



HOUSE BILL No. 5493

April 26 1994 Introduced by Reps Dolan and Ciaramitaro and referred to the Committee on Transportation

A bill to amend sections 307 and 310 of Act No 300 of the Public Acts of 1949, entitled as amended "Michigan vehicle code," section 307 as amended by Act No 181 of the Public Acts of 1990 and section 310 as amended by Act No 286 of the Public Acts of 1989, being sections 257 307 and 257 310 of the Michigan Compiled Laws

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Sections 307 and 310 of Act No 300 of the
2 Public Acts of 1949, section 307 as amended by Act No 181 of the
3 Public Acts of 1990 and section 310 as amended by Act No 286 of
4 the Public Acts of 1989, being sections 257 307 and 257 310 of
5 the Michigan Compiled Laws, are amended to read as follows

6 Sec 307 (1) An application for an operator's or
7 chauffeur's license shall be made ~~upon a form furnished~~ IN A

1 MANNER PRESCRIBED by the secretary of state and shall contain all
2 of the following

3 (a) For an operator s or chauffeur s license full name
4 date of birth address of residence height SEX, eye color and
5 signature of the applicant, and other information required or
6 permitted on the license pursuant to this chapter

7 (b) For an operator's or chauffeur's license with a vehicle
8 group designation or indorsement, full name, social security
9 number, date of birth address of residence, height sex, and
10 signature of the applicant, and other information required or
11 permitted on the license pursuant to this chapter

12 (c) For an operator s or chauffeur's license with a vehicle
13 group designation or indorsement, the following certifications
14 made by the applicant

15 (1) That the applicant meets the applicable federal physical
16 driver qualification requirements pursuant to 49 C F R part 391
17 if the applicant operates or intends to operate in interstate
18 commerce or meets the applicable physical qualifications pursuant
19 to the rules promulgated by the department of state police under
20 the motor carrier safety act of 1963 Act No 181 of the Public
21 Acts of 1963, being sections 480 11 to 480 21 of the Michigan
22 Compiled Laws, if the applicant operates or intends to operate in
23 intrastate commerce

24 (2) That the vehicle in which the applicant will take the
25 driving skills tests is representative of the type of vehicle the
26 applicant operates or intends to operate

1 (111) That the applicant has not been convicted of an
2 offense as described in section 312f or 319b

3 (1v) That the applicant does not have a driver s license
4 from more than 1 state

5 (d) For an operator's or chauffeur's license with a vehicle
6 group designation or indorsement and for which the applicant
7 claims a waiver of the driving test as provided in section 312f,
8 the following additional certifications made by the applicant
9 concerning the 2-year period immediately ~~prior to~~ BEFORE
10 application

11 (1) That the applicant has not had more than 1 license

12 (11) That the applicant has not had any license suspended,
13 revoked, or canceled

14 (111) That the applicant has not been convicted of any
15 offense ~~listed~~ DESCRIBED in section 319b while operating a
16 motor vehicle

17 (1v) That the applicant has not been convicted of a moving
18 violation under state or local law relating to motor vehicle
19 traffic control arising in connection with a traffic accident

20 (v) That the applicant is regularly employed in a job
21 requiring the operation of a commercial motor vehicle

22 (v1) That the applicant qualifies under either of the
23 following

24 (A) Has passed a behind-the-wheel driving test given by a
25 state with a ~~classified~~ COMMERCIAL MOTOR VEHICLE DRIVER licens-
26 ing and testing system and taken in a representative vehicle for

1 that applicant s driver s license ~~classification~~ VEHICLE GROUP
2 DESIGNATION

3 (B) Has operated for at least 2 years immediately preceding
4 application, a vehicle representative of the commercial motor
5 vehicle group or passenger vehicle for which he or she is
6 applying Evidence shall be provided by the applicant s employer
7 or by the applicant if self-employed

8 (2) An applicant for an operator's or chauffeur's license
9 may ~~be photographed~~ HAVE HIS OR HER IMAGE CAPTURED OR
10 REPRODUCED at the time the application for the license is made
11 The secretary of state shall acquire by purchase or lease the
12 equipment for ~~taking~~ CAPTURING the ~~photographs~~ IMAGES and
13 ~~shall~~ MAY furnish the equipment to the local unit AUTHORIZED BY
14 THE SECRETARY OF STATE TO LICENSE DRIVERS ~~Equipment~~ THE SEC-
15 RETARY OF STATE SHALL ACQUIRE EQUIPMENT purchased or leased pur-
16 suant to this section ~~shall be acquired~~ under standard purchas-
17 ing procedures of the department of management and budget based
18 on standards and specifications established by the secretary of
19 state ~~Equipment~~ THE SECRETARY OF STATE shall not ~~be~~
20 ~~purchased~~ PURCHASE or ~~leased~~ LEASE EQUIPMENT until an appro-
21 priation for the equipment has been made by the legislature ~~A~~
22 ~~photograph taken~~ AN IMAGE CAPTURED pursuant to this section
23 shall appear on the applicant s operator s or chauffeur s license
24 only, and, EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE SEC-
25 RETARY OF STATE OR ANY OTHER AGENCY SHALL NOT RETAIN the
26 ~~photograph~~ IMAGE, a copy of the ~~photograph~~ IMAGE, or ~~a~~
27 ~~negative~~ ANY OTHER FORM of the ~~photograph shall not be retained~~

1 ~~by the secretary of state or any other agency~~ IMAGE BEGINNING
 2 JANUARY 1, 1996, THE SECRETARY OF STATE MAY RETAIN AND USE ANY OF
 3 THE INFORMATION DESCRIBED IN THIS SUBSECTION ONLY FOR PROGRAMS
 4 ADMINISTERED BY THE SECRETARY OF STATE THE SECRETARY OF STATE
 5 SHALL NOT USE A PERSON S IMAGE OR SIGNATURE FOR A PURPOSE NOT
 6 DESCRIBED IN THIS SUBSECTION UNLESS SPECIFIC ENABLING LEGISLATION
 7 PERMITTING THE USE IS ENACTED INTO LAW

8 (3) An application shall ~~be signed and certified~~ CONTAIN A
 9 SIGNATURE AND CERTIFICATION by the applicant and shall be accom-
 10 panied by the proper fee ~~This~~ THE EXAMINER SHALL COLLECT THE
 11 APPLICATION fee AND shall ~~be collected by the examiner and~~
 12 ~~forwarded~~ FORWARD THE FEE to the secretary of state with the
 13 application ~~This~~ THE SECRETARY OF STATE SHALL REFUND THE
 14 APPLICATION fee ~~shall be refunded~~ to the applicant if the
 15 license applied for is denied, but ~~the fee~~ shall not ~~be~~
 16 ~~refunded~~ REFUND THE FEE to an applicant who fails to complete
 17 the examination requirements of the secretary of state within 90
 18 days after the date of application for a license BEGINNING
 19 JANUARY 1 1996 A SURCHARGE OF \$1 00 IS ADDED TO EACH FEE COL-
 20 LECTED FOR AN ORIGINAL, RENEWAL DUPLICATE OR CORRECTED
 21 OPERATOR S OR CHAUFFEUR S LICENSE AND THE DEPARTMENT OF TREASURY
 22 SHALL DEPOSIT THE SURCHARGE INTO THE DRIVER LICENSE FUND CREATED
 23 BY THIS SECTION

24 (4) If an application is received from a person previously
 25 licensed in another jurisdiction, the secretary of state shall
 26 request a copy of the applicant s DRIVING record AND OTHER
 27 AVAILABLE DATA from the other jurisdiction When received the

1 driving record ~~shall become~~ AND OTHER AVAILABLE DATA FROM THE
 2 OTHER JURISDICTION BECOMES a part of the driver's record in this
 3 state with the same force and effect as if it had been entered on
 4 the driver's record in this state in the original instance If
 5 the application is for an original, renewal, or change of a vehi-
 6 cle group designation or indorsement, the secretary of state
 7 shall also check the applicant's driving record with the national
 8 drivers register and the United States department of transporta-
 9 tion before issuance of that group designation or indorsement

10 (5) Except for a vehicle group designation or indorsement,
 11 the secretary of state may issue a renewal operator s or
 12 chauffeur's license for 1 additional 4-year period by mail OR BY
 13 OTHER METHODS PRESCRIBED BY THE SECRETARY OF STATE The secre-
 14 tary of state shall not issue a renewal license by mail OR BY
 15 OTHER METHOD unless the licensee has a driving record that is
 16 free of convictions and civil infraction determinations for the
 17 48 months preceding renewal However the secretary of state
 18 shall not refuse to issue a renewal license by mail OR BY OTHER
 19 METHOD because of a conviction or civil infraction determination
 20 for which fines and costs were waived pursuant to section 901a or
 21 section 907 ~~When~~ IF a license is renewed by mail OR BY OTHER
 22 METHOD, the secretary of state shall issue evidence of renewal
 23 ~~which shall be affixed to the previously issued license to~~
 24 indicate the date the license expires in the future ~~This evi-~~
 25 ~~dence of renewal shall be manufactured in the same manner~~
 26 ~~required for the operator's license in section 310~~

1 (6) Upon request the secretary of state shall provide an
2 information manual to an applicant explaining how to obtain a
3 vehicle group designation or indorsement The manual shall con-
4 tain the information required pursuant to 49 C F R part 383

5 (7) A DRIVER LICENSE FUND IS CREATED AS A SEPARATE FUND IN
6 THE DEPARTMENT OF TREASURY THE SECRETARY OF STATE SHALL EXPEND
7 MONEY IN THE FUND ONLY TO AID THE ADMINISTRATION OF THIS SECTION
8 AND SECTION 310 THE STATE TREASURER SHALL CREDIT TO THE DRIVER
9 LICENSE FUND ALL MONEY RECEIVED FOR THAT PURPOSE UNDER THIS SEC-
10 TION, AND AS OTHERWISE PROVIDED BY LAW THE STATE TREASURER
11 SHALL INVEST MONEY IN THE DRIVER LICENSE FUND IN THE SAME MANNER
12 AS SURPLUS FUNDS ARE INVESTED UNDER SECTION 3 OF ACT NO 105 OF
13 THE PUBLIC ACTS OF 1855, BEING SECTION 21 143 OF THE MICHIGAN
14 COMPILED LAWS THE STATE TREASURER SHALL CREDIT EARNINGS FROM
15 MONEY IN THE DRIVER LICENSE FUND TO THE DRIVER LICENSE FUND
16 MONEY IN THE DRIVER LICENSE FUND AT THE END OF THE STATE FISCAL
17 YEAR SHALL REMAIN IN THE FUND AND SHALL NOT REVERT TO THE GENERAL
18 FUND

19 Sec 310 (1) The secretary of state shall issue to each
20 person licensed as an operator an operator s license and to
21 each person licensed as a chauffeur a chauffeur s license An
22 applicant for a motorcycle indorsement under section 312a or a
23 vehicle group designation or indorsement shall first qualify for
24 an operator's or chauffeur's license before the indorsement or
25 vehicle group designation application is accepted and processed

26 (2) The license shall contain the distinguishing number
27 permanently assigned to the licensee and the name date of birth

1 address of residence, height, SEX, an ~~imprinted photograph~~
 2 IMAGE, and the signature of the licensee EXCEPT AS OTHERWISE
 3 REQUIRED IN THIS CHAPTER, OTHER INFORMATION REQUIRED ON THE
 4 LICENSE PURSUANT TO THIS CHAPTER MAY APPEAR ON THE LICENSE IN A
 5 FORM PRESCRIBED BY THE SECRETARY OF STATE

6 (3) THE LICENSE MAY CONTAIN AN IDENTIFIER FOR VOTER REGIS-
 7 TRATION PURPOSES BEGINNING JANUARY 1 1996 THE LICENSE MAY
 8 CONTAIN INFORMATION APPEARING IN ELECTRONIC OR MACHINE READABLE
 9 CODES NEEDED TO CONDUCT A TRANSACTION WITH THE SECRETARY OF
 10 STATE

11 (4) The license shall be manufactured in a manner to pro-
 12 hibit as nearly as possible the ability to reproduce alter
 13 counterfeit forge, or duplicate the license without ready
 14 detection In addition, a license with a vehicle group designa-
 15 tion shall contain the information required pursuant to
 16 49 C F R part 383

17 (5) ~~(3)~~ A person who intentionally reproduces alters
 18 counterfeits forges or duplicates a license photograph the
 19 negative of the photograph AN IMAGE a license THE ELECTRONIC
 20 DATA CONTAINED ON A LICENSE or a part of a license, or who uses a
 21 license, AN IMAGE, or photograph that has been reproduced,
 22 altered, counterfeited forged, or duplicated ~~shall be punished~~
 23 ~~as follows~~ IS SUBJECT TO 1 OF THE FOLLOWING

24 (a) If the intent of the reproduction, alteration, counter-
 25 feiting, forging, duplication, or use was to commit or aid in the
 26 commission of an offense punishable by imprisonment for 1 or more
 27 years, the person committing the reproduction alteration,

1 counterfeit, forging, duplication or use is guilty of a
 2 misdemeanor, punishable by imprisonment for a period equal to
 3 ~~that which~~ THE IMPRISONMENT THAT could be imposed for the com-
 4 mission of the offense the person had the intent to aid or
 5 commit The court may also assess a fine of not more than
 6 \$10,000 00 against the person

7 (b) If the intent of the reproduction, alteration, counter-
 8 feiting, forging, duplication or use was to commit or aid in the
 9 commission of an offense punishable by imprisonment for not more
 10 than 1 year, the person committing the reproduction, alteration,
 11 counterfeit, forging, duplication, or use is guilty of a mis-
 12 demeanor, punishable by imprisonment for not more than 1 year or
 13 a fine of not more than \$1,000 00, or both

14 (6) ~~(4)~~ The secretary of state, upon determining after an
 15 examination that an applicant is mentally and physically quali-
 16 fied to receive a license may issue to that person a temporary
 17 driver s permit entitling the person while having the permit in
 18 his or her immediate possession to drive a motor vehicle upon the
 19 highway for a period not exceeding 60 days before issuance to the
 20 person of an operator s or chauffeur s license by the secretary
 21 of state

22 (7) ~~(5)~~ An operator or chauffeur may ~~place on the reverse~~
 23 ~~side of a~~ INDICATE ON THE license IN A PLACE DESIGNATED BY THE
 24 SECRETARY OF STATE his or her blood type, immunization data med-
 25 ication data, a statement that the licensee is deaf, or a state-
 26 ment that the licensee has made an anatomical gift pursuant to
 27 part 101 of the public health code, Act No 368 of the Public

1 Acts of 1978 being sections 333 10101 to 333 10109 of the
2 Michigan Compiled Laws

3 (8) ~~-(6)-~~ The phrase See reverse side for medical data ~~—~~
4 or anatomical gift followed by a box shall be printed on the
5 front of the license If the licensee places on the reverse side
6 of the license any of the information described in subsection
7 ~~-(5)-~~ (7), an X shall be inserted in the box

8 (9) ~~-(7)-~~ If the applicant provides proof to the secretary
9 of state that he or she is a minor who has been emancipated pur-
10 suant to Act No 293 of the Public Acts of 1968, being sections
11 722 1 to 722 6 of the Michigan Compiled Laws, the license on the
12 reverse side shall bear the designation of the individual s eman-
13 cipated status

14 Section 2 This amendatory act shall take effect January 1,
15 1995

16 Section 3 This amendatory act shall not take effect unless
17 Senate Bill No _____ or House Bill No _____ (request
18 no 01663 93 *) of the 87th Legislature is enacted into law