

**SUBSTITUTE FOR
HOUSE BILL NO. 4978**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 307 and 811k (MCL 257.307 and 257.811k),
section 307 as amended by 2011 PA 159 and section 811k as amended
by 2006 PA 298, and by adding section 811s; and to repeal acts
and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 307. (1) If an applicant for an operator's license or
2 chauffeur's license is a citizen of the United States, the
3 applicant shall supply a photographic identity document, a birth
4 certificate, or other sufficient documents as the secretary of
5 state may require to verify the identity and citizenship of the
6 applicant. If an applicant for an operator's or chauffeur's
7 license is not a citizen of the United States, the applicant

1 shall supply a photographic identity document and other
2 sufficient documents to verify the identity of the applicant and
3 the applicant's legal presence in the United States under
4 subdivision (b). The documents required under this subsection
5 shall include the applicant's full legal name, date of birth, and
6 address and residency and demonstrate that the applicant is a
7 citizen of the United States or is legally present in the United
8 States. If the applicant's full legal name differs from the name
9 of the applicant that appears on a document presented under this
10 subsection, the applicant shall present documents to verify his
11 or her current full legal name. An application for an operator's
12 or chauffeur's license shall be made in a manner prescribed by
13 the secretary of state and shall contain all of the following:

14 (a) The applicant's full legal name, date of birth,
15 residence address, height, sex, eye color, signature, intent to
16 make an anatomical gift, other information required or permitted
17 on the license under this chapter, and, only to the extent
18 required to comply with federal law, the applicant's social
19 security number. The applicant may provide a mailing address if
20 the applicant receives mail at an address different from his or
21 her residence address.

22 (b) If the applicant is not a citizen of the United States,
23 the applicant shall provide, and the department shall verify,
24 documents demonstrating his or her legal presence in the United
25 States. Nothing in this act shall obligate or be construed to
26 obligate this state to comply with title II of the real ID act of
27 2005, Public Law 109-13. The secretary of state may adopt rules

1 under the administrative procedures act of 1969, 1969 PA 306, MCL
2 24.201 to 24.328, as are necessary for the administration of this
3 subdivision. A determination by the secretary of state that an
4 applicant is not legally present in the United States may be
5 appealed under section 631 of the revised judicature act of 1961,
6 1961 PA 236, MCL 600.631.

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

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

27 (d) For an original or renewal operator's or chauffeur's
28 license with a vehicle group designation or indorsement, the

names of all states where the applicant has been licensed to drive any type of motor vehicle during the previous 10 years.

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

(i) The applicant meets the applicable federal driver qualification requirements under 49 CFR parts 383 and 391 if the applicant operates or intends to operate in interstate commerce or meets the applicable qualifications of the department of state police under the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.25, if the applicant operates or intends to operate in intrastate commerce.

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

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

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

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

(2) An applicant for an operator's or chauffeur's license may have his or her image and signature captured or reproduced

1 when the application for the license is made. The secretary of
2 state shall acquire equipment purchased or leased under this
3 section under standard purchasing procedures of the department of
4 **TECHNOLOGY**, management, and budget based on standards and
5 specifications established by the secretary of state. The
6 secretary of state shall not purchase or lease equipment until an
7 appropriation for the equipment has been made by the legislature.
8 A digital photographic image and signature captured under this
9 section shall appear on the applicant's operator's license or
10 chauffeur's license. A person's digital photographic image shall
11 be used as follows:

12 (a) By a federal, state, or local governmental agency for a
13 law enforcement purpose authorized by law.

14 (b) By the secretary of state for a use specifically
15 authorized by law.

16 (c) By the secretary of state for forwarding to the
17 department of state police the images of persons required to be
18 registered under the sex offenders registration act, 1994 PA 295,
19 MCL 28.721 to 28.736, upon the department of state police
20 providing the secretary of state an updated list of the names of
21 those persons.

22 (d) As necessary to comply with a law of this state or of
23 the United States.

24 (3) An application shall contain a signature or verification
25 and certification by the applicant, as determined by the
26 secretary of state, and shall be accompanied by the proper fee.
27 The secretary of state shall collect the application fee with the

1 application. The secretary of state shall refund the application
2 fee to the applicant if the license applied for is denied, but
3 shall not refund the fee to an applicant who fails to complete
4 the examination requirements of the secretary of state within 90
5 days after the date of application for a license.

6 (4) In conjunction with the application for an operator's
7 license or chauffeur's license, the secretary of state shall do
8 all of the following:

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

10 (i) Information explaining the applicant's right to make an
11 anatomical gift in the event of death in accordance with section
12 310.

13 (ii) Information describing the anatomical gift donor
14 registry program under part 101 of the public health code, 1978
15 PA 368, MCL 333.10101 to 333.10123. The information required
16 under this subparagraph includes the address and telephone number
17 of Michigan's federally designated organ procurement organization
18 or its successor organization as defined in section 10102 of the
19 public health code, 1978 PA 368, MCL 333.10102.

20 (iii) Information giving the applicant the opportunity to be
21 placed on the donor registry described in subparagraph (ii).

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

26 (c) Inform the applicant that, if he or she indicates to the
27 secretary of state under this section a willingness to have his

1 or her name placed on the donor registry described in subdivision
2 (a) (ii), the secretary of state will mark the applicant's record
3 for the donor registry.

4 ~~—— (d) Provide the applicant with the opportunity to make a~~
5 ~~donation of \$1.00 or more to the organ and tissue donation~~
6 ~~education fund created under section 2170. A donation made under~~
7 ~~this subdivision shall be deposited in the state treasury to the~~
8 ~~credit of the organ and tissue donation education fund.~~

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

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

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

16 (c) Through electronic information transmittals for
17 operator's and chauffeur's licenses processed by electronic
18 means.

19 (6) The secretary of state shall maintain a record of an
20 individual who indicates a willingness to have his or her name
21 placed on the donor registry described in subsection (4) (a) (ii).
22 Information about an applicant's indication of a willingness to
23 have his or her name placed on the donor registry that is
24 obtained by the secretary of state under subsection (4) and
25 forwarded under subsection (14) is exempt from disclosure under
26 section 13(1)(d) of the freedom of information act, 1976 PA 442,
27 MCL 15.243.

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

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

1 request was made and the date of the request, the secretary of
2 state is required to request the applicant's complete driving
3 record from other states only once under this section.

4 (9) Except for a vehicle group designation or indorsement or
5 as provided in this subsection or section 314(5), the secretary
6 of state may issue a renewal operator's or chauffeur's license
7 for 1 additional 4-year period or until the person is no longer
8 determined to be legally present under this section by mail or by
9 other methods prescribed by the secretary of state. The secretary
10 of state may check the applicant's driving record through the
11 national driver register and the commercial driver license
12 information system before issuing a license under this section.

13 The secretary of state shall issue a renewal license only in
14 person if the person is a person required under section 5a of the
15 sex offenders registration act, 1994 PA 295, MCL 28.725a, to
16 maintain a valid operator's or chauffeur's license or official
17 state personal identification card. If a license is renewed by
18 mail or by other method, the secretary of state shall issue
19 evidence of renewal to indicate the date the license expires in
20 the future. The department of state police shall provide to the
21 secretary of state updated lists of persons required under
22 section 5a of the sex offenders registration act, 1994 PA 295,
23 MCL 28.725a, to maintain a valid operator's or chauffeur's
24 license or official state personal identification card.

25 (10) Upon request, the secretary of state shall provide an
26 information manual to an applicant explaining how to obtain a
27 vehicle group designation or indorsement. The manual shall

1 contain the information required under 49 CFR part 383.

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

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

7 (b) To carry out the purposes of section 466(a) of the
8 social security act, 42 USC 666, in connection with matters
9 relating to paternity, child support, or overdue child support.

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

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

17 (e) 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.

25 (14) As required in section 10120 of the public health code,
26 1978 PA 368, MCL 333.10120, the secretary of state shall maintain
27 the donor registry in a manner that provides electronic access,

1 including, but not limited to, the transfer of data to this
2 state's federally designated organ procurement organization or
3 its successor organization, tissue banks, and eye banks, in a
4 manner that complies with that section.

5 (15) The secretary of state, with the approval of the state
6 administrative board created under 1921 PA 2, MCL 17.1 to 17.3,
7 may enter into agreements with the United States government to
8 verify whether an applicant for an operator's license or a
9 chauffeur's license under this section who is not a citizen of
10 the United States is authorized under federal law to be present
11 in the United States.

12 (16) The secretary of state shall not issue an operator's
13 license or a chauffeur's license to a person holding an
14 operator's license or chauffeur's license issued by another state
15 without confirmation that the person is terminating or has
16 terminated the operator's license or chauffeur's license issued
17 by the other state.

18 (17) The secretary of state shall do all of the following:

19 (a) Ensure the physical security of locations where
20 operator's licenses and chauffeur's licenses are produced and the
21 security of document materials and papers from which operator's
22 licenses and chauffeur's licenses are produced.

23 (b) Subject all persons authorized to manufacture or produce
24 operator's licenses or chauffeur's licenses and all persons who
25 have the ability to affect the identity information that appears
26 on operator's licenses or chauffeur's licenses to appropriate
27 security clearance requirements. The security requirements of

1 this subdivision and subdivision (a) may require that licenses be
2 manufactured or produced in this state.

3 (c) Provide fraudulent document recognition programs to
4 department of state employees engaged in the issuance of
5 operator's licenses and chauffeur's licenses.

6 Sec. 811k. (1) The Michigan lighthouse preservation grant
7 fund is created as a separate fund in the department of treasury.
8 The fund shall be expended only as provided in this section. The
9 state treasurer may receive money or other assets from any source
10 for deposit into the fund. The state treasurer shall direct the
11 investment of the fund. The state treasurer shall credit to the
12 fund interest and earnings from fund investments. The state
13 treasurer shall annually present to the ~~department of history,~~
14 ~~arts, and libraries~~ **STATE HISTORIC PRESERVATION OFFICE** an
15 accounting of the amount of money in the fund. Money in the fund
16 at the close of the fiscal year shall remain in the fund and
17 shall not lapse to the general fund.

18 (2) The ~~department of history, arts, and libraries~~ **STATE**
19 **HISTORIC PRESERVATION OFFICE** shall administer the Michigan
20 lighthouse preservation fund and may expend money from that fund
21 through discretionary historical grants to preserve Michigan
22 lighthouses. The ~~department of history, arts, and libraries~~ **STATE**
23 **HISTORIC PRESERVATION OFFICE** shall use not more than 10% of the
24 funds for costs that occur from fund administration and grant
25 project coordination.

26 (3) The ~~department of history, arts, and libraries~~ **STATE**
27 **HISTORIC PRESERVATION OFFICE** may award grants under subsection

(2) for the preparation of plans and specifications for restoration and stabilization and for stabilization, rehabilitation, or other preservation work on a Michigan lighthouse, but grants shall not be awarded for operational purposes. ~~The department of history, arts, and libraries~~ **STATE HISTORIC PRESERVATION OFFICE** shall allocate grant funds pursuant to eligibility and scoring requirements established by the ~~department of history, arts, and libraries~~. **STATE HISTORIC PRESERVATION OFFICE**. To award grants under this section, the ~~department of history, arts, and libraries~~ **STATE HISTORIC PRESERVATION OFFICE** shall solicit applications from eligible recipients, score applications based on the established criteria, and award grants through executed contracts. All plans and work performed under a grant shall be consistent with the United States secretary of the interior's standards for rehabilitation and guidelines for rehabilitating historic buildings, 36 CFR **PART** 67, historic preservation certifications.

(4) Fund-raising donations for plates recognizing the historical lighthouses of this state under sections 811f and 811g shall be transferred under section 811h by the secretary of state to the state treasurer, who shall credit the donation money to the Michigan lighthouse preservation grant fund for the preservation of historic Michigan lighthouses.

(5) **AS USED IN THIS SECTION, "STATE HISTORIC PRESERVATION OFFICE" MEANS THE STATE HISTORIC PRESERVATION OFFICE OF THE MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY.**

SEC. 811S. (1) THE THOMAS DALEY GIFT OF LIFE FUND IS CREATED

1 WITHIN THE STATE TREASURY.

2 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS
3 FROM ANY SOURCE FOR DEPOSIT INTO THE FUND. THE STATE TREASURER
4 SHALL DIRECT THE INVESTMENT OF THE FUND. THE STATE TREASURER
5 SHALL CREDIT TO THE FUND INTEREST AND EARNINGS FROM FUND
6 INVESTMENTS.

7 (3) MONEY IN THE FUND AT THE CLOSE OF THE FISCAL YEAR SHALL
8 REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE GENERAL FUND.

9 (4) MONEY IN THE ORGAN AND TISSUE DONATION EDUCATION FUND
10 CREATED IN FORMER SECTION 2170 SHALL BE TRANSFERRED TO THE FUND.

11 (5) THE DEPARTMENT OF STATE SHALL BE THE ADMINISTRATOR OF
12 THE FUND FOR AUDITING PURPOSES.

13 (6) THE DEPARTMENT OF STATE SHALL EXPEND MONEY FROM THE
14 FUND, UPON APPROPRIATION, FOR THE ADMINISTRATION AND MAINTENANCE
15 OF THE STATE ANATOMICAL GIFT DONOR REGISTRY PROGRAM UNDER PART
16 101 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.10101 TO
17 333.10123. ANY MONEY REMAINING IN THE FUND MAY BE EXPENDED FOR
18 THE ONGOING DEVELOPMENT AND ADMINISTRATION OF THE DEPARTMENT OF
19 STATE'S PUBLIC INFORMATION CAMPAIGN CONCERNING THE MICHIGAN ORGAN
20 DONATION PROGRAM.

21 (7) AS USED IN THIS SECTION, "FUND" MEANS THE THOMAS DALEY
22 GIFT OF LIFE FUND CREATED IN SUBSECTION (1).

23 Enacting section 1. Section 2170 of the Michigan vehicle
24 code, 1949 PA 300, MCL 257.2170, is repealed.

25 Enacting section 2. This amendatory act takes effect June
26 30, 2012.

27 Enacting section 3. This amendatory act does not take effect

1 unless Senate Bill No. 534 of the 96th Legislature is enacted
2 into law.