

HOUSE BILL No. 4881

June 7, 2007, Introduced by Reps. Agema, Meekhof, Hoogendyk, Walker, Nitz, Stakoe, Steil, Green, Rick Jones, Pearce, Brandenburg, Pastor, LaJoy, Opsommer, Calley, Stahl, Knollenberg, Rocca, Elsenheimer, Meltzer, Pavlov, Marleau, Nofs, Gaffney, Palsrok, Hune, Hildenbrand, Lahti, Amos, Garfield, Casperson, Sheltroun, Ward, Palmer, Moolenaar, DeRoche, Emmons, Huizenga, Ball, Moore, Caswell, Horn, Booher, Moss, Acciavatti, Sheen, David Law, Espinoza and Scott and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 51a, 303, 306, 307, 310, 310d, 310e, 312,
and 314 (MCL 257.51a, 257.303, 257.306, 257.307, 257.310,
257.310d, 257.310e, 257.312, and 257.314), sections 303, 306,
307, and 314 as amended by 2006 PA 298, section 310 as amended by
2005 PA 141, section 310d as amended by 2004 PA 62, section 310e
as amended by 2004 PA 362, and section 312 as amended by 2000 PA
456, and by adding section 24d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 24D. (1) "LAWFUL STATUS" MEANS THAT THE PERSON MEETS 1
2 OF THE FOLLOWING CRITERIA:

3 (A) HE OR SHE IS A CITIZEN OR NATIONAL OF THE UNITED STATES.

4 (B) HE OR SHE IS AN ALIEN LAWFULLY ADMITTED FOR PERMANENT OR

1 TEMPORARY RESIDENCE IN THE UNITED STATES.

2 (C) HE OR SHE HAS CONDITIONAL PERMANENT RESIDENT STATUS IN
3 THE UNITED STATES.

4 (D) HE OR SHE HAS AN APPROVED APPLICATION FOR ASYLUM IN THE
5 UNITED STATES OR HAS ENTERED INTO THE UNITED STATES IN REFUGEE
6 STATUS.

7 (E) HE OR SHE HAS A VALID, UNEXPIRED NONIMMIGRANT VISA OR
8 NONIMMIGRANT VISA STATUS FOR ENTRY INTO THE UNITED STATES.

9 (F) HE OR SHE HAS A PENDING APPLICATION FOR ASYLUM IN THE
10 UNITED STATES.

11 (G) HE OR SHE HAS A PENDING OR APPROVED APPLICATION FOR
12 TEMPORARY PROTECTED STATUS IN THE UNITED STATES.

13 (H) HE OR SHE HAS APPROVED DEFERRED ACTION STATUS.

14 (I) HE OR SHE HAS A PENDING APPLICATION FOR ADJUSTMENT OF
15 STATUS TO THAT OF AN ALIEN LAWFULLY ADMITTED FOR PERMANENT
16 RESIDENCE IN THE UNITED STATES OR CONDITIONAL PERMANENT RESIDENT
17 STATUS IN THE UNITED STATES.

18 (2) NOTWITHSTANDING SUBSECTION (1) (E) THROUGH (I), A PERSON
19 WHO IS A FOREIGN EXCHANGE STUDENT DOES NOT HAVE LAWFUL STATUS IN
20 THE UNITED STATES FOR THE PURPOSES OF THIS ACT.

21 Sec. 51a. "Resident" means every person who **HAS LAWFUL**
22 **STATUS IN THE UNITED STATES AND WHO** resides in a settled or
23 permanent home or domicile with the intention of remaining in
24 this state. A person who obtains employment in this state is
25 presumed to have the intention of remaining in this state. This
26 definition shall apply to the provisions of this act only.

27 Sec. 303. (1) The secretary of state shall not issue a

1 license under this act to any of the following persons:

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

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

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

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

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

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

24 (g) A person who has been convicted of, has received a
25 juvenile disposition for, or has been determined responsible for
26 2 or more moving violations under a law of this state, a local
27 ordinance substantially corresponding to a law of this state, or

1 a law of another state substantially corresponding to a law of
2 this state within the preceding 3 years, if the violations
3 occurred before issuance of an original license to the person in
4 this state, another state, or another country.

5 (h) A nonresident, including, but not limited to, a foreign
6 exchange student.

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

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

24 (k) A person not licensed under this act who has been
25 convicted of or received a juvenile disposition for committing a
26 crime described in section 319e. A person shall be denied a
27 license under this subdivision for the length of time that

1 corresponds to the period of the licensing sanction that would
2 have been imposed under section 319e if the person had been
3 licensed at the time of the violation.

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

12 (m) A person whose commercial driver license application is
13 canceled under section 324(2).

14 **(N) A PERSON WHO DOES NOT HAVE LAWFUL STATUS IN THIS STATE.**

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

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

24 (b) Any combination of 2 or more convictions within 7 years
25 for any of the following:

26 (i) A felony in which a motor vehicle was used.

27 (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

1 commit any of those crimes.

2 (f) One conviction for a violation or attempted violation of
3 section 479a(4) or (5) of the Michigan penal code, 1931 PA 328,
4 MCL 750.479a.

5 (g) Any combination of 3 convictions within 10 years for any
6 of the following or 1 conviction for a violation or attempted
7 violation of section 625(6) and any combination of 2 convictions
8 for any of the following within 10 years, if any of the
9 convictions resulted from an arrest on or after January 1, 1992:

10 (i) A violation or attempted violation of section 625, except
11 a violation of section 625(2), or a violation of any prior
12 enactment of section 625 in which the defendant operated a
13 vehicle while under the influence of intoxicating or alcoholic
14 liquor or a controlled substance, or a combination of
15 intoxicating or alcoholic liquor and a controlled substance, or
16 while visibly impaired, or with an unlawful bodily alcohol
17 content.

18 (ii) A violation or attempted violation of section 625m.

19 (iii) Former section 625b.

20 (3) The secretary of state shall revoke a license under
21 subsection (2) notwithstanding a court order unless the court
22 order complies with section 323.

23 (4) The secretary of state shall not issue a license under
24 this act to a person whose license has been revoked under this
25 act or revoked and denied under subsection (2) until all of the
26 following occur, as applicable:

27 (a) The later of the following:

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

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

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

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

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

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

23 (b) To a person less than 21 years of age not licensed under
24 this act who was convicted of or received a juvenile disposition
25 for violating or attempting to violate section 411a(2) of the
26 Michigan penal code, 1931 PA 328, MCL 750.411a, involving a
27 school when he or she was less than 14 years of age or older,

1 until 3 years after the date of the conviction or juvenile
2 disposition. A person not issued a license under this subdivision
3 is not eligible to begin graduated licensing training or
4 otherwise obtain an original operator's or chauffeur's license
5 until 3 years after the date of the conviction or juvenile
6 disposition.

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

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

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

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

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

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

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

26 Sec. 306. (1) The secretary of state, upon receiving an
27 application for a temporary instruction permit from a person who

1 is 18 years of age or older, may issue that permit entitling the
2 applicant, while carrying the permit, to drive a motor vehicle
3 other than a motor vehicle requiring an indorsement under section
4 312a or a vehicle group designation under section 312e upon the
5 highways for a period of 180 days when accompanied by a licensed
6 adult operator or chauffeur who is actually occupying a seat
7 beside the driver.

8 (2) The secretary of state may issue an original operator's
9 license and designate level 1, 2, or 3 graduated licensing
10 provisions to a person who is less than 18 years of age, has been
11 licensed in another state or country, and has satisfied the
12 applicable requirements of section 310e.

13 (3) A student enrolled in a driver education course as that
14 term is defined in section ~~1 of the driver education and training~~
15 ~~schools act, 1974 PA 369, MCL 256.601-3~~ **OF THE DRIVER EDUCATION**
16 **PROVIDER AND INSTRUCTOR ACT, 2006 PA 384, MCL 256.623**, or a
17 motorcycle safety course approved by the department of state may
18 operate a motor vehicle without holding an operator's license or
19 permit while under the direct supervision of the program
20 instructor.

21 (4) A student enrolled in a driver education course as that
22 term is defined in section ~~1 of the driver education and training~~
23 ~~schools act, 1974 PA 369, MCL 256.601-3~~ **OF THE DRIVER EDUCATION**
24 **PROVIDER AND INSTRUCTOR ACT, 2006 PA 384, MCL 256.623**, and who
25 has successfully completed 10 hours of classroom instruction and
26 the equivalent of 2 hours of behind-the-wheel training may be
27 issued a temporary driver education certificate furnished by the

1 department of state that authorizes a student to drive a motor
2 vehicle, other than a motor vehicle requiring an indorsement
3 pursuant to section 312a or a vehicle group designation pursuant
4 to section 312e, when accompanied by a licensed parent or
5 guardian, or when accompanied by a nonlicensed parent or guardian
6 and a licensed adult for the purpose of receiving additional
7 instruction until the end of the student's driver education
8 course.

9 (5) The secretary of state, upon receiving proper
10 application from a person 16 or 17 years of age who is enrolled
11 in or has successfully completed an approved motorcycle safety
12 course under section 811a, or a person who is 18 years of age or
13 older and who holds a valid operator's or chauffeur's license,
14 may issue a motorcycle temporary instruction permit entitling the
15 applicant, while carrying the permit, to operate a motorcycle
16 upon the public streets and highways for a period of 180 days,
17 but only when under the constant visual supervision of a licensed
18 motorcycle operator at least 18 years of age. The applicant shall
19 not operate the motorcycle at night or with a passenger.

20 (6) Except as prohibited under federal law, the secretary of
21 state, upon receiving proper application from a person who is 18
22 years of age or older, who holds a valid operator's or
23 chauffeur's license other than a restricted license, and who has
24 passed the knowledge test for an original vehicle group
25 designation or indorsement, may issue a temporary instruction
26 permit entitling the person, while carrying the permit, to drive
27 a vehicle requiring a vehicle group designation or vehicle group

1 indorsement under section 312e upon the streets and highways for
2 a period of 180 days, but only when accompanied by a licensed
3 adult operator or chauffeur who is licensed with the appropriate
4 vehicle group designation and indorsement for the vehicle group
5 being driven and who is actually occupying a seat beside the
6 driver, or behind the driver if the permittee is driving a bus or
7 school bus. In addition, if a permittee is enrolled in a driver
8 training program for drivers of motor vehicles requiring a
9 vehicle group designation or vehicle group indorsement under
10 section 312e, which program is conducted by a college, a
11 university, a school licensed by the department under the driver
12 education and training schools act, 1974 PA 369, MCL 256.601 to
13 ~~256.612~~ **PROVIDER AND INSTRUCTOR ACT, 2006 PA 384, MCL 256.621 TO**
14 **256.705**, or a local or intermediate school district, the
15 permittee may drive a vehicle requiring a vehicle group
16 designation or vehicle group indorsement on the streets and
17 highways of this state for a period of 180 days when accompanied
18 by an instructor licensed with the appropriate vehicle group
19 designation and indorsement for the vehicle being driven who is
20 either occupying the seat beside the driver or in direct visual
21 and audio communication with the permittee. A person issued a
22 temporary instruction permit under this section shall not operate
23 a vehicle designed to carry 16 or more passengers that is
24 transporting passengers except with an instructor licensed with
25 the appropriate vehicle group designation and indorsement for the
26 vehicle being driven or a driver skills test examiner.

27 (7) **NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, AN**

1 APPLICANT FOR A TEMPORARY INSTRUCTION PERMIT, A MOTORCYCLE
2 TEMPORARY INSTRUCTION PERMIT, OR A GRADUATED DRIVER LICENSE IS
3 REQUIRED TO MEET THE SAME REQUIREMENTS AS AN APPLICANT UNDER
4 SECTION 307(1).

5 Sec. 307. (1) An applicant for an operator's or chauffeur's
6 license shall supply a birth certificate attesting to his or her
7 age, ~~or~~ A PHOTO IDENTITY DOCUMENT, A NONPHOTO IDENTITY DOCUMENT
8 IF IT INCLUDES BOTH THE PERSON'S FULL LEGAL NAME AND DATE OF
9 BIRTH, PROOF OF THE PERSON'S SOCIAL SECURITY NUMBER OR
10 VERIFICATION THAT THE PERSON IS NOT ELIGIBLE FOR A SOCIAL
11 SECURITY NUMBER, DOCUMENTATION SHOWING THE PERSON'S NAME AND THE
12 ADDRESS OF HIS OR HER PRINCIPAL RESIDENCE, ANY VALID DOCUMENTARY
13 EVIDENCE OF LAWFUL STATUS, AND ANY other sufficient documents or
14 identification as the secretary of state may require. THE
15 SECRETARY OF STATE SHALL NOT ACCEPT A DOCUMENT ISSUED BY ANOTHER
16 COUNTRY, OTHER THAN AN OFFICIAL PASSPORT, TO SATISFY THESE
17 REQUIREMENTS. An application for an operator's or chauffeur's
18 license shall be made in a manner prescribed by the secretary of
19 state and shall contain all of the following:

20 (a) The applicant's full name, date of birth, residence
21 address, height, sex, eye color, signature, and, beginning
22 January 1, 2007, intent to be an organ donor, other information
23 required or permitted on the license under this chapter, and ~~to~~
24 ~~the extent required to comply with federal law,~~ the applicant's
25 social security number. The applicant may provide a mailing
26 address if the applicant receives mail at an address different
27 from his or her residence address.

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

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

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

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

28 (i) The applicant meets the applicable federal driver

1 qualification requirements under 49 CFR part 391 if the applicant
2 operates or intends to operate in interstate commerce or meets
3 the applicable qualifications of the department of state police
4 under the motor carrier safety act of 1963, 1963 PA 181, MCL
5 480.11 to 480.25, if the applicant operates or intends to operate
6 in intrastate commerce.

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

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

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

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

20 (2) Except as provided in this subsection, an applicant for
21 an operator's or chauffeur's license may have his or her image
22 and signature captured or reproduced when the application for the
23 license is made. An applicant required under section 5a of the
24 sex offenders registration act, 1994 PA 295, MCL 28.725a, to
25 maintain a valid operator's or chauffeur's license or official
26 state personal identification card shall have his or her image
27 and signature captured or reproduced when the application for the

1 license is made. The secretary of state shall acquire by purchase
2 or lease the equipment for capturing the images and signatures
3 and may furnish the equipment to a local unit authorized by the
4 secretary of state to license drivers. The secretary of state
5 shall acquire equipment purchased or leased pursuant to this
6 section under standard purchasing procedures of the department of
7 management and budget based on standards and specifications
8 established by the secretary of state. The secretary of state
9 shall not purchase or lease equipment until an appropriation for
10 the equipment has been made by the legislature. An image and
11 signature captured pursuant to this section shall appear on the
12 applicant's operator's or chauffeur's license. Except as provided
13 in this subsection, the secretary of state may retain and use a
14 person's image and signature described in this subsection only
15 for programs administered by the secretary of state. Except as
16 provided in this subsection, the secretary of state shall not use
17 a person's image or signature, or both, unless the person grants
18 written permission for that purpose to the secretary of state or
19 specific enabling legislation permitting the use is enacted into
20 law. A law enforcement agency of this state has access to
21 information retained by the secretary of state under this
22 subsection. The information may be utilized for any law
23 enforcement purpose unless otherwise prohibited by law. The
24 department of state police shall provide to the secretary of
25 state updated lists of persons required to be registered under
26 the sex offenders registration act, 1994 PA 295, MCL 28.721 to
27 28.736, and the secretary of state shall make the images of those

1 persons available to the department of state police as provided
2 in that act.

3 (3) An application shall contain a signature or verification
4 and certification by the applicant, as determined by the
5 secretary of state, and shall be accompanied by the proper fee.
6 The secretary of state shall collect the application fee with the
7 application. The secretary of state shall refund the application
8 fee to the applicant if the license applied for is denied, but
9 shall not refund the fee to an applicant who fails to complete
10 the examination requirements of the secretary of state within 90
11 days after the date of application for a license.

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

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

16 (i) Information explaining the applicant's right to make an
17 anatomical gift in the event of death in accordance with section
18 310.

19 (ii) Information describing the organ, tissue, and eye donor
20 registry program. The information required under this
21 subparagraph includes the address and telephone number of
22 Michigan's federally designated organ procurement organization or
23 its successor organization.

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

26 (b) Provide the applicant with the opportunity to specify on
27 his or her operator's or chauffeur's license that he or she is

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

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

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

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

15 (a) Providing printed material enclosed with a mailed notice
16 for an operator's or chauffeur's license renewal or the issuance
17 of an operator's or chauffeur's license.

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

20 (c) Through electronic information transmittals for
21 operator's and chauffeur's licenses processed by electronic
22 means.

23 (6) Until January 1, 2007, if an applicant indicates a
24 willingness under this section to have his or her name placed on
25 the organ donor registry described in subsection (4)(a)(ii), the
26 secretary of state shall within 10 days forward the applicant's
27 name, and address, and date of birth to the organ donor registry

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

22 (7) If an application is received from a person previously
23 licensed in another jurisdiction, the secretary of state shall
24 request a copy of the applicant's driving record and other
25 available information from the national driver register. When
26 received, the driving record and other available information
27 become a part of the driver's record in this state.

(8) If an application is received for an original, renewal, or upgrade of a vehicle group designation or indorsement, the secretary of state shall request the person's complete driving record from all states where the applicant was previously licensed to drive any type of motor vehicle over the last 10 years before issuing a vehicle group designation or indorsement to the applicant. If the applicant does not hold a valid commercial motor vehicle driver license from a state where he or she was licensed in the last 10 years, this complete driving record request must be made not earlier than 24 hours before the secretary of state issues the applicant a vehicle group designation or indorsement. For all other drivers, this request must be made not earlier than 10 days before the secretary of state issues the applicant a vehicle group designation or indorsement. The secretary of state shall also check the applicant's driving record with the national driver register and the federal commercial driver license information system before issuing that group designation or indorsement. If the application is for the renewal of a vehicle group designation or indorsement, and if the secretary of state enters on the person's historical driving record maintained under section 204a a notation that the request was made and the date of the request, the secretary of state is required to request the applicant's complete driving record from other states only once under this section.

(9) Except for **A CLASS 2 LICENSE**, a vehicle group designation or indorsement, or as provided in this subsection or section 314(5), the secretary of state may issue a renewal

1 operator's or chauffeur's license for 1 additional 4-year period
 2 by mail or by other methods prescribed by the secretary of state.
 3 The secretary of state may check the applicant's driving record
 4 through the national driver register and the commercial driver
 5 license information system before issuing a license under this
 6 section. The secretary of state shall ~~issue a renewal license~~
 7 ~~only in person~~ **REQUIRE RENEWAL IN PERSON BY A PERSON REQUIRING A**
 8 **CLASS 2 LICENSE OR** if the person is a person required under
 9 section 5a of the sex offenders registration act, 1994 PA 295,
 10 MCL 28.725a, to maintain a valid operator's or chauffeur's
 11 license or official state personal identification card. If a
 12 license is renewed by mail or by other method, the secretary of
 13 state shall issue evidence of renewal to indicate the date the
 14 license expires in the future. The department of state police
 15 shall provide to the secretary of state updated lists of persons
 16 required under section 5a of the sex offenders registration act,
 17 1994 PA 295, MCL 28.725a, to maintain a valid operator's or
 18 chauffeur's license or official state personal identification
 19 card.

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

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

27 (a) Compliance with 49 USC 31301 to 31317 and regulations

1 and state law and rules related to this chapter.

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

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

9 (d) With the department of community health, for comparison
10 with vital records maintained by the department of community
11 health under part 28 of the public health code, 1978 PA 368, MCL
12 333.2801 to 333.2899.

13 (e) As otherwise required by law.

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

17 (13) A requirement under this section to include a social
18 security **ACCOUNT** number on an application does not apply to an
19 applicant who ~~demonstrates he or she is exempt under law from~~
20 ~~obtaining~~ **THE SECRETARY OF STATE VERIFIES IS NOT ELIGIBLE FOR** a
21 social security **ACCOUNT** number. ~~or to an applicant who for~~
22 ~~religious convictions is exempt under law from disclosure of his~~
23 ~~or her social security number under these circumstances.~~ The
24 secretary of state shall inform the applicant of this possible
25 exemption.

26 (14) Beginning January 1, 2007, the secretary of state shall
27 maintain the organ, tissue, and eye donor registry in a manner

1 that provides electronic access, including, but not limited to,
2 transfer of data to this state's federally designated organ
3 procurement organizations, their successor organizations, and
4 tissue and eye banks with limitations on the use of and access to
5 the donor registry as determined by the secretary of state.

6 Sec. 310. (1) ~~The~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS**
7 **SECTION, THE** secretary of state shall issue an operator's license
8 to each person licensed as an operator and a chauffeur's license
9 to each person licensed as a chauffeur. An applicant for a
10 motorcycle indorsement under section 312a or a vehicle group
11 designation or indorsement shall first qualify for an operator's
12 or chauffeur's license before the indorsement or vehicle group
13 designation application is accepted and processed. On and after
14 July 1, 2003, an original license or the first renewal of an
15 existing license issued to a person less than 21 years of age
16 shall be portrait or vertical in form and a license issued to a
17 person 21 years of age or over shall be landscape or horizontal
18 in form. **BEFORE ISSUING A LICENSE, THE SECRETARY OF STATE SHALL**
19 **VERIFY, IN REAL TIME, THAT THE APPLICANT'S SOCIAL SECURITY NUMBER**
20 **MATCHES THE APPLICANT'S NAME. BEFORE ISSUING A LICENSE, THE**
21 **SECRETARY OF STATE SHALL VERIFY, WITH THE ISSUING AGENCY, THE**
22 **ISSUANCE, VALIDITY, AND COMPLETENESS OF EACH DOCUMENT REQUIRED TO**
23 **BE PRESENTED BY THE PERSON UNDER SECTION 307(1).**

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

26 (a) The distinguishing number permanently assigned to the
27 licensee.

1 (b) The full name, date of birth, address of residence,
2 height, eye color, sex, image, and signature of the licensee.

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

5 (i) The blood type of the licensee.

6 (ii) Immunization data of the licensee.

7 (iii) Medication data of the licensee.

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

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

12 (vi) Emergency contact information of the licensee.

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

19 (d) Until January 1, 2007, if the licensee has made a
20 statement described in subdivision (c) (v), the signature of the
21 licensee following the indication of his or her organ and tissue
22 donor intent identified in subdivision (c) (v), along with the
23 signature of at least 1 witness.

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

27 (f) In the case of a licensee who is at least 18 years of

1 age but less than 21 years of age at the time of issuance of the
2 license, the date on which the licensee will become 21 years of
3 age.

4 (g) Beginning January 1, 2007, in the case of a licensee who
5 has indicated his or her wish to participate in the organ and
6 tissue donor registry under part 101 of the public health code,
7 1978 PA 368, MCL 333.10101 to 333.10109, a heart insignia on the
8 front of the license.

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

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

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

25 (6) The license shall be manufactured in a manner to
26 prohibit as nearly as possible the ability to reproduce, alter,
27 counterfeit, forge, or duplicate the license without ready

1 detection. In addition, a license with a vehicle group
2 designation shall contain the information required under 49 CFR
3 part 383.

4 (7) Except as provided in subsection (11), a person who
5 intentionally reproduces, alters, counterfeits, forges, or
6 duplicates a license photograph, the negative of the photograph,
7 image, license, or electronic data contained on a license or a
8 part of a license or who uses a license, image, or photograph
9 that has been reproduced, altered, counterfeited, forged, or
10 duplicated is subject to 1 of the following:

11 (a) If the intent of the reproduction, alteration,
12 counterfeiting, forging, duplication, or use is to commit or aid
13 in the commission of an offense that is a felony punishable by
14 imprisonment for 10 or more years, the person committing the
15 reproduction, alteration, counterfeiting, forging, duplication,
16 or use is guilty of a felony, punishable by imprisonment for not
17 more than 10 years or a fine of not more than \$20,000.00, or
18 both.

19 (b) If the intent of the reproduction, alteration,
20 counterfeiting, forging, duplication, or use is to commit or aid
21 in the commission of an offense that is a felony punishable by
22 imprisonment for less than 10 years or a misdemeanor punishable
23 by imprisonment for 6 months or more, the person committing the
24 reproduction, alteration, counterfeiting, forging, duplication,
25 or use is guilty of a felony, punishable by imprisonment for not
26 more than 5 years, or a fine of not more than \$10,000.00, or
27 both.

1 (c) If the intent of the reproduction, alteration,
2 counterfeiting, forging, duplication, or use is to commit or aid
3 in the commission of an offense that is a misdemeanor punishable
4 by imprisonment for less than 6 months, the person committing the
5 reproduction, alteration, counterfeiting, forging, duplication,
6 or use is guilty of a misdemeanor punishable by imprisonment for
7 not more than 1 year or a fine of not more than \$2,000.00, or
8 both.

9 (8) Except as provided in subsections (11) and (16), a
10 person who sells, or who possesses with the intent to deliver to
11 another, a reproduced, altered, counterfeited, forged, or
12 duplicated license photograph, negative of the photograph, image,
13 license, or electronic data contained on a license or part of a
14 license is guilty of a felony punishable by imprisonment for not
15 more than 5 years or a fine of not more than \$10,000.00, or both.

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

23 (10) Except as provided in subsection (16), a person who is
24 in possession of a reproduced, altered, counterfeited, forged, or
25 duplicated license photograph, negative of the photograph, image,
26 license, or electronic data contained on a license or part of a
27 license is guilty of a misdemeanor punishable by imprisonment for

1 not more than 1 year or a fine of not more than \$2,000.00, or
2 both.

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

6 (12) The secretary of state, upon determining **THAT AN**
7 **APPLICANT HAS MET THE RESIDENCY REQUIREMENTS, AND** after an
8 examination that an applicant is mentally and physically
9 qualified to receive a license, may issue the applicant a
10 temporary driver's permit. The temporary driver's permit entitles
11 the applicant, while having the permit in his or her immediate
12 possession, to drive a motor vehicle upon the highway for a
13 period not exceeding 60 days before the secretary of state has
14 issued the applicant an operator's or chauffeur's license. The
15 secretary of state may establish a longer duration for the
16 validity of a temporary driver's permit if necessary to
17 accommodate the process of obtaining a background check that is
18 required for an applicant by federal law.

19 (13) An operator or chauffeur may indicate on the license in
20 a place designated by the secretary of state his or her blood
21 type, emergency contact information, immunization data,
22 medication data, or a statement that the licensee is deaf, or,
23 until January 1, 2007, a statement that the licensee is an organ
24 and tissue donor and has made an anatomical gift under part 101
25 of the public health code, 1978 PA 368, MCL 333.10101 to
26 333.10109.

27 (14) An operator or chauffeur may indicate on the license in

1 a place designated by the secretary of state that he or she has
2 designated a patient advocate in accordance with sections 5506 to
3 5513 of the estates and protected individuals code, 1998 PA 386,
4 MCL 700.5506 to 700.5513.

5 (15) If the applicant provides proof to the secretary of
6 state that he or she is a minor who has been emancipated under
7 1968 PA 293, MCL 722.1 to 722.6, the license shall bear the
8 designation of the individual's emancipated status in a manner
9 prescribed by the secretary of state.

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

14 (17) The sticker or decal described in subsection (2)(c)(vii)
15 may be provided by any person, hospital, school, medical group,
16 or association interested in assisting in implementing the
17 emergency medical information card, but shall meet the
18 specifications of the secretary of state. The emergency medical
19 information card may contain the information described in
20 subsection (2)(c)(vi), information concerning the licensee's
21 patient advocate designation, other emergency medical
22 information, or an indication as to where the licensee has stored
23 or registered emergency medical information.

24 (18) Beginning January 1, 2007, the secretary of state shall
25 inquire of each licensee, in person or by mail, whether the
26 licensee agrees to participate in the organ, tissue, and eye
27 donor registry under part 101 of the public health code, 1978 PA

1 368, MCL 333.10101 to 333.10109.

2 (19) A licensee who has agreed to participate in the organ,
3 tissue, and eye donor registry under part 101 of the public
4 health code, 1978 PA 368, MCL 333.10101 to 333.10109, shall not
5 be considered to have revoked that agreement solely because the
6 licensee's license has been revoked or suspended or has expired.
7 Enrollment in the organ, tissue, and eye donor registry
8 constitutes a legal agreement that remains binding and in effect
9 after the donor's death regardless of the expressed desires of
10 the deceased donor's next of kin who may oppose the donor's
11 organ, tissue, or eye donation.

12 (20) IF A PERSON PRESENTS DOCUMENTS SHOWING LAWFUL STATUS
13 UNDER SECTION 24D(1)(E) THROUGH (I), THE SECRETARY OF STATE MAY
14 ONLY ISSUE A CLASS 2 OPERATOR'S OR CHAUFFEUR'S LICENSE TO THE
15 PERSON. A CLASS 2 OPERATOR'S OR CHAUFFEUR'S LICENSE SHALL BE
16 VALID ONLY DURING THE PERIOD OF TIME THE APPLICANT IS AUTHORIZED
17 TO STAY IN THE UNITED STATES OR, IF THERE IS NO DEFINITE END TO
18 THE PERIOD OF AUTHORIZED STAY, A PERIOD NOT TO EXCEED 1 YEAR. A
19 CLASS 2 OPERATOR'S OR CHAUFFEUR'S LICENSE SHALL CLEARLY INDICATE
20 THAT IT IS TEMPORARY, BE OF A DIFFERENT COLOR THAN OTHER
21 LICENSES, AND PROMINENTLY DISPLAY THE DATE ON WHICH IT EXPIRES.

22 Sec. 310d. (1) A license issued under this act to a person
23 not previously licensed in this or in another state shall be
24 designated as probationary for 3 years after the date of issuance
25 UNLESS THE LICENSE IS A CLASS 2 LICENSE IN WHICH IT SHALL BE
26 DESIGNATED AS PROBATIONARY FOR 3 YEARS OR UNTIL THE EXPIRATION
27 DATE SHOWN ON THE LICENSE, WHICHEVER IS EARLIER. During the first

1 12 months of probation, the license may be suspended or
2 probationary terms and conditions may be imposed upon failure of
3 the licensee to appear before a magistrate, as provided in this
4 chapter, or upon conviction of the licensee or determination of
5 the licensee's responsibility for a moving violation in this
6 state. The period of suspension or the probationary terms and
7 conditions shall not be for more than 12 months and shall be
8 determined by the secretary of state at an examination of the
9 driver by the secretary of state.

10 (2) Upon completion of the first 12 months of probation, the
11 secretary of state may require a licensee to be reexamined by the
12 secretary of state if the licensee's driving record contains any
13 of the following:

14 (a) A conviction or civil infraction determination for a
15 moving violation that was assessed 4 or more points as provided
16 in section 320a.

17 (b) Three convictions or 3 civil infraction determinations,
18 or a combination of convictions and civil infraction
19 determinations that equals 3, for moving violations.

20 (c) A total of 6 or more points as provided in section 320a.

21 (d) A conviction or civil infraction determination for a
22 moving violation and an accident for which the official police
23 report indicates the licensee had been drinking alcoholic liquor.

24 (e) A conviction or civil infraction determination for a
25 moving violation and an accident for which the official police
26 report indicates a moving violation on the part of the licensee.

27 (f) Three accidents for which the official police report

1 indicates a moving violation on the part of the licensee.

2 (g) A suspension pursuant to section 625f.

3 (3) The probationary period shall be extended beyond 3 years
4 and the secretary of state may reexamine a licensee as provided
5 in subsection (2) if any of the following occur and are recorded
6 on the licensee's driving record during the last 10 months of the
7 probationary period:

8 (a) A moving violation resulting in a conviction or civil
9 infraction determination.

10 (b) An accident for which the official police report
11 indicates a moving violation on the part of the licensee.

12 (c) An accident for which the official police report
13 indicates the licensee had been drinking alcoholic liquor.

14 (d) A license suspension for a reason other than a mental or
15 physical disability.

16 (4) The probationary period shall be extended pursuant to
17 subsection (3) until the licensee completes 10 consecutive months
18 without a moving violation, accident, or suspension enumerated in
19 subsection (3).

20 (5) Upon completion of a reexamination, the secretary of
21 state may suspend or impose probationary terms and conditions on
22 the license of a probationary licensee, except that a
23 reexamination for subsection (2)(d), (e), or (f) shall not result
24 in a license suspension or the imposition of probationary terms
25 or conditions.

26 (6) For 24 months immediately after a licensee's
27 probationary period, the secretary of state may require the

1 licensee to be reexamined by the secretary of state if the
2 licensee's driver record has a total of 9 or more points, as
3 provided in section 320a, imposed in a period of 2 years and if
4 the licensee's record contains 1 or more of the following:

5 (a) A conviction for a violation or attempted violation of
6 any of the following:

7 (i) Section 625, except a violation of section 625(2), or a
8 violation of any prior enactment of section 625 in which the
9 defendant operated a vehicle while under the influence of
10 intoxicating or alcoholic liquor or a controlled substance, or a
11 combination of intoxicating or alcoholic liquor and a controlled
12 substance, or while visibly impaired, or with an unlawful bodily
13 alcohol content.

14 (ii) A violation or attempted violation of section 625m.

15 (iii) Former section 625b.

16 (iv) A local ordinance substantially corresponding to a
17 conviction described in this subdivision.

18 (v) A law of another state substantially corresponding to a
19 conviction described in this subdivision.

20 (b) A suspension of the licensee's license pursuant to
21 section 625f.

22 (c) An accident for which the official police report
23 indicates a moving violation on the part of the licensee.

24 (d) An accident for which the official police report
25 indicates the licensee had been drinking alcoholic liquor.

26 (7) Upon completion of a reexamination under subsection (6),
27 the secretary of state may suspend the license of the licensee,

1 except that a reexamination for subsection (6)(c) or (d) shall
2 not result in a license suspension or restriction.

3 (8) If a licensee fails to appear for a reexamination
4 scheduled by the secretary of state pursuant to this section, the
5 licensee's license may be suspended immediately and remain
6 suspended until the licensee appears for a reexamination by the
7 secretary of state.

8 (9) Notice of a reexamination required under this section
9 shall be given by first-class mail to the last known address of
10 the licensee.

11 (10) For purposes of this section:

12 (a) Upon conviction for a moving violation, the date of the
13 violation shall be used in determining whether the conviction
14 occurred within the probationary period.

15 (b) Upon entry of a civil infraction determination for a
16 moving violation, the date of the violation shall be used in
17 determining whether the civil infraction determination occurred
18 within the probationary period.

19 (c) Information of a reexamination shall not be placed on a
20 driver's record unless the secretary of state suspends a license
21 or imposes probationary terms and conditions.

22 (d) A suspension shall be considered part of a driving
23 record from the date the suspension is imposed until the
24 suspension is terminated.

25 (e) The date of the official police report shall be used in
26 determining whether a licensee was driving a motor vehicle
27 involved in an accident for which the official police report

1 indicates a moving violation on the part of the licensee or
2 indicates the licensee had been drinking alcoholic liquor.

3 Sec. 310e. (1) Except as otherwise provided in this act, an
4 operator's or chauffeur's license issued to a person who is 17
5 years of age or less shall be in a form as prescribed in section
6 310 beginning July 1, 2003, and is valid only upon the issuance
7 of a graduated driver license.

8 (2) The secretary of state shall designate graduated
9 licensing provisions in a manner that clearly indicates that the
10 person is subject to the appropriate provisions described in this
11 section.

12 (3) Except as otherwise provided in section 303, a person
13 who is not less than 14 years and 9 months of age may be issued a
14 level 1 graduated licensing status to operate a motor vehicle if
15 the person has satisfied all of the following conditions:

16 (a) Passed a vision test and met health standards as
17 prescribed by the secretary of state.

18 (b) Successfully completed segment 1 of a driver education
19 course as that term is defined in section ~~1 of the driver~~
20 ~~education and training schools act, 1974 PA 369, MCL 256.601-3 OF~~
21 **THE DRIVER EDUCATION PROVIDER AND INSTRUCTOR ACT, 2006 PA 384,**
22 **MCL 256.623,** including a minimum of 6 hours of on-the-road
23 driving time with the instructor.

24 (c) Received written approval of a parent or legal guardian.

25 (4) A person issued a level 1 graduated licensing status may
26 operate a motor vehicle only when accompanied either by a
27 licensed parent or legal guardian or, with the permission of the

1 parent or legal guardian, a licensed driver 21 years of age or
2 older. Except as otherwise provided in this section, a person is
3 restricted to operating a motor vehicle with a level 1 graduated
4 licensing status for not less than 6 months.

5 (5) A person may be issued a level 2 graduated licensing
6 status to operate a motor vehicle if the person has satisfied all
7 of the following conditions:

8 (a) Had a level 1 graduated licensing status for not less
9 than 6 months.

10 (b) Successfully completed segment 2 of a driver education
11 course as that term is defined in section ~~1 of the driver~~
12 ~~education and training schools act, 1974 PA 369, MCL 256.601-3 OF~~
13 **THE DRIVER EDUCATION PROVIDER AND INSTRUCTOR ACT, 2006 PA 384,**
14 **MCL 256.623.**

15 (c) Not incurred a moving violation resulting in a
16 conviction or civil infraction determination or been involved in
17 an accident for which the official police report indicates a
18 moving violation on the part of the person during the 90-day
19 period immediately preceding application.

20 (d) Presented a certification by the parent or guardian that
21 he or she, accompanied by his or her licensed parent or legal
22 guardian or, with the permission of the parent or legal guardian,
23 any licensed driver 21 years of age or older, has accumulated a
24 total of not less than 50 hours of behind-the-wheel experience
25 including not less than 10 nighttime hours.

26 (e) Successfully completed a secretary of state approved
27 driving skills test. The secretary of state may enter into an

1 agreement with another public or private corporation or agency to
2 conduct this driving skills test. Before the secretary of state
3 authorizes a person to administer a corporation's or agency's
4 driver skills testing operations or authorizes an examiner to
5 conduct a driving skills test, that person or examiner must
6 complete both a state and federal bureau of investigation
7 fingerprint based criminal history check through the department
8 of state police. This subdivision applies to a person 16 years of
9 age or over only if the person has satisfied subdivisions (a),
10 (b), (c), and (d).

11 (6) A person issued a level 2 graduated licensing status
12 under subsection (5) shall remain at level 2 for not less than 6
13 months and shall not operate a motor vehicle within this state
14 from 12 midnight to 5 a.m. unless accompanied by a parent or
15 legal guardian or a licensed driver over the age of 21 designated
16 by the parent or legal guardian, or except when going to or from
17 employment.

18 (7) The provisions and provisional period described in
19 subsection (4) or (6) shall be expanded or extended, or both,
20 beyond the periods described in subsection (4) or (6) if any of
21 the following occur and are recorded on the licensee's driving
22 record during the provisional periods described in subsection (4)
23 or (6) or any additional periods imposed under this subsection:

24 (a) A moving violation resulting in a conviction, civil
25 infraction determination, or probate court disposition.

26 (b) An accident for which the official police report
27 indicates a moving violation on the part of the licensee.

1 (c) A license suspension for a reason other than a mental or
2 physical disability.

3 (d) A violation of subsection (4) or (6).

4 (8) The provisional period described in subsection (4) shall
5 be extended under subsection (7) until the licensee completes 90
6 consecutive days without a moving violation, an accident in which
7 a moving violation resulted, accident, suspension, or provisional
8 period violation listed in subsection (7) or until age 18,

9 whichever occurs first. The provisional period described in
10 subsection (6) shall be extended under subsection (7) until the
11 licensee completes 12 consecutive months without a moving
12 violation, accident, suspension, or restricted period violation
13 listed in subsection (7) or until age 18, whichever occurs first.

14 (9) A person who is not less than 17 years of age may be
15 issued a level 3 graduated licensing status under this subsection
16 if the person has completed 12 consecutive months without a
17 moving violation, an accident in which a moving violation
18 resulted, accident, suspension, or restricted period violation
19 listed in subsection (7) while the person was issued a level 2
20 graduated licensing status under subsection (5).

21 (10) Notice shall be given by first-class mail to the last
22 known address of a licensee if the provisions are expanded or
23 extended as described in subsection (7).

24 (11) A person who violates subsection (4) or (6) is
25 responsible for a civil infraction.

26 (12) If a person is determined responsible for a violation
27 of subsection (4) or (6), the secretary of state shall send

1 written notification of any conviction or moving violation to a
2 designated parent or guardian of the person.

3 (13) For purposes of this section:

4 (a) Upon conviction for a moving violation, the date of the
5 arrest for the violation shall be used in determining whether the
6 conviction occurred within a provisional licensure period under
7 this section.

8 (b) Upon entry of a civil infraction determination for a
9 moving violation, the date of issuance of a citation for a civil
10 infraction shall be used in determining whether the civil
11 infraction determination occurred within a provisional licensure
12 period under this section.

13 (c) The date of the official police report shall be used in
14 determining whether a licensee was driving a motor vehicle
15 involved in an accident for which the official police report
16 indicates a moving violation on the part of the licensee or
17 indicates the licensee had been drinking alcoholic liquor.

18 (14) A person shall have his or her graduated licensing
19 status in his or her immediate possession at all times when
20 operating a motor vehicle, and shall display the card upon demand
21 of a police officer. A person who violates this subsection is
22 responsible for a civil infraction.

23 **(15) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, AN**
24 **APPLICANT FOR A GRADUATED DRIVER LICENSE SHALL MEET THE SAME**
25 **REQUIREMENTS AS AN APPLICANT UNDER SECTION 307(1).**

26 Sec. 312. (1) Upon proper showing of extenuating
27 circumstances and special reasons, or need by an applicant who

1 meets the **RESIDENCE AND** age qualifications and when accompanied
2 by the fee as provided in this act, the secretary of state may
3 recommend a restricted operator's or chauffeur's license
4 containing conditions and restrictions applicable to the
5 licensee, the type of special mechanical control devices required
6 in a motor vehicle operated by the licensee, and the area, time,
7 or other condition that the secretary of state considers
8 necessary to assure the safe operation of a vehicle by the
9 licensee and under which the licensee may operate a motor
10 vehicle. A license issued to a person who is at least 14 years of
11 age and under 16 years of age shall contain only the conditions
12 determining the hours during which the licensee may drive a motor
13 vehicle and the purpose for which it is to be driven. A license
14 issued to a minor who is at least 14 years of age and under 16
15 years of age shall be revoked by the secretary of state on the
16 written request of a parent, guardian, or person standing in loco
17 parentis.

18 (2) An operator's license, **OTHER THAN A CLASS 2 LICENSE**,
19 issued to a person who is at least 14 years of age and under 16
20 years of age expires on the birthday following issuance of the
21 license or if that birthday is within 6 months after the date of
22 issuance of the license, then 1 year after the date of that
23 birthday. **A CLASS 2 OPERATOR'S LICENSE ISSUED TO A PERSON WHO IS**
24 **AT LEAST 14 YEARS OF AGE AND UNDER 16 YEARS OF AGE EXPIRES ON THE**
25 **BIRTHDAY FOLLOWING ISSUANCE OF THE LICENSE OR, IF THAT BIRTHDAY**
26 **IS WITHIN 6 MONTHS AFTER THE DATE THE LICENSE IS ISSUED, 1 YEAR**
27 **AFTER THE DATE OF THAT BIRTHDAY UNLESS THE LICENSE EXPIRES**

1 **EARLIER UNDER SECTION 310(20).**

2 (3) Upon receiving satisfactory evidence of a violation of
3 the restrictions of the license, the secretary of state may
4 suspend or revoke the license.

5 (4) A person who violates a restriction imposed in a
6 restricted license issued to that person is guilty of a
7 misdemeanor. This subsection does not apply to a person who is at
8 least 14 years of age and under 16 years of age.

9 (5) If a motor vehicle is being driven by a person who is at
10 least 14 years of age and under 16 years of age, and that person
11 is accompanied by a parent, guardian, or person standing in loco
12 parentis, the conditions, limitations, and restrictions set forth
13 in this section do not apply.

14 Sec. 314. (1) Except as otherwise provided in this section,
15 operator's licenses and chauffeur's licenses, **OTHER THAN CLASS 2**
16 **LICENSES**, expire on the birthday of the person to whom the
17 license is issued in the fourth year following the date of the
18 issuance of the license unless suspended or revoked before that
19 date. A license shall not be issued for a period longer than 4
20 years. A person holding a license, **OTHER THAN A CLASS 2 LICENSE**,
21 **MAY**, at any time 12 months before the expiration of his or her
22 license, ~~may~~ apply for a new license as provided for in this
23 chapter. A knowledge test for an original group designation or
24 indorsement may be taken at any time during this period and the
25 results are valid for 12 months. A license renewed under this
26 subsection shall be renewed for the time remaining on the license
27 before its renewal combined with the 4-year renewal period.

1 (2) A CLASS 2 OPERATOR'S LICENSE MAY ONLY BE RENEWED UPON
2 PRESENTATION OF VALID DOCUMENTARY EVIDENCE THAT THE STATUS BY
3 WHICH THE APPLICANT QUALIFIED FOR THE CLASS 2 DRIVER'S LICENSE
4 HAS BEEN EXTENDED BY THE UNITED STATES SECRETARY OF HOMELAND
5 SECURITY.

6 (3) ~~(2)~~—The first operator's license, **OTHER THAN A CLASS 2**
7 **LICENSE**, issued to a person who at the time of application is
8 less than 20-1/2 years of age expires on the licensee's twenty-
9 first birthday unless suspended or revoked. **THE FIRST CLASS 2**
10 **OPERATOR'S LICENSE ISSUED TO A PERSON WHO AT THE TIME OF**
11 **APPLICATION IS LESS THAN 20-1/2 YEARS OF AGE EXPIRES ON THE**
12 **LICENSEE'S TWENTY-FIRST BIRTHDAY UNLESS SUSPENDED OR REVOKED**
13 **BEFORE THAT DATE OR THE LICENSE EXPIRES EARLIER UNDER SECTION**
14 **310(20).**

15 (4) ~~(3)~~—The first chauffeur's license, **OTHER THAN A CLASS 2**
16 **LICENSE**, issued to a person expires on the licensee's birthday in
17 the fourth year following the date of issuance unless the license
18 is suspended or revoked before that date. The chauffeur's
19 license, **OTHER THAN A CLASS 2 LICENSE**, of a person who at the
20 time of application is less than 20-1/2 years of age expires on
21 the licensee's twenty-first birthday unless suspended or revoked.
22 A subsequent chauffeur's license, **OTHER THAN A CLASS 2 LICENSE**,
23 expires on the birthday of the person to whom the license is
24 issued in the fourth year following the date of issuance of the
25 license unless the license is suspended or revoked before that
26 date. **THE FIRST CLASS 2 CHAUFFEUR'S LICENSE ISSUED TO A PERSON**
27 **WHO AT THE TIME OF APPLICATION IS LESS THAN 20-1/2 YEARS OF AGE**

1 EXPIRES ON THE LICENSEE'S TWENTY-FIRST BIRTHDAY UNLESS SUSPENDED
2 OR REVOKED BEFORE THAT DATE OR THE LICENSE EXPIRES EARLIER UNDER
3 SECTION 310(20). A SUBSEQUENT CLASS 2 CHAUFFEUR'S LICENSE EXPIRES
4 ON THE EXPIRATION OF THE LICENSEE'S AUTHORIZED STAY IN THE UNITED
5 STATES OR, IF THERE IS NO DEFINITE END TO THE PERIOD OF
6 AUTHORIZED STAY, 1 YEAR FROM THE DATE THE LICENSE IS ISSUED.

7 (5) A CLASS 2 CHAUFFEUR'S LICENSE MAY BE RENEWED ONLY UPON
8 PRESENTATION OF VALID DOCUMENTARY EVIDENCE THAT THE STATUS BY
9 WHICH THE APPLICANT QUALIFIED FOR THE CLASS 2 DRIVER'S LICENSE
10 HAS BEEN EXTENDED BY THE UNITED STATES SECRETARY OF HOMELAND
11 SECURITY.

12 (6) ~~(4)~~—A person may apply for an extension of his or her
13 driving privileges if he or she is out of state on the date that
14 his or her operator's or chauffeur's license expires. The
15 extension may extend the license for 180 days beyond the
16 expiration date or not more than 2 weeks after the applicant
17 returns to Michigan, whichever occurs first. **THIS SUBSECTION DOES**
18 **NOT APPLY TO A CLASS 2 LICENSE.**

19 (7) ~~(5)~~—Except for an operator's or chauffeur's license with
20 a hazardous material indorsement, the secretary of state may
21 issue a renewal operator's or chauffeur's license to a person who
22 will be out of state for more than 180 days beyond the expiration
23 date of his or her operator's or chauffeur's license, if the
24 secretary of state has a digital image of the person on file. The
25 applicant for this renewal shall submit a statement evidencing a
26 vision examination in accordance with the rules promulgated by
27 the secretary of state under section 309 and any other statement

1 required by this act or federal law. A person is not eligible for
2 consecutive renewals of a license under this subsection. **THIS**
3 **SUBSECTION DOES NOT APPLY TO A CLASS 2 LICENSE.**

4 (8) ~~(6)~~—The secretary of state may check the applicant's
5 driving record through the national driver register and the
6 commercial driver license information system before issuing a
7 renewal under this section.