

# HOUSE BILL NO. 4191

March 07, 2023, Introduced by Reps. Aiyash, McFall, Brabec, Wilson, Rogers, Dievendorf, Edwards, Fitzgerald, Rheingans, Paiz, Scott, Wegela, Hope, Steckloff, Conlin, Tyrone Carter, Liberati, Skaggs, Snyder, Price, Weiss and Hood and referred to the Committee on Criminal Justice.

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending section 307 (MCL 257.307), as amended by 2020 PA 376.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 307. (1) ~~If~~**Except as otherwise provided in subsection**  
2           **(19), if** an applicant for an operator's license or chauffeur's  
3           license to operate a noncommercial motor vehicle is a citizen of  
4           the United States, the applicant shall supply a photographic  
5           identity document, a birth certificate, or other sufficient

1 documents as the secretary of state may require, to verify the  
2 identity and citizenship of the applicant. If an applicant for an  
3 operator's or chauffeur's license is not a citizen of the United  
4 States, the applicant shall supply a photographic identity document  
5 and other sufficient documents to verify the identity of the  
6 applicant and the applicant's legal presence in the United States  
7 under subdivision (b). The documents required under this subsection  
8 must include the applicant's full legal name, date of birth, and  
9 address and residency and demonstrate that the applicant is a  
10 citizen of the United States or is legally present in the United  
11 States. If the applicant's full legal name differs from the name of  
12 the applicant that appears on a document presented under this  
13 subsection, the applicant shall present documents to verify ~~his or~~  
14 ~~her~~ **the applicant's** current full legal name. The secretary of state  
15 shall accept as 1 of the required identification documents an  
16 identification card issued by the department of corrections to  
17 prisoners who are placed on parole or released from a correctional  
18 facility, containing the prisoner's legal name, photograph, and  
19 other information identifying the prisoner as provided in section  
20 37(4) of the corrections code of 1953, 1953 PA 232, MCL 791.237. An  
21 application for an operator's or chauffeur's license must be made  
22 in a manner prescribed by the secretary of state and must contain  
23 all of the following:

24 (a) The applicant's full legal name, date of birth, residence  
25 address, height, ~~sex,~~ **gender**, eye color, signature, intent to make  
26 an anatomical gift, other information required or permitted on the  
27 license under this chapter, and, only to the extent required to  
28 comply with federal law, the applicant's Social Security number.  
29 The applicant may provide a mailing address if the applicant

1 receives mail at an address different from ~~his or her~~ **the**  
2 **applicant's** residence address.

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

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

25 "NOTICE: Michigan law requires that the same address  
26 be used for voter registration and driver license  
27 purposes. Therefore, if the residence address  
28 you provide in this application differs from your  
29 voter registration address as it appears on the

1 qualified voter file, the secretary of state  
2 will automatically change your voter registration  
3 to match the residence address on this application,  
4 after which your voter registration at your former  
5 address will no longer be valid for voting purposes.  
6 A new voter registration card, containing the  
7 information of your polling place, will be provided  
8 to you by the clerk of the jurisdiction where your  
9 residence address is located."

10 (d) For an original or renewal operator's or chauffeur's  
11 license with a vehicle group designation or ~~indorsement,~~  
12 **endorsement**, the names of all states where the applicant has been  
13 licensed to drive any type of motor vehicle during the previous 10  
14 years.

15 (e) For an operator's or chauffeur's license with a vehicle  
16 group designation or ~~indorsement,~~**endorsement**, the following  
17 certifications by the applicant:

18 (i) The applicant meets the applicable federal driver  
19 qualification requirements under 49 CFR parts 383 and 391 or meets  
20 the applicable qualifications of the department of state police  
21 under the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11  
22 to 480.25.

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

26 (iii) The applicant is not subject to disqualification by the  
27 United States Secretary of Transportation, or a suspension,  
28 revocation, or cancellation under any state law for conviction of  
29 an offense described in section 312f or 319b.

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

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

7 (g) For automatic voter registration purposes under section  
8 493a of the Michigan election law, 1954 PA 116, MCL 168.493a, a  
9 space for the applicant to indicate on the application or change of  
10 address application whether ~~he or she~~ **the applicant** is a citizen of  
11 the United States.

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

15 (i) Beginning ~~180 days after the effective date of the~~  
16 ~~amendatory act that added this subdivision,~~ **June 27, 2021**, an  
17 applicant for an operator's or chauffeur's license who is a program  
18 participant in the address confidentiality program under the  
19 address confidentiality program act, **2020 PA 301, MCL 780.851 to**  
20 **780.873**, shall present to the secretary of state ~~his or her~~ **the**  
21 **applicant's** participation card issued under the address  
22 confidentiality program act, **2020 PA 301, MCL 780.851 to 780.873**.

23 (2) An applicant for an operator's or chauffeur's license may  
24 have ~~his or her~~ **the applicant's** image and signature captured or  
25 reproduced when the application for the license is made. The  
26 secretary of state shall acquire equipment purchased or leased  
27 under this section under standard purchasing procedures of the  
28 department of technology, management, and budget based on standards  
29 and specifications established by the secretary of state. The

1 secretary of state shall not purchase or lease equipment until an  
2 appropriation for the equipment has been made by the legislature. A  
3 digital photographic image and signature captured under this  
4 section must appear on the applicant's operator's license or  
5 chauffeur's license. An individual's digital photographic image and  
6 signature ~~shall~~**must** be used as follows:

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

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

11 (c) By the secretary of state for forwarding to the department  
12 of state police the images of persons required to be registered  
13 under the sex offenders registration act, 1994 PA 295, MCL 28.721  
14 to ~~28.736~~**28.730**, upon the department of state police providing  
15 the secretary of state an updated list of the names of those  
16 persons.

17 (d) By the secretary of state for forwarding to the department  
18 of state police as provided in section 5c of 1927 PA 372, MCL  
19 28.425c.

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

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

29 (3) An application must contain a signature or verification

1 and certification by the applicant, as determined by the secretary  
2 of state, and must be accompanied by the proper fee. The secretary  
3 of state shall collect the application fee with the application.  
4 The secretary of state shall refund the application fee to the  
5 applicant if the license applied for is denied, but shall not  
6 refund the fee to an applicant who fails to complete the  
7 examination requirements of the secretary of state within 90 days  
8 after the date of application for a license.

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

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

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

23 (i) Information explaining the applicant's right to make an  
24 anatomical gift in the event of death in accordance with section  
25 310.

26 (ii) Information describing the anatomical gift donor registry  
27 program under part 101 of the public health code, 1978 PA 368, MCL  
28 333.10101 to 333.10123. The information required under this  
29 subparagraph includes the address and telephone number of

1 Michigan's federally designated organ procurement organization as  
2 that term is defined in section 10102 of the public health code,  
3 1978 PA 368, MCL 333.10102, or its successor organization.

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

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

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

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 of  
19 an operator's or chauffeur's license.

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

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

24 (6) The secretary of state shall maintain a record of an  
25 individual who indicates a willingness to have ~~his or her~~ **the**  
26 **individual's** name placed on the donor registry described in  
27 subsection (4) (b) (ii). Information about an applicant's indication  
28 of a willingness to have ~~his or her~~ **the applicant's** name placed on  
29 the donor registry that is obtained by the secretary of state under



1 subsection (4) and forwarded under subsection (14) is exempt from  
2 disclosure under section 13(1)(d) of the freedom of information  
3 act, 1976 PA 442, MCL 15.243. The secretary of state is not  
4 required to maintain a record of an individual who does not  
5 indicate a willingness to have ~~his or her~~ **the individual's** name  
6 placed on the donor registry described in subsection (4)(b)(ii) or  
7 an individual who does not respond to an inquiry under subsection  
8 (4)(a).

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

15 (8) If an individual applies for a commercial learner's permit  
16 for an original vehicle group designation or ~~indorsement~~  
17 **endorsement** to operate a commercial motor vehicle, the secretary of  
18 state may verify the individual's identity, may require proof of  
19 Michigan domicile under 49 CFR 383.5, and may verify the  
20 individual's proof of United States citizenship or proof of lawful  
21 permanent residency as required under 49 CFR 383.71 and 383.73, if  
22 that information is not on the individual's Michigan driving  
23 record. If an individual applies for a renewal of an operator's or  
24 chauffeur's license to operate a commercial motor vehicle, the  
25 secretary of state may verify the individual's identity, may  
26 require proof of Michigan domicile under 49 CFR 383.5, and may  
27 verify the individual's proof of citizenship or lawful permanent  
28 residency under 49 CFR 383.71 and 383.73, if that information is  
29 not on the individual's Michigan driving record. If an individual

1 applies for an upgrade of a vehicle group designation or  
2 ~~indorsement,~~ **endorsement**, the secretary of state may verify the  
3 individual's identity, may require proof of Michigan domicile under  
4 49 CFR 383.5, and may verify the individual's proof of citizenship  
5 or lawful permanent residency under 49 CFR 383.71 and 383.73, if  
6 that information is not on the individual's Michigan driving  
7 record. The secretary of state shall request the individual's  
8 complete driving record from all states where the applicant was  
9 previously licensed to drive any type of motor vehicle over the  
10 last 10 years before issuing a vehicle group designation or  
11 ~~indorsement~~ **endorsement** to the applicant. If the applicant does not  
12 hold a valid commercial motor vehicle driver license from a state  
13 where ~~he or she~~ **the applicant** was licensed in the last 10 years,  
14 this complete driving record request must be made not earlier than  
15 24 hours before the secretary of state issues the applicant a  
16 vehicle group designation or ~~indorsement.~~ **endorsement**. For all  
17 other drivers, this request must be made not earlier than 10 days  
18 before the secretary of state issues the applicant a vehicle group  
19 designation or ~~indorsement.~~ **endorsement**. If the application is for  
20 the renewal of a vehicle group designation or ~~indorsement,~~  
21 **endorsement**, and if the secretary of state enters on the  
22 individual's driving record maintained under section 204a a  
23 notation that the request was made and the date of the request, the  
24 secretary of state is required to request the applicant's complete  
25 driving record from other states only once under this section. The  
26 secretary of state shall also check the applicant's driving record  
27 with the National Driver Register and the federal Commercial  
28 Driver's License Information System before issuing that group  
29 designation or ~~indorsement.~~ **endorsement**.

1           (9) The secretary of state may issue a renewal operator's or  
2 chauffeur's license for 1 additional 4-year period or beginning on  
3 July 1, 2021, for 2 additional 4-year periods, or until the  
4 individual is no longer determined to be legally present under this  
5 section by mail or by other methods prescribed by the secretary of  
6 state. The secretary of state may check the applicant's driving  
7 record through the National Driver Register and the Commercial  
8 Driver's License Information System before issuing a license under  
9 this section. The secretary of state shall issue a renewal license  
10 only in person if the individual is an individual required under  
11 section 5a of the sex offenders registration act, 1994 PA 295, MCL  
12 28.725a, to maintain a valid operator's or chauffeur's license or  
13 official state personal identification card. If a license is  
14 renewed by mail or by other method, the secretary of state shall  
15 issue evidence of renewal to indicate the date the license expires  
16 in the future. The department of state police shall provide to the  
17 secretary of state updated lists of individuals required under  
18 section 5a of the sex offenders registration act, 1994 PA 295, MCL  
19 28.725a, to maintain a valid operator's or chauffeur's license or  
20 official state personal identification card.

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

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

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

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

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

7 (d) With the department of health and human services, for  
8 comparison with vital records maintained by the department of  
9 health and human services under part 28 of the public health code,  
10 1978 PA 368, MCL 333.2801 to 333.2899.

11 (e) As otherwise required by law.

12 (12) The secretary of state shall not display an individual's  
13 Social Security number on the individual's operator's or  
14 chauffeur's license.

15 (13) A requirement under this section to include a Social  
16 Security number on an application does not apply to an applicant  
17 who demonstrates that ~~he or she~~ **the applicant** is exempt under law  
18 from obtaining a Social Security number.

19 (14) As required in section 10120 of the public health code,  
20 1978 PA 368, MCL 333.10120, the secretary of state shall maintain  
21 the donor registry in a manner that provides electronic access,  
22 including, but not limited to, the transfer of data to this state's  
23 federally designated organ procurement organization or its  
24 successor organization, tissue banks, and eye banks, in a manner  
25 that complies with that section.

26 (15) The secretary of state, with the approval of the state  
27 administrative board created under 1921 PA 2, MCL 17.1 to 17.3, may  
28 enter into agreements with the United States government to verify  
29 whether an applicant for an operator's license or a chauffeur's

1 license under this section who is not a citizen of the United  
2 States is authorized under federal law to be present in the United  
3 States.

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

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

11 (a) Ensure the physical security of locations where operator's  
12 licenses and chauffeur's licenses are produced and the security of  
13 document materials and papers from which operator's licenses and  
14 chauffeur's licenses are produced.

15 (b) Subject all persons authorized to manufacture or produce  
16 operator's licenses or chauffeur's licenses and all persons who  
17 have the ability to affect the identity information that appears on  
18 operator's licenses or chauffeur's licenses to appropriate security  
19 clearance requirements. The security requirements of this  
20 subdivision and subdivision (a) may require that licenses be  
21 manufactured or produced in this state.

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

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

29 **(19) Beginning October 1, 2023, on receipt of application**

1 documents required under subsection (1), a prisoner's photograph,  
2 and information on the projected date a prisoner will be released  
3 on parole or discharged upon completion of the prisoner's maximum  
4 sentence from the department of corrections as provided under  
5 section 34c of the corrections code of 1953, 1953 PA 232, MCL  
6 791.234c, the secretary of state shall, to the extent possible,  
7 issue an operator's license to the prisoner, if the prisoner is  
8 eligible to be issued an operator's license under this act. The  
9 secretary of state shall do any of the following:

10 (a) Deliver the operator's license issued pursuant to this  
11 section to the department of corrections before the projected date  
12 the prisoner issued the operator's license is scheduled to be  
13 released on parole or discharged upon the completion of the  
14 prisoner's maximum sentence.

15 (b) Mail the operator's license issued pursuant to this  
16 section as soon as possible to the department of corrections. This  
17 subdivision applies if both of the following conditions are met:

18 (i) The secretary could not comply with subdivision (a).

19 (ii) The prisoner is already released on parole or discharged  
20 upon the completion of the prisoner's maximum sentence.

21 Enacting section 1. This amendatory act does not take effect  
22 unless all of the following bills of the 102nd Legislature are  
23 enacted into law:

24 (a) Senate Bill No. \_\_\_\_ or House Bill No. 4193 (request no.  
25 01227'23).

26 (b) Senate Bill No. \_\_\_\_ or House Bill No. 4192 (request no.  
27 01312'23).