

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4037**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 310 (MCL 257.310), as amended by 2001 PA
216.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 310. (1) The secretary of state shall issue an
2 operator's license to each person licensed as an operator and a
3 chauffeur's license to each person licensed as a chauffeur. An
4 applicant for a motorcycle indorsement under section 312a or a
5 vehicle group designation or indorsement shall first qualify for
6 an operator's or chauffeur's license before the indorsement or
7 vehicle group designation application is accepted and processed.
8 (2) The license issued under subsection (1) shall contain
9 all of the following information:

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1 (a) The distinguishing number permanently assigned to the
2 licensee.

3 (b) The full name, date of birth, address of residence,
4 height, eye color, sex, an image, and the signature of the
5 licensee.

6 (c) An indication that the license contains 1 or more of the
7 following:

8 (i) The blood type of the licensee.

9 (ii) Immunization data of the licensee.

10 (iii) Medication data of the licensee.

11 (iv) A statement that the licensee is deaf.

12 (v) A statement that the licensee is an organ and tissue
13 donor pursuant to part 101 of the public health code, 1978
14 PA 368, MCL 333.10101 to 333.10109.

15 (vi) Emergency contact information of the licensee.

16 (vii) A sticker or decal as specified by the secretary of
17 state to indicate that the licensee has designated 1 or more
18 patient advocates in accordance with section 5506 of the estates
19 and protected individuals code, 1998 PA 386, MCL 700.5506, or a
20 statement that the licensee carries an emergency medical informa-
21 tion card.

22 (d) If the licensee has made a statement described in
23 subdivision (c)(v), the signature of the licensee following the
24 indication of his or her organ and tissue donor intent identified
25 in subdivision (c)(v), along with the signature of at least 1
26 witness.

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1 (e) The sticker or decal described in subdivision (c)(vii)
2 may be provided by any person, hospital, school, medical group,
3 or association interested in assisting in implementing the emer-
4 gency medical information card, but shall meet the specifications
5 of the secretary of state. The emergency medical information
6 card may contain the information described in subdivision
7 (c)(vi), information concerning the licensee's patient advocate
8 designation, other emergency medical information, or an indica-
9 tion as to where the licensee has stored or registered emergency
10 medical information.

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

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

17 (5) A digitized license may contain an identifier for voter
18 registration purposes. The digitized license may contain infor-
19 mation appearing in electronic or machine readable codes needed
20 to conduct a transaction with the secretary of state. The infor-
21 mation shall be limited to the person's driver license number,
22 birth date, license expiration date, and other information neces-
23 sary for use with electronic devices, machine readers, or auto-
24 matic teller machines and shall not contain the person's name,
25 address, driving record, or other personal identifier. The
26 license shall identify the encoded information.

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1 (6) The license shall be manufactured in a manner to
2 prohibit as nearly as possible the ability to reproduce, alter,
3 counterfeit, forge, or duplicate the license without ready
4 detection. In addition, a license with a vehicle group designa-
5 tion shall contain the information required pursuant to
6 49 C.F.R. part 383.

7 (7) A person who intentionally reproduces, alters, counter-
8 feits, forges, or duplicates a license photograph, the negative
9 of the photograph, an image, a license, OR the electronic data
10 contained on a license or a part of a license ~~—~~ or who uses a
11 license, an image, or photograph that has been reproduced,
12 altered, counterfeited, forged, or duplicated is subject to 1 of
13 the following:

14 (a) If the intent of the reproduction, alteration, counter-
15 feiting, forging, duplication, or use was to commit or aid in the
16 commission of an offense THAT IS A FELONY punishable by imprison-
17 ment for ~~1~~ 10 or more years, the person committing the repro-
18 duction, alteration, counterfeiting, forging, duplication, or use
19 is guilty of a ~~misdemeanor~~ FELONY, punishable by imprisonment
20 for ~~a period equal to the imprisonment that could be imposed for~~
21 ~~the commission of the offense the person had the intent to aid or~~
22 ~~commit. The court may also assess~~ NOT MORE THAN 10 YEARS OR a
23 fine of not more than ~~\$10,000.00 against the person~~ \$20,000.00,
24 OR BOTH.

25 (b) If the intent of the reproduction, alteration, counter-
26 feiting, forging, duplication, or use was to commit or aid in the
27 commission of an offense THAT IS A FELONY punishable by

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1 imprisonment for ~~not more~~ LESS than ~~1 year~~ 10 YEARS OR A
2 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR 6 MONTHS OR MORE, the
3 person committing the reproduction, alteration, counterfeiting,
4 forging, duplication, or use is guilty of a ~~misdemeanor~~ FELONY,
5 punishable by imprisonment for not more than ~~1 year~~ 5 YEARS, or
6 a fine of not more than ~~\$1,000.00~~ \$10,000.00, or both.

7 (C) IF THE INTENT OF THE REPRODUCTION, ALTERATION, COUNTER-
8 FEITING, FORGING, DUPLICATION, OR USE WAS TO COMMIT OR AID IN THE
9 COMMISSION OF AN OFFENSE THAT IS A MISDEMEANOR PUNISHABLE BY
10 IMPRISONMENT FOR LESS THAN 6 MONTHS, THE PERSON COMMITTING THE
11 REPRODUCTION, ALTERATION, COUNTERFEITING, FORGING, DUPLICATION,
12 OR USE IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR
13 NOT MORE THAN 1 YEAR OR A FINE OF NOT MORE THAN \$2,000.00, OR
14 BOTH.

15 (8) A PERSON WHO SELLS, OR WHO POSSESSES WITH THE INTENT TO
16 DELIVER TO ANOTHER, A REPRODUCED, ALTERED, COUNTERFEITED, FORGED,
17 OR DUPLICATED LICENSE PHOTOGRAPH, NEGATIVE OF THE PHOTOGRAPH,
18 IMAGE, LICENSE, OR ELECTRONIC DATA CONTAINED ON A LICENSE OR PART
19 OF A LICENSE IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR
20 NOT MORE THAN 5 YEARS OR A FINE OF NOT MORE THAN \$10,000.00, OR
21 BOTH.

22 (9) A PERSON WHO IS IN POSSESSION OF 2 OR MORE REPRODUCED,
23 ALTERED, COUNTERFEITED, FORGED, OR DUPLICATED LICENSE PHOTO-
24 GRAPHS, NEGATIVES OF THE PHOTOGRAPH, IMAGES, LICENSES, OR ELEC-
25 TRONIC DATA CONTAINED ON A LICENSE OR PART OF A LICENSE IS GUILTY
26 OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 5 YEARS
27 OR A FINE OF NOT MORE THAN \$10,000.00, OR BOTH.

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1 (10) A PERSON WHO IS IN POSSESSION OF A REPRODUCED, ALTERED,
2 COUNTERFEITED, FORGED, OR DUPLICATED LICENSE PHOTOGRAPH, NEGATIVE
3 OF THE PHOTOGRAPH, IMAGE, LICENSE, OR ELECTRONIC DATA CONTAINED
4 ON A LICENSE OR PART OF A LICENSE IS GUILTY OF A MISDEMEANOR PUN-
5 ISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF NOT
6 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 CODE OF
1998, 1998 PA 58, MCL 436.1703.

7 (12) ~~(8)~~ The secretary of state, upon determining after an
8 examination that an applicant is mentally and physically quali-
9 fied to receive a license, may issue to that person a temporary
10 driver's permit entitling the person while having the permit in
11 his or her immediate possession to drive a motor vehicle upon the
12 highway for a period not exceeding 60 days before issuance to the
13 person of an operator's or chauffeur's license by the secretary
14 of state.

15 (13) ~~(9)~~ An operator or chauffeur may indicate on the
16 license in a place designated by the secretary of state his or
17 her blood type, emergency contact information, immunization data,
18 medication data, or a statement that the licensee is deaf, or a
19 statement that the licensee is an organ and tissue donor and has
20 made an anatomical gift pursuant to part 101 of the public health
21 code, 1978 PA 368, MCL 333.10101 to 333.10109.

22 (14) ~~(10)~~ An operator or chauffeur may indicate on the
23 license in a place designated by the secretary of state that he
24 or she has designated a patient advocate in accordance with sec-
25 tions 5506 to 5513 of the estates and protected individuals code,
26 1998 PA 386, MCL 700.5506 to 700.5513.

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

6 Enacting section 1. This amendatory act takes effect April 22,
7 2002.