

**SUBSTITUTE FOR
SENATE BILL NO. 925**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending the title and sections 310, 310e, and 314
(MCL 257.310, 257.310e, and 257.314), the title as amended by
2000 PA 408, section 310 as amended by 2002 PA 126, section 310e
as amended by 2000 PA 456, and section 314 as amended by 2000
PA 173.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

TITLE

2

An act to provide for the registration, titling, sale,

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transfer, and regulation of certain vehicles operated upon the

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public highways of this state or any other place open to the gen-

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eral public or generally accessible to motor vehicles and

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distressed vehicles; to provide for the licensing of dealers; to

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provide for the examination, licensing, and control of operators

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1 and chauffeurs; to provide for the giving of proof of financial
2 responsibility and security by owners and operators of vehicles;
3 to provide for the imposition, levy, and collection of specific
4 taxes on vehicles, and the levy and collection of sales and use
5 taxes, license fees, and permit fees; to provide for the regula-
6 tion and use of streets and highways; to create certain funds; to
7 provide penalties and sanctions for a violation of this act; to
8 provide for civil liability of owners and operators of vehicles
9 and service of process on residents and nonresidents; to provide
10 for the levy of certain assessments; to provide for the enforce-
11 ment of this act; to provide for the creation of and to prescribe
12 the powers and duties of certain state and local agencies; to
13 impose liability upon the state or local agencies; TO PROVIDE
14 APPROPRIATIONS FOR CERTAIN PURPOSES; to repeal all other acts or
15 parts of acts inconsistent with this act or contrary to this act;
16 and to repeal certain parts of this act on a specific date.

17 Sec. 310. (1) The secretary of state shall issue an
18 operator's license to each person licensed as an operator and a
19 chauffeur's license to each person licensed as a chauffeur. An
20 applicant for a motorcycle indorsement under section 312a or a
21 vehicle group designation or indorsement shall first qualify for
22 an operator's or chauffeur's license before the indorsement or
23 vehicle group designation application is accepted and processed.
24 BEGINNING ON AND AFTER JULY 1, 2003, AN ORIGINAL LICENSE OR THE
25 FIRST RENEWAL OF AN EXISTING LICENSE ISSUED TO A PERSON LESS THAN
26 21 YEARS OF AGE SHALL BE PORTRAIT OR VERTICAL IN FORM AND AN
27 ORIGINAL LICENSE OR THE FIRST RENEWAL OF AN EXISTING LICENSE

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1 ISSUED TO A PERSON 21 YEARS OF AGE OR OVER SHALL BE LANDSCAPE OR
2 HORIZONTAL IN FORM.

3 (2) The license issued under subsection (1) shall contain
4 all of the following information:

5 (a) The distinguishing number permanently assigned to the
6 licensee.

7 (b) The full name, date of birth, address of residence,
8 height, eye color, sex, an image, and the signature of the
9 licensee.

10 (c) An indication that the license contains 1 or more of the
11 following:

12 (i) The blood type of the licensee.

13 (ii) Immunization data of the licensee.

14 (iii) Medication data of the licensee.

15 (iv) A statement that the licensee is deaf.

16 (v) A statement that the licensee is an organ and tissue
17 donor pursuant to part 101 of the public health code, 1978
18 PA 368, MCL 333.10101 to 333.10109.

19 (vi) Emergency contact information of the licensee.

20 (vii) A sticker or decal as specified by the secretary of
21 state to indicate that the licensee has designated 1 or more
22 patient advocates in accordance with section 5506 of the estates
23 and protected individuals code, 1998 PA 386, MCL 700.5506, or a
24 statement that the licensee carries an emergency medical informa-
25 tion card.

26 (d) If the licensee has made a statement described in
27 subdivision (c)(v), the signature of the licensee following the

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1 indication of his or her organ and tissue donor intent identified
2 in subdivision (c)(v), along with the signature of at least 1
3 witness.

4 (e) The sticker or decal described in subdivision (c)(vii)
5 may be provided by any person, hospital, school, medical group,
6 or association interested in assisting in implementing the emer-
7 gency medical information card, but shall meet the specifications
8 of the secretary of state. The emergency medical information
9 card may contain the information described in subdivision
10 (c)(vi), information concerning the licensee's patient advocate
11 designation, other emergency medical information, or an indica-
12 tion as to where the licensee has stored or registered emergency
13 medical information.

14 (F) BEGINNING JULY 1, 2003, IN THE CASE OF A LICENSEE WHO IS
15 LESS THAN 18 YEARS OF AGE AT THE TIME OF ISSUANCE OF THE LICENSE,
16 THE DATE ON WHICH THE LICENSEE WILL BECOME 18 YEARS OF AGE AND 21
17 YEARS OF AGE.

18 (G) BEGINNING JULY 1, 2003, IN THE CASE OF A LICENSEE WHO IS
19 AT LEAST 18 YEARS OF AGE BUT LESS THAN 21 YEARS OF AGE AT THE
20 TIME OF ISSUANCE OF THE LICENSE, THE DATE ON WHICH THE LICENSEE
21 WILL BECOME 21 YEARS OF AGE.

22 (3) Except as otherwise required in this chapter, other
23 information required on the license pursuant to this chapter may
24 appear on the license in a form prescribed by the secretary of
25 state.

26 (4) The license shall not contain a fingerprint or finger
27 image of the licensee.

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1 (5) A digitized license may contain an identifier for voter
2 registration purposes. The digitized license may contain infor-
3 mation appearing in electronic or machine readable codes needed
4 to conduct a transaction with the secretary of state. The infor-
5 mation shall be limited to the person's driver license number,
6 birth date, license expiration date, and other information neces-
7 sary for use with electronic devices, machine readers, or auto-
8 matic teller machines and shall not contain the person's name,
9 address, driving record, or other personal identifier. The
10 license shall identify the encoded information.

11 (6) 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 (7) A person who intentionally reproduces, alters, counter-
18 feits, forges, or duplicates a license photograph, the negative
19 of the photograph, an image, a license, or the electronic data
20 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 is subject to 1 of
23 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 that is a felony punishable by
27 imprisonment for 10 or more years, the person committing the

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1 reproduction, alteration, counterfeiting, forging, duplication,
2 or use is guilty of a felony, punishable by imprisonment for not
3 more than 10 years or a fine of not more than \$20,000.00, or
4 both.

5 (b) If the intent of the reproduction, alteration, counter-
6 feiting, forging, duplication, or use was to commit or aid in the
7 commission of an offense that is a felony punishable by imprison-
8 ment for less than 10 years or a misdemeanor punishable by
9 imprisonment for 6 months or more, the person committing the
10 reproduction, alteration, counterfeiting, forging, duplication,
11 or use is guilty of a felony, punishable by imprisonment for not
12 more than 5 years, or a fine of not more than \$10,000.00, or
13 both.

14 (c) If the intent of the reproduction, alteration, counter-
15 feiting, forging, duplication, or use was to commit or aid in the
16 commission of an offense that is a misdemeanor punishable by
17 imprisonment for less than 6 months, the person committing the
18 reproduction, alteration, counterfeiting, forging, duplication,
19 or use is guilty of a misdemeanor punishable by imprisonment for
20 not more than 1 year or a fine of not more than \$2,000.00, or
21 both.

22 (8) A person who sells, or who possesses with the intent to
23 deliver to another, a reproduced, altered, counterfeited, forged,
24 or duplicated license photograph, negative of the photograph,
25 image, license, or electronic data contained on a license or part
26 of a license is guilty of a felony punishable by imprisonment for

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1 not more than 5 years or a fine of not more than \$10,000.00, or
2 both.

3 (9) A person who is in possession of 2 or more reproduced,
4 altered, counterfeited, forged, or duplicated license photo-
5 graphs, negatives of the photograph, images, licenses, or elec-
6 tronic data contained on a license or part of a license is guilty
7 of a felony punishable by imprisonment for not more than 5 years
8 or a fine of not more than \$10,000.00, or both.

9 (10) A person who is in possession of a reproduced, altered,
10 counterfeited, forged, or duplicated license photograph, negative
11 of the photograph, image, license, or electronic data contained
12 on a license or part of a license is guilty of a misdemeanor pun-
13 ishable by imprisonment for not more than 1 year or a fine of not
14 more than \$2,000.00, or both.

15 (11) Subsections (7)(a) and (b), (8), and (9) do not apply
16 to a minor whose intent is to violate section 703 of the Michigan
17 liquor control code of 1998, 1998 PA 58, MCL 436.1703.

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

26 (13) An operator or chauffeur may indicate on the license in
27 a place designated by the secretary of state his or her blood

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1 type, emergency contact information, immunization data,
2 medication data, or a statement that the licensee is deaf, or a
3 statement that the licensee is an organ and tissue donor and has
4 made an anatomical gift pursuant to part 101 of the public health
5 code, 1978 PA 368, MCL 333.10101 to 333.10109.

6 (14) An operator or chauffeur may indicate on the license in
7 a place designated by the secretary of state that he or she has
8 designated a patient advocate in accordance with sections 5506 to
9 5513 of the estates and protected individuals code, 1998 PA 386,
10 MCL 700.5506 to 700.5513.

11 (15) If the applicant provides proof to the secretary of
12 state that he or she is a minor who has been emancipated pursuant
13 to 1968 PA 293, MCL 722.1 to 722.6, the license shall bear the
14 designation of the individual's emancipated status in a manner
15 prescribed by the secretary of state.

16 (16) THERE IS APPROPRIATED TO THE DEPARTMENT OF STATE FROM
17 THE STATE SERVICES FEE FUND \$1,000,000.00 FOR THE FISCAL YEAR
18 ENDING SEPTEMBER 30, 2003 FOR IMPLEMENTATION OF THE REQUIREMENTS
19 OF THIS SECTION AS AMENDED BY THE AMENDATORY ACT THAT ADDED THIS
20 SUBSECTION AND FOR THE PROVISIONS OF THE 2002 AMENDATORY ACT THAT
21 AMENDED SECTION 2 OF 1972 PA 222, MCL 28.292, AND THAT PROVIDED FOR
22 VERTICAL IDENTIFICATION CARDS.

23 Sec. 310e. (1) Except as otherwise provided in this act, an
24 operator's or chauffeur's license issued to a person who is 17
25 years of age or less SHALL BE IN A FORM AS PRESCRIBED IN SECTION
26 310 BEGINNING JULY 1, 2003, AND is valid only upon the issuance
of a graduated driver license.

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1 (2) The secretary of state shall designate graduated
2 licensing provisions in a manner that clearly indicates that the
3 person is subject to the appropriate provisions described in this
4 section.

5 (3) A person who is not less than 14 years and 9 months of
6 age may be issued a level 1 graduated licensing status to operate
7 a motor vehicle if the person has satisfied all of the following
8 conditions:

9 (a) Passed a vision test and met health standards as pre-
10 scribed by the secretary of state.

11 (b) Successfully completed segment 1 of a driver education
12 course approved by the department of education including a mini-
13 mum of 6 hours of on-the-road driving time with the instructor.

14 (c) Received written approval of a parent or legal
15 guardian.

16 (4) A person issued a level 1 graduated licensing status may
17 operate a motor vehicle only when accompanied either by a
18 licensed parent or legal guardian or, with the permission of the
19 parent or legal guardian, a licensed driver 21 years of age or
20 older. Except as otherwise provided in this section, a person is
21 restricted to operating a motor vehicle with a level 1 graduated
22 licensing status for not less than 6 months.

23 (5) A person may be issued a level 2 graduated licensing
24 status to operate a motor vehicle if the person has satisfied all
25 of the following conditions:

26 (a) Had a level 1 graduated licensing status for not less
27 than 6 months.

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1 (b) Successfully completed segment 2 of a driver education
2 course approved by the department of education.

3 (c) Not incurred a moving violation resulting in a convic-
4 tion or civil infraction determination or been involved in an
5 accident for which the official police report indicates a moving
6 violation on the part of the person during the 90-day period
7 immediately preceding application.

8 (d) Presented a certification by the parent or guardian that
9 he or she, accompanied by his or her licensed parent or legal
10 guardian or, with the permission of the parent or legal guardian,
11 any licensed driver 21 years of age or older, has accumulated a
12 total of not less than 50 hours of behind-the-wheel experience
13 including not less than 10 nighttime hours.

14 (e) Successfully completed a secretary of state approved
15 performance road test. The secretary of state may enter into an
16 agreement with another public or private person or agency,
17 including a city, village, or township, to conduct this per-
18 formance road test. This subdivision applies to a person 16
19 years of age or over only if the person has satisfied subdivi-
20 sions (a), (b), (c), and (d).

21 (6) A person issued a level 2 graduated licensing status
22 under subsection (5) shall remain at level 2 for not less than 6
23 months and shall not operate a motor vehicle within this state
24 from 12 midnight to 5 a.m. unless accompanied by a parent or
25 legal guardian or a licensed driver over the age of 21 designated
26 by the parent or legal guardian, or except when going to or from
27 employment.

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1 (7) The provisions and provisional period described in
2 subsection (4) or (6) shall be expanded or extended, or both,
3 beyond the periods described in subsection (4) or (6) if any of
4 the following occur and are recorded on the licensee's driving
5 record during the provisional periods described in subsection (4)
6 or (6) or any additional periods imposed under this subsection:

7 (a) A moving violation resulting in a conviction, civil
8 infraction determination, or probate court disposition.

9 (b) An accident for which the official police report indi-
10 cates a moving violation on the part of the licensee.

11 (c) A license suspension for a reason other than a mental or
12 physical disability.

13 (d) A violation of subsection (4) or (6).

14 (8) The provisional period described in subsection (4) shall
15 be extended under subsection (7) until the licensee completes 90
16 consecutive days without a moving violation, an accident in which
17 a moving violation resulted, accident, suspension, or provisional
18 period violation listed in subsection (7) or until age 18, which-
19 ever occurs first. The provisional period described in
20 subsection (6) shall be extended under subsection (7) until the
21 licensee completes 12 consecutive months without a moving viola-
22 tion, accident, suspension, or restricted period violation listed
23 in subsection (7) or until age 18, whichever occurs first.

24 (9) A person who is not less than 17 years of age may be
25 issued a level 3 graduated licensing status under this subsection
26 if the person has completed 12 consecutive months without a
27 moving violation, an accident in which a moving violation

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1 resulted, accident, suspension, or restricted period violation
2 listed in subsection (7) while the person was issued a level 2
3 graduated licensing status under subsection (5).

4 (10) Notice shall be given by first-class mail to the last
5 known address of a licensee if the provisions are expanded or
6 extended as described in subsection (7).

7 (11) A person who violates subsection (4) or (6) is respon-
8 sible for a civil infraction.

9 (12) If a person is determined responsible for a violation
10 of subsection (4) or (6), the secretary of state shall send writ-
11 ten notification of any conviction or moving violation to a des-
12 ignated parent or guardian of the person.

13 (13) For purposes of this section:

14 (a) Upon conviction for a moving violation, the date of the
15 arrest for the violation shall be used in determining whether the
16 conviction occurred within a provisional licensure period under
17 this section.

18 (b) Upon entry of a civil infraction determination for a
19 moving violation, the date of issuance of a citation for a civil
20 infraction shall be used in determining whether the civil infrac-
21 tion determination occurred within a provisional licensure period
22 under this section.

23 (c) The date of the official police report shall be used in
24 determining whether a licensee was driving a motor vehicle
25 involved in an accident for which the official police report
26 indicates a moving violation on the part of the licensee or
27 indicates the licensee had been drinking intoxicating liquor.

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1 (14) A person shall have his or her graduated licensing
2 status in his or her immediate possession at all times when oper-
3 ating a motor vehicle, and shall display the card upon demand of
4 a police officer. A person who violates this subsection is
5 responsible for a civil infraction.

6 (15) This section does not apply to a person 15 years of age
7 or older who is currently enrolled but has not completed a driver
8 education course on April 1, 1997 or who has completed a driver
9 education course but has not acquired his or her driver license
10 on April 1, 1997.

11 Sec. 314. (1) Except as otherwise provided in this section,
12 an operator's license shall expire on the birthday of the person
13 to whom the license is issued in the fourth year following the
14 date of the issuance of the license unless suspended or revoked
15 before that date or issued pursuant to section 314b. A license
16 shall not be issued for a period longer than 4 years. A person
17 holding a license at any time within 45 days before the expira-
18 tion of his or her license may make application for a new license
19 as provided for in this chapter. However, a knowledge test for
20 an original group designation or indorsement may be taken at any
21 time during this period and the results shall be valid for
22 12 months. However, if the licensee will be out of the state
23 during the 45 days immediately preceding expiration of the
24 license or for other good cause shown cannot apply for a license
25 within the 45-day period, application for a new license may be
26 made not more than 6 months before expiration of the license.

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1 This new license when granted shall expire as provided for in
2 this chapter.

3 (2) ~~Effective October 1, 1985, the~~ THE first operator's
4 license issued to a person who at the time of application is less
5 than 20-1/2 years of age shall expire on the licensee's
6 twenty-first birthday unless suspended or revoked. ~~The~~ UNTIL
7 JULY 1, 2003, THE secretary of state shall code the license in a
8 manner which clearly identifies the licensee as being less than
9 21 years of age.

10 (3) The first chauffeur's license issued to a person shall
11 expire on the licensee's birthday in the fourth year following
12 the date of issuance unless the license is suspended or revoked
13 before that date or is issued pursuant to section 314b.

14 ~~Effective October 1, 1985, the~~ THE chauffeur's license of a
15 person who at the time of application is less than 20-1/2 years
16 of age shall expire on the licensee's twenty-first birthday
17 unless suspended or revoked. ~~The~~ UNTIL JULY 1, 2003, THE sec-
18 retary of state shall code the license in a manner which clearly
19 identifies the licensee as being less than 21 years of age. A
20 subsequent chauffeur's license shall expire on the birthday of
21 the person to whom the license is issued in the fourth year fol-
22 lowing the date of issuance of the license unless the license is
23 suspended or revoked before that date or is issued pursuant to
24 section 314b.

25 (4) A person may apply for an extension of his or her driv-
26 ing privileges if he or she is out of state on the date that his
27 or her operator's or chauffeur's license expires. The extension

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1 may extend the license for 90 days beyond the expiration date or
2 within 2 weeks after the applicant returns to Michigan, whichever
3 occurs first.

4 (5) A person who will be out of state for more than 90 days
5 beyond the expiration date of his or her operator's license may
6 apply for a 2-year extension of his or her driving privileges.
7 The applicant for this extension shall submit a statement evi-
8 dencing a vision examination in accordance with the rules promul-
9 gated by the secretary of state under section 309. The fee for a
10 2-year extension shall be the same as provided in section
11 314b(2).

12 ~~(6) A person whose operator's or chauffeur's license is~~
13 ~~unexpired but whose class 1, class 2, or class 3 indorsement has~~
14 ~~expired pursuant to section 312e(10) may apply for a vehicle~~
15 ~~group designation or indorsement. Upon proper application and~~
16 ~~payment of the fees prescribed in section 314b and section 811,~~
17 ~~the expiration of the person's operator's or chauffeur's license~~
18 ~~shall be extended for 4 years beyond the expiration which would~~
19 ~~have applied except for the operation of section 312e(10).-~~

Enacting section 1. This amendatory act takes effect October 1,
2002.

Enacting section 2. This amendatory act does not take effect unless
Senate Bill No. 924 of the 91st Legislature is enacted into law.

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Final page.

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