

HOUSE BILL No. 4653

May 26, 2015, Introduced by Reps. Cole, Bumstead, Jenkins, Chatfield, Johnson, Lyons, Crawford, Brett Roberts, Canfield, Potvin, Pettalia and Glenn and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 307 (MCL 257.307), as amended by 2015 PA 11.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 307. (1) If an applicant for an operator's license or
2 chauffeur's license to operate a noncommercial motor vehicle is a
3 citizen of the United States, the applicant shall supply a
4 photographic identity document, a birth certificate, or other
5 sufficient documents as the secretary of state may require, to
6 verify the identity and citizenship of the applicant. If an
7 applicant for an operator's or chauffeur's license is not a citizen
8 of the United States, the applicant shall supply a photographic
9 identity document and other sufficient documents to verify the
10 identity of the applicant and the applicant's legal presence in the
11 United States under subdivision (b). The documents required under

1 this subsection shall include the applicant's full legal name, date
2 of birth, and address and residency and demonstrate that the
3 applicant is a citizen of the United States or is legally present
4 in the United States. If the applicant's full legal name differs
5 from the name of the applicant that appears on a document presented
6 under this subsection, the applicant shall present documents to
7 verify his or her current full legal name. The secretary of state
8 shall accept as 1 of the required identification documents an
9 identification card issued by the department of corrections to
10 prisoners who are placed on parole or released from a correctional
11 facility, containing the prisoner's legal name, photograph, and
12 other information identifying the prisoner as provided in section
13 37(4) of the corrections code of 1953, 1953 PA 232, MCL 791.237. An
14 application for an operator's or chauffeur's license shall be made
15 in a manner prescribed by the secretary of state and shall contain
16 all of the following:

17 (a) The applicant's full legal name, date of birth, residence
18 address, height, sex, eye color, signature, intent to make an
19 anatomical gift, other information required or permitted on the
20 license under this chapter, and, only to the extent required to
21 comply with federal law, the applicant's social security number.
22 The applicant may provide a mailing address if the applicant
23 receives mail at an address different from his or her residence
24 address.

25 (b) If the applicant is not a citizen of the United States,
26 the applicant shall provide, and the department shall verify,
27 documents demonstrating his or her legal presence in the United

1 States. Nothing in this act shall obligate or be construed to
2 obligate this state to comply with title II of the real ID act of
3 2005, Public Law 109-13. The secretary of state may adopt rules
4 under the administrative procedures act of 1969, 1969 PA 306, MCL
5 24.201 to 24.328, as are necessary for the administration of this
6 subdivision. A determination by the secretary of state that an
7 applicant is not legally present in the United States may be
8 appealed under section 631 of the revised judicature act of 1961,
9 1961 PA 236, MCL 600.631.

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

16 "NOTICE: Michigan law requires that the same address
17 be used for voter registration and driver license
18 purposes. Therefore, if the residence address
19 you provide in this application differs from your
20 voter registration address as it appears on the
21 qualified voter file, the secretary of state
22 will automatically change your voter registration
23 to match the residence address on this application,
24 after which your voter registration at your former
25 address will no longer be valid for voting purposes.
26 A new voter registration card, containing the
27 information of your polling place, will be provided

1 to you by the clerk of the jurisdiction where your
2 residence address is located.".

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

7 (e) For an operator's or chauffeur's license with a vehicle
8 group designation or indorsement, the following certifications by
9 the applicant:

10 (i) The applicant meets the applicable federal driver
11 qualification requirements under 49 CFR parts 383 and 391 or meets
12 the applicable qualifications of the department of state police
13 under the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11
14 to 480.25.

15 (ii) The vehicle in which the applicant will take the driving
16 28 skills tests is representative of the type of vehicle the
17 applicant operates or intends to operate.

18 (iii) The applicant is not subject to disqualification by the
19 United States Secretary of Transportation, or a suspension,
20 revocation, or cancellation under any state law for conviction of
21 an offense described in section 312f or 319b.

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

24 (f) An applicant for an operator's or chauffeur's license with
25 a vehicle group designation and a hazardous material indorsement
26 shall provide his or her fingerprints as prescribed by state and
27 federal law.

1 (2) An applicant for an operator's or chauffeur's license may
2 have his or her image and signature captured or reproduced when the
3 application for the license is made. The secretary of state shall
4 acquire equipment purchased or leased under this section under
5 standard purchasing procedures of the department of technology,
6 management, and budget based on standards and specifications
7 established by the secretary of state. The secretary of state shall
8 not purchase or lease equipment until an appropriation for the
9 equipment has been made by the legislature. A digital photographic
10 image and signature captured under this section shall appear on the
11 applicant's operator's license or chauffeur's license. A person's
12 digital photographic image and signature shall be used as follows:

13 (a) By a federal, state, or local governmental agency for a
14 law enforcement purpose authorized by law.

15 (b) By the secretary of state for a use specifically
16 authorized by law.

17 (c) By the secretary of state for forwarding to the department
18 of state police the images of persons required to be registered
19 under the sex offenders registration act, 1994 PA 295, MCL 28.721
20 to 28.736, upon the department of state police providing the
21 secretary of state an updated list of the names of those persons.

22 **(D) BY THE SECRETARY OF STATE FOR FORWARDING TO THE DEPARTMENT**
23 **OF STATE POLICE AS PROVIDED IN SECTION 5C OF 1927 PA 372, MCL**
24 **28.425C.**

25 **(E) ~~(d)~~**As necessary to comply with a law of this state or of
26 the United States.

27 (3) An application shall contain a signature or verification

1 and certification by the applicant, as determined by the secretary
2 of state, and shall be accompanied by the proper fee. The secretary
3 of state shall collect the application fee with the application.
4 The secretary of state shall refund the application fee to the
5 applicant if the license applied for is denied, but shall not
6 refund the fee to an applicant who fails to complete the
7 examination requirements of the secretary of state within 90 days
8 after the date of application for a license.

9 (4) In conjunction with the application for an operator's
10 license or chauffeur's license, the secretary of state shall do all
11 of the following:

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

13 (i) Information explaining the applicant's right to make an
14 anatomical gift in the event of death in accordance with section
15 310.

16 (ii) Information describing the anatomical gift donor registry
17 program under part 101 of the public health code, 1978 PA 368, MCL
18 333.10101 to 333.10123. The information required under this
19 subparagraph includes the address and telephone number of
20 Michigan's federally designated organ procurement organization or
21 its successor organization as defined in section 10102 of the
22 public health code, 1978 PA 368, MCL 333.10102.

23 (iii) Information giving the applicant the opportunity to be
24 placed on the donor registry described in subparagraph (ii).

25 (b) Provide the applicant with the opportunity to specify on
26 his or her operator's or chauffeur's license that he or she is
27 willing to make an anatomical gift in the event of death in

1 accordance with section 310.

2 (c) Inform the applicant that, if he or she indicates to the
3 secretary of state under this section a willingness to have his or
4 her name placed on the donor registry described in subdivision
5 (a) (ii), the secretary of state will mark the applicant's record
6 for the donor registry.

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

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

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

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

16 (6) The secretary of state shall maintain a record of an
17 individual who indicates a willingness to have his or her name
18 placed on the donor registry described in subsection (4) (a) (ii).
19 Information about an applicant's indication of a willingness to
20 have his or her name placed on the donor registry that is obtained
21 by the secretary of state under subsection (4) and forwarded under
22 subsection (14) is exempt from disclosure under section 13(1)(d) of
23 the freedom of information act, 1976 PA 442, MCL 15.243.

24 (7) If an application is received from a person previously
25 licensed in another jurisdiction, the secretary of state shall
26 request a copy of the applicant's driving record and other
27 available information from the national driver register. When

1 received, the driving record and other available information become
2 a part of the driver's record in this state.

3 (8) If a person applies for a commercial learner's permit for
4 an original vehicle group designation or indorsement to operate a
5 commercial motor vehicle, the secretary of state may verify the
6 person's identity, may require proof of Michigan domicile under 49
7 CFR 383.5, and may verify the person's proof of United States
8 citizenship or proof of lawful permanent residency as required
9 under 49 CFR 383.71 and 383.73, if that information is not on the
10 person's Michigan driving record. If a person applies for a renewal
11 of an operator's or chauffeur's license to operate a commercial
12 motor vehicle, the secretary of state may verify the person's
13 identity, may require proof of Michigan domicile under 49 CFR
14 383.5, and may verify the person's proof of citizenship or lawful
15 permanent residency under 49 CFR 383.71 and 383.73, if that
16 information is not on the person's Michigan driving record. If a
17 person applies for an upgrade of a vehicle group designation or
18 indorsement, the secretary of state may verify the person's
19 identity, may require proof of Michigan domicile under 49 CFR
20 383.5, and may verify the person's proof of citizenship or lawful
21 permanent residency under 49 CFR 383.71 and 383.73, if that
22 information is not on the person's Michigan driving record. The
23 secretary of state shall request the person's complete driving
24 record from all states where the applicant was previously licensed
25 to drive any type of motor vehicle over the last 10 years before
26 issuing a vehicle group designation or indorsement to the
27 applicant. If the applicant does not hold a valid commercial motor

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

17 (9) Except for a vehicle group designation or indorsement or
18 as provided in this subsection or section 314(5), the secretary of
19 state may issue a renewal operator's or chauffeur's license for 1
20 additional 4-year period or until the person is no longer
21 determined to be legally present under this section by mail or by
22 other methods prescribed by the secretary of state. The secretary
23 of state may check the applicant's driving record through the
24 national driver register and the commercial driver license
25 information system before issuing a license under this section. The
26 secretary of state shall issue a renewal license only in person if
27 the person is a person required under section 5a of the sex

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

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

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

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

20 (b) To carry out the purposes of section 466(a) of the social
21 security 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 health

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

11 (14) As required in section 10120 of the public health code,
12 1978 PA 368, MCL 333.10120, the secretary of state shall maintain
13 the donor registry in a manner that provides electronic access,
14 including, but not limited to, the transfer of data to this state's
15 federally designated organ procurement organization or its
16 successor organization, tissue banks, and eye banks, in a manner
17 that complies with that section.

18 (15) The secretary of state, with the approval of the state
19 administrative board created under 1921 PA 2, MCL 17.1 to 17.3, may
20 enter into agreements with the United States government to verify
21 whether an applicant for an operator's license or a chauffeur's
22 license under this section who is not a citizen of the United
23 States is authorized under federal law to be present in the United
24 States.

25 (16) The secretary of state shall not issue an operator's
26 license or a chauffeur's license to a person holding an operator's
27 license or chauffeur's license issued by another state without

1 confirmation that the person is terminating or has terminated the
2 operator's license or chauffeur's license issued by the other
3 state.

4 (17) The secretary of state shall do all of the following:

5 (a) Ensure the physical security of locations where operator's
6 licenses and chauffeur's licenses are produced and the security of
7 document materials and papers from which operator's licenses and
8 chauffeur's licenses are produced.

9 (b) Subject all persons authorized to manufacture or produce
10 operator's licenses or chauffeur's licenses and all persons who
11 have the ability to affect the identity information that appears on
12 operator's licenses or chauffeur's licenses to appropriate security
13 clearance requirements. The security requirements of this
14 subdivision and subdivision (a) may require that licenses be
15 manufactured or produced in this state.

16 (c) Provide fraudulent document recognition programs to
17 department of state employees engaged in the issuance of operator's
18 licenses and chauffeur's licenses.

19 (18) The secretary of state shall have electronic access to
20 prisoner information maintained by the department of corrections
21 for the purpose of verifying the identity of a prisoner who applies
22 for an operator's or chauffeur's license under subsection (1).