

# SENATE BILL NO. 278

April 23, 2019, Introduced by Senators BARRETT and HERTEL.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 221 and 310 (MCL 257.221 and 257.310), section 221 as amended by 1998 PA 64 and section 310 as amended by 2018 PA 177.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

**1**           Sec. 221. (1) The secretary of state shall create and maintain

1 a computerized central file of all applications for registration of  
2 motor vehicles and is not required to retain any other record of  
3 the application. The computerized central file ~~shall~~**must** be  
4 interfaced with the law enforcement information network as provided  
5 in the ~~L.E.I.N.-C.J.I.S.~~ policy council act, ~~of 1974,~~ 1974 PA 163,  
6 MCL 28.211 to ~~28.216.~~**28.215.**

7 (2) The secretary of state shall preserve the records  
8 described in subsection (1) for 3 years after the date of  
9 registration. The records ~~shall~~**must** be available to state and  
10 federal agencies and the friend of the court as provided under  
11 section 4 of the ~~L.E.I.N.-C.J.I.S.~~ policy council act, ~~of 1974,~~  
12 1974 PA 163, MCL 28.214, and rules promulgated under that section.  
13 ~~, and~~ **The records, except for a communication impediment**  
14 **designation, must be available** to the public through the secretary  
15 of state's commercial look-up service.

16 (3) **The secretary of state shall allow the owner of a motor**  
17 **vehicle who is applying for a vehicle registration or for renewal**  
18 **of a vehicle registration to elect a communication impediment**  
19 **designation on the application maintained in the central file under**  
20 **subsection (1) or in another appropriate system that limits access**  
21 **to law enforcement that would allow law enforcement agencies of**  
22 **this state to view a communication impediment designation with a**  
23 **motor vehicle registration.**

24 (4) As used in this section, "communication impediment" means  
25 the owner of a motor vehicle has 1 or more of the following health  
26 conditions that may impede communication with a police officer  
27 during a traffic stop:

28 (a) Deafness or hearing loss.

29 (b) An autism disorder.

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~~**must** be portrait or vertical  
10 in form and a license issued to a person 21 years of age or over  
11 ~~shall~~**must** be landscape or horizontal in form.

12           (2) The license issued under subsection (1) ~~shall~~**must** contain  
13 all of the following:

14           (a) The distinguishing number permanently assigned to the  
15 licensee.

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

19           (c) In the case of a licensee who has indicated his or her  
20 wish to participate in the anatomical gift donor registry under  
21 part 101 of the public health code, 1978 PA 368, MCL 333.10101 to  
22 333.10123, a heart insignia on the front of the license.

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

26           (e) If requested by an individual who is a veteran of the  
27 armed forces of this state, another state, or the United States, a  
28 designation that the individual is a veteran. The designation ~~shall~~  
29 **must** be in a style and format considered appropriate by the

1 secretary of state. The secretary of state shall require proof of  
2 discharge or separation of service from the armed forces of this  
3 state, another state, or the United States, and the nature of that  
4 discharge, for the purposes of verifying an individual's status as  
5 a veteran under this subdivision. The secretary of state shall  
6 consult with the department of military and veterans affairs in  
7 determining the proof that ~~shall~~**must** be required to identify an  
8 individual's status as a veteran for the purposes of this  
9 subsection. The secretary of state may provide the department of  
10 military and veterans affairs and agencies of the counties of this  
11 state that provide veteran services with information provided by an  
12 applicant under this subsection for the purpose of veterans'  
13 benefits eligibility referral. ~~As used in this subdivision,~~  
14 ~~"veteran" means that term as defined in section 1 of 1965 PA 190,~~  
15 ~~MCL 35.61.~~

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

20 (4) The license ~~shall~~**must** not contain a fingerprint or finger  
21 image of the licensee.

22 (5) A digitized license may contain an identifier for voter  
23 registration purposes. The digitized license may contain  
24 information appearing in electronic or machine readable codes  
25 needed to conduct a transaction with the secretary of state. The  
26 information ~~shall~~**must** be limited to the information described in  
27 subsection (2) (a) and (b) except for the person's digital  
28 photographic image and signature, state of issuance, license  
29 expiration date, and other information necessary for use with

1 electronic devices, machine readers, or automatic teller machines  
2 and ~~shall~~**must** not contain the driving record or other personal  
3 identifier. The license ~~shall~~**must** identify the encoded  
4 information.

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

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

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

24 (b) If the intent of the reproduction, alteration,  
25 counterfeiting, forging, duplication, or use is to commit or aid in  
26 the commission of an offense that is a felony punishable by  
27 imprisonment for less than 10 years or a misdemeanor punishable by  
28 imprisonment for 6 months or more, the person committing the  
29 reproduction, alteration, counterfeiting, forging, duplication, or

1 use is guilty of a felony, punishable by imprisonment for not more  
2 than 5 years, or a fine of not more than \$10,000.00, or both.

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

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

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

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

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

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

16           (13) An operator or chauffeur may indicate on the license in a  
17 place designated by the secretary of state his or her blood type,  
18 emergency contact information, immunization data, medication data,  
19 or a statement that the licensee is deaf. The secretary of state  
20 shall not require an applicant for an original or renewal  
21 operator's or chauffeur's license to provide emergency contact  
22 information as a condition of obtaining a license. However, the  
23 secretary of state may inquire whether an operator or chauffeur  
24 would like to provide emergency contact information **and shall allow**  
25 **an operator or chauffeur to elect a communication impediment**  
26 **designation.** Emergency contact information obtained under this  
27 subsection ~~shall~~**must** be disclosed only to a state or federal law  
28 enforcement agency for law enforcement purposes or to the extent  
29 necessary for a medical emergency. No later than January 1, 2017,

1 the secretary of state shall develop and shall, in conjunction with  
2 the department of state police, implement a process using the  
3 L.E.I.N. or any other appropriate system that limits access to law  
4 enforcement that would allow law enforcement agencies of this state  
5 to access emergency contact information **and to view a communication**  
6 **impediment designation** that the holder of an operator's license has  
7 voluntarily provided to the secretary of state. ~~As used in this~~  
8 ~~subsection, "emergency contact information" means the name,~~  
9 ~~telephone number, or address of an individual that is used for the~~  
10 ~~sole purpose of contacting that individual when the holder of an~~  
11 ~~operator's license has been involved in an emergency.~~

12 (14) An operator or chauffeur may indicate on the license in a  
13 place designated by the secretary of state that he or she has  
14 designated a patient advocate in accordance with sections 5506 to  
15 5515 of the estates and protected individuals code, 1998 PA 386,  
16 MCL 700.5506 to 700.5515.

17 (15) If the applicant provides proof to the secretary of state  
18 that he or she is a minor who has been emancipated under 1968 PA  
19 293, MCL 722.1 to 722.6, the license ~~shall~~**must** bear the  
20 designation of the individual's emancipated status in a manner  
21 prescribed by the secretary of state.

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

26 (17) A sticker or decal may be provided by any person,  
27 hospital, school, medical group, or association interested in  
28 assisting in implementing an emergency medical information card,  
29 but ~~shall~~**must** meet the specifications of the secretary of state.



1 An emergency medical information card may contain information  
2 concerning the licensee's patient advocate designation, other  
3 emergency medical information, or an indication as to where the  
4 licensee has stored or registered emergency medical information.

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

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

18 (20) If an operator's or chauffeur's license is issued to an  
19 individual described in section 307(1)(b) who has temporary lawful  
20 status, the license ~~shall~~**must** be issued in compliance with 6 CFR  
21 37.21 or in compliance with the process established to comply with  
22 6 CFR 37.71 by the secretary of state. ~~As used in this subsection,~~  
23 ~~"temporary lawful status" means that term as defined in 6 CFR 37.3.~~

24 (21) **As used in this section:**

25 (a) **"Communication impediment" means the operator or chauffeur**  
26 **has 1 or more of the following health conditions that may impede**  
27 **communication with a police officer during a traffic stop:**

28 (i) **Deafness or hearing loss.**

29 (ii) **An autism disorder.**

1           (b) "Emergency contact information" means the name, telephone  
2 number, or address of an individual that is used for the sole  
3 purpose of contacting that individual when the holder of an  
4 operator's license has been involved in an emergency.

5           (c) "Temporary lawful status" means that term as defined in 6  
6 CFR 37.3.

7           (d) "Veteran" means that term as defined in section 1 of 1965  
8 PA 190, MCL 35.61.