

HOUSE BILL NO. 4764

May 04, 2021, Introduced by Reps. Whitsett, O'Malley, Berman, Cambensy, O'Neal, Coleman, Tyrone Carter, Garza, Hertel, Hoitenga, Markkanen and Jones 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 2020 PA 304.

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

1 chauffeur's license before the indorsement or vehicle group
2 designation application is accepted and processed. An original
3 license or the first renewal of an existing license issued to a
4 person less than 21 years of age must be portrait or vertical in
5 form and a license issued to a person 21 years of age or over must
6 be landscape or horizontal in form.

7 (2) The license issued under subsection (1) must contain all
8 of the following:

9 (a) The distinguishing number permanently assigned to the
10 licensee.

11 (b) Except as provided in section 310f, the full legal name,
12 date of birth, address of residence, height, eye color, sex,
13 digital photographic image, expiration date, and signature of the
14 licensee.

15 (c) In the case of a licensee who has indicated his or her
16 wish to participate in the anatomical gift donor registry under
17 part 101 of the public health code, 1978 PA 368, MCL 333.10101 to
18 333.10123, a heart insignia on the front of the license.

19 (d) Physical security features designed to prevent tampering,
20 counterfeiting, or duplication of the license for fraudulent
21 purposes.

22 (e) If requested by an individual who is a veteran of the
23 armed forces of this state, another state, or the United States, a
24 designation that the individual is a veteran. The designation must
25 be in a style and format considered appropriate by the secretary of
26 state. The secretary of state shall require proof of discharge or
27 separation of service from the armed forces of this state, another
28 state, or the United States, and the nature of that discharge, for
29 the purposes of verifying an individual's status as a veteran under

1 this subdivision. The secretary of state shall consult with the
2 department of military and veterans affairs in determining the
3 proof that must be required to identify an individual's status as a
4 veteran for the purposes of this subsection. The secretary of state
5 may provide the department of military and veterans affairs and
6 agencies of the counties of this state that provide veteran
7 services with information provided by an applicant under this
8 subsection for the purpose of veterans' benefits eligibility
9 referral.

10 **(f) If requested by an individual issued a concealed pistol**
11 **license under 1927 PA 372, MCL 28.421 to 28.435, a designation that**
12 **the individual has a concealed pistol license. The designation must**
13 **be in a style and format considered appropriate by the secretary of**
14 **state. The secretary of state shall require proof of the**
15 **individual's unexpired concealed pistol license for purposes of**
16 **verifying that the individual's license is eligible for the**
17 **concealed pistol license designation under this subdivision. The**
18 **secretary of state may consult with the county clerk in which the**
19 **individual resides for purposes of verifying the status of an**
20 **individual's concealed pistol license. A concealed pistol license**
21 **designation may be removed from an individual's license at the**
22 **request of that individual or by the secretary of state if the**
23 **secretary of state determines that the individual's concealed**
24 **pistol license has expired.**

25 (3) Except as otherwise required under this chapter, other
26 information required on the license under this chapter may appear
27 on the license in a form prescribed by the secretary of state.

28 (4) The license must not contain a fingerprint or finger image
29 of the licensee.

1 (5) A digitized license may contain an identifier for voter
2 registration purposes. The digitized license may contain
3 information appearing in electronic or machine-readable codes
4 needed to conduct a transaction with the secretary of state. The
5 information must be limited to the information described in
6 subsection (2) (a) and (b) except for the person's digital
7 photographic image and signature, state of issuance, license
8 expiration date, and other information necessary for use with
9 electronic devices, machine readers, or automatic teller machines
10 and must not contain the driving record or other personal
11 identifier. The license must identify the encoded information.

12 (6) The license must be manufactured in a manner to prohibit
13 as nearly as possible the ability to reproduce, alter, counterfeit,
14 forge, or duplicate the license without ready detection. In
15 addition, a license with a vehicle group designation must contain
16 the information required under 49 CFR part 383.

17 (7) Except as provided in subsection (11), a person ~~who~~**that**
18 intentionally reproduces, alters, counterfeits, forges, or
19 duplicates a license photograph, the negative of the photograph,
20 image, license, or electronic data contained on a license or a part
21 of a license or who uses a license, image, or photograph that has
22 been reproduced, altered, counterfeited, forged, or duplicated is
23 subject to 1 of the following:

24 (a) If the intent of the reproduction, alteration,
25 counterfeiting, forging, duplication, or use is to commit or aid in
26 the commission of an offense that is a felony punishable by
27 imprisonment for 10 or more years, the person committing the
28 reproduction, alteration, counterfeiting, forging, duplication, or
29 use is guilty of a felony, punishable by imprisonment for not more

1 than 10 years or a fine of not more than \$20,000.00, or both.

2 (b) If the intent of the reproduction, alteration,
3 counterfeiting, forging, duplication, or use is to commit or aid in
4 the commission of an offense that is a felony punishable by
5 imprisonment for less than 10 years or a misdemeanor punishable by
6 imprisonment for 6 months or more, the person committing the
7 reproduction, alteration, counterfeiting, forging, duplication, or
8 use is guilty of a felony, punishable by imprisonment for not more
9 than 5 years, or a fine of not more than \$10,000.00, or both.

10 (c) 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 misdemeanor punishable by
13 imprisonment for less than 6 months, the person committing the
14 reproduction, alteration, counterfeiting, forging, duplication, or
15 use is guilty of a misdemeanor punishable by imprisonment for not
16 more than 1 year or a fine of not more than \$2,000.00, or both.

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

24 (9) Except as provided in subsections (11) and (16), a person
25 ~~who~~**that** is in possession of 2 or more reproduced, altered,
26 counterfeited, forged, or duplicated license photographs, negatives
27 of the photograph, images, licenses, or electronic data contained
28 on a license or part of a license is guilty of a felony punishable
29 by imprisonment for not more than 5 years or a fine of not more

1 than \$10,000.00, or both.

2 (10) Except as provided in subsection (16), a person ~~who~~**that**
3 is in possession of a reproduced, altered, counterfeited, forged,
4 or duplicated license photograph, negative of the photograph,
5 image, license, or electronic data contained on a license or part
6 of a license is guilty of a misdemeanor punishable by imprisonment
7 for not more than 1 year or a fine of not more than \$2,000.00, or
8 both.

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

12 (12) The secretary of state, upon determining after an
13 examination that an applicant is mentally and physically qualified
14 to receive a license, may issue the applicant a temporary driver's
15 permit. The temporary driver's permit entitles the applicant, while
16 having the permit in his or her immediate possession, to operate a
17 motor vehicle upon the highway for a period not exceeding 60 days
18 before the secretary of state has issued the applicant an
19 operator's or chauffeur's license. The secretary of state may
20 establish a longer duration for the validity of a temporary
21 driver's permit if necessary to accommodate the process of
22 obtaining a background check that is required for an applicant by
23 federal law.

24 (13) An operator or chauffeur may indicate on the license in a
25 place designated by the secretary of state his or her blood type,
26 emergency contact information, immunization data, medication data,
27 or a statement that the licensee is deaf. The secretary of state
28 shall not require an applicant for an original or renewal
29 operator's or chauffeur's license to provide emergency contact

1 information as a condition of obtaining a license. However, the
2 secretary of state may inquire whether an operator or chauffeur
3 would like to provide emergency contact information and, beginning
4 July 1, 2021, shall allow an operator or chauffeur that meets the
5 requirements of subsection (21) to elect a communication impediment
6 designation. Emergency contact information obtained under this
7 subsection must be disclosed only to a state or federal law
8 enforcement agency for law enforcement purposes or to the extent
9 necessary for a medical emergency. The secretary of state shall
10 develop and shall, in conjunction with the department of state
11 police, implement a process using the L.E.I.N. or any other
12 appropriate system that limits access to law enforcement that would
13 allow law enforcement agencies of this state to access emergency
14 contact information and, beginning July 1, 2021, to view a
15 communication impediment designation that the holder of an
16 operator's license has voluntarily provided to the secretary of
17 state.

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

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

28 (16) Subsections (8), (9), and (10) do not apply to a person
29 ~~who~~ **that** is in possession of 1 or more photocopies, reproductions,

1 or duplications of a license to document the identity of the
2 licensee for a legitimate business purpose.

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

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

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

24 (20) If an operator's or chauffeur's license is issued to an
25 individual described in section 307(1)(b) who has temporary lawful
26 status, the license must be issued in compliance with 6 CFR 37.21
27 or in compliance with the process established to comply with 6 CFR
28 37.71 by the secretary of state.

29 (21) An operator or chauffeur seeking an election for a

1 communication impediment designation under subsection (13) shall
2 provide to the secretary of state a certification that meets all of
3 the following:

4 (a) Is signed by a physician, physician assistant, certified
5 nurse practitioner, or physical therapist licensed to practice in
6 this state.

7 (b) Identifies the individual for whom the communication
8 impediment designation is being elected.

9 (c) Attests to the nature of the communication impediment.

10 (22) A person ~~who~~**that** intentionally makes a false statement
11 of material fact or commits or attempts to commit a deception or
12 fraud on a statement described under subsection (21) is guilty of a
13 misdemeanor punishable by imprisonment for not more than 30 days or
14 a fine of not more than \$500.00, or both.

15 (23) Subject to subsection (24), the secretary of state may
16 cancel or revoke a communication impediment designation elected and
17 maintained under this section if either of the following
18 circumstances applies:

19 (a) The secretary of state determines that a communication
20 impediment designation was fraudulently or erroneously elected.

21 (b) The secretary of state determines the communication
22 impediment designation was abused during a traffic stop.

23 (24) The secretary of state shall provide the operator or
24 chauffeur notice and an opportunity to be heard before canceling or
25 revoking a communication impediment designation under subsection
26 (23).

27 (25) As used in this section:

28 (a) "Communication impediment" means the operator or chauffeur
29 has a health condition that may impede communication with a police

1 officer during a traffic stop, including, but not limited to, any
2 of the following:

3 (i) Deafness or hearing loss.

4 (ii) An autism spectrum disorder.

5 (b) "Emergency contact information" means the name, telephone
6 number, or address of an individual that is used for the sole
7 purpose of contacting that individual when the holder of an
8 operator's license has been involved in an emergency.

9 (c) "Temporary lawful status" means that term as defined in 6
10 CFR 37.3.

11 (d) "Veteran" means that term as defined in section 1 of 1965
12 PA 190, MCL 35.61.

13 Enacting section 1. This amendatory act takes effect October
14 1, 2021.