

HOUSE BILL No. 5542

April 18, 2012, Introduced by Rep. Opsommer and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 40b and 310 (MCL 257.40b and 257.310), section
40b as amended by 2008 PA 7 and section 310 as amended by 2008 PA
36.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 40b. (1) "Personal information" means information that
2 identifies an individual, including the individual's photograph or
3 image, name, address (but not the zip code), driver license number,
4 social security number, telephone number, digitized signature, and
5 medical and disability information. Personal information does not
6 include information on driving and equipment-related violations or
7 civil infractions, driver or vehicle registration status, vehicular
8 accidents, or other behaviorally-related information.

9 (2) "Highly restricted personal information" means an

1 individual's photograph or image, social security number, digitized
2 signature, medical and disability information, and source documents
3 presented by an applicant to obtain an operator's or chauffeur's
4 license under section 307(1). **HIGHLY RESTRICTED PERSONAL**
5 **INFORMATION ALSO INCLUDES EMERGENCY CONTACT INFORMATION UNDER**
6 **SECTION 310(13).**

7 Sec. 310. (1) The secretary of state shall issue an operator's
8 license to each person licensed as an operator and a chauffeur's
9 license 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 or
12 chauffeur's license before the indorsement or vehicle group
13 designation application is accepted and processed. An original
14 license or the first renewal of an existing license issued to a
15 person less than 21 years of age shall be portrait or vertical in
16 form and a license issued to a person 21 years of age or over shall
17 be landscape or horizontal in form.

18 (2) The license issued under subsection (1) shall contain all
19 of the following:

20 (a) The distinguishing number permanently assigned to the
21 licensee.

22 (b) The full legal name, date of birth, address of residence,
23 height, eye color, sex, digital photographic image, expiration
24 date, and signature of the licensee.

25 (c) In the case of a licensee who has indicated his or her
26 wish to participate in the anatomical gift donor registry under
27 part 101 of the public health code, 1978 PA 368, MCL 333.10101 to

1 333.10123, a heart insignia on the front of the license.

2 (d) Physical security features designed to prevent tampering,
3 counterfeiting, or duplication of the license for fraudulent
4 purposes.

5 (3) Except as otherwise required under this chapter, other
6 information required on the license pursuant to this chapter may
7 appear on the license in a form prescribed by the secretary of
8 state.

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

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

22 (6) The license shall be manufactured in a manner to prohibit
23 as nearly as possible the ability to reproduce, alter, counterfeit,
24 forge, or duplicate the license without ready detection. In
25 addition, a license with a vehicle group designation shall contain
26 the information required under 49 CFR part 383.

27 (7) Except as provided in subsection (11), a person who

1 intentionally reproduces, alters, counterfeits, forges, or
2 duplicates a license photograph, the negative of the photograph,
3 image, license, or electronic data contained on a license or a part
4 of a license or who uses a license, image, or photograph that has
5 been reproduced, altered, counterfeited, forged, or duplicated is
6 subject to 1 of the following:

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

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

22 (c) If the intent of the reproduction, alteration,
23 counterfeiting, forging, duplication, or use is to commit or aid in
24 the commission of an offense that is a misdemeanor punishable by
25 imprisonment for less than 6 months, the person committing the
26 reproduction, alteration, counterfeiting, forging, duplication, or
27 use is guilty of a misdemeanor punishable by imprisonment for not

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

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

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

16 (10) Except as provided in subsection (16), a person who is in
17 possession of a reproduced, altered, counterfeited, forged, or
18 duplicated license photograph, negative of the photograph, image,
19 license, or electronic data contained on a license or part of a
20 license is guilty of a misdemeanor punishable by imprisonment for
21 not more than 1 year or a fine of not more than \$2,000.00, or both.

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

25 (12) The secretary of state, upon determining after an
26 examination that an applicant is mentally and physically qualified
27 to receive a license, may issue the applicant a temporary driver's

1 permit. The temporary driver's permit entitles the applicant, while
2 having the permit in his or her immediate possession, to ~~drive~~
3 **OPERATE** a motor vehicle upon the highway for a period not exceeding
4 60 days before the secretary of state has issued the applicant an
5 operator's or chauffeur's license. The secretary of state may
6 establish a longer duration for the validity of a temporary
7 driver's permit if necessary to accommodate the process of
8 obtaining a background check that is required for an applicant by
9 federal law.

10 (13) An operator or chauffeur may indicate on the license in a
11 place designated by the secretary of state his or her blood type,
12 emergency contact information, immunization data, medication data,
13 or a statement that the licensee is deaf. **THE SECRETARY OF STATE**
14 **SHALL NOT REQUIRE AN APPLICANT FOR AN ORIGINAL OR RENEWAL**
15 **OPERATOR'S OR CHAUFFEUR'S LICENSE TO PROVIDE EMERGENCY CONTACT**
16 **INFORMATION AS A CONDITION OF OBTAINING A LICENSE. HOWEVER, THE**
17 **SECRETARY OF STATE MAY INQUIRE WHETHER AN OPERATOR OF CHAUFFEUR**
18 **WOULD LIKE TO PROVIDE EMERGENCY CONTACT INFORMATION. EMERGENCY**
19 **CONTACT INFORMATION OBTAINED UNDER THIS SUBSECTION SHALL BE**
20 **DISCLOSED ONLY TO A LAW ENFORCEMENT AGENCY OF THIS STATE OR OF THE**
21 **UNITED STATES FOR LAW ENFORCEMENT PURPOSES.**

22 (14) An operator or chauffeur may indicate on the license in a
23 place designated by the secretary of state that he or she has
24 designated a patient advocate in accordance with sections 5506 to
25 5515 of the estates and protected individuals code, 1998 PA 386,
26 MCL 700.5506 to 700.5515.

27 (15) If the applicant provides proof to the secretary of state

1 that he or she is a minor who has been emancipated under 1968 PA
2 293, MCL 722.1 to 722.6, the license shall bear the designation of
3 the individual's emancipated status in a manner prescribed by the
4 secretary of state.

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

9 (17) A sticker or decal may be provided by any person,
10 hospital, school, medical group, or association interested in
11 assisting in implementing an emergency medical information card,
12 but shall meet the specifications of the secretary of state. An
13 emergency medical information card may contain information
14 concerning the licensee's patient advocate designation, other
15 emergency medical information, or an indication as to where the
16 licensee has stored or registered emergency medical information.

17 (18) The secretary of state shall inquire of each licensee, in
18 person or by mail, whether the licensee agrees to participate in
19 the anatomical gift donor registry under part 101 of the public
20 health code, 1978 PA 368, MCL 333.10101 to 333.10123.

21 (19) A licensee who has agreed to participate in the
22 anatomical gift donor registry under part 101 of the public health
23 code, 1978 PA 368, MCL 333.10101 to 333.10123, shall not be
24 considered to have revoked that agreement solely because the
25 licensee's license has been revoked or suspended or has expired.
26 Enrollment in the donor registry constitutes a legal agreement that
27 remains binding and in effect after the donor's death regardless of

- 1 the expressed desires of the deceased donor's next of kin who may
- 2 oppose the donor's anatomical gift.