SENATE BILL NO. 631

November 05, 2019, Introduced by Senators CHANG, BRINKS, GEISS, MOSS, ALEXANDER, BULLOCK, IRWIN, BAYER, SANTANA and MCCANN and referred to the Committee on Government Operations.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code,"
by amending sections 51a, 307, and 314 (MCL 257.51a, 257.307, and 257.314), section 51a as amended by 2008 PA 7, section 307 as amended by 2018 PA 604, and section 314 as amended by 2011 PA 159, and by adding section 307c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 51a. "Resident" means every person who resides in this state. and establishes that he or she is legally present in the United States. This definition applies to the provisions of this
Sec. 307. (1) If an applicant for an operator's license or chauffeur's license to operate a noncommercial motor vehicle is a citizen of the United States, the applicant shall supply a photographic identity document, a birth certificate, or other sufficient documents as the secretary of state may require, to verify the identity and citizenship of the applicant. Except as provided in section 307c, if an applicant for an operator's or chauffeur's license is not a citizen of the United States, the applicant shall supply a photographic identity document and other sufficient documents to verify the identity of the applicant and the applicant's legal presence in the United States under subdivision (b). The documents required under this subsection must include the applicant's full legal name, date of birth, and address and residency and demonstrate that the applicant is a citizen of the United States or is legally present in the United States. If the applicant's full legal name differs from the name of the applicant that appears on a document presented under this subsection, the applicant shall present documents to verify his or her current full legal name. The secretary of state shall accept as 1 of the required identification documents an identification card issued by the department of corrections to prisoners who are placed on parole or released from a correctional facility, containing the prisoner's legal name, photograph, and other information identifying the prisoner as provided in section 37(4) of the corrections code of 1953, 1953 PA 232, MCL 791.237. An application for an operator's or chauffeur's license must be made in a manner prescribed by the secretary of state and must contain all of the following:
(a) The applicant's full legal name, date of birth, residence address, height, sex, eye color, signature, intent to make an anatomical gift, other information required or permitted on the license under this chapter, and, only to the extent required to comply with federal law, the applicant's Social Security number. The applicant may provide a mailing address if the applicant receives mail at an address different from his or her residence address.

(b) If the applicant is not a citizen of the United States, the applicant shall provide, and the department shall verify, documents demonstrating his or her legal presence in the United States. Nothing in this act shall obligate or be construed to obligate this state to comply with title II of the real ID act of 2005, Public Law 109-13. The secretary of state may adopt rules under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, as are necessary for the administration of this subdivision. A determination by the secretary of state that an applicant is not legally present in the United States may be appealed under section 631 of the revised judicature act of 1961, 1961 PA 236, MCL 600.631. The secretary of state shall not issue an operator's license or a chauffeur's license to an applicant described in this subdivision for a term that exceeds the duration of the applicant's legal presence in the United States.

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

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

(d) For an original or renewal operator's or chauffeur's
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 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.

(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.

(g) For automatic voter registration purposes under section
493a of the Michigan election law, 1954 PA 116, MCL 168.493a, a
space for the applicant to indicate on the application or change of
address application whether he or she is a citizen of the United
States.

(h) A space to allow the applicant to indicate that the
applicant declines to use the application as a voter registration
application.

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

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

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

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

(d) By the secretary of state for forwarding to the department of state police as provided in section 5c of 1927 PA 372, MCL 28.425c.

(e) By the secretary of state for forwarding to the department of licensing and regulatory affairs the images of applicants for an official state registry identification card issued under section 6 of the Michigan medical marihuana act, Medical Marihuana Act, 2008 IL 1, MCL 333.26426, if the department of licensing and regulatory affairs promulgates rules requiring a photograph as a design element for an official state registry identification card.

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

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

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

(a) If the applicant is not a participant in the anatomical gift donor registry program, specifically inquire, either orally or in writing, whether the applicant wishes to participate in the anatomical gift donor registry program under part 101 of the public health code, 1978 PA 368, MCL 333.10101 to 333.10123. If the secretary of state or an employee of the secretary of state fails to inquire whether an applicant wishes to participate in the anatomical gift donor registry program as required by this subdivision, neither the secretary of state nor the employee is civilly or criminally liable for the failure to make the inquiry.

(b) Provide the applicant with all of the following:

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

(ii) Information describing the anatomical gift donor registry program under part 101 of the public health code, 1978 PA 368, MCL 333.10101 to 333.10123. The information required under this subparagraph includes the address and telephone number of Michigan's federally designated organ procurement organization as that term is defined in section 10102 of the public health code, 1978 PA 368, MCL 333.10102, or its successor organization.
(iii) Information giving the applicant the opportunity to be placed on the donor registry described in subparagraph (ii).

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

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

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

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

(b) Providing printed material to an applicant who personally appears at a secretary of state branch office, or inquiring orally.

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

(6) The secretary of state shall maintain a record of an individual who indicates a willingness to have his or her name placed on the donor registry described in subsection (4)(b)(ii). Information about an applicant's indication of a willingness to have his or her name placed on the donor registry that is obtained by the secretary of state under subsection (4) and forwarded under subsection (14) is exempt from disclosure under section 13(1)(d) of the freedom of information act, 1976 PA 442, MCL 15.243. The secretary of state is not required to maintain a record of an
individual who does not indicate a willingness to have his or her
name placed on the donor registry described in subsection (4)(b)(ii)
or an individual who does not respond to an inquiry under
subsection (4)(a).

(7) If an application is received from a person previously
licensed in another jurisdiction, the secretary of state shall
request a copy of the applicant's driving record and other
available information from the National Driver Register. When
received, the driving record and other available information become
a part of the driver's record in this state.

(8) If a person applies for a commercial learner's permit for
an original vehicle group designation or endorsement to operate a
commercial motor vehicle, the secretary of state may verify the
person's identity, may require proof of Michigan domicile under 49
CFR 383.5, and may verify the person's proof of United States
citizenship or proof of lawful permanent residency as required
under 49 CFR 383.71 and 383.73, if that information is not on the
person's Michigan driving record. If a person applies for a renewal
of an operator's or chauffeur's license to operate a commercial
motor vehicle, the secretary of state may verify the person's
identity, may require proof of Michigan domicile under 49 CFR
383.5, and may verify the person's proof of citizenship or lawful
permanent residency under 49 CFR 383.71 and 383.73, if that
information is not on the person's Michigan driving record. If a
person applies for an upgrade of a vehicle group designation or
endorsement, the secretary of state may verify the person's
identity, may require proof of Michigan domicile under 49 CFR
383.5, and may verify the person's proof of citizenship or lawful
permanent residency under 49 CFR 383.71 and 383.73, if that
information is not on the person's Michigan driving record. 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. 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 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. The secretary of state shall also check the applicant's driving record with the National Driver Register and the federal Commercial Driver's License Information System before issuing that group designation or indorsement.

(9) Except for a vehicle group designation or indorsement or as provided in this subsection or section 314(5), the secretary of state may, by mail or by other methods prescribed by the secretary of state, issue a renewal operator's or chauffeur's license for 1 additional 4-year period or, except for a license issued under section 307c, until the person is no longer determined to be legally present under this section. by mail or by other methods
prescribed by the secretary of state. The secretary of state may check the applicant's driving record through the National Driver Register and the Commercial Driver's License Information System before issuing a license under this section. The secretary of state shall issue a renewal license only in person if the person is a person required under section 5a of the sex offenders registration act, 1994 PA 295, MCL 28.725a, to maintain a valid operator's or chauffeur's license or official state personal identification card. If a license is renewed by mail or by other method, the secretary of state shall issue evidence of renewal to indicate the date the license expires in the future. The department of state police shall provide to the secretary of state updated lists of persons required under section 5a of the sex offenders registration act, 1994 PA 295, MCL 28.725a, to maintain a valid operator's or chauffeur's license or official state personal identification card.

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

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

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

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

(c) To check an applicant's driving record through the National Driver Register and the Commercial Driver's License Information System.
Information System when issuing a license under this act.

(d) With the department of health and human services, for comparison with vital records maintained by the department of health and human services under part 28 of the public health code, 1978 PA 368, MCL 333.2801 to 333.2899.

(e) As otherwise required by law.

(12) The secretary of state shall not display a person's Social Security number on the person's operator's or chauffeur's license.

(13) A requirement under this section to include a Social Security number on an application does not apply to an applicant who demonstrates that he or she is exempt under law from obtaining a Social Security number or to an applicant under section 307c.

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

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

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

(17) The secretary of state shall do all of the following:
   (a) Ensure the physical security of locations where operator's
       licenses and chauffeur's licenses are produced and the security of
       document materials and papers from which operator's licenses and
       chauffeur's licenses are produced.
   (b) Subject all persons authorized to manufacture or produce
       operator's licenses or chauffeur's licenses and all persons who
       have the ability to affect the identity information that appears on
       operator's licenses or chauffeur's licenses to appropriate security
       clearance requirements. The security requirements of this
       subdivision and subdivision (a) may require that licenses be
       manufactured or produced in this state.
   (c) Provide fraudulent document recognition programs to
       department of state employees engaged in the issuance of operator's
       licenses and chauffeur's licenses.

(18) The secretary of state shall have electronic access to
prisoner information maintained by the department of corrections
for the purpose of verifying the identity of a prisoner who applies
for an operator's or chauffeur's license under subsection (1).

Sec. 307c. (1) Notwithstanding section 307, the department
shall issue an operator's license to operate a noncommercial motor
vehicle to an applicant who is unable to submit sufficient
documents to verify his or her identity and legal presence in the
United States as required under section 307 or who chooses not to
obtain an operator's license that meets the criteria under the real
ID act of 2005, Public Law 109-13, if the applicant satisfies all other requirements of this section, the requirements of section 307 other than legal presence in the United States and providing a Social Security number, and the rules promulgated by the department under subsection (2).

(2) The department shall, in consultation with appropriate interested parties including, but not limited to, law enforcement and immigrants' rights representatives, promulgate rules under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, for all of the following purposes:

(a) Identifying documents that are acceptable to the department for the purpose of proving identity or Michigan residency, subject to subsection (3).

(b) Establishing procedures for verifying the authenticity of the documents described in subdivision (a).

(c) Issuing a temporary operator's license pending the verification of any document's authenticity.

(d) Establishing a hearing process for an applicant to appeal the denial of an operator's license or temporary operator's license under this section.

(3) Acceptable documents for purposes of proving identity or Michigan residency must include, but are not limited to, all of the following:

(a) A valid unexpired consular identification document issued by a consulate from the applicant's country of citizenship or a valid unexpired passport from the applicant's country of citizenship.

(b) An original birth certificate or other proof of age. If an original birth certificate is in a language other than English, the
applicant shall provide a certified translation of the birth certificate.

(c) A home utility bill, lease or rental agreement, or other proof of Michigan residence.

(d) One or more of the following documents that, if in a language other than English, must be accompanied by a certified translation or an affidavit of translation into English:

(i) A marriage license or divorce certificate.

(ii) A foreign federal electoral photo card issued on or after January 1, 1991.

(iii) A foreign driver license.


(f) An official school or college transcript that includes the applicant's date of birth, or an official foreign school record that includes a photograph of the applicant at the age the record was issued.

(g) A United States Department of Homeland Security form I-20 or form DS-2019.

(h) A deed or title to real property.

(i) A property tax bill or statement issued within the 12 months preceding the date of application.

(j) An income tax return.

(4) An operator's license issued under this section, including a temporary operator's license, must include a recognizable feature on the front of the license indicating that it is not valid for official federal purposes, and must also contain an indication that the license is not valid for official federal purposes in
electronic or machine-readable codes. The feature on the front of
the license and the indication in electronic or machine-readable
codes must be indistinguishable from other licenses issued by the
secretary of state that are not valid for federal purposes pursuant

(5) A person shall not discriminate against an individual
because that individual holds or presents an operator's license or
a temporary operator's license issued under this section.

(6) A police officer shall not detain, arrest, penalize, or
discriminate against an individual based solely on that
individual's presentation of an operator's license or a temporary
operator's license issued under this section.

(7) Except when necessary to comply with a judicially issued
warrant or subpoena, information collected under this section is
exempt from disclosure under the freedom of information act, 1976
PA 442, MCL 15.231 to 15.246.

(8) Notwithstanding any other provision of law, information
regarding an applicant's Social Security number or ineligibility
for a Social Security number obtained by the department under this
section is exempt from disclosure under the freedom of information
act, 1976 PA 442, MCL 15.231 to 15.246.

(9) This section and documents prepared under this section do
not grant an individual who is not a United States citizen the
right to vote.

(10) As used in this section, "Michigan residency" means that
an individual maintains a settled home or domicile in this state at
which the individual resides, except for a temporary absence.
Michigan residency does not require that the individual be a United
States citizen or lawfully present in the United States.
Sec. 314. (1) Except as otherwise provided in this section, operator's licenses and chauffeur's licenses expire on the birthday of the person to whom the license is issued in the fourth year following the date of the issuance of the license or, except for a license issued under section 307c, on the date the person is no longer considered to be legally present in the United States under section 307, whichever is earlier, unless suspended or revoked before that date. A license must not be issued for a period longer than 4 years. A person holding a license at any time 12 months before the expiration of his or her license may apply for a new license as provided for in this chapter. A knowledge test for an original group designation or indorsement may be taken at any time during this period and the results are valid for 12 months. A license renewed under this subsection must be renewed for the time remaining on the license before its renewal combined with the 4-year renewal period.

(2) The first operator's license issued to a person who at the time of application is less than 20-1/2 years of age expires on the licensee's twenty-first birthday or, except for a license issued under section 307c, on the date the person is no longer considered to be legally present in the United States under section 307, whichever is earlier, unless suspended or revoked.

(3) The first chauffeur's license issued to a person expires on the licensee's birthday in the fourth year following the date of issuance or on the date the person is no longer considered to be legally present in the United States under section 307, whichever is earlier, unless the license is suspended or revoked before that date. The chauffeur's license of a person who at the time of application is less than 20-1/2 years of age expires on the
licensee's twenty-first birthday or on the date the person is no longer considered to be legally present in the United States under section 307, whichever is earlier, unless suspended or revoked. A subsequent chauffeur's license expires on the birthday of the person to whom the license is issued in the fourth year following the date of issuance of the license or on the date the person is no longer considered to be legally present in the United States under section 307, whichever is earlier, unless the license is suspended or revoked before that date.

(4) A person may apply for an extension of his or her driving privileges if he or she is out of state on the date that his or her operator's or chauffeur's license expires. The extension may extend the license for 180 days beyond the expiration date or not more than 2 weeks after the applicant returns to Michigan, whichever occurs first. This subsection does not apply to a person who fails to meet the requirements of 49 CFR parts 383 and 391 with regard to medical certification documentation requirements.

(5) The secretary of state may issue a renewal operator's or chauffeur's license to a person who will be out of state for more than 180 days beyond the expiration date of his or her operator's or chauffeur's license, if the secretary of state has a digital image of the person on file. The applicant for this renewal shall submit a statement evidencing a vision examination in accordance with the rules promulgated by the secretary of state under section 309 and any other statement required by this act or federal law. A person is not eligible for consecutive renewals of a license under this subsection. This subsection does not apply to a person who fails to meet the requirements of 49 CFR parts 383 and 391 with regard to medical certification documentation requirements, or a
person with a hazardous material indorsement on his or her operator's or chauffeur's license.

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

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.