

**SENATE BILL NO. 36**

January 26, 1999, Introduced by Senator ROGERS and referred to the Committee on Local, Urban and State Affairs.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 307 (MCL 257.307), as amended by 1998 PA 330.

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

1       Sec. 307. (1) An application for an operator's or  
2 chauffeur's license shall be made in a manner prescribed by the  
3 secretary of state and shall contain all of the following:

4       (a) The applicant's full name, date of birth, address of  
5 residence, height, sex, eye color, signature, other information  
6 required or permitted on the license under this chapter, and, to  
7 the extent required to comply with federal law, the applicant's  
8 social security number.

1 (b) For an operator's or chauffeur's license with a vehicle  
2 group designation or indorsement, the following certifications by  
3 the applicant:

4 (i) The applicant meets the applicable federal physical  
5 driver qualification requirements under 49 C.F.R. part 391 if the  
6 applicant operates or intends to operate in interstate commerce  
7 or meets the applicable physical qualifications under the rules  
8 promulgated by the department of state police under the motor  
9 carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.22, if  
10 the applicant operates or intends to operate in intrastate  
11 commerce.

12 (ii) The vehicle in which the applicant will take the driv-  
13 ing skills tests is representative of the type of vehicle the  
14 applicant operates or intends to operate.

15 (iii) The applicant has not been convicted of an offense as  
16 described in section 312f or 319b.

17 (iv) The applicant does not have a driver's license from  
18 more than 1 state.

19 (c) For an operator's or chauffeur's license with a vehicle  
20 group designation or indorsement and for which the applicant  
21 claims a waiver of the driving test as provided in section 312f,  
22 the following additional certifications by the applicant concern-  
23 ing the 2-year period immediately before application:

24 (i) The applicant has not had more than 1 license.

25 (ii) The applicant has not had any license suspended,  
26 revoked, or canceled.

1       (iii) The applicant has not been convicted of any offense  
2 described in section 319b while operating a motor vehicle.

3       (iv) The applicant has not been convicted of a moving viola-  
4 tion under state or local law relating to motor vehicle traffic  
5 control arising in connection with a traffic accident.

6       (v) The applicant is regularly employed in a job requiring  
7 the operation of a commercial motor vehicle.

8       (vi) The applicant qualifies under either of the following:

9       (A) He or she has passed a behind-the-wheel driving test  
10 given by a state with a commercial motor vehicle driver licensing  
11 and testing system and taken in a representative vehicle for that  
12 applicant's driver's license vehicle group designation.

13       (B) For at least 2 years immediately preceding application,  
14 the applicant has operated a vehicle representative of the com-  
15 mercial motor vehicle group or passenger vehicle for which he or  
16 she is applying. The applicant's employer or the applicant, if  
17 self-employed, shall provide evidence of this requirement.

18       (2) An applicant for an operator's or chauffeur's license  
19 may have his or her image captured or reproduced when the appli-  
20 cation for the license is made. The secretary of state shall  
21 acquire by purchase or lease the equipment for capturing the  
22 images and may furnish the equipment to a local unit authorized  
23 by the secretary of state to license drivers. The secretary of  
24 state shall acquire equipment purchased or leased pursuant to  
25 this section under standard purchasing procedures of the depart-  
26 ment of management and budget based on standards and  
27 specifications established by the secretary of state. The

1 secretary of state shall not purchase or lease equipment until an  
2 appropriation for the equipment has been made by the  
3 legislature. An image captured pursuant to this section shall  
4 appear on the applicant's operator's or chauffeur's license. The  
5 secretary of state may retain and use a person's image described  
6 in this subsection only for programs administered by the secre-  
7 tary of state. Except as provided in this subsection, the secre-  
8 tary of state shall not use a person's image unless the person  
9 grants written permission for that purpose to the secretary of  
10 state or specific enabling legislation permitting the use is  
11 enacted into law. A law enforcement agency of this state has  
12 access to information retained by the secretary of state under  
13 this subsection. The information may be utilized for any law  
14 enforcement purpose unless otherwise prohibited by law.

15       (3) An application shall contain a signature and certifica-  
16 tion by the applicant and, EXCEPT AS PROVIDED IN SUBSECTION (13),  
17 shall be accompanied by the proper fee. The examiner shall col-  
18 lect the application fee and shall forward the fee to the secre-  
19 tary of state with the application. The secretary of state shall  
20 refund the application fee to the applicant if the license  
21 applied for is denied, but shall not refund the fee to an appli-  
22 cant who fails to complete the examination requirements of the  
23 secretary of state within 90 days after the date of application  
24 for a license. Until January 1, 2002, a service fee of \$1.00  
25 shall be added to each fee collected for an original, renewal,  
26 duplicate, or corrected operator's or chauffeur's license. The  
27 service fee received and collected under this subsection shall be

1 deposited in the state treasury to the credit of the general  
2 fund. The service fee shall be used to defray the expenses of  
3 the secretary of state. Appropriations from the Michigan trans-  
4 portation fund shall not be used to compensate the secretary of  
5 state for costs incurred and services performed under this  
6 section.

7 (4) In conjunction with the issuance of an operator's or  
8 chauffeur's license, the secretary of state shall do all of the  
9 following:

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

11 (i) Written information explaining the applicant's right to  
12 make an anatomical gift in the event of death in accordance with  
13 section 310.

14 (ii) Written information describing the organ donation reg-  
15 istry program maintained by Michigan's federally designated organ  
16 procurement organization or its successor organization. The  
17 written information required under this subparagraph shall  
18 include, in a type size and format that is conspicuous in rela-  
19 tion to the surrounding material, the address and telephone  
20 number of Michigan's federally designated organ procurement  
21 organization or its successor organization, along with an  
22 advisory to call Michigan's federally designated organ procure-  
23 ment organization or its successor organization with questions  
24 about the organ donor registry program.

25 (iii) Written information giving the applicant the opportu-  
26 nity to be placed on the organ donation registry described in  
27 subparagraph (ii).

1 (b) Provide the applicant with the opportunity to specify on  
2 his or her operator's or chauffeur's license that he or she is  
3 willing to make an anatomical gift in the event of death in  
4 accordance with section 310.

5 (c) Inform the applicant in writing that, if he or she indi-  
6 cates to the secretary of state under this section a willingness  
7 to have his or her name placed on the organ donor registry  
8 described in subdivision (a)(ii), the secretary of state will  
9 forward the applicant's name and address to the organ donation  
10 registry maintained by Michigan's federally designated organ pro-  
11 curement organization or its successor organization, as required  
12 by subsection (6).

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

15 (a) Providing printed material enclosed with a mailed notice  
16 for an operator's or chauffeur's license renewal or the issuance  
17 of an operator's or chauffeur's license.

18 (b) Providing printed material to an applicant who person-  
19 ally appears at a secretary of state branch office.

20 (c) Through electronic information transmittals for  
21 operator's and chauffeur's licenses processed by electronic  
22 means.

23 (6) If an applicant indicates a willingness under this sec-  
24 tion to have his or her name placed on the organ donor registry  
25 described in subsection (4)(a)(ii), the secretary of state shall  
26 within 10 days forward the applicant's name and address to the  
27 organ donor registry maintained by Michigan's federally

1 designated organ procurement organization or its successor  
2 organization. The secretary of state may forward information  
3 under this subsection by mail or by electronic means. The secre-  
4 tary of state shall not maintain a record of the name or address  
5 of an individual who indicates a willingness to have his or her  
6 name placed on the organ donor registry after forwarding that  
7 information to the organ donor registry under this subsection.  
8 Information about an applicant's indication of a willingness to  
9 have his or her name placed on the organ donor registry that is  
10 obtained by the secretary of state under subsection (4) and for-  
11 warded under this subsection is exempt from disclosure under the  
12 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246,  
13 pursuant to section 13(1)(d) of the freedom of information act,  
14 1976 PA 442, MCL 15.243.

15 (7) If an application is received from a person previously  
16 licensed in another jurisdiction, the secretary of state shall  
17 request a copy of the applicant's driving record and other avail-  
18 able information from the other jurisdiction. When received, the  
19 driving record and other available information from the other  
20 jurisdiction becomes a part of the driver's record in this state  
21 with the same force and effect as if it had been entered on the  
22 driver's record in this state in the original instance. If the  
23 application is for an original, renewal, or change of a vehicle  
24 group designation or indorsement, the secretary of state shall  
25 also check the applicant's driving record with the national driv-  
26 ers register and the United States department of transportation  
27 before issuing that group designation or indorsement.

1           (8) Except for a vehicle group designation or indorsement,  
2 the secretary of state may issue a renewal operator's or  
3 chauffeur's license for 1 additional 4-year period by mail or by  
4 other methods prescribed by the secretary of state. The secre-  
5 tary of state shall issue a renewal license only in person if the  
6 licensee has a driving record with a conviction or civil infrac-  
7 tion determination obtained in the 48 months preceding renewal.  
8 However, the secretary of state shall not refuse to issue a  
9 renewal license by mail or by other method because of a convic-  
10 tion or civil infraction determination for which fines and costs  
11 were waived under section 901a or section 907. If a license is  
12 renewed by mail or by other method, the secretary of state shall  
13 issue evidence of renewal to indicate the date the license  
14 expires in the future.

15           (9) Upon request, the secretary of state shall provide an  
16 information manual to an applicant explaining how to obtain a  
17 vehicle group designation or indorsement. The manual shall con-  
18 tain the information required under 49 C.F.R. part 383.

19           (10) The secretary of state shall not disclose a social  
20 security number obtained under subsection (1) to another person  
21 except for use for 1 or more of the following purposes:

22           (a) Compliance with the commercial motor vehicle safety act  
23 of 1986, title XII of Public Law 99-570, 100 Stat. 3207-170, and  
24 regulations and state law and rules related to that act.

25           (b) Through the law enforcement information network, to  
26 carry out the purposes of section 466(a) of part D of title IV of  
27 the social security act, 42 U.S.C. 666, in connection with



1 matters relating to paternity, child support, or overdue child  
2 support.

3 (c) As otherwise required by law.

4 (11) 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 (12) 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 or to an applicant who for religious con-  
11 victions is exempt under law from disclosure of his or her social  
12 security number under these circumstances. The secretary of  
13 state shall inform the applicant of this possible exemption.

14 (13) A QUALIFIED POLICE OFFICER IS NOT REQUIRED TO PAY A  
15 LICENSE APPLICATION FEE. AS USED IN THIS SUBSECTION:

16 (A) "HIGH-CRIME AREA" MEANS AN AREA WITHIN A MUNICIPALITY  
17 THAT THE DEPARTMENT OF STATE POLICE DETERMINES IS A HIGH-CRIME  
18 AREA BASED ON THE STATE POLICE UNIFORM CRIME REPORTING PROGRAM  
19 STATISTICS AND OTHER RELEVANT FACTORS AFTER CONSULTATION WITH THE  
20 MUNICIPALITY.

21 (B) "MUNICIPALITY" MEANS A COUNTY, CITY, VILLAGE, OR  
22 TOWNSHIP.

23 (C) "QUALIFIED POLICE OFFICER" MEANS A PERSON WHO MEETS ALL  
24 OF THE FOLLOWING CONDITIONS:

25 (i) IS EMPLOYED AS A POLICE OFFICER BY THIS STATE OR A  
26 MUNICIPALITY IN THIS STATE.

1           (ii) LIVES IN A HIGH-CRIME AREA.

2           (iii) WORKS AS A POLICE OFFICER IN THE HIGH-CRIME AREA IN  
3 WHICH HE OR SHE LIVES.

4           (iv) MEETS ANY OTHER CONDITIONS AS DETERMINED BY THE MUNICI-  
5 PALITY IN WHICH HE OR SHE LIVES.