



# HOUSE BILL No. 5645

June 14 1994 Introduced by Reps Cropsey Curtis Jaye Kaza Harder Lowe Dalman Horton McBryde McManus Shugars Vorva and Gernaat and referred to the Committee on Judiciary

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

1       Sec 307   (1) An application for an operator's or  
2 chauffeur's license shall be made upon a form furnished by the  
3 secretary of state and shall contain all of the following

4       (a) For an operator's or chauffeur's license, full name,  
5 date of birth, address of residence, height, eye color, and sig-  
6 nature of the applicant, and other information required or per-  
7 mitted on the license pursuant to this chapter

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

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

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

25       (2) That the vehicle in which the applicant will take the  
26 driving skills tests is representative of the type of vehicle the  
27 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 application

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

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

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

15      (1v) That the applicant has not been convicted of a moving  
16 violation under state or local law relating to motor vehicle  
17 traffic control arising in connection with a traffic accident

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

20      (v1) That the applicant qualifies under either of the  
21 following

22      (A) Has passed a behind-the-wheel driving test given by a  
23 state with a classified licensing and testing system and taken in  
24 a representative vehicle for that applicant's driver's license  
25 classification

26      (B) Has operated, for at least 2 years immediately preceding  
27 application, a vehicle representative of the commercial motor

1 vehicle group or passenger vehicle for which he or she is  
2 applying Evidence shall be provided by the applicant s employer  
3 or by the applicant if self-employed

4 (2) An applicant for an operator's or chauffeur's license  
5 may be photographed at the time the application for the license  
6 is made The secretary of state shall acquire by purchase or  
7 lease the equipment for taking the photographs and shall furnish  
8 the equipment to the local unit Equipment purchased or leased  
9 pursuant to this section shall be acquired under standard pur-  
10 chasing procedures of the department of management and budget  
11 based on standards and specifications established by the secre-  
12 tary of state Equipment shall not be purchased or leased until  
13 an appropriation for the equipment has been made by the  
14 legislature A photograph taken pursuant to this section shall  
15 appear on the applicant's operator's or chauffeur's license only,  
16 and the photograph, a copy of the photograph, or a negative of  
17 the photograph shall not be retained by the secretary of state or  
18 any other agency

19 (3) An application shall be signed and certified by the  
20 applicant and shall be accompanied by the proper fee This fee  
21 shall be collected by the examiner and forwarded to the secretary  
22 of state with the application This fee shall be refunded to the  
23 applicant if the license applied for is denied, but the fee shall  
24 not be refunded to an applicant who fails to complete the exami-  
25 nation requirements of the secretary of state within 90 days  
26 after the date of application for a license

1       (4) If an application is received from a person previously  
2 licensed in another jurisdiction, the secretary of state shall  
3 request a copy of the applicant's record from the other  
4 jurisdiction. When received, the driving record shall become a  
5 part of the driver's record in this state with the same force and  
6 effect as if it had been entered on the driver's record in this  
7 state in the original instance. If the application is for an  
8 original, renewal, or change of a vehicle group designation or  
9 indorsement, the secretary of state shall also check the  
10 applicant's driving record with the national drivers register and  
11 the United States department of transportation before issuance of  
12 that group designation or indorsement.

13       (5) Except for a vehicle group designation or indorsement OR  
14 AUTHORIZATION TO CARRY A CONCEALED WEAPON, the secretary of state  
15 may issue a renewal operator's or chauffeur's license for 1 addi-  
16 tional 4-year period by mail. The secretary of state shall not  
17 issue a renewal license by mail unless the licensee has a driving  
18 record that is free of convictions and civil infraction determi-  
19 nations for the 48 months preceding renewal. However, the secre-  
20 tary of state shall not refuse to issue a renewal license by mail  
21 because of a conviction or civil infraction determination for  
22 which fines and costs were waived pursuant to section 901a or  
23 section 907. When a license is renewed by mail, the secretary of  
24 state shall issue evidence of renewal which shall be affixed to  
25 the previously issued license to indicate the date the license  
26 expires in the future. This evidence of renewal shall be

1 manufactured in the same manner required for the operator's  
2 license in section 310

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

7       Sec 310   (1) The secretary of state shall issue to each  
8 person licensed as an operator, an operator's license, and to  
9 each person licensed as a chauffeur, a chauffeur's license   An  
10 applicant for a motorcycle indorsement under section 312a or a  
11 vehicle group designation or indorsement shall first qualify for  
12 an operator's or chauffeur's license before the indorsement or  
13 vehicle group designation application is accepted and processed

14       (2) The license shall contain the distinguishing number per-  
15 manently assigned to the licensee and the name, date of birth,  
16 address of residence, height, an imprinted photograph, and the  
17 signature of the licensee   The license shall be manufactured in  
18 a manner to prohibit as nearly as possible the ability to repro-  
19 duce, alter, counterfeit, forge, or duplicate the license without  
20 ready detection   In addition, a license with a vehicle group  
21 designation shall contain the information required pursuant to  
22 49 C F R part 383

23       (3) A person who intentionally reproduces, alters, counter-  
24 feits, forges, or duplicates a license photograph, the negative  
25 of the photograph, a license, or a part of a license, or who uses  
26 a license or photograph that has been reproduced, altered,

1 counterfeited, forged, or duplicated shall be punished as  
2 follows

3 (a) If the intent of the reproduction, alteration, counter-  
4 feiting, forging, duplication, or use was to commit or aid in the  
5 commission of an offense punishable by imprisonment for 1 or more  
6 years, the person committing the reproduction, alteration, coun-  
7 terfeiting, forging, duplication, or use is guilty of a misde-  
8 meanor, punishable by imprisonment for a period equal to that  
9 which could be imposed for the commission of the offense the  
10 person had the intent to aid or commit The court may also  
11 assess a fine of not more than \$10,000 00 against the person

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

19 (4) The secretary of state, upon determining after an exami-  
20 nation that an applicant is mentally and physically qualified to  
21 receive a license, may issue to that person a temporary driver's  
22 permit entitling the person while having the permit in his or her  
23 immediate possession to drive a motor vehicle upon the highway  
24 for a period not exceeding 60 days before issuance to the person  
25 of an operator's or chauffeur's license by the secretary of  
26 state

1       (5) An operator or chauffeur may place on the reverse side  
2 of a license his or her blood type, immunization data, medication  
3 data, a statement that the licensee is deaf, or a statement that  
4 the licensee has made an anatomical gift pursuant to part 101 of  
5 the public health code, Act No 368 of the Public Acts of 1978,  
6 being sections 333 10101 to 333 10109 of the Michigan Compiled  
7 Laws

8       (6) The phrase "See reverse side for medical data, or anat-  
9 omical gift" followed by a box shall be printed on the front of  
10 the license If the licensee places on the reverse side of the  
11 license any of the information described in subsection (5), an  
12 "X" shall be inserted in the box

13       (7) If the applicant provides proof to the secretary of  
14 state that he or she is a minor who has been emancipated pursuant  
15 to Act No 293 of the Public Acts of 1968, being sections 722 1  
16 to 722 6 of the Michigan Compiled Laws, the license on the  
17 reverse side shall bear the designation of the individual's eman-  
18 cipated status

19       (8) IF THE APPLICANT IS AUTHORIZED BY THE SECRETARY OF STATE  
20 TO CARRY A CONCEALED WEAPON IN THIS STATE, THE SECRETARY OF STATE  
21 SHALL PLACE THE ACRONYM AUTHORIZING THE APPLICANT TO CARRY THE  
22 CONCEALED WEAPON ON THE LICENSE AS PROVIDED IN SECTION 5 OF ACT  
23 NO 372 OF THE PUBLIC ACTS OF 1927, BEING SECTION 28 425 OF THE  
24 MICHIGAN COMPILED LAWS

25       Section 2 This amendatory act shall take effect January 1,  
26 1995



1       Section 3    This amendatory act shall not take effect unless  
2 all of the following bills of the 87th Legislature are enacted  
3 into law

4       (a) Senate Bill No   \_\_\_\_\_ or House Bill No   5643 (request  
5 no 06521'94)

6       (b) Senate Bill No   \_\_\_\_\_ or House Bill No   5644 (request  
7 no 06521'94 b)

8       (c) Senate Bill No   \_\_\_\_\_ or House Bill No   5646 (request  
9 no 06521'94 c)

10      (d) Senate Bill No   \_\_\_\_\_ or House Bill No   5647 (request  
11 no 06521'94 d)