government while on official business; or
- c. Any nonresident driver of at least 16 years of age who temporarily operates a motor vehicle upon the highways of this state shall be in possession of a valid Operator’s or Chauffeur’s License issued by their state of residence or Canada. Michigan residents must possess a license issued by this state.

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204.5 - 4 Temporary Driving Permit

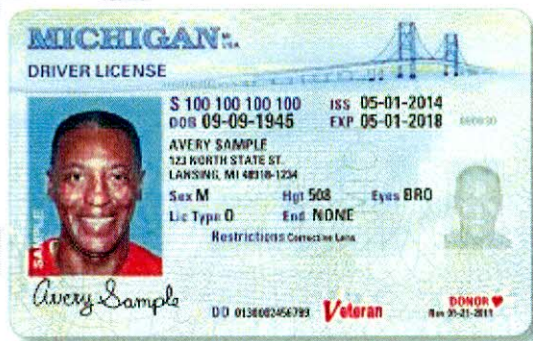
Following the successful completion of a driver education course, and application for an initial Operator's or Chauffeur's License or upon application for renewal, correction, or duplication of an existing Operator's or Chauffeur's License, a temporary driving permit will be issued and shall be valid for not more than 60 days. The permit shall be validated by a red inked stamp on the face of the permit and must bear the signature of the Secretary of State Examiner.

204.5 - 5 License Restrictions

The terms "restrictions" or "license restrictions," as they appear on an Operator or Chauffeur's License, differ from the term "restricted license." Restrictions or license restrictions refer to physical deficiencies of the operator that may require special equipment (i.e. glasses, outside mirror, or automatic transmission). A restricted license refers to a license, which is limited in use, such as a special driver permit, or a financial responsibility limited license.

204.5 - 6 Appearance and Content of License

1. The photograph of the licensee, located in the lower left hand corner, has a blue background. However, the absence of a photograph does not necessarily invalidate the license. The licensee may have applied for and received the license through the mail while out of state or the licensee's photograph may have been defective. In either case, the license will be marked, "valid without photo."
2. Each license shall bear the distinguishing number permanently assigned to the license and will contain the name, place of residence, post office address, date of birth, sex, height, and signature of the licensee. *Below is a sample of a current Michigan Driver's License:*



204.5 - 6.1 License Codes and Endorsements

1. One or more of the following license type codes will be found in the license type box on the driver license:

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- "O" – operator
 - "C" – chauffeur
 - "M" – moped
 - "Cy" – cycle
 - "F" – farmer
 - "R" – recreational double
2. Commercial driver license group and endorsement code letters are listed in the box entitled "CDL type."
 3. Commercial vehicles are divided into three (3) groups. Each group is listed separately. Each group listing gives:
 - a. Secretary of State two-letter vehicle code;
 - b. Vehicle type; and
 - c. CDL endorsement required.
 4. **Group "a"** is any vehicle, which is towing a vehicle or a trailer that has gross vehicle weight rating (gvwr) over 10,000 lbs. Group "a" designation allows an operator to operate group b and group c vehicles.
 5. **Group "b"** is any single vehicle (including buses) with a gvwr of 26,001 lbs. or more. This would include a combination of vehicles with a combined gvwr over 26,000 lbs. When towing a trailer that has a gvwr over 10,000 lbs. or less. Group "b" designation allows an operator to operate group c vehicles.
 6. **Group "c"** is any single vehicle with a gvwr of less than 26,001 lbs. or a combination of vehicles having a combined gvwr under 26,001 lbs. When the vehicle is required to display placards for hazardous material or designed to carry 16 passengers (including driver). Group "c" is also any school transportation vehicle.
 7. There are five endorsements, which are required for the operation of the following vehicles:
 - a. "H" for hazardous materials (unless "X" endorsement is held);
 - b. "N" for non-hazardous tankers with a liquid load capacity of 1,000 gallons or greater, and also for a tanker carrying hazardous liquid or liquefied gas requiring placards regardless of capacity. Should the material be hazardous an "H" endorsement is also required (unless the "X" endorsement is held). These endorsements are required whether the vehicle is empty or loaded;
 - c. "P" for all vehicles designed to carry 16 or more people (including the driver). The "P" endorsement is also required for a vehicle designed to carry 15 people or less when transporting students to or from school and home on a regular basis and the driver receives compensation. This endorsement is required for all vehicles designed to carry 16 or more people whether the vehicle is empty or loaded;
 - d. "T" for double or triple trailer combinations; and

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- e. "X" for a tanker carrying hazardous liquid or liquefied gas. The "X" endorsement appears on the CDL when an applicant has passed both the "N" (tank) and "H" (hazardous materials) test. The "X" endorsement allows the individual to operate vehicles requiring the "H" and/or "N" endorsements.
8. This information is required for all traffic citations involving commercial motor vehicles. If the code is not listed on the citation, the violation will not be recorded on the individual's CDL record. This would allow an individual to have CDL privileges when they should be suspended. A sticker with all CDL restrictions is placed on the back of the license and applicable restrictions are circled.

204.5 - 7 Michigan Driver Education Certificate

Prior to application for an Operator or Chauffeur License, persons under the age of 18 years, not previously licensed, must obtain a Michigan Driver Education Certificate to show completion of a driver education course. The course must be offered at an accredited high school and authorized by the Michigan Department of Public Instruction. A person under the age of 16 may drive with a parent or legal guardian if they have a Michigan Driver Education Certificate in their possession issued by the instructor and validated by the Secretary of State Examiner. A student enrolled in the above mentioned type of driver education course is not required to possess a certificate while receiving driving lessons in the presence of a certified instructor.

204.5 - 7.1 Temporary Instruction Permit

A temporary instruction permit is issued to a person 14 years of age or older who has not been previously licensed and who must practice for a road test examination. While driving, the operator must be accompanied by a licensed adult who is occupying the seat beside the driver.

204.5 - 8 Special Operator's Licenses**204.5 - 8.1 Special Restricted Operator's License**

1. A special restricted operator's license may be issued to any person 15 years of age or older who has completed the driver education course and who has received the recommendation of the Secretary of State Examiner. The licensee may only operate a moped vehicle.
2. A moped vehicle shall be defined as a two or three-wheeled vehicle, which has a motor that does not exceed 50cc piston displacement, produces 2.0 brake horsepower or less, has a top speed of 30 mph on a level surface, and does not have a gearshift.
3. Any person possessing a valid Operator or Chauffeur's License may also operate a moped.

204.5 - 8.2 Financial Responsibility Limited License and Permit

Any person who has previously failed to satisfy any traffic related judgment for bodily injury or property damage exceeding \$50.00 and whose license has been revoked accordingly

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shall receive, upon application, a financial responsibility temporary permit. This permit must be in possession while operating a motor vehicle until receipt of a financial responsibility limited license. In either case, the operator may drive a motor vehicle only within the limitations expressed on the permit or license.

204.5 - 8.3 Minor Restricted License

A minor restricted license may be issued to a minor from the age of 14 to under 16 when special circumstances require that the minor operate a vehicle, although the minor has not completed a driver education course. The operation of a vehicle is limited to the restrictions noted on the license.

204.5 - 8.4 Special Driver Permit

A special driver permit is issued to a Michigan resident who is out of state at the time of expiration of the Operator's License. This permit is temporary and the individual must renew the Operator's License immediately upon return to the state.

204.5 - 8.5 Restricted License

Either the driver improvement section or license appeal board of the State of Michigan may issue a restricted license to persons with poor driving records. The operator may drive a motor vehicle only within the limitations expressed on the license.

204.5 - 9 Violations of Drivers Licenses and Permits

Members encountering violations of city ordinance in connection with driver's license and permit requirements shall take action as detailed below for the specific violation cited. However, in the event that warrants are found to be outstanding against the violator, the violator shall then be processed in accordance with Department arrest procedures.

204.5 - 9.1 License Expired or not on Person

1. Any driver found operating a motor vehicle without a valid operating license (*DWLS, No Valid License, etc.*), and who has no outstanding warrants shall be issued a misdemeanor violation notice *on the applicable citation (city or state)*.
2. *Members have the discretion to arrest on misdemeanor ticketable offenses. However, should the offense involve the driver of a vehicle that does not have a valid operating license, the offender's vehicle shall be impounded.*
3. *When arresting for misdemeanor traffic offenses where an ordinance is issued, the applicable ordinance shall be reviewed and left with the DDC watch commander. An incident report shall be completed for all arrestees.*
4. Also, on the reverse side of the police copy, the issuing *member* shall indicate how the violator's identity was obtained (e.g. birth record, personal identification card, etc.).

204.5 Driver's Licenses and Permits**204.5 - 9.2 Violation of License Restrictions**

If a driver is found to be operating a motor vehicle without equipment or devices as specified on the driver's license, the investigating *member* shall issue the operator a misdemeanor violation notice and release the violator. The *member* shall then complete a report for reexamining driver (form OC 88) and note that a violation notice was issued. The OC 88 shall then be forwarded to the regional office of the Secretary of State.

204.5 - 9.3 Violations of Instructional Permits and Certificates

1. Any driver 17 years of age or older found to be driving with a Michigan driver education certificate while unaccompanied by a licensed parent or guardian, or unaccompanied by an unlicensed parent or guardian and a licensed adult driver, shall be checked for outstanding traffic warrants. If there are no outstanding warrants, the violator shall be issued a misdemeanor violation notice for "Violation of Driver Education Certificate" and released at the scene. Juveniles shall be detained and conveyed to the precinct station to be released into the custody of a parent or guardian. The box "juvenile misdemeanor (court will notify)" shall be checked on the violation notice.
2. Any person 17 years of age or older found driving with a temporary instruction permit, unaccompanied by a properly licensed adult, shall be checked for outstanding traffic warrants. If there are no outstanding warrants, the violator shall be issued a misdemeanor violation notice for "Student Driver – Unaccompanied" and released at the scene. Juveniles shall be detained and conveyed to the precinct station to be released into the custody of a parent or guardian. The box "juvenile misdemeanor (court will notify)," shall be checked on the violation notice. The temporary instruction permit shall be confiscated and forwarded to the Secretary of State accompanied by state form OC 88. When such permits are confiscated, the violator shall not be permitted to drive the vehicle from the scene.

204.5 - 10 Violations of Restricted Licenses and Permits**204.5 - 10.1 Special Restricted License – Moped**

Any person found driving in violation of any of the restrictions imposed by the special restricted license to operate a moped shall be arrested for "Violation of Special Restricted License – Moped," transported to the Detroit Detention Center (DDC) and processed in accordance with applicable Department directives

204.5 - 10.2 Financial Responsibility Limited License and Permit

Any person found to be operating a motor vehicle while in violation of any of the restrictions imposed upon them by a financial responsibility limited license or permit shall be arrested for "Violation of the Financial Responsibility Law," transported to the DDC and processed in accordance with applicable Department directives.

204.5 Driver's Licenses and Permits**204.5 - 10.3 Minor Restricted License**

Any person found to be driving in violation of the restrictions imposed by a minor restricted license shall be detained for "Violation of Restricted License – Minor," transported to the *DDC*, and processed in accordance with applicable Department directives.

204.5 - 10.4 Restricted Licenses and Permits

Any person, 17 years of age or older, found to be in violation of a restricted license shall be arrested for "Violation of Restricted License" and transported to the *DDC*. The violator shall be registered for the next session of 36th District Court, Traffic and Ordinance Division. The arresting *member* shall also prepare an *incident report*. The violator may post the required bond and be released to appear for arraignment in accordance with the schedule for "arraignments on bond release cases," as set forth in applicable Department directives.

204.5 - 10.5 Special Driver Permit

Any person found to be driving in violation of a special driver permit, which generally expires in 90 days, shall be arrested for "Failure to Have a Valid License in Immediate Possession" transported to the *DDC* and processed in accordance with applicable Department directives.

204.5 - 11 Violation of Denied, Revoked, or Suspended License

1. Any driver found to be driving during a period of revocation or suspension or following denial of a license, shall be arrested and transported to the *DDC*. The violator shall be registered for the next session of 36th District Court, Traffic and Ordinance Division. The arresting *member* shall also prepare an *incident report*. The violator may post the required bond and be released to appear for arraignment in accordance with the schedule for "Arraignments On Bond Release Cases," as set forth in applicable Department directives. The license shall be confiscated and processed as evidence.
2. A letter of certification must be obtained from the Secretary of State confirming that the license is suspended, etc. To request a letter of certification, the precinct computer terminal operator shall transmit an administrative LEIN message to the Secretary of State, Driver/Vehicle Service Unit. Terminal operators shall consult the Detects manual for proper format and operating instructions. The destination ORI is mi2399500, and the text of the message shall include the following information:
 - a. A request for "Orders of Suspension, Revocation, etc.;"
 - b. Driver license number;
 - c. Full name of driver;
 - d. Address;
 - e. Date of birth;
 - f. Date of offense;
 - g. Date needed (arresting *member's* next regularly scheduled court date);

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- h. Address of requesting command; and
 - i. Name of arresting *member* (attention of).
3. The Secretary of State will mail the certification to the address indicated in the message. Whenever these letters are received, the commanding officer shall ensure that they are given to the appropriate shift supervisor for delivery to concerned *members* prior to the court date. Supervisors shall make a notation in the Court Appearance Book and shall, when reminding members at roll call of scheduled appearances, indicate any case requiring the letter of certification. When appearing in court the concerned member shall present the letter of certification to the assistant prosecuting attorney or judge when the specific case is called.

204.5 - 11.1 Proof of Clearance of Suspended Driver's License Status

If LEIN information indicates that a driver's license is suspended, members shall determine if the driver is in possession of Department of State form DSI-62, Clearance of Failure to Appear in Court, comply with judgment or clear parking violations for each suspension indicated by the LEIN response. Members shall compare the court file numbers or Uniform Law Citation numbers that appear on the form with the LEIN information. If the information corresponds, form DSI-62 shall serve as proof that the suspension has been terminated for the case listed on the form. Persons who can present forms that correspond with each suspension indicated by LEIN shall not be arrested for "Driving While License Suspended."

204.5 - 12 Use of Altered or Fictitious License

Any person found to be driving with fictitious or altered license or a license belonging to another person, shall be arrested, transported to the DDC and processed as set forth above for denied, revoked or suspended license, except that no letter of certification will be obtained. The license shall be confiscated and processed as evidence.

204.5 - 13 When Outstanding Warrants Exist

Whenever traffic warrants are found to be outstanding against a misdemeanor traffic violator, the violator shall be processed as set forth below:

- a. Prescribed bonds shall be required before the violator is released;
- b. If the violator provides the required bond moneys, the violator shall be released on bond and the scheduled appearance for arraignment on both the traffic misdemeanor and the outstanding traffic warrant shall be in accordance with the established bond release schedule; and
- c. If the violator is unable to post bond, the violator shall be arraigned at the next earliest session of 36th District Court, Traffic and Ordinance Division on both the traffic misdemeanor and any existing traffic warrants.

204.5 Driver's Licenses and Permits**204.5 - 14 Violation of License Endorsements**

Any person operating a vehicle in violation of the endorsement found in the "license type" box of the driver license ("c" – chauffeur, "m" – moped, "cy" – cycle, etc.) or any of the commercial driver license group and endorsement codes found in the "CDL type" box shall be checked for outstanding warrants. If there are no outstanding warrants and the violator is not wanted on a more serious charge, the violator shall be issued a misdemeanor violation notice for "Operate Vehicle without Proper Endorsement" and released at the scene.

204.5 - 15 Unqualified Operators

All *members* shall screen operators investigated in connection with traffic accidents or contacted for violation of traffic or state laws relative to their qualifications as operators of motor vehicles. In the event a person appears incompetent to drive because of a physical deficiency such as vision, hearing, or senility not noted on the license or if the operator displays a lack of knowledge of traffic rules, the *member* shall prepare state form OC 88, Report for Reexamining Driver. The original shall be forwarded to the regional office of the Secretary of State, and a duplicate copy shall be filed at the command.