

HOUSE BILL No. 6085

(As amended May 30, 2006)

May 18, 2006, Introduced by Reps. Ward, Pavlov, Marleau, Emmons, Hummel, Amos, Hildenbrand, Stakoe, Drolet, Palsrok, Hoogendyk, Elsenheimer, Gaffney, Hune and Gosselin and referred to the Committee on House Oversight, Elections, and Ethics.

[A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 303, 307, 307a, 310, and 314 (MCL 257.303, 257.307, 257.307a, 257.310, and 257.314), sections 303 and 307 as amended by 2005 PA 142, section 307a as added by 1988 PA 346, section 310 as amended by 2005 PA 141, and section 314 as amended by 2004 PA 362.]

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

[Sec. 303. (1) The secretary of state shall not issue a license under this act to any of the following persons:

(a) A person, as an operator, who is less than 18 years of age, except as otherwise provided in this act.

(b) A person, as a chauffeur, who is less than 18 years of age, except as otherwise provided in this act.

(c) A person whose license is suspended, revoked, denied, or canceled in any state. If the suspension, revocation, denial, or cancellation is not from the jurisdiction that issued the last license to the person, the secretary of state may issue a license after the expiration of 5 years from the effective date of the most recent suspension, revocation, denial, or cancellation.

(d) A person who in the opinion of the secretary of state is afflicted with or suffering from a physical or mental disability or disease preventing that person from exercising reasonable and ordinary control over a motor vehicle while operating the motor vehicle upon the highways.

(e) A person who is unable to understand highway warning or direction signs in the English language.

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(f) A person who is unable to pass a knowledge, skill, or ability test administered by the secretary of state in connection with the issuance of an original operator's or chauffeur's license, original motorcycle indorsement, or an original or renewal of a vehicle group designation or vehicle indorsement.

(g) A person who has been convicted of, has received a juvenile disposition for, or has been determined responsible for 2 or more moving violations under a law of this state, a local ordinance substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state within the preceding 3 years, if the violations occurred before issuance of an original license to the person in this state, another state, or another country.

(h) A nonresident including a foreign exchange student.

(i) A person who has failed to answer a citation or notice to appear in court or for any matter pending or fails to comply with an order or judgment of the court, including, but not limited to, paying all fines, costs, fees, and assessments, in violation of section 321a, until that person answers the citation or notice to appear in court or for any matter pending or complies with an order or judgment of the court, including, but not limited to, paying all fines, costs, fees, and assessments, as provided under section 321a.

(j) A person not licensed under this act who has been convicted of, has received a juvenile disposition for, or has been determined responsible for a crime or civil infraction described in section 319, 324, or 904. A person shall be denied a license under this subdivision for the length of time corresponding to the period of the licensing sanction that would have been imposed under section 319, 324, or 904 if the person had been licensed at the time of the violation.

(k) A person not licensed under this act who has been convicted of or received a juvenile disposition for committing a crime described in section 319e. A person shall be denied a license under this subdivision for the length of time that corresponds to the period of the licensing sanction that would have been imposed under section 319e if the person had been licensed at the time of the violation.

(l) A person not licensed under this act who is determined to have violated section 33b(1) of former 1933 (Ex Sess) PA 8, section 703(1) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or section 624a or 624b of this act. The person shall be denied a license under this subdivision for a period of time that corresponds to the period of the licensing sanction that would have been imposed under those sections had the person been licensed at the time of the violation.

(M) A PERSON WHOM THE SECRETARY OF STATE DETERMINES IS IN THIS COUNTRY ILLEGALLY.

(2) Upon receiving the appropriate records of conviction, the secretary of state shall revoke the operator's or chauffeur's license of a person and deny issuance of an operator's or chauffeur's license to a person having any of the following, whether under a law of this state, a local ordinance substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state:

(a) Any combination of 2 convictions within 7 years for reckless driving in violation of section 626.

(b) Any combination of 2 or more convictions within 7 years for any

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of the following:

- (i) A felony in which a motor vehicle was used.
 - (ii) A violation or attempted violation of section 601b(2) or (3), section 601c(1) or (2), section 602a(4) or (5), section 617, section 653a(3) or (4), or section 904(4) or (5).
 - (iii) Negligent homicide, manslaughter, or murder resulting from the operation of a vehicle or an attempt to commit any of those crimes.
 - (iv) A violation or attempted violation of section 479a(4) or (5) of the Michigan penal code, 1931 PA 328, MCL 750.479a.
- (c) Any combination of 2 convictions within 7 years for any of the following or a combination of 1 conviction for a violation or attempted violation of section 625(6) and 1 conviction for any of the following within 7 years:
- (i) A violation or attempted violation of section 625, except a violation of section 625(2), or a violation of any prior enactment of section 625 in which the defendant operated a vehicle while under the influence of intoxicating or alcoholic liquor or a controlled substance, or a combination of intoxicating or alcoholic liquor and a controlled substance, or while visibly impaired, or with an unlawful bodily alcohol content.
 - (ii) A violation or attempted violation of section 625m.
 - (iii) Former section 625b.
- (d) One conviction for a violation or attempted violation of section 315(5), section 601b(3), section 601c(2), section 602a(4) or (5), section 617, section 625(4) or (5), section 653a(4), or section 904(4) or (5).
- (e) One conviction of negligent homicide, manslaughter, or murder resulting from the operation of a vehicle or an attempt to commit any of those crimes.
- (f) One conviction for a violation or attempted violation of section 479a(4) or (5) of the Michigan penal code, 1931 PA 328, MCL 750.479a.
- (g) Any combination of 3 convictions within 10 years for any of the following or 1 conviction for a violation or attempted violation of section 625(6) and any combination of 2 convictions for any of the following within 10 years, if any of the convictions resulted from an arrest on or after January 1, 1992:
- (i) A violation or attempted violation of section 625, except a violation of section 625(2), or a violation of any prior enactment of section 625 in which the defendant operated a vehicle while under the influence of intoxicating or alcoholic liquor or a controlled substance, or a combination of intoxicating or alcoholic liquor and a controlled substance, or while visibly impaired, or with an unlawful bodily alcohol content.
 - (ii) A violation or attempted violation of section 625m.
 - (iii) Former section 625b.
- (3) The secretary of state shall revoke a license under subsection (2) notwithstanding a court order unless the court order complies with section 323.
- (4) The secretary of state shall not issue a license under this act to a person whose license has been revoked under this act or revoked and

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denied under subsection (2) until all of the following occur, as applicable:

(a) The later of the following:

(i) The expiration of not less than 1 year after the license was revoked or denied.

(ii) The expiration of not less than 5 years after the date of a subsequent revocation or denial occurring within 7 years after the date of any prior revocation or denial.

(b) For a denial under subsection (2)(a), (b), (c), and (g), the person rebuts by clear and convincing evidence the presumption resulting from the prima facie evidence that he or she is a habitual offender. The convictions that resulted in the revocation and denial constitute prima facie evidence that he or she is a habitual offender.

(c) The person meets the requirements of the department.

(5) The secretary of state may deny issuance of an operator's license as follows:

(a) Until the age of 17, to a person not licensed under this act who was convicted of or received a juvenile disposition for violating or attempting to violate section 411a(2) of the Michigan penal code, 1931 PA 328, MCL 750.411a, involving a school when he or she was less than 14 years of age. A person not issued a license under this subdivision is not eligible to begin graduated licensing training until he or she attains 16 years of age.

(b) To a person less than 21 years of age not licensed under this act who was convicted of or received a juvenile disposition for violating or attempting to violate section 411a(2) of the Michigan penal code, 1931 PA 328, MCL 750.411a, involving a school when he or she was less than 14 years of age or older, until 3 years after the date of the conviction or juvenile disposition. A person not issued a license under this subdivision is not eligible to begin graduated licensing training or otherwise obtain an original operator's or chauffeur's license until 3 years after the date of the conviction or juvenile disposition.

(6) The secretary of state shall deny issuance of a vehicle group designation to a person if the person has been disqualified by the United States secretary of transportation from operating a commercial motor vehicle.

(7) Multiple convictions or civil infraction determinations resulting from the same incident shall be treated as a single violation for purposes of denial or revocation of a license under this section.

(8) As used in this section, "felony in which a motor vehicle was used" means a felony during the commission of which the person operated a motor vehicle and while operating the vehicle presented real or potential harm to persons or property and 1 or more of the following circumstances existed:

(a) The vehicle was used as an instrument of the felony.

(b) The vehicle was used to transport a victim of the felony.

(c) The vehicle was used to flee the scene of the felony.

(d) The vehicle was necessary for the commission of the felony.]

1 Sec. 307. (1) An applicant for an operator's or chauffeur's

2 license shall supply a birth certificate attesting to his or her

3 age or other sufficient documents or identification as the

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4 secretary of state may require. An application for an operator's
5 or chauffeur's license shall be made in a manner prescribed by
6 the secretary of state and shall contain all of the following:

7 (a) The applicant's full name, date of birth, residence

1 address, **IF THE APPLICANT IS A UNITED STATES CITIZEN, A STATEMENT**
2 **THAT HE OR SHE IS A UNITED STATES CITIZEN,** height, sex, eye
3 color, signature, and, beginning January 1, 2007, intent to be an
4 organ donor, other information required or permitted on the
5 license under this chapter, and, to the extent required to comply
6 with federal law, the applicant's social security number. The
7 applicant may provide a mailing address if the applicant receives
8 mail at an address different from his or her residence address.

9 (b) The following notice shall be included to inform the
10 applicant that under sections 509o and 509r of the Michigan
11 election law, 1954 PA 116, MCL 168.509o and 168.509r, the
12 secretary of state is required to use the residence address
13 provided on this application as the applicant's residence address
14 on the qualified voter file for voter registration and voting:

15 "NOTICE: Michigan law requires that the same address
16 be used for voter registration and driver license
17 purposes. Therefore, if the residence address
18 you provide in this application differs from your
19 voter registration address as it appears on the
20 qualified voter file, the secretary of state
21 will automatically change your voter registration
22 to match the residence address on this application,
23 after which your voter registration at your former
24 address will no longer be valid for voting purposes.
25 A new voter registration card, containing the
26 information of your polling place, will be provided
27 to you by the clerk of the jurisdiction where your
28 residence address is located."

1 (c) For an original or renewal operator's or chauffeur's
2 license with a vehicle group designation or indorsement, the
3 names of all states where the applicant has been licensed to
4 drive any type of motor vehicle during the previous 10 years.

5 (d) For an operator's or chauffeur's license with a vehicle
6 group designation or indorsement, the following certifications by
7 the applicant:

8 (i) The applicant meets the applicable federal driver
9 qualification requirements under 49 CFR part 391 if the applicant
10 operates or intends to operate in interstate commerce or meets
11 the applicable qualifications under the rules promulgated by the
12 department of state police under the motor carrier safety act of
13 1963, 1963 PA 181, MCL 480.11 to ~~480.22~~ **480.25**, if the
14 applicant operates or intends to operate in intrastate commerce.

15 (ii) The vehicle in which the applicant will take the driving
16 skills tests is representative of the type of vehicle the
17 applicant operates or intends to operate.

18 (iii) The applicant is not subject to disqualification by the
19 United States secretary of transportation, or a suspension,
20 revocation, or cancellation under any state law for conviction of
21 an offense described in section 312f or 319b.

22 (iv) The applicant does not have a driver's license from more
23 than 1 state or jurisdiction.

24 (e) An applicant for an operator's or chauffeur's license
25 with a vehicle group designation and a hazardous material
26 indorsement shall provide his or her fingerprints as prescribed
27 by state and federal law.

1 (2) Except as provided in this subsection, an applicant for
2 an operator's or chauffeur's license may have his or her image
3 and signature captured or reproduced when the application for the
4 license is made. An applicant required under section 5a of the
5 sex offenders registration act, 1994 PA 295, MCL 28.725a, to
6 maintain a valid operator's or chauffeur's license or official
7 state personal identification card shall have his or her image
8 and signature captured or reproduced when the application for the
9 license is made. The secretary of state shall acquire by purchase
10 or lease the equipment for capturing the images and signatures
11 and may furnish the equipment to a local unit authorized by the
12 secretary of state to license drivers. The secretary of state
13 shall acquire equipment purchased or leased pursuant to this
14 section under standard purchasing procedures of the department of
15 management and budget based on standards and specifications
16 established by the secretary of state. The secretary of state
17 shall not purchase or lease equipment until an appropriation for
18 the equipment has been made by the legislature. An image and
19 signature captured pursuant to this section shall appear on the
20 applicant's operator's or chauffeur's license. Except as provided
21 in this subsection, the secretary of state may retain and use a
22 person's image and signature described in this subsection only
23 for programs administered by the secretary of state. Except as
24 provided in this subsection, the secretary of state shall not use
25 a person's image or signature, or both, unless the person grants
26 written permission for that purpose to the secretary of state or
27 specific enabling legislation permitting the use is enacted into

1 law. A law enforcement agency of this state has access to
2 information retained by the secretary of state under this
3 subsection. The information may be utilized for any law
4 enforcement purpose unless otherwise prohibited by law. The
5 department of state police shall provide to the secretary of
6 state updated lists of persons required to be registered under
7 the sex offenders registration act, 1994 PA 295, MCL 28.721 to
8 ~~28.732~~ **28.736**, and the secretary of state shall make the images
9 of those persons available to the department of state police as
10 provided in that act.

11 (3) An application shall contain a signature or verification
12 and certification by the applicant, as determined by the
13 secretary of state, and shall be accompanied by the proper fee.
14 The secretary of state shall collect the application fee with the
15 application. The secretary of state shall refund the application
16 fee to the applicant if the license applied for is denied, but
17 shall not refund the fee to an applicant who fails to complete
18 the examination requirements of the secretary of state within 90
19 days after the date of application for a license.

20 (4) In conjunction with the application for or, until
21 January 1, 2007, the issuance of an operator's or chauffeur's
22 license, the secretary of state shall do all of the following:

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

24 (i) Information explaining the applicant's right to make an
25 anatomical gift in the event of death in accordance with section
26 310.

27 (ii) Information describing the organ, tissue, and eye donor

1 registry program. The information required under this
2 subparagraph includes the address and telephone number of
3 Michigan's federally designated organ procurement organization or
4 its successor organization.

5 (iii) Information giving the applicant the opportunity to be
6 placed on the registry described in subparagraph (ii).

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

11 (c) Inform the applicant that, if he or she indicates to the
12 secretary of state under this section a willingness to have his
13 or her name placed on the registry described in subdivision
14 (a)(ii), the secretary of state will mark the applicant's record
15 for the registry.

16 (d) Provide the applicant with the opportunity to make a
17 donation of \$1.00 or more to the organ and tissue donation
18 education fund created under section 217o. A donation made under
19 this subdivision shall be deposited in the state treasury to the
20 credit of the organ and tissue donation education fund.

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

23 (a) Providing printed material enclosed with a mailed notice
24 for an operator's or chauffeur's license renewal or the issuance
25 of an operator's or chauffeur's license.

26 (b) Providing printed material to an applicant who
27 personally appears at a secretary of state branch office.

1 (c) Through electronic information transmittals for
2 operator's and chauffeur's licenses processed by electronic
3 means.

4 (6) Until January 1, 2007, if an applicant indicates a
5 willingness under this section to have his or her name placed on
6 the organ donor registry described in subsection (4)(a)(ii), the
7 secretary of state shall within 10 days forward the applicant's
8 name, and address, and date of birth to the organ donor registry
9 maintained by Michigan's federally designated organ procurement
10 organization or its successor organization. The secretary of
11 state may forward information under this subsection by mail or by
12 electronic means. The secretary of state shall not maintain a
13 record of the name or address of an individual who indicates a
14 willingness to have his or her name placed on the organ donor
15 registry after forwarding that information to the organ donor
16 registry under this subsection. Information about an applicant's
17 indication of a willingness to have his or her name placed on the
18 organ donor registry that is obtained by the secretary of state
19 under subsection (4) and forwarded under this subsection is
20 exempt from disclosure under section 13(1)(d) of the freedom of
21 information act, 1976 PA 442, MCL 15.243. Beginning January 1,
22 2007, the secretary of state shall maintain a record of an
23 individual who indicates a willingness to have his or her name
24 placed on the registry described in subsection (4)(a)(ii).
25 Information about an applicant's indication of a willingness to
26 have his or her name placed on the registry that is obtained by
27 the secretary of state under subsection (4) and forwarded under

1 subsection (14) is exempt from disclosure under section 13(1)(d)
2 of the freedom of information act, 1976 PA 442, MCL 15.243.

3 (7) If an application is received from a person previously
4 licensed in another jurisdiction, the secretary of state shall
5 request a copy of the applicant's driving record and other
6 available information from the national driver register. When
7 received, the driving record and other available information
8 become a part of the driver's record in this state.

9 (8) If an application is received for an original, renewal,
10 or upgrade of a vehicle group designation or indorsement, the
11 secretary of state shall request the person's complete driving
12 record from all states where the applicant was previously
13 licensed to drive any type of motor vehicle over the last 10
14 years before issuing a vehicle group designation or indorsement
15 to the applicant. If the applicant does not hold a valid
16 commercial motor vehicle driver license from a state where he or
17 she was licensed in the last 10 years, this complete driving
18 record request must be made not earlier than 24 hours before the
19 secretary of state issues the applicant a vehicle group
20 designation or indorsement. For all other drivers, this request
21 must be made not earlier than 10 days before the secretary of
22 state issues the applicant a vehicle group designation or
23 indorsement. The secretary of state shall also check the
24 applicant's driving record with the national driver register and
25 the federal commercial driver license information system before
26 issuing that group designation or indorsement. If the application
27 is for the renewal of a vehicle group designation or indorsement,

1 and if the secretary of state enters on the person's historical
2 driving record maintained under section 204a a notation that the
3 request was made and the date of the request, the secretary of
4 state is required to request the applicant's complete driving
5 record from other states only once under this section.

6 (9) Except for a vehicle group designation or indorsement or
7 as provided in this subsection, the secretary of state may issue
8 a renewal operator's or chauffeur's license for 1 additional 4-
9 year period by mail or by other methods prescribed by the
10 secretary of state. The secretary of state may check the
11 applicant's driving record through the national driver register
12 and the commercial driver license information system before
13 issuing a license under this section. The secretary of state
14 shall issue a renewal license only in person if the person is a
15 person required under section 5a of the sex offenders
16 registration act, 1994 PA 295, MCL 28.725a, to maintain a valid
17 operator's or chauffeur's license or official state personal
18 identification card. If a license is renewed by mail or by other
19 method, the secretary of state shall issue evidence of renewal to
20 indicate the date the license expires in the future. The
21 department of state police shall provide to the secretary of
22 state updated lists of persons required under section 5a of the
23 sex offenders registration act, 1994 PA 295, MCL 28.725a, to
24 maintain a valid operator's or chauffeur's license or official
25 state personal identification card.

26 (10) Upon request, the secretary of state shall provide an
27 information manual to an applicant explaining how to obtain a

1 vehicle group designation or indorsement. The manual shall
2 contain the information required under 49 CFR part 383.

3 (11) The secretary of state shall not disclose a social
4 security number obtained under subsection (1) to another person
5 except for use for 1 or more of the following purposes:

6 (a) Compliance with 49 USC 31301 to 31317 and regulations
7 and state law and rules related to this chapter.

8 (b) Through the law enforcement information network, to
9 carry out the purposes of section 466(a) of the social security
10 act, 42 USC 666, in connection with matters relating to
11 paternity, child support, or overdue child support.

12 (c) To check an applicant's driving record through the
13 national driver register and the commercial driver license
14 information system when issuing a license under this act.

15 (d) With the department of community health, for comparison
16 with vital records maintained by the department of community
17 health under part 28 of the public health code, 1978 PA 368, MCL
18 333.2801 to 333.2899.

19 (e) As otherwise required by law.

20 (12) The secretary of state shall not display a person's
21 social security number on the person's operator's or chauffeur's
22 license.

23 (13) A requirement under this section to include a social
24 security number on an application does not apply to an applicant
25 who demonstrates he or she is exempt under law from obtaining a
26 social security number or to an applicant who for religious
27 convictions is exempt under law from disclosure of his or her

1 social security number under these circumstances. The secretary
2 of state shall inform the applicant of this possible exemption.

3 (14) Beginning January 1, 2007, the secretary of state shall
4 maintain the organ, tissue, and eye donor registry in a manner
5 that provides electronic access, including, but not limited to,
6 transfer of data to this state's federally designated organ
7 procurement organizations, their successor organizations, and
8 tissue and eye banks with limitations on the use of and access to
9 the donor registry as determined by the secretary of state.

10 Sec. 307a. For an operator or chauffeur license which
11 contains a vehicle group designation, the secretary of state
12 shall issue a license that contains the information required
13 under this act and all of the following information:

14 (a) The name and address of residence of the licensee **AND,**
15 **IF THE LICENSEE IS A UNITED STATES CITIZEN, A STATEMENT THAT HE**
16 **OR SHE IS A UNITED STATES CITIZEN.**

17 (b) Date of birth.

18 (c) Height and sex.

19 (d) Information as considered necessary by the United States
20 department of transportation to identify the licensee.

21 (e) The vehicle group designation and any indorsement of a
22 commercial motor vehicle the licensee is authorized to operate.

23 (f) The name of this state.

24 (g) The expiration date of the license.

25 Sec. 310. (1) The secretary of state shall issue an
26 operator's license to each person licensed as an operator and a
27 chauffeur's license to each person licensed as a chauffeur. An

1 applicant for a motorcycle indorsement under section 312a or a
2 vehicle group designation or indorsement shall first qualify for
3 an operator's or chauffeur's license before the indorsement or
4 vehicle group designation application is accepted and processed.
5 On and after July 1, 2003, an original license or the first
6 renewal of an existing license issued to a person less than 21
7 years of age shall be portrait or vertical in form and a license
8 issued to a person 21 years of age or over shall be landscape or
9 horizontal in form.

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

12 (a) The distinguishing number permanently assigned to the
13 licensee.

14 (b) The full name, date of birth, address of residence, **IF**
15 **THE LICENSEE IS A UNITED STATES CITIZEN, A STATEMENT THAT HE OR**
16 **SHE IS A UNITED STATES CITIZEN**, height, eye color, sex, image,
17 and signature of the licensee.

18 (c) Until January 1, 2007, a place for the licensee to
19 indicate 1 or more of the following:

20 (i) The blood type of the licensee.

21 (ii) Immunization data of the licensee.

22 (iii) Medication data of the licensee.

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

24 (v) Until January 1, 2007, a statement that the licensee is
25 an organ and tissue donor under part 101 of the public health
26 code, 1978 PA 368, MCL 333.10101 to 333.10109.

27 (vi) Emergency contact information of the licensee.

1 (vii) A sticker or decal as specified by the secretary of
2 state to indicate that the licensee has designated 1 or more
3 patient advocates in accordance with section 5506 of the estates
4 and protected individuals code, 1998 PA 386, MCL 700.5506, or a
5 statement that the licensee carries an emergency medical
6 information card.

7 (d) Until January 1, 2007, if the licensee has made a
8 statement described in subdivision (c)(v), the signature of the
9 licensee following the indication of his or her organ and tissue
10 donor intent identified in subdivision (c)(v), along with the
11 signature of at least 1 witness.

12 (e) In the case of a licensee who is less than 18 years of
13 age at the time of issuance of the license, the date on which the
14 licensee will become 18 years of age and 21 years of age.

15 (f) In the case of a licensee who is at least 18 years of
16 age but less than 21 years of age at the time of issuance of the
17 license, the date on which the licensee will become 21 years of
18 age.

19 (g) Beginning January 1, 2007, in the case of a licensee who
20 has indicated his or her wish to participate in the organ and
21 tissue donor registry under part 101 of the public health code,
22 1978 PA 368, MCL 333.10101 to 333.10109, a heart insignia on the
23 front of the license.

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

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

3 (5) A digitized license may contain an identifier for voter
4 registration purposes. The digitized license may contain
5 information appearing in electronic or machine readable codes
6 needed to conduct a transaction with the secretary of state. The
7 information shall be limited to the person's driver license
8 number, birth date, license expiration date, and other
9 information necessary for use with electronic devices, machine
10 readers, or automatic teller machines and shall not contain the
11 person's name, address, driving record, or other personal
12 identifier. The license shall identify the encoded information.

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

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

26 (a) If the intent of the reproduction, alteration,
27 counterfeiting, forging, duplication, or use is to commit or aid

1 in the commission of an offense that is a felony punishable by
2 imprisonment for 10 or more years, the person committing the
3 reproduction, alteration, counterfeiting, forging, duplication,
4 or use is guilty of a felony, punishable by imprisonment for not
5 more than 10 years or a fine of not more than \$20,000.00, or
6 both.

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

16 (c) If the intent of the reproduction, alteration,
17 counterfeiting, forging, duplication, or use is to commit or aid
18 in the commission of an offense that is a misdemeanor punishable
19 by imprisonment for less than 6 months, the person committing the
20 reproduction, alteration, counterfeiting, forging, duplication,
21 or use is guilty of a misdemeanor punishable by imprisonment for
22 not more than 1 year or a fine of not more than \$2,000.00, or
23 both.

24 (8) Except as provided in subsections (11) and (16), a
25 person who sells, or who possesses with the intent to deliver to
26 another, a reproduced, altered, counterfeited, forged, or
27 duplicated license photograph, negative of the photograph, image,

1 license, or electronic data contained on a license or part of a
2 license is guilty of a felony punishable by imprisonment for not
3 more than 5 years or a fine of not more than \$10,000.00, or both.

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

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

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

21 (12) The secretary of state, upon determining after an
22 examination that an applicant is mentally and physically
23 qualified to receive a license, may issue the applicant a
24 temporary driver's permit. The temporary driver's permit entitles
25 the applicant, while having the permit in his or her immediate
26 possession, to drive a motor vehicle upon the highway for a
27 period not exceeding 60 days before the secretary of state has

1 issued the applicant an operator's or chauffeur's license. The
2 secretary of state may establish a longer duration for the
3 validity of a temporary driver's permit if necessary to
4 accommodate the process of obtaining a background check that is
5 required for an applicant by federal law.

6 (13) An operator or chauffeur may indicate on the license in
7 a place designated by the secretary of state his or her blood
8 type, emergency contact information, immunization data,
9 medication data, or a statement that the licensee is deaf, or,
10 until January 1, 2007, a statement that the licensee is an organ
11 and tissue donor and has made an anatomical gift under part 101
12 of the public health code, 1978 PA 368, MCL 333.10101 to
13 333.10109.

14 (14) An operator or chauffeur may indicate on the license in
15 a place designated by the secretary of state that he or she has
16 designated a patient advocate in accordance with sections 5506 to
17 5513 of the estates and protected individuals code, 1998 PA 386,
18 MCL 700.5506 to ~~700.5513~~ **700.5512**.

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

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

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

11 (18) Beginning January 1, 2007, the secretary of state shall
12 inquire of each licensee, in person or by mail, whether the
13 licensee agrees to participate in the organ, tissue, and eye
14 donor registry under part 101 of the public health code, 1978 PA
15 368, MCL 333.10101 to 333.10109.

16 (19) A licensee who has agreed to participate in the organ,
17 tissue, and eye donor registry under part 101 of the public
18 health code, 1978 PA 368, MCL 333.10101 to 333.10109, shall not
19 be considered to have revoked that agreement solely because the
20 licensee's license has been revoked or suspended or has expired.
21 Enrollment in the organ, tissue, and eye donor registry
22 constitutes a legal agreement that remains binding and in effect
23 after the donor's death regardless of the expressed desires of
24 the deceased donor's next of kin who may oppose the donor's
25 organ, tissue, or eye donation.

[Sec. 314. (1) Except as otherwise provided in this section, an operator's license shall ~~expire~~ **EXPIRES** 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 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 within 45 days before the expiration of his or her license may make application for a new license as provided for in this chapter. However, a knowledge test for an original group designation or indorsement may be taken at any time during this period and the results shall be valid for 12 months. However, if the licensee will be

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out of the state during the 45 days immediately preceding expiration of the license or for other good cause shown cannot apply for a license within the 45-day period, application for a new license may be made not more than 6 months before expiration of the license. ~~This~~ A new license, when granted, ~~shall expire~~ **EXPIRES** as provided ~~for~~ in this chapter.

(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 ~~shall expire~~ **EXPIRES** on the licensee's twenty-first birthday unless suspended or revoked. Until July 1, 2003, the secretary of state shall code the license in a manner ~~which~~ **THAT** clearly identifies the licensee as being less than 21 years of age.

(3) The first chauffeur's license issued to a person ~~shall expire~~ **EXPIRES** on the licensee's birthday in the fourth year following the date of issuance 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 ~~shall expire~~ **EXPIRES** on the licensee's twenty-first birthday unless suspended or revoked. Until July 1, 2003, the secretary of state shall code the license in a manner ~~which~~ **THAT** clearly identifies the licensee as being less than 21 years of age. A subsequent chauffeur's license ~~shall expire~~ **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 unless the license is suspended or revoked before that date.

(4) AN OPERATOR'S OR CHAUFFEUR'S LICENSE ISSUED TO A PERSON WHO IS AN ALIEN EXPIRES ON THE DATE HIS OR HER PRESENCE IN THE UNITED STATES BECOMES UNLAWFUL.

(5) ~~(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 within 2 weeks after the applicant returns to Michigan, whichever occurs first. **THIS SUBSECTION DOES NOT APPLY TO A PERSON DESCRIBED IN SUBSECTION (4).**

(6) ~~(5)~~— A person who will be out of state for more than 90 days beyond the expiration date of his or her operator's license may apply for a 4-year renewal of his or her driving privileges. 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. **THIS SUBSECTION DOES NOT APPLY TO A PERSON DESCRIBED IN SUBSECTION (4).**

(7) ~~(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.]