

# SENATE BILL No. 844

October 25, 2005, Introduced by Senator SANBORN and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending sections 307 and 314 (MCL 257.307 and 257.314), section  
307 as amended by 2004 PA 502 and section 314 as amended by 2004 PA  
362.

**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. **THE DOCUMENTS SHALL BE SUFFICIENT**  
5 **TO ESTABLISH THAT THE APPLICANT IS A CITIZEN OF THE UNITED STATES**  
6 **OR A RESIDENT ALIEN LAWFULLY ADMITTED TO THE UNITED STATES.** An  
7 application for an operator's or chauffeur's license shall be made  
8 in a manner prescribed by the secretary of state and shall contain

1 all of the following:

2 (a) The applicant's full name, date of birth, residence  
3 address, height, sex, eye color, signature, other information  
4 required or permitted on the license under this chapter, and, to  
5 the extent required to comply with federal law, the applicant's  
6 social security number. **THE SECRETARY OF STATE SHALL CONFIRM WITH**  
7 **THE SOCIAL SECURITY ADMINISTRATION A SOCIAL SECURITY ACCOUNT NUMBER**  
8 **PRESENTED BY AN APPLICANT.** The applicant may provide a mailing  
9 address if the applicant receives mail at an address different from  
10 his or her residence address.

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

17

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

1 where your residence address is located."

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

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

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

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

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

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

25 (e) An applicant for an operator's or chauffeur's license with  
26 a vehicle group designation and a hazardous material indorsement (H  
27 vehicle indorsement) shall provide his or her fingerprints that

1 were taken by a law enforcement official or a designated  
2 representative for investigation as required by the uniting and  
3 strengthening America by providing appropriate tools required to  
4 intercept and obstruct terrorism (USA PATRIOT ACT) Act of 2001,  
5 Public Law 107-56.

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

1 of state. Except as provided in this subsection, the secretary of  
2 state shall not use a person's image or signature, or both, unless  
3 the person grants written permission for that purpose to the  
4 secretary of state or specific enabling legislation permitting the  
5 use is enacted into law. A law enforcement agency of this state has  
6 access to information retained by the secretary of state under this  
7 subsection. The information may be utilized for any law enforcement  
8 purpose unless otherwise prohibited by law. The department of state  
9 police shall provide to the secretary of state updated lists of  
10 persons required to be registered under the sex offenders  
11 registration act, 1994 PA 295, MCL 28.721 to 28.732, and the  
12 secretary of state shall make the images of those persons available  
13 to the department of state police as provided in that act.

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

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

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

27 (i) Written information explaining the applicant's right to

1 make an anatomical gift in the event of death in accordance with  
2 section 310.

3       (ii) Written information describing the organ donation registry  
4 program maintained by Michigan's federally designated organ  
5 procurement organization or its successor organization. The written  
6 information required under this subparagraph shall include, in a  
7 type size and format that is conspicuous in relation to the  
8 surrounding material, the address and telephone number of  
9 Michigan's federally designated organ procurement organization or  
10 its successor organization, along with an advisory to call  
11 Michigan's federally designated organ procurement organization or  
12 its successor organization with questions about the organ donor  
13 registry program.

14       (iii) Written information giving the applicant the opportunity  
15 to be placed on the organ donation registry described in  
16 subparagraph (ii).

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

21       (c) Inform the applicant in writing that, if he or she  
22 indicates to the secretary of state under this section a  
23 willingness to have his or her name placed on the organ donor  
24 registry described in subdivision (a) (ii), the secretary of state  
25 will forward the applicant's name and address to the organ donation  
26 registry maintained by Michigan's federally designated organ  
27 procurement organization or its successor organization, as required

1 by subsection (6).

2 (d) Provide the applicant with the opportunity to make a  
3 donation of \$1.00 or more to the organ and tissue donation  
4 education fund created under section 217o. A donation made under  
5 this provision shall be deposited in the state treasury to the  
6 credit of the organ and tissue donation education fund.

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

9 (a) Providing printed material enclosed with a mailed notice  
10 for an operator's or chauffeur's license renewal or the issuance of  
11 an operator's or chauffeur's license.

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

14 (c) Through electronic information transmittals for operator's  
15 and chauffeur's licenses processed by electronic means.

16 (6) If an applicant indicates a willingness under this section  
17 to have his or her name placed on the organ donor registry  
18 described in subsection (4) (a) (ii), the secretary of state shall  
19 within 10 days forward the applicant's name and address to the  
20 organ donor registry maintained by Michigan's federally designated  
21 organ procurement organization or its successor organization. The  
22 secretary of state may forward information under this subsection by  
23 mail or by electronic means. The secretary of state shall not  
24 maintain a record of the name or address of an individual who  
25 indicates a willingness to have his or her name placed on the organ  
26 donor registry after forwarding that information to the organ donor  
27 registry under this subsection. Information about an applicant's

1 indication of a willingness to have his or her name placed on the  
2 organ donor registry that is obtained by the secretary of state  
3 under subsection (4) and forwarded under this subsection is exempt  
4 from disclosure under the freedom of information act, 1976 PA 442,  
5 MCL 15.231 to 15.246, pursuant to section 13(1)(d) of the freedom  
6 of information act, 1976 PA 442, MCL 15.243.

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

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



1 and the federal commercial driver license information system before  
2 issuing that group designation or indorsement. If the application  
3 is for the renewal of a vehicle group designation or indorsement,  
4 and if the secretary of state enters on the person's historical  
5 driving record maintained under section 204a a notation that the  
6 request was made and the date of the request, the secretary of  
7 state is required to request the applicant's complete driving  
8 record from other states only once under this section.

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

1           (10) Upon request, the secretary of state shall provide an  
2 information manual to an applicant explaining how to obtain a  
3 vehicle group designation or indorsement. The manual shall contain  
4 the information required under 49 CFR part 383.

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

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

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

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

17           (d) As otherwise required by law.

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

21           (13) A requirement under this section to include a social  
22 security number on an application does not apply to an applicant  
23 who demonstrates he or she is exempt under law from obtaining a  
24 social security number or to an applicant who for religious  
25 convictions is exempt under law from disclosure of his or her  
26 social security number under these circumstances. The secretary of  
27 state shall inform the applicant of this possible exemption.

1           Sec. 314. (1) Except as otherwise provided in this section, an  
2 operator's license ~~shall expire~~ **EXPIRES** on the birthday of the  
3 person to whom the license is issued in the fourth year following  
4 the date of the issuance of the license unless suspended or revoked  
5 before that date. A license shall not be issued for a period  
6 longer than 4 years. A person holding a license at any time within  
7 45 days before the expiration of his or her license may make  
8 application for a new license as provided for in this chapter.  
9 However, a knowledge test for an original group designation or  
10 indorsement may be taken at any time during this period and the  
11 results shall be valid for 12 months. However, if the licensee will  
12 be out of the state during the 45 days immediately preceding  
13 expiration of the license or for other good cause shown cannot  
14 apply for a license within the 45-day period, application for a new  
15 license may be made not more than 6 months before expiration of the  
16 license. ~~This~~ A new license, when granted, ~~shall expire~~ **EXPIRES**  
17 as provided ~~for~~ in this chapter.

18           (2) The first operator's license issued to a person who at the  
19 time of application is less than 20-1/2 years of age ~~shall expire~~  
20 **EXPIRES** on the licensee's twenty-first birthday unless suspended or  
21 revoked. Until July 1, 2003, the secretary of state shall code the  
22 license in a manner ~~which~~ **THAT** clearly identifies the licensee as  
23 being less than 21 years of age.

24           (3) The first chauffeur's license issued to a person ~~shall~~  
25 ~~expire~~ **EXPIRES** on the licensee's birthday in the fourth year  
26 following the date of issuance unless the license is suspended or  
27 revoked before that date. The chauffeur's license of a person who

1 at the time of application is less than 20-1/2 years of age ~~shall~~  
2 ~~expire~~ **EXPIRES** on the licensee's twenty-first birthday unless  
3 suspended or revoked. Until July 1, 2003, the secretary of state  
4 shall code the license in a manner ~~which~~ **THAT** clearly identifies  
5 the licensee as being less than 21 years of age. A subsequent  
6 chauffeur's license ~~shall expire~~ expires on the birthday of the  
7 person to whom the license is issued in the fourth year following  
8 the date of issuance of the license unless the license is suspended  
9 or revoked before that date.

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

13 **(5) —(4)—** A person may apply for an extension of his or her  
14 driving privileges if he or she is out of state on the date that  
15 his or her operator's or chauffeur's license expires. The extension  
16 may extend the license for 180 days beyond the expiration date or  
17 within 2 weeks after the applicant returns to Michigan, whichever  
18 occurs first. **THIS SUBSECTION DOES NOT APPLY TO A PERSON DESCRIBED**  
19 **IN SUBSECTION (4).**

20 **(6) —(5)—** A person who will be out of state for more than 90  
21 days beyond the expiration date of his or her operator's license  
22 may apply for a 4-year renewal of his or her driving privileges.  
23 The applicant for this renewal shall submit a statement evidencing  
24 a vision examination in accordance with the rules promulgated by  
25 the secretary of state under section 309. **THIS SUBSECTION DOES NOT**  
26 **APPLY TO A PERSON DESCRIBED IN SUBSECTION (4).**

27 **(7) —(6)—** The secretary of state may check the applicant's

1 driving record through the national driver register and the  
2 commercial driver license information system before issuing a  
3 renewal under this section.