

SENATE BILL No. 46

January 24, 2007, Introduced by Senators SWITALSKI and SCOTT and referred to the Committee on Judiciary.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 307 (MCL 257.307), as amended by 2006 PA 298.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 307. (1) An applicant for an operator's or chauffeur's
2 license shall supply a birth certificate attesting to his or her
3 age or other sufficient documents or identification as the
4 secretary of state may require. **THE SECRETARY OF STATE SHALL**
5 **ACCEPT AS 1 OF THE REQUIRED IDENTIFICATION DOCUMENTS AN**
6 **IDENTIFICATION CARD ISSUED BY THE DEPARTMENT OF CORRECTIONS TO**
7 **PRISONERS WHO ARE PLACED ON PAROLE OR RELEASED FROM A**
8 **CORRECTIONAL FACILITY, CONTAINING THE PRISONER'S NAME,**

1 PHOTOGRAPH, AND OTHER INFORMATION IDENTIFYING THE PRISONER AS
2 PROVIDED IN SECTION 37(4) OF THE CORRECTIONS CODE OF 1953, 1953
3 PA 232, MCL 791.237. An application for an operator's or
4 chauffeur's license shall be made in a manner prescribed by the
5 secretary of state and shall contain all of the following:

6 (a) The applicant's full name, date of birth, residence
7 address, height, sex, eye color, signature, and, ~~beginning~~
8 ~~January 1, 2007,~~ **THE APPLICANT'S** intent to be an organ donor,
9 other information required or permitted on the license under this
10 chapter, and, to the extent required to comply with federal law,
11 the applicant's social security number. The applicant may provide
12 a mailing address if the applicant receives mail at an address
13 different from his or her residence address.

14 (b) The following notice shall be included to inform the
15 applicant that under sections 509o and 509r of the Michigan
16 election law, 1954 PA 116, MCL 168.509o and 168.509r, the
17 secretary of state is required to use the residence address
18 provided on this application as the applicant's residence address
19 on the qualified voter file for voter registration and voting:

20 "NOTICE: Michigan law requires that the same address
21 be used for voter registration and driver license
22 purposes. Therefore, if the residence address
23 you provide in this application differs from your
24 voter registration address as it appears on the
25 qualified voter file, the secretary of state

1 will automatically change your voter registration
2 to match the residence address on this application,
3 after which your voter registration at your former
4 address will no longer be valid for voting purposes.

5 A new voter registration card, containing the
6 information of your polling place, will be provided
7 to you by the clerk of the jurisdiction where your
8 residence address is located."

9 (c) For an original or renewal operator's or chauffeur's
10 license with a vehicle group designation or indorsement, the
11 names of all states where the applicant has been licensed to
12 drive any type of motor vehicle during the previous 10 years.

13 (d) For an operator's or chauffeur's license with a vehicle
14 group designation or indorsement, the following certifications by
15 the applicant:

16 (i) The applicant meets the applicable federal driver
17 qualification requirements under 49 CFR part 391 if the applicant
18 operates or intends to operate in interstate commerce or meets
19 the applicable qualifications of the department of state police
20 under the motor carrier safety act of 1963, 1963 PA 181, MCL
21 480.11 to 480.25, if the applicant operates or intends to
22 operate in intrastate commerce.

23 (ii) The vehicle in which the applicant will take the driving
24 skills tests is representative of the type of vehicle the

1 applicant operates or intends to operate.

2 (iii) The applicant is not subject to disqualification by the
3 United States secretary of transportation, or a suspension,
4 revocation, or cancellation under any state law for conviction of
5 an offense described in section 312f or 319b.

6 (iv) The applicant does not have a driver's license from more
7 than 1 state or jurisdiction.

8 (e) An applicant for an operator's or chauffeur's license
9 with a vehicle group designation and a hazardous material
10 indorsement shall provide his or her fingerprints as prescribed
11 by state and federal law.

12 (2) Except as provided in this subsection, an applicant for
13 an operator's or chauffeur's license may have his or her image
14 and signature captured or reproduced when the application for the
15 license is made. An applicant required under section 5a of the
16 sex offenders registration act, 1994 PA 295, MCL 28.725a, to
17 maintain a valid operator's or chauffeur's license or official
18 state personal identification card shall have his or her image
19 and signature captured or reproduced when the application for the
20 license is made. The secretary of state shall acquire by purchase
21 or lease the equipment for capturing the images and signatures
22 and may furnish the equipment to a local unit authorized by the
23 secretary of state to license drivers. The secretary of state
24 shall acquire equipment purchased or leased pursuant to this
25 section under standard purchasing procedures of the department of
26 management and budget based on standards and specifications
27 established by the secretary of state. The secretary of state

1 shall not purchase or lease equipment until an appropriation for
2 the equipment has been made by the legislature. An image and
3 signature captured pursuant to this section shall appear on the
4 applicant's operator's or chauffeur's license. Except as provided
5 in this subsection, the secretary of state may retain and use a
6 person's image and signature described in this subsection only
7 for programs administered by the secretary of state. Except as
8 provided in this subsection, the secretary of state shall not use
9 a person's image or signature, or both, unless the person grants
10 written permission for that purpose to the secretary of state or
11 specific enabling legislation permitting the use is enacted into
12 law. A law enforcement agency of this state has access to
13 information retained by the secretary of state under this
14 subsection. The information may be utilized for any law
15 enforcement purpose unless otherwise prohibited by law. The
16 department of state police shall provide to the secretary of
17 state updated lists of persons required to be registered under
18 the sex offenders registration act, 1994 PA 295, MCL 28.721 to
19 28.736, and the secretary of state shall make the images of those
20 persons available to the department of state police as provided
21 in that act.

22 (3) An application shall contain a signature or verification
23 and certification by the applicant, as determined by the
24 secretary of state, and shall be accompanied by the proper fee.
25 The secretary of state shall collect the application fee with the
26 application. The secretary of state shall refund the application
27 fee to the applicant if the license applied for is denied, but

1 shall not refund the fee to an applicant who fails to complete
2 the examination requirements of the secretary of state within 90
3 days after the date of application for a license.

4 (4) In conjunction with the application for ~~or, until~~
5 ~~January 1, 2007, the issuance of~~ an operator's or chauffeur's
6 license, the secretary of state shall do all of the following:

7 (a) Provide the applicant with all of the following:

8 (i) Information explaining the applicant's right to make an
9 anatomical gift in the event of death in accordance with section
10 310.

11 (ii) Information describing the organ, tissue, and eye donor
12 registry program. The information required under this
13 subparagraph includes the address and telephone number of
14 Michigan's federally designated organ procurement organization or
15 its successor organization.

16 (iii) Information giving the applicant the opportunity to be
17 placed on the registry described in subparagraph (ii).

18 (b) Provide the applicant with the opportunity to specify on
19 his or her operator's or chauffeur's license that he or she is
20 willing to make an anatomical gift in the event of death in
21 accordance with section 310.

22 (c) Inform the applicant that, if he or she indicates to the
23 secretary of state under this section a willingness to have his
24 or her name placed on the registry described in subdivision

25 (a) (ii), the secretary of state will mark the applicant's record
26 for the registry.

27 (d) Provide the applicant with the opportunity to make a

1 donation of \$1.00 or more to the organ and tissue donation
2 education fund created under section 217o. A donation made under
3 this subdivision shall be deposited in the state treasury to the
4 credit of the organ and tissue donation education fund.

5 (5) The secretary of state may fulfill the requirements of
6 subsection (4) by 1 or more of the following methods:

7 (a) Providing printed material enclosed with a mailed notice
8 for an operator's or chauffeur's license renewal or the issuance
9 of an operator's or chauffeur's license.

10 (b) Providing printed material to an applicant who
11 personally appears at a secretary of state branch office.

12 (c) Through electronic information transmittals for
13 operator's and chauffeur's licenses processed by electronic
14 means.

15 ~~(6) Until January 1, 2007, if an applicant indicates a~~
16 ~~willingness under this section to have his or her name placed on~~
17 ~~the organ donor registry described in subsection (4) (a) (ii), the~~
18 ~~secretary of state shall within 10 days forward the applicant's~~
19 ~~name, and address, and date of birth to the organ donor registry~~
20 ~~maintained by Michigan's federally designated organ procurement~~
21 ~~organization or its successor organization. The secretary of~~
22 ~~state may forward information under this subsection by mail or by~~
23 ~~electronic means. The secretary of state shall not maintain a~~
24 ~~record of the name or address of an individual who indicates a~~
25 ~~willingness to have his or her name placed on the organ donor~~
26 ~~registry after forwarding that information to the organ donor~~
27 ~~registry under this subsection. Information about an applicant's~~

1 ~~indication of a willingness to have his or her name placed on the~~
2 ~~organ donor registry that is obtained by the secretary of state~~
3 ~~under subsection (4) and forwarded under this subsection is~~
4 ~~exempt from disclosure under section 13(1)(d) of the freedom of~~
5 ~~information act, 1976 PA 442, MCL 15.243. Beginning January 1,~~
6 ~~2007, the~~ **THE** secretary of state shall maintain a record of an
7 individual who indicates a willingness to have his or her name
8 placed on the registry described in subsection (4)(a)(ii).

9 Information about an applicant's indication of a willingness to
10 have his or her name placed on the registry that is obtained by
11 the secretary of state under subsection (4) and forwarded under
12 subsection (14) is exempt from disclosure under section 13(1)(d)
13 of the freedom of information act, 1976 PA 442, MCL 15.243.

14 (7) If an application is received from a person previously
15 licensed in another jurisdiction, the secretary of state shall
16 request a copy of the applicant's driving record and other
17 available information from the national driver register. When
18 received, the driving record and other available information
19 become a part of the driver's record in this state.

20 (8) If an application is received for an original, renewal,
21 or upgrade of a vehicle group designation or indorsement, the
22 secretary of state shall request the person's complete driving
23 record from all states where the applicant was previously
24 licensed to drive any type of motor vehicle over the last 10
25 years before issuing a vehicle group designation or indorsement
26 to the applicant. If the applicant does not hold a valid
27 commercial motor vehicle driver license from a state where he or

1 she was licensed in the last 10 years, this complete driving
2 record request must be made not earlier than 24 hours before the
3 secretary of state issues the applicant a vehicle group
4 designation or indorsement. For all other drivers, this request
5 must be made not earlier than 10 days before the secretary of
6 state issues the applicant a vehicle group designation or
7 indorsement. The secretary of state shall also check the
8 applicant's driving record with the national driver register and
9 the federal commercial driver license information system before
10 issuing that group designation or indorsement. If the application
11 is for the renewal of a vehicle group designation or indorsement,
12 and if the secretary of state enters on the person's historical
13 driving record maintained under section 204a a notation that the
14 request was made and the date of the request, the secretary of
15 state is required to request the applicant's complete driving
16 record from other states only once under this section.

17 (9) Except for a vehicle group designation or indorsement or
18 as provided in this subsection or section 314(5), the secretary
19 of state may issue a renewal operator's or chauffeur's license
20 for 1 additional 4-year period by mail or by other methods
21 prescribed by the secretary of state. The secretary of state may
22 check the applicant's driving record through the national driver
23 register and the commercial driver license information system
24 before issuing a license under this section. The secretary of
25 state shall issue a renewal license only in person if the person
26 is a person required under section 5a of the sex offenders
27 registration act, 1994 PA 295, MCL 28.725a, to maintain a valid

1 operator's or chauffeur's license or official state personal
2 identification card. If a license is renewed by mail or by other
3 method, the secretary of state shall issue evidence of renewal to
4 indicate the date the license expires in the future. The
5 department of state police shall provide to the secretary of
6 state updated lists of persons required under section 5a of the
7 sex offenders registration act, 1994 PA 295, MCL 28.725a, to
8 maintain a valid operator's or chauffeur's license or official
9 state personal identification card.

10 (10) Upon request, the secretary of state shall provide an
11 information manual to an applicant explaining how to obtain a
12 vehicle group designation or indorsement. The manual shall
13 contain the information required under 49 CFR part 383.

14 (11) The secretary of state shall not disclose a social
15 security number obtained under subsection (1) to another person
16 except for use for 1 or more of the following purposes:

17 (a) Compliance with 49 USC 31301 to 31317 and regulations
18 and state law and rules related to this chapter.

19 (b) Through the law enforcement information network, to
20 carry out the purposes of section 466(a) of the social security
21 act, 42 USC 666, in connection with matters relating to
22 paternity, child support, or overdue child support.

23 (c) To check an applicant's driving record through the
24 national driver register and the commercial driver license
25 information system when issuing a license under this act.

26 (d) With the department of community health, for comparison
27 with vital records maintained by the department of community

1 health under part 28 of the public health code, 1978 PA 368, MCL
2 333.2801 to 333.2899.

3 (e) As otherwise required by law.

4 (12) The secretary of state shall not display a person's
5 social security number on the person's operator's or chauffeur's
6 license.

7 (13) A requirement under this section to include a social
8 security number on an application does not apply to an applicant
9 who demonstrates he or she is exempt under law from obtaining a
10 social security number or to an applicant who for religious
11 convictions is exempt under law from disclosure of his or her
12 social security number under these circumstances. The secretary
13 of state shall inform the applicant of this possible exemption.

14 (14) ~~Beginning January 1, 2007, the~~ **THE** secretary of state
15 shall maintain the organ, tissue, and eye donor registry in a
16 manner that provides electronic access, including, but not
17 limited to, transfer of data to this state's federally designated
18 organ procurement organizations, their successor organizations,
19 and tissue and eye banks with limitations on the use of and
20 access to the donor registry as determined by the secretary of
21 state.

22 **(15) THE SECRETARY OF STATE SHALL HAVE ELECTRONIC ACCESS TO**
23 **PRISONER BIOGRAPHY INFORMATION MAINTAINED BY THE DEPARTMENT OF**
24 **CORRECTIONS FOR THE PURPOSE OF VERIFYING THE IDENTITY OF A**
25 **PRISONER WHO APPLIES FOR AN OPERATOR'S OR CHAUFFEUR'S LICENSE**
26 **UNDER SUBSECTION (1).**

27 Enacting section 1. This amendatory act does not take effect

1 unless all of the following bills of the 94th Legislature are
2 enacted into law:

3 (a) Senate Bill No. 44.

4

5 (b) Senate Bill No. 45.

6