

REPRINT

SUBSTITUTE FOR

SENATE BILL NO. 796

(As passed the House, April 2, 1998)

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 307 (MCL 257.307), as amended by 1996 PA
205.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 307. (1) An application for an operator's or
2 chauffeur's license shall be made in a manner prescribed by the
3 secretary of state and shall contain all of the following:

4 ~~-(a) For an operator's or chauffeur's license, full name,~~
5 ~~date of birth, address of residence, height, sex, eye color, and~~
6 ~~signature of the applicant, and other information required or~~
7 ~~permitted on the license pursuant to this chapter.~~

8 (A) ~~-(b) For an operator's or chauffeur's license with a~~
9 ~~vehicle group designation or indorsement,~~ THE APPLICANT'S full
10 name, ~~social security number,~~ date of birth, address of

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1 residence, height, sex, EYE COLOR, ~~and~~ signature, ~~of the~~
2 ~~applicant, and~~ other information required or permitted on the
3 license ~~pursuant to~~ UNDER this chapter, AND TO THE EXTENT
4 REQUIRED TO COMPLY WITH FEDERAL LAW, THE APPLICANT'S SOCIAL
5 SECURITY NUMBER.

6 (B) ~~(c)~~ For an operator's or chauffeur's license with a
7 vehicle group designation or indorsement, the following certifi-
8 cations ~~made~~ by the applicant:

9 (i) ~~That the~~ THE applicant meets the applicable federal
10 physical driver qualification requirements ~~pursuant to~~ UNDER
11 49 C.F.R. part 391 if the applicant operates or intends to oper-
12 ate in interstate commerce or meets the applicable physical qual-
13 ifications ~~pursuant to~~ UNDER the rules promulgated by the
14 department of state police under the motor carrier safety act of
15 1963, ~~Act No. 181 of the Public Acts of 1963, being sections~~
16 ~~480.11 to 480.21 of the Michigan Compiled Laws~~ 1963 PA 181, MCL
17 480.11 TO 480.22, if the applicant operates or intends to operate
18 in intrastate commerce.

19 (ii) ~~That the~~ THE vehicle in which the applicant will take
20 the driving skills tests is representative of the type of vehicle
21 the applicant operates or intends to operate.

22 (iii) ~~That the~~ THE applicant has not been convicted of an
23 offense as described in section 312f or 319b.

24 (iv) ~~That the~~ THE applicant does not have a driver's
25 license from more than 1 state.

26 (C) ~~(d)~~ For an operator's or chauffeur's license with a
27 vehicle group designation or indorsement and for which the

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1 applicant claims a waiver of the driving test as provided in
2 section 312f, the following additional certifications ~~made~~ by
3 the applicant concerning the 2-year period immediately before
4 application:

5 (i) ~~That the~~ THE applicant has not had more than 1
6 license.

7 (ii) ~~That the~~ THE applicant has not had any license sus-
8 pended, revoked, or canceled.

9 (iii) ~~That the~~ THE applicant has not been convicted of any
10 offense described in section 319b while operating a motor
11 vehicle.

12 (iv) ~~That the~~ THE applicant has not been convicted of a
13 moving violation under state or local law relating to motor vehi-
14 cle traffic control arising in connection with a traffic
15 accident.

16 (v) ~~That the~~ THE applicant is regularly employed in a job
17 requiring the operation of a commercial motor vehicle.

18 (vi) ~~That the~~ THE applicant qualifies under either of the
19 following:

20 (A) ~~Has~~ HE OR SHE HAS passed a behind-the-wheel driving
21 test given by a state with a commercial motor vehicle driver
22 licensing and testing system and taken in a representative vehi-
23 cle for that applicant's driver's license vehicle group
24 designation.

25 (B) ~~Has operated, for~~ FOR at least 2 years immediately
26 preceding application, THE APPLICANT HAS OPERATED a vehicle
27 representative of the commercial motor vehicle group or passenger

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1 vehicle for which he or she is applying. ~~Evidence shall be~~
2 ~~provided by the~~ THE applicant's employer or ~~by~~ the applicant,
3 if self-employed, SHALL PROVIDE EVIDENCE OF THIS REQUIREMENT.

4 (2) An applicant for an operator's or chauffeur's license
5 may have his or her image captured or reproduced ~~at the time~~
6 ~~the~~ WHEN application for the license is made. The secretary of
7 state shall acquire by purchase or lease the equipment for cap-
8 turing the images and may furnish the equipment to a local unit
9 authorized by the secretary of state to license drivers. The
10 secretary of state shall acquire equipment purchased or leased
11 pursuant to this section under standard purchasing procedures of
12 the department of management and budget based on standards and
13 specifications established by the secretary of state. The secre-
14 tary of state shall not purchase or lease equipment until an
15 appropriation for the equipment has been made by the
16 legislature. An image captured pursuant to this section shall
17 appear on the applicant's operator's or chauffeur's license. The
18 secretary of state may retain and use a person's image described
19 in this subsection only for programs administered by the secre-
20 tary of state. Except as provided in this subsection, the secre-
21 tary of state shall not use a person's image unless THE PERSON
22 GRANTS written permission for that purpose ~~is granted by the~~
23 ~~person~~ to the secretary of state or specific enabling legisla-
24 tion permitting the use is enacted into law. A law enforcement
25 agency of this state shall have access to any information
26 retained by the secretary of state under this subsection. The

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1 information may be utilized for any law enforcement purpose
2 unless otherwise prohibited by law.

3 (3) An application shall contain a signature and certifica-
4 tion by the applicant and shall be accompanied by the proper
5 fee. The examiner shall collect the application fee and ~~shall~~
6 forward ~~the fee~~ IT to the secretary of state with the
7 application. The secretary of state shall refund the application
8 fee to the applicant if the license applied for is denied, but
9 shall not refund the fee to an applicant who fails to complete
10 the examination requirements of the secretary of state within 90
11 days after the date of application for a license. Until January
12 1, 2002, a service fee of \$1.00 shall be added to each fee col-
13 lected for an original, renewal, duplicate, or corrected
14 operator's or chauffeur's license. The service fee received and
15 collected under this subsection shall be deposited in the state
16 treasury to the credit of the general fund. The service fee
17 shall be used to defray the expenses of the secretary of state.
18 Appropriations from the Michigan transportation fund shall not be
19 used to compensate the secretary of state for costs incurred and
20 services performed under this section.

21 (4) If an application is received from a person previously
22 licensed in another jurisdiction, the secretary of state shall
23 request a copy of the applicant's driving record and other avail-
24 able information from the other jurisdiction. When received, the
25 driving record and other available information from the other
26 jurisdiction becomes a part of the driver's record in this state
27 with the same force and effect as if it had been entered on the

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1 driver's record in this state in the original instance. If the
2 application is for an original, renewal, or change of a vehicle
3 group designation or indorsement, the secretary of state shall
4 also check the applicant's driving record with the national driv-
5 ers register and the United States department of transportation
6 before ~~issuance of~~ ISSUING that group designation or
7 indorsement.

8 (5) Except for a vehicle group designation or indorsement,
9 the secretary of state may issue a renewal operator's or
10 chauffeur's license for 1 additional 4-year period by mail or by
11 other methods prescribed by the secretary of state. The secre-
12 tary of state shall issue a renewal license only in person ~~when~~
13 IF the licensee has a driving record with a conviction or civil
14 infraction determination obtained in the 48 months preceding
15 renewal. However, the secretary of state shall not refuse to
16 issue a renewal license by mail or by other method because of a
17 conviction or civil infraction determination for which fines and
18 costs were waived ~~pursuant to~~ UNDER section 901a or ~~section~~
19 907. If a license is renewed by mail or by other method, the
20 secretary of state shall issue evidence of renewal to indicate
21 the date the license expires in the future.

22 (6) Upon request, the secretary of state shall provide an
23 information manual to an applicant explaining how to obtain a
24 vehicle group designation or indorsement. The manual shall con-
25 tain the information required ~~pursuant to~~ UNDER 49 C.F.R. part
26 383.

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1 (7) THE SECRETARY OF STATE SHALL NOT DISCLOSE A SOCIAL
2 SECURITY NUMBER OBTAINED UNDER SUBSECTION (1) TO ANOTHER PERSON
3 EXCEPT FOR USE FOR 1 OR MORE OF THE FOLLOWING PURPOSES:

4 (A) COMPLIANCE WITH THE COMMERCIAL MOTOR VEHICLE SAFETY ACT
5 OF 1986, TITLE XII OF PUBLIC LAW 99-570, 100 STAT. 3207-170, AND
6 REGULATIONS AND STATE LAW AND RULES RELATED TO THAT ACT.

7 (B) THROUGH THE LAW ENFORCEMENT INFORMATION NETWORK, TO
8 CARRY OUT THE PURPOSES OF SECTION 466(A) OF PART D OF TITLE IV OF
9 THE SOCIAL SECURITY ACT, 42 U.S.C. 666, IN CONNECTION WITH MAT-
10 TERS RELATING TO PATERNITY, CHILD SUPPORT, OR OVERDUE CHILD
11 SUPPORT.

12 (C) AS OTHERWISE REQUIRED BY LAW.

(8) THE SECRETARY OF STATE SHALL NOT DISPLAY A PERSON'S SOCIAL SECURITY NUMBER ON THE PERSON'S OPERATOR'S OR CHAUFFEUR'S LICENSE.]

(9) A REQUIREMENT UNDER THIS SECTION TO INCLUDE A SOCIAL SECURITY NUMBER ON AN APPLICATION DOES NOT APPLY TO AN APPLICANT WHO DEMONSTRATES THAT HE OR SHE IS EXEMPT UNDER FEDERAL LAW FROM OBTAINING A SOCIAL SECURITY NUMBER OR WHO IS EXEMPT UNDER FEDERAL OR STATE LAW FROM INCLUDING HIS OR HER SOCIAL SECURITY NUMBER ON SUCH AN APPLICATION. THE SECRETARY OF STATE SHALL VERBALLY INFORM THE APPLICANT OF THIS POSSIBLE EXEMPTION.

Enacting section 1. The family independence agency shall request from the federal government an exemption from the provisions regarding the recording of social security numbers added by this 1998 amendatory act, which are intended to be used for the collection of child support, as required by federal law in order for this state to receive certain federal funds. Upon the granting of the exemption, those provisions referred to by this enacting section shall not be utilized or enforced by the state or a local governmental entity.