SENATE BILL No. 954

April 19, 2018, Introduced by Senator JONES and referred to the Committee on Judiciary.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 40b, 310, and 314 (MCL 257.40b, 257.310, and 257.314), section 40b as amended by 2012 PA 498, section 310 as amended by 2016 PA 219, and section 314 as amended by 2011 PA 159, and by adding section 310f.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 40b. (1) "Personal information" means information that identifies an individual, including the individual's photograph or image, name, address (but not the zip code), driver license number, social security number, telephone number, digitized signature, and medical and disability information. Personal information does not include information on driving and equipment-related violations or civil infractions, driver or vehicle
registration status, vehicular accidents, or other behaviorally-related information.

(2) "Highly restricted personal information" means an individual's photograph or image, social security number, digitized signature, medical and disability information, and source documents presented by an applicant to obtain an operator's or chauffeur's license under section 307(1). Highly restricted personal information also includes THE CONFIDENTIAL ADDRESS OF AN INDIVIDUAL ENROLLED IN THE ADDRESS CONFIDENTIALITY PROGRAM UNDER THE ADDRESS CONFIDENTIALITY PROGRAM ACT AND THE emergency contact information under section 310(13). AS USED IN THIS SUBSECTION, "CONFIDENTIAL ADDRESS" MEANS THAT TERM AS DEFINED IN THE ADDRESS CONFIDENTIALITY PROGRAM ACT.

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

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

(a) The distinguishing number permanently assigned to the
(b) THE EXCEPT AS PROVIDED IN SECTION 310F, THE full legal
name, date of birth, address of residence, height, eye color, sex,
digital photographic image, expiration date, and signature of the
licensee.

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

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

(e) If requested by an individual who is a veteran of the
armed forces of this state, another state, or the United States, a
designation that the individual is a veteran. The designation shall
be in a style and format considered appropriate by the secretary of
state. The secretary of state shall require proof of discharge or
separation of service from the armed forces of this state, another
state, or the United States, and the nature of that discharge, for
the purposes of verifying an individual's status as a veteran under
this subdivision. The secretary of state shall consult with the
department of military and veterans affairs in determining the
proof that shall be required to identify an individual's status as
a veteran for the purposes of this subsection. The secretary of
state may provide the department of military and veterans affairs
and agencies of the counties of this state that provide veteran
services with information provided by an applicant under this
subsection for the purpose of veterans' benefits eligibility referral. As used in this subdivision, "veteran" means that term as defined in section 1 of 1965 PA 190, MCL 35.61.

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

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

(5) A digitized license may contain an identifier for voter registration purposes. The digitized license may contain information appearing in electronic or machine readable codes needed to conduct a transaction with the secretary of state. The information shall be limited to the information described in subsection (2)(a) and (b) except for the person's digital photographic image and signature, state of issuance, license expiration date, and other information necessary for use with electronic devices, machine readers, or automatic teller machines and shall not contain the driving record or other personal identifier. The license shall identify the encoded information.

(6) The license shall be manufactured in a manner to prohibit as nearly as possible the ability to reproduce, alter, counterfeit, forge, or duplicate the license without ready detection. In addition, a license with a vehicle group designation shall contain the information required under 49 CFR part 383.

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

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

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

(c) If the intent of the reproduction, alteration, counterfeiting, forging, duplication, or use is to commit or aid in the commission of an offense that is a misdemeanor punishable by imprisonment for less than 6 months, the person committing the reproduction, alteration, counterfeiting, forging, duplication, or use is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $2,000.00, or both.
(8) Except as provided in subsections (11) and (16), a person who sells, or who possesses with the intent to deliver to another, a reproduced, altered, counterfeited, forged, or duplicated license photograph, negative of the photograph, image, license, or electronic data contained on a license or part of a license is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $10,000.00, or both.

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

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

(11) Subsections (7)(a) and (b), (8), and (9) do not apply to a minor whose intent is to violate section 703 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703.

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

(13) An operator or chauffeur may indicate on the license in a
place designated by the secretary of state his or her blood type,
emergency contact information, immunization data, medication data,
or a statement that the licensee is deaf. The secretary of state
shall not require an applicant for an original or renewal
operator's or chauffeur's license to provide emergency contact
information as a condition of obtaining a license. However, the
secretary of state may inquire whether an operator or chauffeur
would like to provide emergency contact information. Emergency
contact information obtained under this subsection shall be
disclosed only to a state or federal law enforcement agency for law
enforcement purposes or to the extent necessary for a medical
emergency. No later than January 1, 2017, the secretary of state
shall develop and shall, in conjunction with the department of
state police, implement a process using the L.E.I.N. or any other
appropriate system that limits access to law enforcement that would
allow law enforcement agencies of this state to access emergency
contact information that the holder of an operator's license has
voluntarily provided to the secretary of state. As used in this
subsection, "emergency contact information" means the name, telephone number, or address of an individual that is used for the sole purpose of contacting that individual when the holder of an operator's license has been involved in an emergency.

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

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

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

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

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

(19) A licensee who has agreed to participate in the
anatomical gift donor registry under part 101 of the public health
code, 1978 PA 368, MCL 333.10101 to 333.10123, shall not be
considered to have revoked that agreement solely because the
licensee's license has been revoked or suspended or has expired.
Enrollment in the donor registry constitutes a legal agreement that
remains binding and in effect after the donor's death regardless of
the expressed desires of the deceased donor's next of kin who may
oppose the donor's anatomical gift.

SEC. 310F. (1) UPON RECEIPT OF A NOTICE FROM THE DEPARTMENT OF
THE ATTORNEY GENERAL THAT AN INDIVIDUAL WHO HAS BEEN ISSUED AN
OPERATOR'S OR CHAUFFEUR'S LICENSE UNDER THIS ACT HAS BEEN CERTIFIED
AS A PARTICIPANT IN THE ADDRESS CONFIDENTIALITY PROGRAM, THE
SECRETARY OF STATE SHALL ISSUE A CORRECTED OPERATOR'S OR
CHAUFFEUR'S LICENSE TO THAT INDIVIDUAL BY MAILING THE LICENSE TO
HIS OR HER DESIGNATED ADDRESS. THE OPERATOR'S OR CHAUFFEUR'S
LICENSE SHALL DISPLAY THE INDIVIDUAL'S DESIGNATED ADDRESS AND SHALL
NOT DISPLAY THE INDIVIDUAL'S RESIDENCE ADDRESS.

(2) AN INDIVIDUAL WHO IS ISSUED A CORRECTED LICENSE UNDER THIS
SECTION SHALL DESTROY HIS OR HER OLD LICENSE AND REPLACE IT WITH
THE CORRECTED LICENSE.

(3) AN INDIVIDUAL WHOSE CERTIFICATION AS A PARTICIPANT IN THE
ADDRESS CONFIDENTIALITY PROGRAM IS RENEWED UNDER SECTION 5(8) OF
THE ADDRESS CONFIDENTIALITY PROGRAM ACT MAY RENEW A LICENSE ISSUED
(4) AS USED IN THIS SECTION:

(A) "ADDRESS CONFIDENTIALITY PROGRAM" MEANS A PROGRAM AS THAT TERM IS DEFINED IN SECTION 3 OF THE ADDRESS CONFIDENTIALITY PROGRAM ACT.

(B) "DESIGNATED ADDRESS" MEANS THAT TERM AS DEFINED IN SECTION 3 OF THE ADDRESS CONFIDENTIALITY PROGRAM ACT.

Sec. 314. (1) Except as otherwise provided in this section AND SECTION 310F, operator's licenses and chauffeur's licenses expire on the birthday of the person to whom the license is issued in the fourth year following the date of the issuance of the license or on the date the person is no longer considered to be legally present in the United States under section 307, whichever is earlier, unless suspended or revoked before that date. A license shall not be issued for a period longer than 4 years. A person holding a license at any time 12 months before the expiration of his or her license may apply for a new license as provided for in this chapter. A knowledge test for an original group designation or indorsement may be taken at any time during this period and the results are valid for 12 months. A license renewed under this subsection shall be renewed for the time remaining on the license before its renewal combined with the 4-year renewal period.

(2) The first operator's license issued to a person who at the time of application is less than 20-1/2 years of age expires on the licensee's twenty-first birthday or on the date the person is no
longer considered to be legally present in the United States under section 307, whichever is earlier, unless suspended or revoked.

(3) The chauffeur's license issued to a person expires on the licensee's birthday in the fourth year following the date of issuance or on the date the person is no longer considered to be legally present in the United States under section 307, whichever is earlier, unless the license is suspended or revoked before that date. The chauffeur's license of a person who at the time of application is less than 20-1/2 years of age expires on the licensee's twenty-first birthday or on the date the person is no longer considered to be legally present in the United States under section 307, whichever is earlier, unless suspended or revoked. A subsequent chauffeur's license expires on the birthday of the person to whom the license is issued in the fourth year following the date of issuance of the license or on the date the person is no longer considered to be legally present in the United States under section 307, whichever is earlier, unless the license is suspended or revoked before that date.

(4) A person may apply for an extension of his or her driving privileges if he or she is out of state on the date that his or her operator's or chauffeur's license expires. The extension may extend the license for 180 days beyond the expiration date or not more than 2 weeks after the applicant returns to Michigan, whichever occurs first. This subsection does not apply to a person who fails to meet the requirements of 49 CFR parts 383 and 391 with regard to medical certification documentation requirements.
(5) The secretary of state may issue a renewal operator's or chauffeur's license to a person who will be out of state for more than 180 days beyond the expiration date of his or her operator's or chauffeur's license, if the secretary of state has a digital image of the person on file. The applicant for this renewal shall submit a statement evidencing a vision examination in accordance with the rules promulgated by the secretary of state under section 309 and any other statement required by this act or federal law. A person is not eligible for consecutive renewals of a license under this subsection. This subsection does not apply to a person who fails to meet the requirements of 49 CFR parts 383 and 391 with regard to medical certification documentation requirements, or a person with a hazardous material indorsement on his or her operator's or chauffeur's license.

(6) The secretary of state may check the applicant's driving record through the national driver register and the commercial driver license information system before issuing a renewal under this section.

Enacting section 1. This amendatory act takes effect 180 days after the date it is enacted into law.

Enacting section 2. This amendatory act does not take effect unless Senate Bill No. 655 of the 99th Legislature is enacted into law.