

SENATE BILL NO. 796

November 6, 1997, Introduced by Senator CONROY and referred to the Committee on Families, Mental Health and Human Services.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 307 (MCL 257.307), as amended by 1996 PA 205.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 307. (1) An application for an operator's or
2 chauffeur's license shall be made in a manner prescribed 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, sex, eye color, and~~
6 ~~signature of the applicant, and other information required or~~
7 ~~permitted on the license pursuant to this chapter.~~

8 (A) ~~(b)~~ For an operator's or chauffeur's license, ~~with a~~
9 ~~vehicle group designation or indorsement,~~ THE APPLICANT'S full
10 name, social security number, date of birth, address of

1 residence, height, sex, EYE COLOR, and signature ~~of the~~
2 applicant, and other information required or permitted on the
3 license ~~pursuant to~~ UNDER this chapter.

4 (B) ~~(c)~~ For an operator's or chauffeur's license with a
5 vehicle group designation or indorsement, the following certifi-
6 cations ~~made~~ by the applicant:

7 (i) ~~That the~~ THE applicant meets the applicable federal
8 physical driver qualification requirements ~~pursuant to~~ UNDER
9 49 C.F.R. part 391 if the applicant operates or intends to oper-
10 ate in interstate commerce or meets the applicable physical qual-
11 ifications ~~pursuant to~~ UNDER the rules promulgated by the
12 department of state police under the motor carrier safety act of
13 1963, ~~Act No. 181 of the Public Acts of 1963, being sections~~
14 ~~480.11 to 480.21 of the Michigan Compiled Laws~~ 1963 PA 181, MCL
15 480.11 TO 480.22, if the applicant operates or intends to operate
16 in intrastate commerce.

17 (ii) ~~That the~~ THE vehicle in which the applicant will take
18 the driving skills tests is representative of the type of vehicle
19 the applicant operates or intends to operate.

20 (iii) ~~That the~~ THE applicant has not been convicted of an
21 offense as described in section 312f or 319b.

22 (iv) ~~That the~~ THE applicant does not have a driver's
23 license from more than 1 state.

24 (C) ~~(d)~~ For an operator's or chauffeur's license with a
25 vehicle group designation or indorsement and for which the appli-
26 cant claims a waiver of the driving test as provided in
27 section 312f, the following additional certifications ~~made~~ by

1 the applicant concerning the 2-year period immediately before
2 application:

3 (i) ~~That the~~ THE applicant has not had more than 1
4 license.

5 (ii) ~~That the~~ THE applicant has not had any license sus-
6 pended, revoked, or canceled.

7 (iii) ~~That the~~ THE applicant has not been convicted of any
8 offense described in section 319b while operating a motor
9 vehicle.

10 (iv) ~~That the~~ THE applicant has not been convicted of a
11 moving violation under state or local law relating to motor vehi-
12 cle traffic control arising in connection with a traffic
13 accident.

14 (v) ~~That the~~ THE applicant is regularly employed in a job
15 requiring the operation of a commercial motor vehicle.

16 (vi) ~~That the~~ THE applicant qualifies under either of the
17 following:

18 (A) ~~Has~~ HE OR SHE HAS passed a behind-the-wheel driving
19 test given by a state with a commercial motor vehicle driver
20 licensing and testing system and taken in a representative vehi-
21 cle for that applicant's driver's license vehicle group
22 designation.

23 (B) ~~Has operated, for~~ FOR at least 2 years immediately
24 preceding application, THE APPLICANT HAS OPERATED a vehicle rep-
25 resentative of the commercial motor vehicle group or passenger
26 vehicle for which he or she is applying. ~~Evidence shall be~~

1 ~~provided by the~~ THE applicant's employer or ~~by~~ the applicant,
2 if self-employed, SHALL PROVIDE EVIDENCE OF THIS REQUIREMENT.

3 (2) An applicant for an operator's or chauffeur's license
4 may have his or her image captured or reproduced ~~at the time~~
5 ~~the~~ WHEN application for the license is made. The secretary of
6 state shall acquire by purchase or lease the equipment for cap-
7 turing the images and may furnish the equipment to a local unit
8 authorized by the secretary of state to license drivers. The
9 secretary of state shall acquire equipment purchased or leased
10 pursuant to this section under standard purchasing procedures of
11 the department of management and budget based on standards and
12 specifications established by the secretary of state. The secre-
13 tary of state shall not purchase or lease equipment until an
14 appropriation for the equipment has been made by the
15 legislature. An image captured pursuant to this section shall
16 appear on the applicant's operator's or chauffeur's license. The
17 secretary of state may retain and use a person's image described
18 in this subsection only for programs administered by the secre-
19 tary of state. Except as provided in this subsection, the secre-
20 tary of state shall not use a person's image unless THE PERSON
21 GRANTS written permission for that purpose ~~is granted by the~~
22 ~~person~~ to the secretary of state or specific enabling legisla-
23 tion permitting the use is enacted into law. A law enforcement
24 agency of this state shall have access to any information
25 retained by the secretary of state under this subsection. The
26 information may be utilized for any law enforcement purpose
27 unless otherwise prohibited by law.

1 (3) An application shall contain a signature and
2 certification by the applicant and shall be accompanied by the
3 proper fee. The examiner shall collect the application fee and
4 ~~shall forward the fee~~ IT to the secretary of state with the
5 application. The secretary of state shall refund the application
6 fee to the applicant if the license applied for is denied, but
7 shall not refund the fee to an applicant who fails to complete
8 the examination requirements of the secretary of state within 90
9 days after the date of application for a license. Until January
10 1, 2002, a service fee of \$1.00 shall be added to each fee col-
11 lected for an original, renewal, duplicate, or corrected
12 operator's or chauffeur's license. The service fee received and
13 collected under this subsection shall be deposited in the state
14 treasury to the credit of the general fund. The service fee
15 shall be used to defray the expenses of the secretary of state.
16 Appropriations from the Michigan transportation fund shall not be
17 used to compensate the secretary of state for costs incurred and
18 services performed under this section.

19 (4) If an application is received from a person previously
20 licensed in another jurisdiction, the secretary of state shall
21 request a copy of the applicant's driving record and other avail-
22 able information from the other jurisdiction. When received, the
23 driving record and other available information from the other
24 jurisdiction becomes a part of the driver's record in this state
25 with the same force and effect as if it had been entered on the
26 driver's record in this state in the original instance. If the
27 application is for an original, renewal, or change of a vehicle

1 group designation or indorsement, the secretary of state shall
2 also check the applicant's driving record with the national driv-
3 ers register and the United States department of transportation
4 before ~~issuance of~~ ISSUING that group designation or
5 indorsement.

6 (5) Except for a vehicle group designation or indorsement,
7 the secretary of state may issue a renewal operator's or
8 chauffeur's license for 1 additional 4-year period by mail or by
9 other methods prescribed by the secretary of state. The secre-
10 tary of state shall issue a renewal license only in person ~~when~~
11 IF the licensee has a driving record with a conviction or civil
12 infraction determination obtained in the 48 months preceding
13 renewal. However, the secretary of state shall not refuse to
14 issue a renewal license by mail or by other method because of a
15 conviction or civil infraction determination for which fines and
16 costs were waived ~~pursuant to~~ UNDER section 901a or ~~section~~
17 907. If a license is renewed by mail or by other method, the
18 secretary of state shall issue evidence of renewal to indicate
19 the date the license expires in the future.

20 (6) Upon request, the secretary of state shall provide an
21 information manual to an applicant explaining how to obtain a
22 vehicle group designation or indorsement. The manual shall con-
23 tain the information required ~~pursuant to~~ UNDER 49 C.F.R. part
24 383.