

SENATE BILL No. 1338

June 28, 2006, Introduced by Senators SWITALSKI and SCOTT and referred to the Committee on Judiciary.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 307 (MCL 257.307), as amended by 2005 PA 142.

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 SECRETARY OF STATE SHALL**
5 **ACCEPT AS 1 OF THE REQUIRED IDENTIFICATION DOCUMENTS AN**
6 **IDENTIFICATION CARD ISSUED BY THE DEPARTMENT OF CORRECTIONS TO**
7 **PRISONERS WHO ARE PLACED ON PAROLE OR RELEASED FROM A**

1 CORRECTIONAL FACILITY, CONTAINING THE PRISONER'S NAME,
2 PHOTOGRAPH, AND OTHER INFORMATION IDENTIFYING THE PRISONER AS
3 PROVIDED IN SECTION 37(4) OF THE CORRECTIONS CODE OF 1953, 1953
4 PA 232, MCL 791.237. An application for an operator's or
5 chauffeur's license shall be made in a manner prescribed by the
6 secretary of state and shall contain all of the following:

7 (a) The applicant's full name, date of birth, residence
8 address, height, sex, eye color, signature, and, beginning
9 January 1, 2007, intent to be an organ donor, other information
10 required or permitted on the license under this chapter, and, to
11 the extent required to comply with federal law, the applicant's
12 social security number. The applicant may provide a mailing
13 address if the applicant receives mail at an address different
14 from his or her residence address.

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

21 "NOTICE: Michigan law requires that the same address
22 be used for voter registration and driver license
23 purposes. Therefore, if the residence address
24 you provide in this application differs from your
25 voter registration address as it appears on the
26 qualified voter file, the secretary of state
27 will automatically change your voter registration

1 to match the residence address on this application,
2 after which your voter registration at your former
3 address will no longer be valid for voting purposes.
4 A new voter registration card, containing the
5 information of your polling place, will be provided
6 to you by the clerk of the jurisdiction where your
7 residence address is located."

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

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

15 (i) The applicant meets the applicable federal driver
16 qualification requirements under 49 CFR part 391 if the applicant
17 operates or intends to operate in interstate commerce or meets
18 the applicable qualifications under the rules promulgated by the
19 department of state police under the motor carrier safety act of
20 1963, 1963 PA 181, MCL 480.11 to ~~480.22~~ **480.25**, if the
21 applicant operates or intends to operate in intrastate commerce.

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

25 (iii) The applicant is not subject to disqualification by the
26 United States secretary of transportation, or a suspension,
27 revocation, or cancellation under any state law for conviction of

1 an offense described in section 312f or 319b.

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

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

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

1 in this subsection, the secretary of state may retain and use a
2 person's image and signature described in this subsection only
3 for programs administered by the secretary of state. Except as
4 provided in this subsection, the secretary of state shall not use
5 a person's image or signature, or both, unless the person grants
6 written permission for that purpose to the secretary of state or
7 specific enabling legislation permitting the use is enacted into
8 law. A law enforcement agency of this state has access to
9 information retained by the secretary of state under this
10 subsection. The information may be utilized for any law
11 enforcement purpose unless otherwise prohibited by law. The
12 department of state police shall provide to the secretary of
13 state updated lists of persons required to be registered under
14 the sex offenders registration act, 1994 PA 295, MCL 28.721 to
15 ~~28.732~~ **28.736**, and the secretary of state shall make the images
16 of those persons available to the department of state police as
17 provided in that act.

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

27 (4) In conjunction with the application for or, until

1 January 1, 2007, the issuance of an operator's or chauffeur's
2 license, the secretary of state shall do all of the following:

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

4 (i) Information explaining the applicant's right to make an
5 anatomical gift in the event of death in accordance with section
6 310.

7 (ii) Information describing the organ, tissue, and eye donor
8 registry program. The information required under this
9 subparagraph includes the address and telephone number of
10 Michigan's federally designated organ procurement organization or
11 its successor organization.

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

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

18 (c) Inform the applicant that, if he or she indicates to the
19 secretary of state under this section a willingness to have his
20 or her name placed on the registry described in subdivision

21 (a) (ii), the secretary of state will mark the applicant's record
22 for the registry.

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

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

3 (a) Providing printed material enclosed with a mailed notice
4 for an operator's or chauffeur's license renewal or the issuance
5 of an operator's or chauffeur's license.

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

8 (c) Through electronic information transmittals for
9 operator's and chauffeur's licenses processed by electronic
10 means.

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

1 information act, 1976 PA 442, MCL 15.243. Beginning January 1,
2 2007, the secretary of state shall maintain a record of an
3 individual who indicates a willingness to have his or her name
4 placed on the registry described in subsection (4) (a) (ii) .
5 Information about an applicant's indication of a willingness to
6 have his or her name placed on the registry that is obtained by
7 the secretary of state under subsection (4) and forwarded under
8 subsection (14) is exempt from disclosure under section 13(1)(d)
9 of the freedom of information act, 1976 PA 442, MCL 15.243.

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

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

1 must be made not earlier than 10 days before the secretary of
2 state issues the applicant a vehicle group designation or
3 indorsement. The secretary of state shall also check the
4 applicant's driving record with the national driver register and
5 the federal commercial driver license information system before
6 issuing that group designation or indorsement. If the application
7 is for the renewal of a vehicle group designation or indorsement,
8 and if the secretary of state enters on the person's historical
9 driving record maintained under section 204a a notation that the
10 request was made and the date of the request, the secretary of
11 state is required to request the applicant's complete driving
12 record from other states only once under this section.

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

1 department of state police shall provide to the secretary of
2 state updated lists of persons required under section 5a of the
3 sex offenders registration act, 1994 PA 295, MCL 28.725a, to
4 maintain a valid operator's or chauffeur's license or official
5 state personal identification card.

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

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

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

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

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

22 (d) With the department of community health, for comparison
23 with vital records maintained by the department of community
24 health under part 28 of the public health code, 1978 PA 368, MCL
25 333.2801 to 333.2899.

26 (e) As otherwise required by law.

27 (12) The secretary of state shall not display a person's

1 social security number on the person's operator's or chauffeur's
2 license.

3 (13) A requirement under this section to include a social
4 security number on an application does not apply to an applicant
5 who demonstrates he or she is exempt under law from obtaining a
6 social security number or to an applicant who for religious
7 convictions is exempt under law from disclosure of his or her
8 social security number under these circumstances. The secretary
9 of state shall inform the applicant of this possible exemption.

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

17 **(15) THE SECRETARY OF STATE SHALL HAVE ELECTRONIC ACCESS TO**
18 **PRISONER BIOGRAPHY INFORMATION MAINTAINED BY THE DEPARTMENT OF**
19 **CORRECTIONS FOR THE PURPOSE OF VERIFYING THE IDENTITY OF A**
20 **PRISONER WHO APPLIES FOR AN OPERATOR'S OR CHAUFFEUR'S LICENSE**
21 **UNDER SUBSECTION (1).**

22 Enacting section 1. This amendatory act does not take effect
23 unless all of the following bills of the 93rd Legislature are
24 enacted into law:

25 (a) Senate Bill No. 1337.

26

27 (b) Senate Bill No. 1336.