

HOUSE BILL No. 4978

September 14, 2011, Introduced by Reps. Daley, Shirkey, Constan, Pscholka, Bledsoe, Hammel, Denby and Outman and referred to the Committee on Transportation.

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 2008 PA 36 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

1 applicant. If an applicant for an operator's or chauffeur's
2 license is not a citizen of the United States, the applicant
3 shall supply a photographic identity document and other
4 sufficient documents to verify the identity of the applicant and
5 the applicant's legal presence in the United States under
6 subdivision (b). The documents required under this subsection
7 shall include the applicant's full legal name, date of birth, and
8 address and residency and demonstrate that the applicant is a
9 citizen of the United States or is legally present in the United
10 States. If the applicant's full legal name differs from the name
11 of the applicant that appears on a document presented under this
12 subsection, the applicant shall present documents to verify his
13 or her current full legal name. An application for an operator's
14 or chauffeur's license shall be made in a manner prescribed by
15 the secretary of state and shall contain all of the following:

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

24 (b) If the applicant is not a citizen of the United States,
25 the applicant shall provide documents demonstrating his or her
26 legal presence in the United States. A person legally present in
27 the United States includes, but is not limited to, a person

1 authorized by the United States government for employment in the
2 United States, a person with nonimmigrant status authorized under
3 federal law, and a person who is the beneficiary of an approved
4 immigrant visa petition or an approved labor certification. The
5 secretary of state shall adopt rules under the administrative
6 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, as are
7 necessary for the administration of this subdivision. A
8 determination by the secretary of state that an applicant is not
9 legally present in the United States may be appealed under
10 section 631 of the revised judicature act of 1961, 1961 PA 236,
11 MCL 600.631.

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

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

1 A new voter registration card, containing the
2 information of your polling place, will be provided
3 to you by the clerk of the jurisdiction where your
4 residence address is located."

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

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

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

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

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

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

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

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

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

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

22 (c) By the secretary of state for forwarding to the
23 department of state police the images to persons required to be
24 registered under the sex offenders registration act, 1994 PA 295,
25 MCL 28.721 to 28.736, upon the department of state police
26 providing the secretary of state an updated list of the names of
27 those persons.

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

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 an operator's
13 license or chauffeur's license, the secretary of state shall do
14 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 anatomical gift donor
20 registry program under part 101 of the public health code, 1978
21 PA 368, MCL 333.10101 to 333.10123. The information required
22 under this subparagraph includes the address and telephone number
23 of Michigan's federally designated organ procurement organization
24 or its successor organization as defined in section 10102 of the
25 public health code, 1978 PA 368, MCL 333.10102.

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

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

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

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

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

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

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

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

25 (6) The secretary of state shall maintain a record of an
26 individual who indicates a willingness to have his or her name
27 placed on the donor registry described in subsection (4) (a) (ii).

1 Information about an applicant's indication of a willingness to
2 have his or her name placed on the donor registry that is
3 obtained by the secretary of state under subsection (4) and
4 forwarded under subsection (14) is exempt from disclosure under
5 section 13(1)(d) of the freedom of information act, 1976 PA 442,
6 MCL 15.243.

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

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

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

10 (9) Except for a vehicle group designation or indorsement or
11 as provided in this subsection or section 314(5), the secretary
12 of state may issue a renewal operator's or chauffeur's license
13 for 1 additional 4-year period or until the person is no longer
14 determined to be legally present under section 307 by mail or by
15 other methods prescribed by the secretary of state. The secretary
16 of state may check the applicant's driving record through the
17 national driver register and the commercial driver license
18 information system before issuing a license under this section.
19 The secretary of state shall issue a renewal license only in
20 person if the person is a person required under section 5a of the
21 sex offenders registration act, 1994 PA 295, MCL 28.725a, to
22 maintain a valid operator's or chauffeur's license or official
23 state personal identification card. If a license is renewed by
24 mail or by other method, the secretary of state shall issue
25 evidence of renewal to indicate the date the license expires in
26 the future. The department of state police shall provide to the
27 secretary of state updated lists of persons required under

1 section 5a of the sex offenders registration act, 1994 PA 295,
2 MCL 28.725a, to maintain a valid operator's or chauffeur's
3 license or official state personal identification card.

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

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

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

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

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

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

23 (e) As otherwise required by law.

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

27 (13) A requirement under this section to include a social

1 security number on an application does not apply to an applicant
2 who demonstrates he or she is exempt under law from obtaining a
3 social security number.

4 (14) As required in section 10120 of the public health code,
5 1978 PA 368, MCL 333.10120, the secretary of state shall maintain
6 the donor registry in a manner that provides electronic access,
7 including, but not limited to, the transfer of data to this
8 state's federally designated organ procurement organization or
9 its successor organization, tissue banks, and eye banks, in a
10 manner that complies with that section.

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

18 (16) The secretary of state shall not issue an operator's
19 license or a chauffeur's license to a person holding an
20 operator's license or chauffeur's license issued by another state
21 without confirmation that the person is terminating or has
22 terminated the operator's license or chauffeur's license issued
23 by the other state.

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

25 (a) Ensure the physical security of locations where
26 operator's licenses and chauffeur's licenses are produced and the
27 security of document materials and papers from which operator's

1 licenses and chauffeur's licenses are produced.

2 (b) Subject all persons authorized to manufacture or produce
3 operator's licenses or chauffeur's licenses and all persons who
4 have the ability to affect the identity information that appears
5 on operator's licenses or chauffeur's licenses to appropriate
6 security clearance requirements. The security requirements of
7 this subdivision and subdivision (a) may require that licenses be
8 manufactured or produced in this state.

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

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

24 (2) The ~~department of history, arts, and libraries~~ **STATE**
25 **HISTORIC PRESERVATION OFFICE** shall administer the Michigan
26 lighthouse preservation fund and may expend money from that fund
27 through discretionary historical grants to preserve Michigan

1 lighthouses. The ~~department of history, arts, and libraries~~ **STATE**
2 **HISTORIC PRESERVATION OFFICE** shall use not more than 10% of the
3 funds for costs that occur from fund administration and grant
4 project coordination.

5 (3) The ~~department of history, arts, and libraries~~ **STATE**
6 **HISTORIC PRESERVATION OFFICE** may award grants under subsection
7 (2) for the preparation of plans and specifications for
8 restoration and stabilization and for stabilization,
9 rehabilitation, or other preservation work on a Michigan
10 lighthouse, but grants shall not be awarded for operational
11 purposes. The ~~department of history, arts, and libraries~~ **STATE**
12 **HISTORIC PRESERVATION OFFICE** shall allocate grant funds pursuant
13 to eligibility and scoring requirements established by the
14 ~~department of history, arts, and libraries~~ **STATE HISTORIC**
15 **PRESERVATION OFFICE**. To award grants under this section, the
16 ~~department of history, arts, and libraries~~ **STATE HISTORIC**
17 **PRESERVATION OFFICE** shall solicit applications from eligible
18 recipients, score applications based on the established criteria,
19 and award grants through executed contracts. All plans and work
20 performed under a grant shall be consistent with the United
21 States secretary of the interior's standards for rehabilitation
22 and guidelines for rehabilitating historic buildings, 36 CFR **PART**
23 67, historic preservation certifications.

24 (4) Fund-raising donations for plates recognizing the
25 historical lighthouses of this state under sections 811f and 811g
26 shall be transferred under section 811h by the secretary of state
27 to the state treasurer, who shall credit the donation money to

1 the Michigan lighthouse preservation grant fund for the
2 preservation of historic Michigan lighthouses.

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

6 SEC. 811S. (1) THE ORGAN AND TISSUE DONATION EDUCATION FUND
7 IS CREATED WITHIN THE STATE TREASURY.

8 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS
9 FROM ANY SOURCE FOR DEPOSIT INTO THE FUND. THE STATE TREASURER
10 SHALL DIRECT THE INVESTMENT OF THE FUND. THE STATE TREASURER
11 SHALL CREDIT TO THE FUND INTEREST AND EARNINGS FROM FUND
12 INVESTMENTS.

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

15 (4) THE DEPARTMENT OF STATE SHALL BE THE ADMINISTRATOR OF
16 THE FUND FOR AUDITING PURPOSES.

17 (5) THE DEPARTMENT OF STATE SHALL EXPEND MONEY FROM THE
18 FUND, UPON APPROPRIATION, ONLY FOR THE ADMINISTRATION AND
19 MAINTENANCE OF THE STATE ANATOMICAL GIFT DONOR REGISTRY PROGRAM
20 UNDER PART 101 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL
21 333.10101 TO 333.10123.

22 (6) AS USED IN THIS SECTION, "FUND" MEANS THE ORGAN AND
23 TISSUE DONATION EDUCATION FUND CREATED IN SUBSECTION (1).

24 Enacting section 1. Section 217o of the Michigan vehicle
25 code, 1949 PA 300, MCL 257.217o, is repealed.

26 Enacting section 2. This amendatory act does not take effect
27 unless Senate Bill No. 534 of the 96th Legislature is enacted

1 into law.