

# HOUSE BILL No. 6085

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 307, 307a, and 310 (MCL 257.307, 257.307a, and 257.310), section 307 as amended by 2005 PA 142, section 307a as added by 1988 PA 346, and section 310 as amended by 2005 PA 141.

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

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  
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.