

**SENATE BILL NO. 569**

May 4, 1999, Introduced by Senator JOHNSON 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 1998 PA  
330.

**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) The applicant's full name, date of birth, address of  
5 residence, height, sex, eye color, signature, other information  
6 required or permitted on the license under this chapter, and, to  
7 the extent required to comply with federal law, the applicant's  
8 social security number.

1 (b) For an operator's or chauffeur's license with a vehicle  
2 group designation or indorsement, the following certifications by  
3 the applicant:

4 (i) The applicant meets the applicable federal physical  
5 driver qualification requirements under 49 C.F.R. part 391 if the  
6 applicant operates or intends to operate in interstate commerce  
7 or meets the applicable physical qualifications under the rules  
8 promulgated by the department of state police under the motor  
9 carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.22, if  
10 the applicant operates or intends to operate in intrastate  
11 commerce.

12 (ii) The vehicle in which the applicant will take the driv-  
13 ing skills tests is representative of the type of vehicle the  
14 applicant operates or intends to operate.

15 (iii) The applicant has not been convicted of an offense as  
16 described in section 312f or 319b.

17 (iv) The applicant does not have a driver's license from  
18 more than 1 state.

19 (c) For an operator's or chauffeur's license with a vehicle  
20 group designation or indorsement and for which the applicant  
21 claims a waiver of the driving test as provided in section 312f,  
22 the following additional certifications by the applicant concern-  
23 ing the 2-year period immediately before application:

24 (i) The applicant has not had more than 1 license.

25 (ii) The applicant has not had any license suspended,  
26 revoked, or canceled.

1 (iii) The applicant has not been convicted of any offense  
2 described in section 319b while operating a motor vehicle.

3 (iv) The applicant has not been convicted of a moving viola-  
4 tion under state or local law relating to motor vehicle traffic  
5 control arising in connection with a traffic accident.

6 (v) The applicant is regularly employed in a job requiring  
7 the operation of a commercial motor vehicle.

8 (vi) The applicant qualifies under either of the following:

9 (A) He or she has passed a behind-the-wheel driving test  
10 given by a state with a commercial motor vehicle driver licensing  
11 and testing system and taken in a representative vehicle for that  
12 applicant's driver's license vehicle group designation.

13 (B) For at least 2 years immediately preceding application,  
14 the applicant has operated a vehicle representative of the com-  
15 mercial motor vehicle group or passenger vehicle for which he or  
16 she is applying. The applicant's employer or the applicant, if  
17 self-employed, shall provide evidence of this requirement.

18 (2) ~~An~~ EXCEPT AS PROVIDED IN THIS SUBSECTION, AN applicant  
19 for an operator's or chauffeur's license may have his or her  
20 image captured or reproduced when the application for the license  
21 is made. AN APPLICANT REQUIRED UNDER SECTION 5A OF THE SEX  
22 OFFENDERS REGISTRATION ACT, 1994 PA 295, MCL 28.725A, TO MAINTAIN  
23 A VALID OPERATOR'S OR CHAUFFEUR'S LICENSE OR OFFICIAL STATE PER-  
24 SONAL IDENTIFICATION CARD SHALL HAVE HIS OR HER IMAGE CAPTURED OR  
25 REPRODUCED WHEN THE APPLICATION FOR THE LICENSE IS MADE. The sec-  
26 retary of state shall acquire by purchase or lease the equipment  
27 for capturing the images and may furnish the equipment to a local

1 unit authorized by the secretary of state to license drivers.

2 The secretary of state shall acquire equipment purchased or  
3 leased pursuant to this section under standard purchasing proce-  
4 dures of the department of management and budget based on stan-  
5 dards and specifications established by the secretary of state.

6 The secretary of state shall not purchase or lease equipment  
7 until an appropriation for the equipment has been made by the  
8 legislature. An image captured pursuant to this section shall  
9 appear on the applicant's operator's or chauffeur's license.

10 ~~The~~ EXCEPT AS PROVIDED IN THIS SUBSECTION, THE secretary of  
11 state may retain and use a person's image described in this sub-  
12 section only for programs administered by the secretary of  
13 state. Except as provided in this subsection, the secretary of  
14 state shall not use a person's image unless the person grants  
15 written permission for that purpose to the secretary of state or  
16 specific enabling legislation permitting the use is enacted into  
17 law. A law enforcement agency of this state has access to infor-  
18 mation retained by the secretary of state under this subsection.  
19 The information may be utilized for any law enforcement purpose  
20 unless otherwise prohibited by law. THE DEPARTMENT OF STATE  
21 POLICE SHALL PROVIDE TO THE SECRETARY OF STATE UPDATED LISTS OF  
22 PERSONS REQUIRED TO BE REGISTERED UNDER THE SEX OFFENDERS REGIS-  
23 TRATION ACT, 1994 PA 295, MCL 28.721 TO 28.732, AND THE SECRETARY  
24 OF STATE SHALL MAKE THE IMAGES OF THOSE PERSONS AVAILABLE TO THE  
25 DEPARTMENT OF STATE POLICE AS PROVIDED IN THAT ACT.

26 (3) An application shall contain a signature and  
27 certification by the applicant and shall be accompanied by the

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

17 (4) In conjunction with the issuance of an operator's or  
18 chauffeur's license, the secretary of state shall do all of the  
19 following:

20 (a) Provide the applicant with all of the following:

21 (i) Written information explaining the applicant's right to  
22 make an anatomical gift in the event of death in accordance with  
23 section 310.

24 (ii) Written information describing the organ donation reg-  
25 istry program maintained by Michigan's federally designated organ  
26 procurement organization or its successor organization. The  
27 written information required under this subparagraph shall

1 include, in a type size and format that is conspicuous in  
2 relation to the surrounding material, the address and telephone  
3 number of Michigan's federally designated organ procurement  
4 organization or its successor organization, along with an  
5 advisory to call Michigan's federally designated organ procure-  
6 ment organization or its successor organization with questions  
7 about the organ donor registry program.

8       (iii) Written information giving the applicant the opportu-  
9 nity to be placed on the organ donation registry described in  
10 subparagraph (ii).

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

15       (c) Inform the applicant in writing that, if he or she indi-  
16 cates to the secretary of state under this section a willingness  
17 to have his or her name placed on the organ donor registry  
18 described in subdivision (a)(ii), the secretary of state will  
19 forward the applicant's name and address to the organ donation  
20 registry maintained by Michigan's federally designated organ pro-  
21 curement organization or its successor organization, as required  
22 by subsection (6).

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

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

1 (b) Providing printed material to an applicant who  
2 personally appears at a secretary of state branch office.

3 (c) Through electronic information transmittals for  
4 operator's and chauffeur's licenses processed by electronic  
5 means.

6 (6) If an applicant indicates a willingness under this sec-  
7 tion to have his or her name placed on the organ donor registry  
8 described in subsection (4)(a)(ii), the secretary of state shall  
9 within 10 days forward the applicant's name and address to the  
10 organ donor registry maintained by Michigan's federally desig-  
11 nated organ procurement organization or its successor  
12 organization. The secretary of state may forward information  
13 under this subsection by mail or by electronic means. The secre-  
14 tary of state shall not maintain a record of the name or address  
15 of an individual who indicates a willingness to have his or her  
16 name placed on the organ donor registry after forwarding that  
17 information to the organ donor registry under this subsection.  
18 Information about an applicant's indication of a willingness to  
19 have his or her name placed on the organ donor registry that is  
20 obtained by the secretary of state under subsection (4) and for-  
21 warded under this subsection is exempt from disclosure under the  
22 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246,  
23 pursuant to section 13(1)(d) of the freedom of information act,  
24 1976 PA 442, MCL 15.243.

25 (7) If an application is received from a person previously  
26 licensed in another jurisdiction, the secretary of state shall  
27 request a copy of the applicant's driving record and other

1 available information from the other jurisdiction. When  
2 received, the driving record and other available information from  
3 the other jurisdiction becomes a part of the driver's record in  
4 this state with the same force and effect as if it had been  
5 entered on the driver's record in this state in the original  
6 instance. If the application is for an original, renewal, or  
7 change of a vehicle group designation or indorsement, the secre-  
8 tary of state shall also check the applicant's driving record  
9 with the national drivers register and the United States depart-  
10 ment of transportation before issuing that group designation or  
11 indorsement.

12 (8) Except for a vehicle group designation or indorsement OR  
13 AS PROVIDED IN THIS SUBSECTION, the secretary of state may issue  
14 a renewal operator's or chauffeur's license for 1 additional  
15 4-year period by mail or by other methods prescribed by the sec-  
16 retary of state. The secretary of state shall issue a renewal  
17 license only in person if the licensee has a driving record with  
18 a conviction or civil infraction determination obtained in the 48  
19 months preceding renewal OR IF THE PERSON IS A PERSON REQUIRED  
20 UNDER SECTION 5A OF THE SEX OFFENDERS REGISTRATION ACT, 1994  
21 PA 295, MCL 28.725A, TO MAINTAIN A VALID OPERATOR'S OR  
22 CHAUFFEUR'S LICENSE OR OFFICIAL STATE PERSONAL IDENTIFICATION  
23 CARD. However, the secretary of state shall not refuse to issue  
24 a renewal license by mail or by other method because of a convic-  
25 tion or civil infraction determination for which fines and costs  
26 were waived under section 901a or section 907. If a license is  
27 renewed by mail or by other method, the secretary of state shall

1 issue evidence of renewal to indicate the date the license  
2 expires in the future. THE DEPARTMENT OF STATE POLICE SHALL PRO-  
3 VIDE TO THE SECRETARY OF STATE UPDATED LISTS OF PERSONS REQUIRED  
4 UNDER SECTION 5A OF THE SEX OFFENDERS REGISTRATION ACT, 1994  
5 PA 295, MCL 28.725A, TO MAINTAIN A VALID OPERATOR'S OR  
6 CHAUFFEUR'S LICENSE OR OFFICIAL STATE PERSONAL IDENTIFICATION  
7 CARD.

8 (9) Upon request, the secretary of state shall provide an  
9 information manual to an applicant explaining how to obtain a  
10 vehicle group designation or indorsement. The manual shall con-  
11 tain the information required under 49 C.F.R. part 383.

12 (10) The secretary of state shall not disclose a social  
13 security number obtained under subsection (1) to another person  
14 except for use for 1 or more of the following purposes:

15 (a) Compliance with the commercial motor vehicle safety act  
16 of 1986, title XII of Public Law 99-570, 100 Stat. 3207-170, and  
17 regulations and state law and rules related to that act.

18 (b) Through the law enforcement information network, to  
19 carry out the purposes of section 466(a) of part D of title IV of  
20 the social security act, 42 U.S.C. 666, in connection with mat-  
21 ters relating to paternity, child support, or overdue child  
22 support.

23 (c) As otherwise required by law.

24 (11) The secretary of state shall not display a person's  
25 social security number on the person's operator's or chauffeur's  
26 license.

1 (12) A requirement under this section to include a social  
2 security number on an application does not apply to an applicant  
3 who demonstrates he or she is exempt under law from obtaining a  
4 social security number or to an applicant who for religious con-  
5 victions is exempt under law from disclosure of his or her social  
6 security number under these circumstances. The secretary of  
7 state shall inform the applicant of this possible exemption.

8 Enacting section 1. This amendatory act takes effect  
9 September 1, 1999.

10 Enacting section 2. This amendatory act does not take  
11 effect unless Senate Bill No. 566  
12 of the 90th Legislature is enacted into  
13 law.