

PUBLIC AND LOCAL ACTS

OF

THE LEGISLATURE

OF THE

STATE OF MICHIGAN

PASSED AT THE REGULAR SESSION OF 1981

Also Other Matters Required By Law
To Be Published With The Public Acts



Compiled By The
LEGISLATIVE SERVICE BUREAU
And Published By The
DEPARTMENT OF MANAGEMENT AND BUDGET

The People of the State of Michigan enact:

Section amended; Michigan vehicle code.

Section 1. Section 312f of Act No. 300 of the Public Acts of 1949, as amended by Act No. 174 of the Public Acts of 1980, being section 257.312f of the Compiled Laws of 1970, is amended to read as follows:

257.312f Class 1, class 2, or class 3 indorsement on operator's or chauffeur's license; age; examination; waiver of driving test; conditions prohibiting issuance of indorsement; determination. [M.S.A. 9.2012(6)]

Sec. 312f. (1) Before a person, who shall be at least 18 years of age, is issued a class 1, class 2, or class 3 indorsement on an operator's or chauffeur's license, the person shall pass an examination as provided in this section. Each written examination given an applicant for a class 1, class 2, or class 3 indorsement on an operator's or chauffeur's license shall include subjects designed to cover the type or general class of vehicle to be operated. A person shall pass an examination which shall include a driving test designed to test the competency of the applicant for an original class 1, class 2, or class 3 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 that person and other persons and property, except that the secretary of state may waive the requirement for a driving test for a class 1, class 2, or class 3 indorsement upon receipt of adequate evidence of experience or training in operating the type or general class of vehicle which the applicant intends to drive. The driving test may be waived when the applicant has a valid license or indorsement to operate that type or general class of vehicle in another state.

(2) The secretary of state shall not issue a class 1, class 2, or class 3 indorsement to an applicant for an original indorsement who comes under 1 of the following conditions:

(a) Is charged in the 24 months immediately preceding application with a total of 12 or more points as provided in section 320a.

(b) Has had his or her license suspended or revoked for a reason other than as provided in sections 321a, 515, or 801c in the 36 months immediately preceding application, except that an indorsement 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.

(c) Was convicted of a 6-point violation as provided in section 320a or a violation of section 625b in the 24 months immediately preceding application, if the violation of section 625b occurred while the applicant was operating a type of vehicle that is operated under a class 1, class 2, or class 3 indorsement.

(3) The secretary of state, when determining the applicability of conditions listed in subsection (2), shall only consider points, suspensions, revocations, or violations which occurred after April 30, 1979.

This act is ordered to take immediate effect.

Approved July 2, 1981.

[No. 93]

(HB 4054)

AN ACT to provide for circumstances under which a farm shall not be found to be a public or private nuisance.

The People of the State of Michigan enact:

286.471 Short title. [M.S.A. 12.122(1)]

Sec. 1. This act shall be known and may be cited as the "Michigan right to farm act".

286.472 Definitions. [M.S.A. 12.122(2)]

Sec. 2. (1) As used in this act, "farm" means the land, buildings, and machinery used in the commercial production of farm products.

(2) As used in this act, "farm operation" means a condition or activity which occurs on a farm in connection with the commercial production of farm products, and includes, but is not limited to: marketed produce at roadside stands or farm markets; noise; odors; dust; fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.

(3) As used in this act, "farm product" means those plants and animals useful to man and includes but is not limited to: forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products; livestock, including breeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine and other similar products; or any other product which incorporates the use of food, feed, fiber or fur.

286.473 Farm or farm operation as public or private nuisance; finding; conditions. [M.S.A. 12.122(3)]

Sec. 3. (1) A farm or farm operation shall not be found to be a public or private nuisance if the farm or farm operation alleged to be a nuisance conforms to generally accepted agricultural and management practices according to policy as determined by the director of the department of agriculture.

(2) A farm or farm operation shall not be found to be a public or private nuisance if the farm or farm operation existed before a change in the land use or occupancy of land within 1 mile of the boundaries of the farm land, and before such change in land use or occupancy of land, the farm or farm operation would not have been a nuisance.

286.474 Application of state and federal statutes. [M.S.A. 12.122(4)]

Sec. 4. This act shall not affect the application of state and federal statutes.

This act is ordered to take immediate effect.

Approved July 11, 1981.

[No. 94]

(SB 162)

AN ACT to amend section 77 of chapter 14 of the Revised Statutes of 1846, entitled "Of county officers," as amended by Act No. 349 of the Public Acts of 1980, being section 51.77 of the Compiled Laws of 1970.

The People of the State of Michigan enact:

Section amended; sheriffs.

Section 1. Section 77 of chapter 14 of the Revised Statutes of 1846, as amended by Act No. 349 of the Public Acts of 1980, being section 51.77 of the Compiled Laws of 1970, is amended to read as follows: