

SENATE BILL No. 1069

September 16, 2014, Introduced by Senator SCHUITMAKER and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 310 (MCL 257.310), as amended by 2013 PA 27, and by adding section 310a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 310. (1) The secretary of state shall issue an operator's
2 license to each person licensed as an operator and a chauffeur's
3 license to each person licensed as a chauffeur. An applicant for a
4 motorcycle indorsement under section 312a or a vehicle group
5 designation or indorsement shall first qualify for an operator's or
6 chauffeur's license before the indorsement or vehicle group
7 designation application is accepted and processed. An original
8 license or the first renewal of an existing license issued to a
9 person less than 21 years of age shall be portrait or vertical in

1 form and a license issued to a person 21 years of age or over shall
2 be landscape or horizontal in form.

3 (2) The license issued under subsection (1) shall contain all
4 of the following:

5 (a) The distinguishing number permanently assigned to the
6 licensee.

7 (b) The full legal name, date of birth, address of residence,
8 height, eye color, sex, digital photographic image, expiration
9 date, and signature of the licensee.

10 (c) In the case of a licensee who has indicated his or her
11 wish to participate in the anatomical gift donor registry under
12 part 101 of the public health code, 1978 PA 368, MCL 333.10101 to
13 333.10123, a heart insignia on the front of the license.

14 (d) Physical security features designed to prevent tampering,
15 counterfeiting, or duplication of the license for fraudulent
16 purposes.

17 (e) If requested by an individual who is a veteran of the
18 armed forces of this state, another state, or the United States,
19 other than an individual who was dishonorably discharged from the
20 armed forces of this state, another state, or the United States, a
21 designation that the individual is a veteran. The designation shall
22 be in a style and format considered appropriate by the secretary of
23 state. The secretary of state shall require proof of discharge or
24 separation of service from the armed forces of this state, another
25 state, or the United States, and the nature of that discharge, for
26 the purposes of verifying an individual's status as a veteran under
27 this subdivision. The secretary of state shall consult with the

1 department of military and veterans affairs in determining the
2 proof that shall be required to identify an individual's status as
3 a veteran for the purposes of this subsection. The secretary of
4 state may provide the department of military and veterans affairs
5 and agencies of the counties of this state that provide veteran
6 services with information provided by an applicant under this
7 subsection for the purpose of veterans' benefits eligibility
8 referral.

9 (3) Except as otherwise required under this chapter, other
10 information required on the license ~~pursuant to~~ **UNDER** this chapter
11 may appear on the license in a form prescribed by the secretary of
12 state.

13 (4) The license shall not contain a fingerprint or finger
14 image of the licensee.

15 (5) A digitized license may contain an identifier for voter
16 registration purposes. ~~The~~ **IN ADDITION TO THE INFORMATION DESCRIBED**
17 **IN SECTION 310A, THE** digitized license may contain information
18 appearing in electronic or machine readable codes needed to conduct
19 a transaction with the secretary of state. ~~The~~ **EXCEPT AS PROVIDED**
20 **IN SECTION 310A, THE** information shall be limited to the person's
21 driver license number, birth date, full legal name, date of
22 transaction, gender, address, state of issuance, license expiration
23 date, and other information necessary for use with electronic
24 devices, machine readers, or automatic teller machines and shall
25 not contain the driving record or other personal identifier. The
26 license shall identify the encoded information.

27 (6) The license shall be manufactured in a manner to prohibit

1 as nearly as possible the ability to reproduce, alter, counterfeit,
2 forge, or duplicate the license without ready detection. In
3 addition, a license with a vehicle group designation shall contain
4 the information required under 49 CFR part 383.

5 (7) Except as provided in subsection (11), a person who
6 intentionally reproduces, alters, counterfeits, forges, or
7 duplicates a license photograph, the negative of the photograph,
8 image, license, or electronic data contained on a license or a part
9 of a license or who uses a license, image, or photograph that has
10 been reproduced, altered, counterfeited, forged, or duplicated is
11 subject to 1 of the following:

12 (a) If the intent of the reproduction, alteration,
13 counterfeiting, forging, duplication, or use is to commit or aid in
14 the commission of an offense that is a felony punishable by
15 imprisonment for 10 or more years, the person committing the
16 reproduction, alteration, counterfeiting, forging, duplication, or
17 use is guilty of a felony, punishable by imprisonment for not more
18 than 10 years or a fine of not more than \$20,000.00, or both.

19 (b) If the intent of the reproduction, alteration,
20 counterfeiting, forging, duplication, or use is to commit or aid in
21 the commission of an offense that is a felony punishable by
22 imprisonment for less than 10 years or a misdemeanor punishable by
23 imprisonment for 6 months or more, the person committing the
24 reproduction, alteration, counterfeiting, forging, duplication, or
25 use is guilty of a felony, punishable by imprisonment for not more
26 than 5 years, or a fine of not more than \$10,000.00, or both.

27 (c) If the intent of the reproduction, alteration,

1 counterfeiting, forging, duplication, or use is to commit or aid in
2 the commission of an offense that is a misdemeanor punishable by
3 imprisonment for less than 6 months, the person committing the
4 reproduction, alteration, counterfeiting, forging, duplication, or
5 use is guilty of a misdemeanor punishable by imprisonment for not
6 more than 1 year or a fine of not more than \$2,000.00, or both.

7 (8) Except as provided in subsections (11) and (16), a person
8 who sells, or who possesses with the intent to deliver to another,
9 a reproduced, altered, counterfeited, forged, or duplicated license
10 photograph, negative of the photograph, image, license, or
11 electronic data contained on a license or part of a license is
12 guilty of a felony punishable by imprisonment for not more than 5
13 years or a fine of not more than \$10,000.00, or both.

14 (9) Except as provided in subsections (11) and (16), a person
15 who is in possession of 2 or more reproduced, altered,
16 counterfeited, forged, or duplicated license photographs, negatives
17 of the photograph, images, licenses, or electronic data contained
18 on a license or part of a license is guilty of a felony punishable
19 by imprisonment for not more than 5 years or a fine of not more
20 than \$10,000.00, or both.

21 (10) Except as provided in subsection (16), a person who is in
22 possession of a reproduced, altered, counterfeited, forged, or
23 duplicated license photograph, negative of the photograph, image,
24 license, or electronic data contained on a license or part of a
25 license is guilty of a misdemeanor punishable by imprisonment for
26 not more than 1 year or a fine of not more than \$2,000.00, or both.

27 (11) Subsections (7)(a) and (b), (8), and (9) do not apply to

1 a minor whose intent is to violate section 703 of the Michigan
2 liquor control code of 1998, 1998 PA 58, MCL 436.1703.

3 (12) The secretary of state, upon determining after an
4 examination that an applicant is mentally and physically qualified
5 to receive a license, may issue the applicant a temporary driver's
6 permit. The temporary driver's permit entitles the applicant, while
7 having the permit in his or her immediate possession, to operate a
8 motor vehicle upon the highway for a period not exceeding 60 days
9 before the secretary of state has issued the applicant an
10 operator's or chauffeur's license. The secretary of state may
11 establish a longer duration for the validity of a temporary
12 driver's permit if necessary to accommodate the process of
13 obtaining a background check that is required for an applicant by
14 federal law.

15 (13) ~~An~~ **IN ADDITION TO REGISTERING WITH THE MEDICAL**
16 **INFORMATION REGISTRY DESCRIBED IN SECTION 310A, AN** operator or
17 chauffeur may indicate on the license in a place designated by the
18 secretary of state his or her blood type, emergency contact
19 information, immunization data, medication data, or a statement
20 that the licensee is deaf. The secretary of state shall not require
21 an applicant for an original or renewal operator's or chauffeur's
22 license to provide emergency contact information as a condition of
23 obtaining a license. However, the secretary of state may inquire
24 whether an operator or chauffeur would like to provide emergency
25 contact information. Emergency contact information obtained under
26 this subsection shall be disclosed only to a state or federal law
27 enforcement agency for law enforcement purposes or to the extent

1 necessary for a medical emergency.

2 (14) An operator or chauffeur may indicate on the license in a
3 place designated by the secretary of state that he or she has
4 designated a patient advocate in accordance with sections 5506 to
5 5515 of the estates and protected individuals code, 1998 PA 386,
6 MCL 700.5506 to 700.5515.

7 (15) If the applicant provides proof to the secretary of state
8 that he or she is a minor who has been emancipated under 1968 PA
9 293, MCL 722.1 to 722.6, the license shall bear the designation of
10 the individual's emancipated status in a manner prescribed by the
11 secretary of state.

12 (16) Subsections (8), (9), and (10) do not apply to a person
13 who is in possession of 1 or more photocopies, reproductions, or
14 duplications of a license to document the identity of the licensee
15 for a legitimate business purpose.

16 (17) A sticker or decal may be provided by any person,
17 hospital, school, medical group, or association interested in
18 assisting in implementing an emergency medical information card,
19 but shall meet the specifications of the secretary of state. An
20 emergency medical information card may contain information
21 concerning the licensee's patient advocate designation, other
22 emergency medical information, or an indication as to where the
23 licensee has stored or registered emergency medical information.

24 (18) The secretary of state shall inquire of each licensee, in
25 person or by mail, whether the licensee agrees to participate in
26 the anatomical gift donor registry under part 101 of the public
27 health code, 1978 PA 368, MCL 333.10101 to 333.10123, **OR THE**

1 **MEDICAL INFORMATION REGISTRY UNDER SECTION 310A.**

2 (19) A licensee who has agreed to participate in the
3 anatomical gift donor registry under part 101 of the public health
4 code, 1978 PA 368, MCL 333.10101 to 333.10123, **OR THE MEDICAL**
5 **INFORMATION REGISTRY UNDER SECTION 310A** shall not be considered to
6 have revoked that agreement solely because the licensee's license
7 has been revoked or suspended or has expired. Enrollment in the
8 **ANATOMICAL GIFT** donor registry **UNDER PART 101 OF THE PUBLIC HEALTH**
9 **CODE, 1978 PA 368, MCL 333.10101 TO 333.10123**, constitutes a legal
10 agreement that remains binding and in effect after the donor's
11 death regardless of the expressed desires of the deceased donor's
12 next of kin who may oppose the donor's anatomical gift.

13 **SEC. 310A. (1) THE SECRETARY OF STATE SHALL ESTABLISH OR**
14 **CONTRACT FOR THE ESTABLISHMENT OF A MEDICAL INFORMATION REGISTRY.**

15 (2) AS PROVIDED IN SECTION 310 AND SECTION 2 OF 1972 PA 222,
16 MCL 28.292, THE SECRETARY OF STATE SHALL INQUIRE OF EACH APPLICANT
17 OR LICENSEE, IN PERSON OR BY MAIL, WHETHER THE INDIVIDUAL AGREES TO
18 PARTICIPATE IN THE MEDICAL INFORMATION REGISTRY DESCRIBED IN
19 SUBSECTION (1). THE SECRETARY OF STATE SHALL MAINTAIN A RECORD OF
20 AN INDIVIDUAL WHO INDICATES A WILLINGNESS TO HAVE HIS OR HER NAME
21 AND MEDICAL INFORMATION ON THE MEDICAL INFORMATION REGISTRY.

22 (3) THE SECRETARY OF STATE SHALL MAINTAIN THE MEDICAL
23 INFORMATION REGISTRY IN A MANNER THAT PROVIDES ELECTRONIC ACCESS TO
24 A FIRST RESPONDER OR HEALTHCARE PROVIDER BY MEANS OF A QR BARCODE.

25 (4) A MEDICAL INFORMATION REGISTRY UNDER THIS SECTION SHALL
26 MEET ALL OF THE FOLLOWING REQUIREMENTS:

27 (A) BE ACCESSIBLE TO A FIRST RESPONDER OR HEALTH CARE PROVIDER

1 TO ALLOW HIM OR HER TO OBTAIN THE MEDICAL INFORMATION PROVIDED TO
2 THE MEDICAL INFORMATION REGISTRY BY AN INDIVIDUAL.

3 (B) PROVIDE ELECTRONIC ACCESS, INCLUDING, BUT NOT LIMITED TO,
4 THE TRANSFER OF DATA FOR PURPOSES OF SUBDIVISION (A) ON A 7-DAY-A-
5 WEEK, 24-HOUR-A-DAY BASIS AT NO COST TO A FIRST RESPONDER OR HEALTH
6 CARE PROVIDER.

7 (5) MEDICAL INFORMATION OR OTHER PERSONALLY IDENTIFIABLE
8 INFORMATION ON A MEDICAL INFORMATION REGISTRY ABOUT AN INDIVIDUAL
9 SHALL NOT BE USED OR DISCLOSED WITHOUT THE EXPRESS CONSENT OF THE
10 INDIVIDUAL FOR ANY PURPOSE OTHER THAN TO PROVIDE QUICK ACCESS TO
11 THE INFORMATION TO A FIRST RESPONDER OR OTHER HEALTH CARE PROVIDER
12 IN CASE OF EMERGENCY WHEN THE INDIVIDUAL IS UNABLE TO RESPOND.