

HOUSE BILL NO. 4410

April 13, 2023, Introduced by Reps. Aiyash, Hood, Fitzgerald, Dievendorf, Hoskins, Farhat, Glanville, Weiss, Tyrone Carter, Pohutsky, Grant, Price, Neeley, O'Neal, Byrnes, Paiz, MacDonell, Stone, Young, Skaggs, Hope, Arbit, Morse, Rheingans, Scott, McKinney, McFall, Hill and Rogers and referred to the Committee on Regulatory Reform.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 50a, 51a, 232, 302, 303, 307, and 314 (MCL 257.50a, 257.51a, 257.232, 257.302, 257.303, 257.307, and 257.314), sections 50a and 51a as amended by 2008 PA 7, section 232 as amended by 2022 PA 223, section 302 as amended by 2018 PA 428, sections 303 and 307 as amended by 2020 PA 376, and section 314 as amended by 2021 PA 71.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 50a. "Residence address" means the place that is the

1 settled home or domicile at which ~~a person legally~~ **an individual**
2 resides as defined in section 11 of the Michigan election law, 1954
3 PA 116, MCL 168.11.

4 Sec. 51a. "Resident" means every ~~person~~ **individual** who resides
5 in **a settled or permanent home with the intention of remaining in**
6 this state. ~~and establishes that he or she is legally present in~~
7 ~~the United States.~~ This definition applies to the provisions of
8 this act only. **For purposes of this act, the citizenship or**
9 **immigration status of an individual must not be considered in**
10 **determining whether the individual is a resident of this state.**

11 Sec. 232. (1) Upon request, the secretary of state may furnish
12 a list of information from the records of the department maintained
13 under this act to a federal, state, or local governmental agency
14 for use in carrying out the agency's functions, or to a private
15 person or entity acting on behalf of a governmental agency for use
16 in carrying out the agency's functions. The secretary of state may
17 charge the requesting agency a preparation fee to cover the cost of
18 preparing and furnishing a list provided under this subsection if
19 the cost of preparation exceeds \$25.00, and use the revenues
20 received from the service to defray necessary expenses. If the
21 secretary of state sells a list of information under this
22 subsection to a member of the state legislature, the secretary of
23 state shall charge the same fee as the fee for the sale of
24 information under subsection (2) unless the list of information is
25 requested by the member of the legislature to carry out a
26 legislative function. The secretary of state may require the
27 requesting agency to furnish 1 or more blank computer tapes,
28 cartridges, or other electronic media and may require the agency to
29 execute a written memorandum of agreement as a condition of

1 obtaining a list of information under this subsection.

2 (2) The secretary of state may contract for the sale of lists
3 of driver and motor vehicle records and other records maintained
4 under this act in bulk, in addition to those lists distributed at
5 cost or at no cost under this section for purposes permitted by and
6 described in section 208c(3). The secretary of state shall require
7 each purchaser of records in bulk to execute a written purchase
8 contract. Until October 1, 2023, the proceeds from each sale made
9 under this subsection must be credited to the transportation
10 administration collection fund created in section 810b. The
11 secretary of state shall fix a price for the sale of lists or other
12 records maintained in bulk, which may include personal information.
13 The price per 1,000 records is based on the date the records are
14 obtained and must not exceed \$25.00 after January 1, 2023.

15 (3) The secretary of state or any other state agency shall not
16 sell or furnish any list of information under subsection (2) for
17 the purpose of surveys, marketing, or solicitations. **The secretary**
18 **of state shall not furnish any list of information under subsection**
19 **(1) or (2) for the purposes of immigration enforcement.** The
20 secretary of state shall ensure that personal information disclosed
21 in bulk will be used, rented, or sold solely for uses permitted
22 under this act.

23 (4) The secretary of state may insert any safeguard the
24 secretary considers reasonable or necessary, including a bond
25 requirement, in a memorandum of agreement or purchase contract
26 executed under this section, to ensure that the information
27 provided or sold is used only for a permissible purpose and that
28 the rights of individuals and of the department are protected.

29 (5) An authorized recipient of personal information disclosed

1 under this section ~~who~~**that** resells or rediscloses the information
2 for any of the purposes permitted by and described in section
3 208c(3) shall do both of the following:

4 (a) Make and keep for a period of not less than 5 years
5 records identifying each person ~~who~~**that** received personal
6 information from the authorized recipient and the permitted purpose
7 for which it was obtained.

8 (b) Allow a representative of the secretary of state, upon
9 request, to inspect and copy records identifying each person ~~who~~
10 **that** received personal information from the authorized recipient
11 and the permitted purpose for which it was obtained.

12 (6) The secretary of state shall not disclose a list based on
13 driving behavior or sanctions to a nongovernmental agency,
14 including an individual.

15 Sec. 302. The following ~~persons~~**individuals** are exempt from
16 obtaining a license under this chapter:

17 (a) ~~A person~~**An individual** serving in the Armed Forces of the
18 United States if furnished with a driver's permit and operating an
19 official motor vehicle in that service or ~~a person~~**an individual**
20 who is a military driver and operates a commercial motor vehicle
21 for a military purpose. This exemption applies to active duty
22 military personnel, members of the military reserves, active duty
23 United States Coast Guard personnel, and members of the national
24 guard while on active duty, including, but not limited to,
25 personnel on full-time national guard duty, personnel on part-time
26 national guard training, and national guard military technicians
27 who are civilians required to wear military uniforms. This
28 exemption does not apply to any of the following:

29 (i) United States reserve technicians.

1 (ii) Except as otherwise provided in this subdivision, ~~a person~~
2 **an individual** who is a civilian and in the employ of the Armed
3 Forces of the United States.

4 (b) ~~A person~~ **An individual** while driving or operating a road
5 roller, a snow motor, road machinery, or a farm tractor or
6 implement of husbandry temporarily drawn, moved, or propelled on a
7 highway. ~~, if the person is a citizen of the United States or is~~
8 ~~otherwise eligible to be issued an operator's license or~~
9 ~~chauffeur's license under section 307(1).~~

10 (c) A nonresident who is not less than 16 years of age and who
11 has been licensed either as an operator or a chauffeur under a law
12 requiring the licensing of operators or chauffeurs in ~~his or her~~
13 **the nonresident's** home state and who has in ~~his or her~~ **the**
14 **nonresident's** immediate possession either a valid operator's or a
15 valid chauffeur's license issued to ~~him or her~~ **that nonresident** in
16 ~~his or her~~ **the nonresident's** home state.

17 (d) A nonresident who is over the age of 17 years, whose home
18 state does not require the licensing of operators, may operate a
19 motor vehicle as an operator only, for a period of not more than 90
20 days in any calendar year, if ~~all~~ **either** of the following
21 ~~apply:~~ **applies:**

22 (i) The motor vehicle is registered in the home state or
23 country of the nonresident.

24 (ii) The nonresident has in ~~his or her~~ **the nonresident's**
25 immediate possession a registration card evidencing ownership and
26 registration of the motor vehicle in ~~his or her~~ **the nonresident's**
27 home state or country, or is able at any time or place required to
28 prove lawful possession or the right to operate the motor vehicle
29 and to establish ~~his or her~~ **the nonresident's** proper identity.

1 ~~(iii) The nonresident is a citizen of the United States or is~~
2 ~~otherwise eligible to be issued an operator's license or~~
3 ~~chauffeur's license under section 307(1).~~

4 (e) ~~A person~~ **An individual** who is a member of the Armed Forces
5 of the United States on official leave, who on the date of ~~his or~~
6 ~~her~~ **the individual's** orders granting leave possessed an operator's
7 or chauffeur's license, valid except for the expiration date of the
8 license. This exemption applies only to the ~~person's~~ **individual's**
9 first leave of absence following the expiration of ~~his or her~~ **the**
10 **individual's** license and exempts the ~~person~~ **individual** from the
11 provisions of this act for a period not to exceed 30 days.

12 (f) ~~A person~~ **An individual** who is a discharged member of the
13 Armed Forces of the United States, who on the date of ~~his or her~~
14 **the individual's** discharge possesses an operator's or chauffeur's
15 license, valid except for the expiration date, for a period not to
16 exceed 30 days from date of discharge.

17 (g) ~~A person~~ **An individual** who is a member of the Armed Forces
18 of the United States, stationed in this state, who resides in
19 another state and has a valid license issued by the state in which
20 ~~he or she~~ **the individual** resides.

21 (h) ~~A person~~ **An individual** while operating a commercial motor
22 vehicle in the course of a driving test administered by a certified
23 examiner appointed by the secretary of state and while accompanied
24 by the examiner. ~~, if the person is a citizen of the United States~~
25 ~~or is otherwise eligible to be issued an operator's license or~~
26 ~~chauffeur's license under section 307(1).~~

27 (i) ~~A person~~ **An individual** while operating a commercial motor
28 vehicle who is not disqualified from operating a commercial motor
29 vehicle and who holds a commercial driver license that is issued to

1 ~~him or her~~ **that individual** by another state or jurisdiction under
2 49 CFR part 383.

3 (j) ~~A person~~ **An individual** with a mobility disability while
4 operating a power-driven mobility device. This subdivision does not
5 apply to ~~a person~~ **an individual** with a mobility disability while
6 operating a power-driven mobility device on a street, road, or
7 highway in this state.

8 Sec. 303. (1) The secretary of state shall not issue a license
9 under this act to any of the following individuals:

10 (a) An individual, as an operator, who is less than 18 years
11 of age, except as otherwise provided in this act.

12 (b) An individual, as a chauffeur, who is less than 18 years
13 of age, except as otherwise provided in this act.

14 (c) An individual whose license is suspended, revoked, denied,
15 or canceled in any state. If the suspension, revocation, denial, or
16 cancellation is not from the jurisdiction that issued the last
17 license to the individual, the secretary of state may issue a
18 license after the expiration of 5 years from the effective date of
19 the most recent suspension, revocation, denial, or cancellation.

20 (d) An individual who in the opinion of the secretary of state
21 is afflicted with or suffering from a physical or mental disability
22 or disease that prevents the individual from exercising reasonable
23 and ordinary control over a motor vehicle while operating the motor
24 vehicle on the highways.

25 (e) An individual who is unable to understand highway warning
26 or direction signs in the English language.

27 (f) An individual who is unable to pass a knowledge, skill, or
28 ability test administered by the secretary of state in connection
29 with issuing an original operator's or chauffeur's license,

1 original motorcycle ~~indorsement,~~**endorsement**, or an original or
2 renewal of a vehicle group designation or vehicle
3 ~~indorsement.~~**endorsement.**

4 (g) An individual who has been convicted of, has received a
5 juvenile disposition for, or has been determined responsible for 2
6 or more moving violations under a law of this state, a local
7 ordinance substantially corresponding to a law of this state, or a
8 law of another state substantially corresponding to a law of this
9 state within the preceding 3 years, if the violations occurred
10 before issuance of an original license to the ~~person~~**individual** in
11 this state, another state, or another country.

12 (h) A nonresident, including, but not limited to, a foreign
13 exchange student.

14 (i) An individual who has failed to answer a citation or
15 notice to appear in court or for any matter pending or fails to
16 comply with an order or judgment of the court, including, but not
17 limited to, paying all fines, costs, fees, and assessments, in
18 violation of section 321a, until that individual answers the
19 citation or notice to appear in court or for any matter pending or
20 complies with an order or judgment of the court, including, but not
21 limited to, paying all fines, costs, fees, and assessments, as
22 provided under section 321a.

23 (j) An individual not licensed under this act who has been
24 convicted of, has received a juvenile disposition for, or has been
25 determined responsible for a crime or civil infraction described in
26 section 319, 324, or 904. An individual shall be denied a license
27 under this subdivision for the length of time corresponding to the
28 period of the licensing sanction that would have been imposed under
29 section 319, 324, or 904 if the individual had been licensed at the

1 time of the violation.

2 (k) An individual not licensed under this act who is
3 determined to have violated section 624a or 624b. The individual
4 shall be denied a license under this subdivision for a period of
5 time that corresponds to the period of the licensing sanction that
6 would have been imposed under those sections had the individual
7 been licensed at the time of the violation.

8 (l) An individual whose commercial driver license application
9 is canceled under section 324(2).

10 ~~(m) Unless otherwise eligible under section 307(1), an~~
11 ~~individual who is not a citizen of the United States.~~

12 (2) On receiving the appropriate records of conviction, the
13 secretary of state shall revoke the operator's or chauffeur's
14 license of an individual and deny issuance of an operator's or
15 chauffeur's license to an individual who has any of the following,
16 whether under a law of this state, a local ordinance that
17 substantially corresponds to a law of this state, a law of another
18 state that substantially corresponds to a law of this state, or,
19 beginning October 31, 2010, a law of the United States that
20 substantially corresponds to a law of this state:

21 (a) Any combination of 2 convictions within 7 years for
22 reckless driving in violation of section 626 before October 31,
23 2010 or, beginning October 31, 2010, 626(2).

24 (b) Any combination of 2 or more convictions within 7 years
25 for any of the following:

26 (i) A felony in which a motor vehicle was used.

27 (ii) A violation or attempted violation of section 601b(2) or
28 (3), section 601c(1) or (2), section 602a(4) or (5), section 617,
29 section 653a(3) or (4), or section 904(4) or (5).

1 (iii) Negligent homicide, manslaughter, or murder that results
2 from the operation of a vehicle or an attempt to commit any of
3 those crimes.

4 (iv) A violation or attempted violation of section 479a(4) or
5 (5) of the Michigan penal code, 1931 PA 328, MCL 750.479a.

6 (c) Any combination of 2 convictions within 7 years for any of
7 the following or a combination of 1 conviction for a violation or
8 attempted violation of section 625(6) and 1 conviction for any of
9 the following within 7 years:

10 (i) A violation or attempted violation of section 625, except a
11 violation of section 625(2), or a violation of any prior enactment
12 of section 625 in which the defendant operated a vehicle while
13 under the influence of intoxicating or alcoholic liquor or a
14 controlled substance, or a combination of intoxicating or alcoholic
15 liquor and a controlled substance, or while visibly impaired, or
16 with an unlawful bodily alcohol content.

17 (ii) A violation or attempted violation of section 625m.

18 (iii) A violation or attempted violation of former section 625b.

19 (d) One conviction for a violation or attempted violation of
20 section 315(5), section 601b(3), section 601c(2), section 602a(4)
21 or (5), section 617, section 625(4) or (5), section 653a(4),
22 section 904(4) or (5), or, beginning October 31, 2010, section
23 626(3) or (4).

24 (e) One conviction of negligent homicide, manslaughter, or
25 murder that results from the operation of a vehicle or an attempt
26 to commit any of those crimes.

27 (f) One conviction for a violation or attempted violation of
28 section 479a(4) or (5) of the Michigan penal code, 1931 PA 328, MCL
29 750.479a.

1 (g) Any combination of 3 convictions within 10 years for any
 2 of the following or 1 conviction for a violation or attempted
 3 violation of section 625(6) and any combination of 2 convictions
 4 for any of the following within 10 years, if any of the convictions
 5 resulted from an arrest on or after January 1, 1992:

6 (i) A violation or attempted violation of section 625, except a
 7 violation of section 625(2), or a violation of any prior enactment
 8 of section 625 in which the defendant operated a vehicle while
 9 under the influence of intoxicating or alcoholic liquor or a
 10 controlled substance, or a combination of intoxicating or alcoholic
 11 liquor and a controlled substance, or while visibly impaired, or
 12 with an unlawful bodily alcohol content.

13 (ii) A violation or attempted violation of section 625m.

14 (iii) A violation or attempted violation of former section 625b.

15 (3) The secretary of state shall revoke a license under
 16 subsection (2) notwithstanding a court order unless the court order
 17 complies with section 323.

18 (4) Except as otherwise provided under section 304, the
 19 secretary of state shall not issue a license under this act to an
 20 individual whose license has been revoked under this act or revoked
 21 and denied under subsection (2) until all of the following occur,
 22 as applicable:

23 (a) The later of the following:

24 (i) The expiration of not less than 1 year after the license
 25 was revoked or denied.

26 (ii) The expiration of not less than 5 years after the date of
 27 a subsequent revocation or denial occurring within 7 years after
 28 the date of any prior revocation or denial.

29 (b) For a denial under subsection (2)(a), (b), (c), and (g),

1 the individual rebuts by clear and convincing evidence the
2 presumption that results from the prima facie evidence that ~~he or~~
3 ~~she~~ **the individual** is a habitual offender. The convictions that
4 resulted in the revocation and denial constitute prima facie
5 evidence that ~~he or she~~ **the individual** is a habitual offender.

6 (c) The individual meets the requirements of the department.

7 (5) The secretary of state shall deny issuing a vehicle group
8 designation to an individual under either of the following
9 circumstances:

10 (a) The individual has been disqualified by the United States
11 Secretary of Transportation from operating a commercial motor
12 vehicle.

13 (b) Beginning on and after January 30, 2012, the individual
14 does not meet the requirements of the federal regulations under 49
15 CFR parts 383 and 391 by refusing to certify the type of commercial
16 motor vehicle operation the individual intends to perform and, if
17 required, fails to present to the secretary of state a valid
18 medical certification.

19 (6) Multiple convictions or civil infraction determinations
20 that result from the same incident must be treated as a single
21 violation for purposes of denial or revocation of a license under
22 this section.

23 (7) As used in this section, "felony in which a motor vehicle
24 was used" means a felony during the commission of which the
25 individual operated a motor vehicle and while operating the vehicle
26 presented real or potential harm to individuals or property and 1
27 or more of the following circumstances existed:

28 (a) The vehicle was used as an instrument of the felony.

29 (b) The vehicle was used to transport a victim of the felony.

1 (c) The vehicle was used to flee the scene of the felony.

2 (d) The vehicle was necessary for the commission of the
3 felony.

4 Sec. 307. (1) ~~If an~~ **An** applicant for an operator's license or
5 chauffeur's license to operate a noncommercial motor vehicle ~~is a~~
6 ~~citizen of the United States, the applicant shall supply a~~
7 photographic identity document, a birth certificate, or other
8 sufficient documents **or identification** as the secretary of state
9 may ~~require,~~ **allow** to verify the identity ~~and citizenship~~ of the
10 applicant. ~~If an applicant for an operator's or chauffeur's license~~
11 ~~is not a citizen of the United States, the applicant shall supply a~~
12 ~~photographic identity document and other sufficient documents to~~
13 ~~verify the identity of the applicant and the applicant's legal~~
14 ~~presence in the United States under subdivision (b). The documents~~
15 ~~required under this subsection must include the applicant's full~~
16 ~~legal name, date of birth, and address and residency and~~
17 ~~demonstrate that the applicant is a citizen of the United States or~~
18 ~~is legally present in the United States. If the applicant's full~~
19 ~~legal name differs from the name of the applicant that appears on a~~
20 ~~document presented under this subsection, the applicant shall~~
21 ~~present documents to verify his or her current full legal name.~~ The
22 secretary of state shall accept as 1 of the required identification
23 documents an identification card issued by the department of
24 corrections to prisoners who are placed on parole or released from
25 a correctional facility, containing the prisoner's legal name,
26 photograph, and other information identifying the prisoner as
27 provided in section 37(4) of the corrections code of 1953, 1953 PA
28 232, MCL 791.237. An application for an operator's or chauffeur's
29 license must be made in a manner prescribed by the secretary of

1 state and must contain all of the following:

2 (a) The applicant's full legal name, date of birth, residence
 3 address, height, sex, eye color, signature, intent to make an
 4 anatomical gift, other information required or permitted on the
 5 license under this chapter, and, only to the extent required to
 6 comply with federal law, the applicant's Social Security number.
 7 The applicant may provide a mailing address if the applicant
 8 receives mail at an address different from ~~his or her~~ **the**
 9 **applicant's** residence address.

10 (b) ~~If the applicant is not a citizen of the United States,~~
 11 ~~the applicant shall provide, and the department shall verify,~~
 12 ~~documents demonstrating his or her legal presence in the United~~
 13 ~~States. Nothing in this act must obligate or be construed to~~
 14 ~~obligate this state to comply with title II of the real ID act of~~
 15 ~~2005, Public Law 109-13. The secretary of state may adopt rules~~
 16 ~~under the administrative procedures act of 1969, 1969 PA 306, MCL~~
 17 ~~24.201 to 24.328, as are necessary for the administration of this~~
 18 ~~subdivision. A determination by the secretary of state that an~~
 19 ~~applicant is not legally present in the United States may be~~
 20 ~~appealed under section 631 of the revised judicature act of 1961,~~
 21 ~~1961 PA 236, MCL 600.631. The secretary of state shall not issue an~~
 22 ~~operator's license or a chauffeur's license to an applicant~~
 23 ~~described in this subdivision for a term that exceeds the duration~~
 24 ~~of the applicant's legal presence in the United States.~~

25 (c) The following notice must be included to inform the
 26 applicant that under sections 509o and 509r of the Michigan
 27 election law, 1954 PA 116, MCL 168.509o and 168.509r, the secretary
 28 of state is required to use the residence address provided on this
 29 application as the applicant's residence address on the qualified

1 voter file for voter registration and voting:

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

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

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

24 (i) The applicant meets the applicable federal driver
25 qualification requirements under 49 CFR parts 383 and 391 or meets
26 the applicable qualifications of the department of state police
27 under the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11
28 to 480.25.

29 (ii) The vehicle in which the applicant will take the driving

1 skills tests is representative of the type of vehicle the applicant
2 operates or intends to operate.

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

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

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

13 (g) For automatic voter registration purposes under section
14 493a of the Michigan election law, 1954 PA 116, MCL 168.493a, a
15 space for the applicant to indicate on the application or change of
16 address application whether ~~he or she~~**the applicant** is a citizen of
17 the United States.

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

21 (i) Beginning ~~180 days after the effective date of the~~
22 ~~amendatory act that added this subdivision,~~**June 27, 2021**, an
23 applicant for an operator's or chauffeur's license who is a program
24 participant in the address confidentiality program under the
25 address confidentiality program act, **2020 PA 301, MCL 780.851 to**
26 **780.873**, shall present to the secretary of state ~~his or her~~**the**
27 **applicant's** participation card issued under the address
28 confidentiality program act, **2020 PA 301, MCL 780.851 to 780.873**.

29 (2) An applicant for an operator's or chauffeur's license may

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

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

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

17 (c) By the secretary of state for forwarding to the department
18 of state police the images of persons required to be registered
19 under the sex offenders registration act, 1994 PA 295, MCL 28.721
20 to ~~28.736~~, **28.730**, upon the department of state police providing
21 the secretary of state an updated list of the names of those
22 persons.

23 (d) By the secretary of state for forwarding to the department
24 of state police as provided in section 5c of 1927 PA 372, MCL
25 28.425c.

26 (e) By the secretary of state for forwarding to the department
27 of licensing and regulatory affairs the images of applicants for an
28 official state registry identification card issued under section 6
29 of the Michigan Medical Marihuana Act, 2008 IL 1, MCL 333.26426, if

1 the department of licensing and regulatory affairs promulgates
2 rules requiring a photograph as a design element for an official
3 state registry identification card.

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

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

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

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

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

29 (i) Information explaining the applicant's right to make an

1 anatomical gift in the event of death in accordance with section
2 310.

3 (ii) Information describing the anatomical gift donor registry
4 program under part 101 of the public health code, 1978 PA 368, MCL
5 333.10101 to 333.10123. The information required under this
6 subparagraph includes the address and telephone number of
7 Michigan's federally designated organ procurement organization as
8 that term is defined in section 10102 of the public health code,
9 1978 PA 368, MCL 333.10102, or its successor organization.

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

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

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

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

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

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

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

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

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

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

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

1 secretary of state is required to request the applicant's complete
2 driving record from other states only once under this section. The
3 secretary of state shall also check the applicant's driving record
4 with the National Driver Register and the federal Commercial
5 Driver's License Information System before issuing that group
6 designation or ~~indorsement~~. **endorsement**.

7 (9) The secretary of state may issue a renewal operator's or
8 chauffeur's license for 1 additional 4-year period or beginning on
9 July 1, 2021, for 2 additional 4-year periods, ~~or until the~~
10 ~~individual is no longer determined to be legally present under this~~
11 ~~section~~ by mail or by other methods prescribed by the secretary of
12 state. The secretary of state may check the applicant's driving
13 record through the National Driver Register and the Commercial
14 Driver's License Information System before issuing a license under
15 this section. The secretary of state shall issue a renewal license
16 only in person if the individual is an individual required under
17 section 5a of the sex offenders registration act, 1994 PA 295, MCL
18 28.725a, to maintain a valid operator's or chauffeur's license or
19 official state personal identification card. If a license is
20 renewed by mail or by other method, the secretary of state shall
21 issue evidence of renewal to indicate the date the license expires
22 in the future. The department of state police shall provide to the
23 secretary of state updated lists of individuals required under
24 section 5a of the sex offenders registration act, 1994 PA 295, MCL
25 28.725a, to maintain a valid operator's or chauffeur's license or
26 official state personal identification card.

27 (10) Upon request, the secretary of state shall provide an
28 information manual to an applicant explaining how to obtain a
29 vehicle group designation or ~~indorsement~~. **endorsement**. The manual

1 must contain the information required under 49 CFR part 383.

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

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

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

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

13 (d) With the department of health and human services, for
14 comparison with vital records maintained by the department of
15 health and human services under part 28 of the public health code,
16 1978 PA 368, MCL 333.2801 to 333.2899.

17 (e) As otherwise required by law.

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

21 (13) A requirement under this section to include a Social
22 Security number on an application does not apply to an applicant
23 who demonstrates that ~~he or she~~ **the applicant** is exempt under law
24 from obtaining **or otherwise unable to obtain** a Social Security
25 number.

26 (14) As required in section 10120 of the public health code,
27 1978 PA 368, MCL 333.10120, the secretary of state shall maintain
28 the donor registry in a manner that provides electronic access,
29 including, but not limited to, the transfer of data to this state's

1 federally designated organ procurement organization or its
 2 successor organization, tissue banks, and eye banks, in a manner
 3 that complies with that section.

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

11 **(15)** ~~(16)~~ The secretary of state shall not issue an operator's
 12 license or a chauffeur's license to an individual holding an
 13 operator's license or chauffeur's license issued by another state
 14 without confirmation that the individual is terminating or has
 15 terminated the operator's license or chauffeur's license issued by
 16 the other state.

17 **(16)** ~~(17)~~ The secretary of state shall do all of the
 18 following:

19 (a) Ensure the physical security of locations where operator's
 20 licenses and chauffeur's licenses are produced and the security of
 21 document materials and papers from which operator's licenses and
 22 chauffeur's licenses are produced.

23 (b) Subject all persons authorized to manufacture or produce
 24 operator's licenses or chauffeur's licenses and all persons who
 25 have the ability to affect the identity information that appears on
 26 operator's licenses or chauffeur's licenses to appropriate security
 27 clearance requirements. The security requirements of this
 28 subdivision and subdivision (a) may require that licenses be
 29 manufactured or produced in this state.

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

4 (17) ~~(18)~~—The secretary of state shall have electronic access
 5 to prisoner information maintained by the department of corrections
 6 for the purpose of verifying the identity of a prisoner who applies
 7 for an operator's or chauffeur's license under subsection (1).

8 Sec. 314. (1) Except as otherwise provided in this section, an
 9 operator's license and chauffeur's license expire on the birthday
 10 of the individual to whom the license is issued in the fourth year
 11 following the date of the issuance of the license, ~~or on the date~~
 12 ~~the individual is no longer considered to be legally present in the~~
 13 ~~United States under section 307, whichever is earlier,~~ unless
 14 suspended or revoked before that date. A license must not be issued
 15 for a period longer than 4 years. An individual holding a license
 16 at any time 12 months before the expiration of ~~his or her~~ **the**
 17 **individual's** license may apply for a new license as provided for in
 18 this chapter. A knowledge test for an original group designation or
 19 ~~indorsement~~ **endorsement** may be taken at any time during this period
 20 and the results are valid for 12 months. A license renewed under
 21 this subsection must be renewed for the time remaining on the
 22 license before its renewal combined with the 4-year renewal period.

23 (2) The first operator's license issued to an individual who
 24 at the time of application is less than 20-1/2 years of age expires
 25 on the licensee's twenty-first birthday, ~~or on the date the~~
 26 ~~individual is no longer considered to be legally present in the~~
 27 ~~United States under section 307, whichever is earlier,~~ unless
 28 suspended or revoked.

29 (3) The first chauffeur's license issued to an individual

1 expires on the licensee's birthday in the fourth year following the
 2 date of issuance, ~~or on the date the individual is no longer~~
 3 ~~considered to be legally present in the United States under section~~
 4 ~~307, whichever is earlier,~~ unless the license is suspended or
 5 revoked before that date. The chauffeur's license of an individual
 6 who at the time of application is less than 20-1/2 years of age
 7 expires on the licensee's twenty-first birthday, ~~or on the date the~~
 8 ~~individual is no longer considered to be legally present in the~~
 9 ~~United States under section 307, whichever is earlier,~~ unless
 10 suspended or revoked. A subsequent chauffeur's license expires on
 11 the birthday of the individual to whom the license is issued in the
 12 fourth year following the date of issuance of the license, ~~or on~~
 13 ~~the date the individual is no longer considered to be legally~~
 14 ~~present in the United States under section 307, whichever is~~
 15 ~~earlier,~~ unless the license is suspended or revoked before that
 16 date.

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

26 (5) The secretary of state may issue a renewal operator's or
 27 chauffeur's license to an individual who will be out of state for
 28 more than 180 days beyond the expiration date of ~~his or her~~ **the**
 29 **individual's** operator's or chauffeur's license, if the secretary of

1 state has a digital image of the individual on file. The applicant
2 for this renewal shall submit a statement evidencing a vision
3 examination in accordance with the rules promulgated by the
4 secretary of state under section 309 and any other statement
5 required by this act or federal law. An individual is not eligible
6 for consecutive renewals of a license under this subsection. This
7 subsection does not apply to an individual who fails to meet the
8 requirements of 49 CFR parts 383 and 391 with regard to medical
9 certification documentation requirements, or an individual with a
10 hazardous material endorsement on ~~his or her~~ **the individual's**
11 operator's or chauffeur's license.

12 (6) The secretary of state may check the applicant's driving
13 record through the National Driver Register and the Commercial
14 Driver's License Information System before issuing a renewal under
15 this section.

16 (7) Notwithstanding the provisions of this section, an
17 operator's or chauffeur's license that expires on or after March 1,
18 2020 is valid until March 31, 2021. Notwithstanding the provisions
19 of this section, an operator's or chauffeur's license that expires
20 after March 31, 2021 but before August 1, 2021 is valid until 120
21 days after the date of the expiration.

22 Enacting section 1. This amendatory act takes effect October
23 1, 2023.