



HOUSE BILL No. 4285

February 2, 1995, Introduced by Reps. Dolan, Brackenridge, Bobier, McManus, Brewer, Jellema, DeHart, Dobb, Dalman, Ciaramitaro, Hammerstrom, Bodem, Brater, Hill and McNutt and referred to the Committee on Transportation.

A bill to amend sections 307 and 310 of Act No. 300 of the Public Acts of 1949, entitled as amended "Michigan vehicle code," section 307 as amended by Act No. 181 of the Public Acts of 1990 and section 310 as amended by Act No. 286 of the Public Acts of 1989, being sections 257.307 and 257.310 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 307 and 310 of Act No. 300 of the
2 Public Acts of 1949, section 307 as amended by Act No. 181 of the
3 Public Acts of 1990 and section 310 as amended by Act No. 286 of
4 the Public Acts of 1989, being sections 257.307 and 257.310 of
5 the Michigan Compiled Laws, are amended to read as follows:

6 Sec. 307. (1) An application for an operator's or
7 chauffeur's license shall be made ~~upon a form furnished~~ IN A

1 MANNER PRESCRIBED by the secretary of state and shall contain all
2 of the following:

3 (a) For an operator's or chauffeur's license, full name,
4 date of birth, address of residence, height, SEX, eye color, and
5 signature of the applicant, and other information required or
6 permitted on the license pursuant to this chapter.

7 (b) For an operator's or chauffeur's license with a vehicle
8 group designation or indorsement, full name, social security
9 number, date of birth, address of residence, height, sex, and
10 signature of the applicant, and other information required or
11 permitted on the license pursuant to this chapter.

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

15 (i) That the applicant meets the applicable federal physical
16 driver qualification requirements pursuant to 49 C.F.R. part 391
17 if the applicant operates or intends to operate in interstate
18 commerce or meets the applicable physical qualifications pursuant
19 to the rules promulgated by the department of state police under
20 the motor carrier safety act of 1963, Act No. 181 of the Public
21 Acts of 1963, being sections 480.11 to 480.21 of the Michigan
22 Compiled Laws, if the applicant operates or intends to operate in
23 intrastate commerce.

24 (ii) That the vehicle in which the applicant will take the
25 driving skills tests is representative of the type of vehicle the
26 applicant operates or intends to operate.

1 (iii) That the applicant has not been convicted of an
2 offense as described in section 312f or 319b.

3 (iv) That the applicant does not have a driver's license
4 from more than 1 state.

5 (d) For an operator's or chauffeur's license with a vehicle
6 group designation or indorsement and for which the applicant
7 claims a waiver of the driving test as provided in section 312f,
8 the following additional certifications made by the applicant
9 concerning the 2-year period immediately ~~prior to~~ BEFORE
10 application:

11 (i) That the applicant has not had more than 1 license.

12 (ii) That the applicant has not had any license suspended,
13 revoked, or canceled.

14 (iii) That the applicant has not been convicted of any
15 offense ~~listed~~ DESCRIBED in section 319b while operating a
16 motor vehicle.

17 (iv) That the applicant has not been convicted of a moving
18 violation under state or local law relating to motor vehicle
19 traffic control arising in connection with a traffic accident.

20 (v) That the applicant is regularly employed in a job
21 requiring the operation of a commercial motor vehicle.

22 (vi) That the applicant qualifies under either of the
23 following:

24 (A) Has passed a behind-the-wheel driving test given by a
25 state with a ~~classified~~ COMMERCIAL MOTOR VEHICLE DRIVER licens-
26 ing and testing system and taken in a representative vehicle for

1 that applicant's driver's license ~~classification~~ VEHICLE GROUP
2 DESIGNATION.

3 (B) Has operated, for at least 2 years immediately preceding
4 application, a vehicle representative of the commercial motor
5 vehicle group or passenger vehicle for which he or she is
6 applying. Evidence shall be provided by the applicant's employer
7 or by the applicant if self-employed.

8 (2) An applicant for an operator's or chauffeur's license
9 may ~~be photographed~~ HAVE HIS OR HER IMAGE CAPTURED OR
10 REPRODUCED at the time the application for the license is made.
11 The secretary of state shall acquire by purchase or lease the
12 equipment for ~~taking~~ CAPTURING the ~~photographs~~ IMAGES and
13 ~~shall~~ MAY furnish the equipment to the local unit AUTHORIZED BY
14 THE SECRETARY OF STATE TO LICENSE DRIVERS. ~~Equipment~~ THE SEC-
15 RETARY OF STATE SHALL ACQUIRE EQUIPMENT purchased or leased pur-
16 suant to this section ~~shall be acquired~~ under standard purchas-
17 ing procedures of the department of management and budget based
18 on standards and specifications established by the secretary of
19 state. ~~Equipment~~ THE SECRETARY OF STATE shall not ~~be~~
20 ~~purchased~~ PURCHASE or ~~leased~~ LEASE EQUIPMENT until an appro-
21 priation for the equipment has been made by the legislature. ~~A~~
22 ~~photograph taken~~ AN IMAGE CAPTURED pursuant to this section
23 shall appear on the applicant's operator's or chauffeur's license
24 only, and, EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE SEC-
25 RETARY OF STATE OR ANY OTHER AGENCY SHALL NOT RETAIN the
26 ~~photograph~~ IMAGE, a copy of the ~~photograph~~ IMAGE, or ~~a~~
27 ~~negative~~ ANY OTHER FORM of the ~~photograph shall not be retained~~

1 ~~by the secretary of state or any other agency~~ IMAGE. BEGINNING
2 JANUARY 1, 1997, THE SECRETARY OF STATE MAY RETAIN AND USE ANY OF
3 THE INFORMATION DESCRIBED IN THIS SUBSECTION ONLY FOR PROGRAMS
4 ADMINISTERED BY THE SECRETARY OF STATE. THE SECRETARY OF STATE
5 SHALL NOT USE A PERSON'S IMAGE OR SIGNATURE FOR A PURPOSE NOT
6 DESCRIBED IN THIS SUBSECTION UNLESS SPECIFIC ENABLING LEGISLATION
7 PERMITTING THE USE IS ENACTED INTO LAW.

8 (3) A LAW ENFORCEMENT AGENCY OF THIS STATE SHALL HAVE ACCESS
9 TO ANY INFORMATION RETAINED BY THE SECRETARY OF STATE PURSUANT TO
10 THIS ACT. THE INFORMATION MAY BE UTILIZED FOR ANY LAW ENFORCE-
11 MENT PURPOSE OTHERWISE ALLOWED BY LAW.

12 (4) ~~(3)~~ An application shall ~~be signed and certified~~
13 CONTAIN A SIGNATURE AND CERTIFICATION by the applicant and shall
14 be accompanied by the proper fee. ~~This~~ THE EXAMINER SHALL COL-
15 LECT THE APPLICATION fee AND shall ~~be collected by the examiner~~
16 ~~and forwarded~~ FORWARD THE FEE to the secretary of state with the
17 application. ~~This~~ THE SECRETARY OF STATE SHALL REFUND THE
18 APPLICATION fee ~~shall be refunded~~ to the applicant if the
19 license applied for is denied, but ~~the fee~~ shall not ~~be~~
20 ~~refunded~~ REFUND THE FEE to an applicant who fails to complete
21 the examination requirements of the secretary of state within 90
22 days after the date of application for a license. BEGINNING
23 JANUARY 1, 1997, A SURCHARGE OF UP TO \$1.00 BUT NOT TO EXCEED THE
24 ACTUAL PER UNIT INCREASE IN COST OF THE PROGRAM IS ADDED TO EACH
25 FEE COLLECTED FOR AN ORIGINAL, RENEWAL, DUPLICATE, OR CORRECTED
26 OPERATOR'S OR CHAUFFEUR'S LICENSE. THE DEPARTMENT OF TREASURY

1 SHALL DEPOSIT THE SURCHARGE INTO THE DRIVER LICENSE FUND CREATED
2 BY THIS SECTION.

3 (5) ~~(4)~~ If an application is received from a person previ-
4 ously licensed in another jurisdiction, the secretary of state
5 shall request a copy of the applicant's DRIVING record AND OTHER
6 AVAILABLE DATA from the other jurisdiction. When received, the
7 driving record ~~shall become~~ AND OTHER AVAILABLE DATA FROM THE
8 OTHER JURISDICTION BECOMES a part of the driver's record in this
9 state with the same force and effect as if it had been entered on
10 the driver's record in this state in the original instance. If
11 the application is for an original, renewal, or change of a vehi-
12 cle group designation or indorsement, the secretary of state
13 shall also check the applicant's driving record with the national
14 drivers register and the United States department of transporta-
15 tion before issuance of that group designation or indorsement.

16 (6) ~~(5)~~ Except for a vehicle group designation or indorse-
17 ment, the secretary of state may issue a renewal operator's or
18 chauffeur's license for 1 additional 4-year period by mail OR BY
19 OTHER METHODS PRESCRIBED BY THE SECRETARY OF STATE. The secre-
20 tary of state shall not issue a renewal license by mail OR BY
21 OTHER METHOD unless the licensee has a driving record that is
22 free of convictions and civil infraction determinations for the
23 48 months preceding renewal. However, the secretary of state
24 shall not refuse to issue a renewal license by mail OR BY OTHER
25 METHOD because of a conviction or civil infraction determination
26 for which fines and costs were waived pursuant to section 901a or
27 section 907. ~~When~~ IF a license is renewed by mail OR BY OTHER

1 METHOD, the secretary of state shall issue evidence of renewal
2 ~~which shall be affixed to the previously issued license~~ to
3 indicate the date the license expires in the future. ~~This evi-~~
4 ~~dence of renewal shall be manufactured in the same manner~~
5 ~~required for the operator's license in section 310.~~

6 (7) ~~(6)~~ Upon request, the secretary of state shall provide
7 an information manual to an applicant explaining how to obtain a
8 vehicle group designation or indorsement. The manual shall con-
9 tain the information required pursuant to 49 C.F.R. part 383.

10 (8) A DRIVER LICENSE FUND IS CREATED AS A SEPARATE FUND IN
11 THE DEPARTMENT OF TREASURY. THE SECRETARY OF STATE SHALL EXPEND
12 MONEY IN THE FUND ONLY TO AID THE ADMINISTRATION OF THIS SECTION
13 AND SECTION 310. THE STATE TREASURER SHALL CREDIT TO THE DRIVER
14 LICENSE FUND ALL MONEY RECEIVED FOR THAT PURPOSE UNDER THIS SEC-
15 TION, AND AS OTHERWISE PROVIDED BY LAW. THE STATE TREASURER
16 SHALL INVEST MONEY IN THE DRIVER LICENSE FUND IN THE SAME MANNER
17 AS SURPLUS FUNDS ARE INVESTED UNDER SECTION 3 OF ACT NO. 105 OF
18 THE PUBLIC ACTS OF 1855, BEING SECTION 21.143 OF THE MICHIGAN
19 COMPILED LAWS. THE STATE TREASURER SHALL CREDIT EARNINGS FROM
20 MONEY IN THE DRIVER LICENSE FUND TO THE DRIVER LICENSE FUND.
21 MONEY IN THE DRIVER LICENSE FUND AT THE END OF THE STATE FISCAL
22 YEAR SHALL REMAIN IN THE FUND AND SHALL NOT REVERT TO THE GENERAL
23 FUND UNTIL JANUARY 1, 1999.

24 Sec. 310. (1) The secretary of state shall issue to each
25 person licensed as an operator, an operator's license, and to
26 each person licensed as a chauffeur, a chauffeur's license. An
27 applicant for a motorcycle indorsement under section 312a or a

1 vehicle group designation or indorsement shall first qualify for
2 an operator's or chauffeur's license before the indorsement or
3 vehicle group designation application is accepted and processed.

4 (2) The license shall contain the distinguishing number per-
5 manently assigned to the licensee and the name, date of birth,
6 address of residence, height, SEX, an ~~imprinted photograph~~
7 IMAGE, and the signature of the licensee. EXCEPT AS OTHERWISE
8 REQUIRED IN THIS CHAPTER, OTHER INFORMATION REQUIRED ON THE
9 LICENSE PURSUANT TO THIS CHAPTER MAY APPEAR ON THE LICENSE IN A
10 FORM PRESCRIBED BY THE SECRETARY OF STATE.

11 (3) THE LICENSE MAY CONTAIN AN IDENTIFIER FOR VOTER REGIS-
12 TRATION PURPOSES. BEGINNING JANUARY 1, 1997, THE LICENSE MAY
13 CONTAIN INFORMATION APPEARING IN ELECTRONIC OR MACHINE READABLE
14 CODES NEEDED TO CONDUCT A TRANSACTION WITH THE SECRETARY OF
15 STATE.

16 (4) The license shall be manufactured in a manner to pro-
17 hibit as nearly as possible the ability to reproduce, alter,
18 counterfeit, forge, or duplicate the license without ready
19 detection. In addition, a license with a vehicle group designa-
20 tion shall contain the information required pursuant to
21 49 C.F.R. part 383.

22 (5) ~~(3)~~ A person who intentionally reproduces, alters,
23 counterfeits, forges, or duplicates a license photograph, the
24 negative of the photograph, AN IMAGE, a license, THE ELECTRONIC
25 DATA CONTAINED ON A LICENSE or a part of a license, or who uses a
26 license, AN IMAGE, or photograph that has been reproduced,

1 altered, counterfeited, forged, or duplicated ~~shall be punished~~
2 ~~as follows~~ IS SUBJECT TO 1 OF THE FOLLOWING:

3 (a) If the intent of the reproduction, alteration, counter-
4 feiting, forging, duplication, or use was to commit or aid in the
5 commission of an offense punishable by imprisonment for 1 or more
6 years, the person committing the reproduction, alteration, coun-
7 terfeiting, forging, duplication, or use is guilty of a misde-
8 meanor, punishable by imprisonment for a period equal to ~~that~~
9 ~~which~~ THE IMPRISONMENT THAT could be imposed for the commission
10 of the offense the person had the intent to aid or commit. The
11 court may also assess a fine of not more than \$10,000.00 against
12 the person.

13 (b) If the intent of the reproduction, alteration, counter-
14 feiting, forging, duplication, or use was to commit or aid in the
15 commission of an offense punishable by imprisonment for not more
16 than 1 year, the person committing the reproduction, alteration,
17 counterfeiting, forging, duplication, or use is guilty of a mis-
18 demeanor, punishable by imprisonment for not more than 1 year, or
19 a fine of not more than \$1,000.00, or both.

20 (6) ~~(4)~~ The secretary of state, upon determining after an
21 examination that an applicant is mentally and physically quali-
22 fied to receive a license, may issue to that person a temporary
23 driver's permit entitling the person while having the permit in
24 his or her immediate possession to drive a motor vehicle upon the
25 highway for a period not exceeding 60 days before issuance to the
26 person of an operator's or chauffeur's license by the secretary
27 of state.

1 (7) ~~(5)~~ An operator or chauffeur may ~~place on the reverse~~
2 ~~side of a~~ INDICATE ON THE license IN A PLACE DESIGNATED BY THE
3 SECRETARY OF STATE his or her blood type, immunization data, med-
4 ication data, a statement that the licensee is deaf, or a state-
5 ment that the licensee has made an anatomical gift pursuant to
6 part 101 of the public health code, Act No. 368 of the Public
7 Acts of 1978, being sections 333.10101 to 333.10109 of the
8 Michigan Compiled Laws.

9 (8) ~~(6)~~ The phrase "See reverse side for medical data ~~—~~
10 or anatomical gift" followed by a box shall be printed on the
11 front of the license. If the licensee places on the reverse side
12 of the license any of the information described in subsection
13 ~~(5)~~ (7), an "X" shall be inserted in the box.

14 (9) ~~(7)~~ If the applicant provides proof to the secretary
15 of state that he or she is a minor who has been emancipated pur-
16 suant to Act No. 293 of the Public Acts of 1968, being sections
17 722.1 to 722.6 of the Michigan Compiled Laws, the license on the
18 reverse side shall bear the designation of the individual's eman-
19 cipated status.

20 Section 2. This amendatory act shall take effect January 1,
21 1996.