

HOUSE BILL No. 5079

October 18, 2011, Introduced by Reps. Jenkins, MacMaster, Ouimet, Potvin, Johnson and
Shaughnessy and referred to the Committee on Transportation.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 310. (1) The secretary of state shall issue an operator's
2 license to each person licensed as an operator and a chauffeur's
3 license to each person licensed as a chauffeur. An applicant for a
4 motorcycle indorsement under section 312a or a vehicle group
5 designation or indorsement shall first qualify for an operator's or
6 chauffeur's license before the indorsement or vehicle group
7 designation application is accepted and processed. An original
8 license or the first renewal of an existing license issued to a

1 person less than 21 years of age shall be portrait or vertical in
2 form and a license issued to a person 21 years of age or over shall
3 be landscape or horizontal in form.

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

6 (a) The distinguishing number permanently assigned to the
7 licensee.

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

11 (c) In the case of a licensee who has indicated his or her
12 wish to participate in the anatomical gift donor registry under
13 part 101 of the public health code, 1978 PA 368, MCL 333.10101 to
14 333.10123, a heart insignia on the front of the license.

15 (d) Physical security features designed to prevent tampering,
16 counterfeiting, or duplication of the license for fraudulent
17 purposes.

18 (E) IF REQUESTED BY AN INDIVIDUAL WHO IS A VETERAN OF THE
19 ARMED FORCES OF THIS STATE, ANOTHER STATE, OR THE UNITED STATES, A
20 DESIGNATION THAT THE INDIVIDUAL IS A VETERAN. THE DESIGNATION SHALL
21 BE IN A STYLE AND FORMAT CONSIDERED APPROPRIATE BY THE SECRETARY OF
22 STATE AND MAY DESIGNATE THE MILITARY BRANCH OF WHICH THE INDIVIDUAL
23 WAS A MEMBER. THE SECRETARY OF STATE SHALL REQUIRE PROOF OF THE
24 INDIVIDUAL'S STATUS AS A VETERAN BEFORE PROVIDING THE DESIGNATION
25 REQUIRED UNDER THIS SUBSECTION. ALL OF THE FOLLOWING CONSTITUTE
26 PROOF OF THE INDIVIDUAL'S STATUS AS A VETERAN UNDER THIS
27 SUBDIVISION:

1 (i) FOR DISCHARGE FROM MILITARY SERVICE IN 1950 OR AFTER, A
2 UNITED STATES DEFENSE DEPARTMENT FORM 214, CERTIFICATE OF RELEASE
3 OR DISCHARGE FROM ACTIVE DUTY (DD 214), OR A CORRECTION TO DD 214
4 FORM (DD 215).

5 (ii) FOR DISCHARGE FROM MILITARY SERVICE BEFORE 1950, A
6 SEPARATION DOCUMENT OR FORM ISSUED BY A BRANCH OR DEPARTMENT OF THE
7 UNITED STATES ARMED SERVICES.

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

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

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

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

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

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

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

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

25 (c) If the intent of the reproduction, alteration,
26 counterfeiting, forging, duplication, or use is to commit or aid in
27 the commission of an offense that is a misdemeanor punishable by

1 imprisonment for less than 6 months, the person committing the
2 reproduction, alteration, counterfeiting, forging, duplication, or
3 use is guilty of a misdemeanor punishable by imprisonment for not
4 more than 1 year or a fine of not more than \$2,000.00, or both.

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

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

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

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

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

13 (13) An operator or chauffeur may indicate on the license in a
14 place designated by the secretary of state his or her blood type,
15 emergency contact information, immunization data, medication data,
16 or a statement that the licensee is deaf.

17 (14) An operator or chauffeur may indicate on the license in a
18 place designated by the secretary of state that he or she has
19 designated a patient advocate in accordance with sections 5506 to
20 5515 of the estates and protected individuals code, 1998 PA 386,
21 MCL 700.5506 to 700.5515.

22 (15) If the applicant provides proof to the secretary of state
23 that he or she is a minor who has been emancipated under 1968 PA
24 293, MCL 722.1 to 722.6, the license shall bear the designation of
25 the individual's emancipated status in a manner prescribed by the
26 secretary of state.

27 (16) Subsections (8), (9), and (10) do not apply to a person

1 who is in possession of 1 or more photocopies, reproductions, or
2 duplications of a license to document the identity of the licensee
3 for a legitimate business purpose.

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

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

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