

# HOUSE BILL No. 4769

May 11, 2005, Introduced by Rep. Acciavatti and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 303, 307, 310, and 314 (MCL 257.303, 257.307, 257.310, and 257.314), sections 303 and 314 as amended by 2004 PA 362, section 307 as amended by 2004 PA 502, and section 310 as amended by 2003 PA 152, and by adding sections 310f and 310g.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1       Sec. 303. (1) The secretary of state shall not issue a
- 2       license under this act to any of the following persons:
- 3       (a) A person, as an operator, who is less than 18 years of
- 4       age, except as otherwise provided in this act.
- 5       (b) A person, as a chauffeur, who is less than 18 years of
- 6       age, except as otherwise provided in this act.

1 (c) A person whose license is suspended, revoked, denied, or  
2 canceled in any state. If the suspension, revocation, denial, or  
3 cancellation is not from the jurisdiction that issued the last  
4 license to the person, the secretary of state may issue a license  
5 after the expiration of 5 years from the effective date of the  
6 most recent suspension, revocation, denial, or cancellation.

7 (d) A person who in the opinion of the secretary of state is  
8 afflicted with or suffering from a physical or mental disability  
9 or disease preventing that person from exercising reasonable and  
10 ordinary control over a motor vehicle while operating the motor  
11 vehicle upon the highways.

12 (e) A person who is unable to understand highway warning or  
13 direction signs in the English language.

14 (f) A person who is unable to pass a knowledge, skill, or  
15 ability test administered by the secretary of state in connection  
16 with the issuance of an original operator's or chauffeur's  
17 license, original motorcycle indorsement, or an original or  
18 renewal of a vehicle group designation or vehicle indorsement.

19 (g) A person who has been convicted of, has received a  
20 juvenile disposition for, or has been determined responsible for  
21 2 or more moving violations under a law of this state, a local  
22 ordinance substantially corresponding to a law of this state, or  
23 a law of another state substantially corresponding to a law of  
24 this state within the preceding 3 years, if the violations  
25 occurred before issuance of an original license to the person in  
26 this or another state.

27 (h) ~~—A~~ **SUBJECT TO SECTION 310F**, A nonresident including a

1 foreign exchange student.

2 (i) A person who has failed to answer a citation or notice  
3 to appear in court or for any matter pending or fails to comply  
4 with an order or judgment of the court, including, but not  
5 limited to, paying all fines, costs, fees, and assessments, in  
6 violation of section 321a, until that person answers the citation  
7 or notice to appear in court or for any matter pending or  
8 complies with an order or judgment of the court, including, but  
9 not limited to, paying all fines, costs, fees, and assessments,  
10 as provided under section 321a.

11 (j) A person not licensed under this act who has been  
12 convicted of, has received a juvenile disposition for, or has  
13 been determined responsible for a crime or civil infraction  
14 described in section 319, 324, or 904. A person shall be denied a  
15 license under this subdivision for the length of time  
16 corresponding to the period of the licensing sanction that would  
17 have been imposed under section 319, 324, or 904 if the person  
18 had been licensed at the time of the violation.

19 (k) A person not licensed under this act who has been  
20 convicted of or received a juvenile disposition for committing a  
21 crime described in section 319e. A person shall be denied a  
22 license under this subdivision for the length of time that  
23 corresponds to the period of the licensing sanction that would  
24 have been imposed under section 319e if the person had been  
25 licensed at the time of the violation.

26 (l) A person not licensed under this act who is determined to  
27 have violated section 33b(1) of former 1933 (Ex Sess) PA 8,

1 section 703(1) of the Michigan liquor control code of 1998, 1998  
2 PA 58, MCL 436.1703, or section 624a or 624b of this act. The  
3 person shall be denied a license under this subdivision for a  
4 period of time that corresponds to the period of the licensing  
5 sanction that would have been imposed under those sections had  
6 the person been licensed at the time of the violation.

7 **(M) A PERSON WHO IS NOT A CITIZEN OF THE UNITED STATES,**  
8 **SUBJECT TO SECTION 310F.**

9 (2) The secretary of state may deny issuance of an  
10 operator's license until the age of 17 to a person not licensed  
11 under this act who was convicted of or received a juvenile  
12 disposition for violating or attempting to violate section  
13 411a(2) of the Michigan penal code, 1931 PA 328, MCL 750.411a,  
14 involving a school when he or she was less than 14 years of age.  
15 A person not issued a license under this ~~subdivision~~ **SUBSECTION**  
16 is not eligible to begin graduated licensing training until he or  
17 she attains 16 years of age.

18 (3) The secretary of state may deny issuance of an  
19 operator's license to a person less than 21 years of age not  
20 licensed under this act who was convicted of or has received a  
21 juvenile disposition for violating or attempting to violate  
22 section 411a(2) of the Michigan penal code, 1931 PA 328, MCL  
23 750.411a, involving a school when he or she was 14 years of age  
24 or older, until 3 years after the date of the conviction or  
25 juvenile disposition. A person not issued a license under this  
26 ~~subdivision~~ **SUBSECTION** is not eligible to begin graduated  
27 licensing training or otherwise obtain an original operator's or

1 chauffeur's license until 3 years after the date of the  
2 conviction or juvenile disposition.

3 (4) The secretary of state shall deny issuance of a vehicle  
4 group designation to a person if the person has been disqualified  
5 by the United States secretary of transportation from operating a  
6 commercial motor vehicle.

7 (5) Upon receiving the appropriate records of conviction,  
8 the secretary of state shall revoke the operator's or chauffeur's  
9 license of a person and deny issuance of an operator's or  
10 chauffeur's license to a person having any of the following,  
11 whether under a law of this state, a local ordinance  
12 substantially corresponding to a law of this state, or a law of  
13 another state substantially corresponding to a law of this state:

14 (a) Any combination of 2 convictions within 7 years for  
15 reckless driving in violation of section 626.

16 (b) Any combination of 2 or more convictions within 7 years  
17 for any of the following:

18 (i) A felony in which a motor vehicle was used.

19 (ii) A violation or attempted violation of section 601b(2) or  
20 (3), section 601c(1) or (2), section 602a(4) or (5), section 617,  
21 section 653a(3) or (4), or section 904(4) or (5).

22 (iii) Negligent homicide, manslaughter, or murder resulting  
23 from the operation of a vehicle or an attempt to commit any of  
24 those crimes.

25 (iv) A violation or attempted violation of section 479a(4) or  
26 (5) of the Michigan penal code, 1931 PA 328, MCL 750.479a.

27 (c) Any combination of 2 convictions within 7 years for any

1 of the following or a combination of 1 conviction for a violation  
2 or attempted violation of section 625(6) and 1 conviction for any  
3 of the following within 7 years:

4 (i) A violation or attempted violation of section 625, except  
5 a violation of section 625(2), or a violation of any prior  
6 enactment of section 625 in which the defendant operated a  
7 vehicle while under the influence of intoxicating or alcoholic  
8 liquor or a controlled substance, or a combination of  
9 intoxicating or alcoholic liquor and a controlled substance, or  
10 while visibly impaired, or with an unlawful bodily alcohol  
11 content.

12 (ii) A violation or attempted violation of section 625m.

13 (iii) Former section 625b.

14 (d) One conviction for a violation or attempted violation of  
15 section 315(5), section 601b(3), section 601c(2), section 602a(4)  
16 or (5), section 617, section 625(4) or (5), section 653a(4), or  
17 section 904(4) or (5).

18 (e) One conviction of negligent homicide, manslaughter, or  
19 murder resulting from the operation of a vehicle or an attempt to  
20 commit any of those crimes.

21 (f) One conviction for a violation or attempted violation of  
22 section 479a(4) or (5) of the Michigan penal code, 1931 PA 328,  
23 MCL 750.479a.

24 (g) Any combination of 3 convictions within 10 years for any  
25 of the following or 1 conviction for a violation or attempted  
26 violation of section 625(6) and any combination of 2 convictions  
27 for any of the following within 10 years, if any of the

1 convictions resulted from an arrest on or after January 1, 1992:

2 (i) A violation or attempted violation of section 625, except  
3 a violation of section 625(2), or a violation of any prior  
4 enactment of section 625 in which the defendant operated a  
5 vehicle while under the influence of intoxicating or alcoholic  
6 liquor or a controlled substance, or a combination of  
7 intoxicating or alcoholic liquor and a controlled substance, or  
8 while visibly impaired, or with an unlawful bodily alcohol  
9 content.

10 (ii) A violation or attempted violation of section 625m.

11 (iii) Former section 625b.

12 (6) The secretary of state shall revoke a license under  
13 subsection (5) notwithstanding a court order unless the court  
14 order complies with section 323.

15 (7) The secretary of state shall not issue a license under  
16 this act to a person whose license has been revoked under this  
17 act or revoked and denied under subsection (5) until all of the  
18 following occur, as applicable:

19 (a) The later of the following:

20 (i) The expiration of not less than 1 year after the license  
21 was revoked or denied.

22 (ii) The expiration of not less than 5 years after the date  
23 of a subsequent revocation or denial occurring within 7 years  
24 after the date of any prior revocation or denial.

25 (b) For a denial under subsection (5)(a), (b), (c), and (g),  
26 the person rebuts by clear and convincing evidence the  
27 presumption resulting from the prima facie evidence that he or

1 she is a habitual offender. The convictions that resulted in the  
2 revocation and denial constitute prima facie evidence that he or  
3 she is a habitual offender.

4 (c) The person meets the requirements of the department.

5 (8) Multiple convictions or civil infraction determinations  
6 resulting from the same incident shall be treated as a single  
7 violation for purposes of denial or revocation of a license under  
8 this section.

9 (9) As used in this section, "felony in which a motor  
10 vehicle was used" means a felony during the commission of which  
11 the person operated a motor vehicle and while operating the  
12 vehicle presented real or potential harm to persons or property  
13 and 1 or more of the following circumstances existed:

14 (a) The vehicle was used as an instrument of the felony.

15 (b) The vehicle was used to transport a victim of the  
16 felony.

17 (c) The vehicle was used to flee the scene of the felony.

18 (d) The vehicle was necessary for the commission of the  
19 felony.

20 Sec. 307. (1) An applicant for an operator's or chauffeur's  
21 license shall supply a birth certificate attesting to his or her  
22 ~~age or~~ **NAME AND DATE OF BIRTH AND** other sufficient documents or  
23 identification as the secretary of state may require  
24 **DEMONSTRATING HIS OR HER ADDRESS AND RESIDENCY AND THAT THE**  
25 **APPLICANT IS A CITIZEN OF THE UNITED STATES, IS AN ALIEN LAWFULLY**  
26 **ADMITTED FOR PERMANENT OR TEMPORARY RESIDENCE IN THE UNITED**  
27 **STATES, OR HAS CONDITIONAL PERMANENT RESIDENT STATUS IN THE**



1 **UNITED STATES.** An application for an operator's or chauffeur's  
2 license shall be made in a manner prescribed by the secretary of  
3 state and shall contain all of the following:

4 (a) The applicant's full name, date of birth, residence  
5 address, 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 **OR VERIFICATION THAT THE PERSON IS**  
9 **INELIGIBLE FOR A SOCIAL SECURITY NUMBER.** The applicant may  
10 provide a mailing address if the applicant receives mail at an  
11 address different from his or her residence address.

12 (b) The following notice shall be included to inform the  
13 applicant that under sections 509o and 509r of the Michigan  
14 election law, 1954 PA 116, MCL 168.509o and 168.509r, the  
15 secretary of state is required to use the residence address  
16 provided on this application as the applicant's residence address  
17 on the qualified voter file for voter registration and voting:

18 "NOTICE: Michigan law requires that the same address  
19 be used for voter registration and driver license  
20 purposes. Therefore, if the residence address  
21 you provide in this application differs from your  
22 voter registration address as it appears on the  
23 qualified voter file, the secretary of state  
24 will automatically change your voter registration  
25 to match the residence address on this application,  
26 after which your voter registration at your former  
27 address will no longer be valid for voting purposes.  
28 A new voter registration card, containing the

1 information of your polling place, will be provided  
2 to you by the clerk of the jurisdiction where your  
3 residence address is located."

4 (c) For an original or renewal operator's or chauffeur's  
5 license with a vehicle group designation or indorsement, the  
6 names of all states where the applicant has been licensed to  
7 drive any type of motor vehicle during the previous 10 years.

8 (d) For an operator's or chauffeur's license with a vehicle  
9 group designation or indorsement, the following certifications by  
10 the applicant:

11 (i) The applicant meets the applicable federal driver  
12 qualification requirements under 49 CFR part 391 if the applicant  
13 operates or intends to operate in interstate commerce or meets  
14 the applicable qualifications under the rules promulgated by the  
15 department of state police under the motor carrier safety act of  
16 1963, 1963 PA 181, MCL 480.11 to 480.22, if the applicant  
17 operates or intends to operate in intrastate commerce.

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

21 (iii) The applicant is not subject to disqualification by the  
22 United States secretary of transportation, or a suspension,  
23 revocation, or cancellation under any state law for conviction of  
24 an offense described in section 312f or 319b.

25 (iv) The applicant does not have a driver's license from more  
26 than 1 state or jurisdiction.

27 (e) An applicant for an operator's or chauffeur's license

1 with a vehicle group designation and a hazardous material  
 2 indorsement (H vehicle indorsement) shall provide his or her  
 3 fingerprints that were taken by a law enforcement official or a  
 4 designated representative for investigation as required by the  
 5 uniting and strengthening America by providing appropriate tools  
 6 required to intercept and obstruct terrorism (USA PATRIOT ACT)  
 7 Act of 2001, Public Law 107-56.

8 (2) Except as provided in this subsection, an applicant for  
 9 an operator's or chauffeur's license ~~may~~ **SHALL** have **A DIGITAL**  
 10 **PHOTOGRAPH OF** his or her image and signature captured or  
 11 reproduced when the application for the license is made. ~~An~~  
 12 ~~applicant required under section 5a of the sex offenders~~  
 13 ~~registration act, 1994 PA 295, MCL 28.725a, to maintain a valid~~  
 14 ~~operator's or chauffeur's license or official state personal~~  
 15 ~~identification card shall have his or her image and signature~~  
 16 ~~captured or reproduced when the application for the license is~~  
 17 ~~made.~~ The secretary of state shall acquire by purchase or lease  
 18 the equipment for capturing the images and signatures and may  
 19 furnish the equipment to a local unit authorized by the secretary  
 20 of state to license drivers. The secretary of state shall acquire  
 21 equipment purchased or leased pursuant to this section under  
 22 standard purchasing procedures of the department of management  
 23 and budget based on standards and specifications established by  
 24 the secretary of state. The secretary of state shall not purchase  
 25 or lease equipment until an appropriation for the equipment has  
 26 been made by the legislature. ~~An~~ **A DIGITAL PHOTOGRAPHIC** image  
 27 and signature captured ~~pursuant to~~ **UNDER** this section shall

1 appear on the applicant's operator's or chauffeur's license.  
2 Except as provided in this subsection, the secretary of state may  
3 retain and use a person's **DIGITAL PHOTOGRAPHIC** image and  
4 signature described in this subsection only for programs  
5 administered by the secretary of state. Except as provided in  
6 this subsection, the secretary of state shall not use a person's  
7 **DIGITAL PHOTOGRAPHIC** image or signature, or both, unless the  
8 person grants written permission for that purpose to the  
9 secretary of state or specific enabling legislation permitting  
10 the use is enacted into law. A law enforcement agency of this  
11 state has access to information retained by the secretary of  
12 state under this subsection. The information may be utilized for  
13 any law enforcement purpose unless otherwise prohibited by law.  
14 The department of state police shall provide to the secretary of  
15 state updated lists of persons required to be registered under  
16 the sex offenders registration act, 1994 PA 295, MCL 28.721 to  
17 28.732, and the secretary of state shall make the **DIGITAL**  
18 **PHOTOGRAPHIC** images of those persons available to the department  
19 of state police as provided in that act.

20 (3) An application shall contain a signature or verification  
21 and certification by the applicant, as determined by the  
22 secretary of state, and shall be accompanied by the proper fee.  
23 The secretary of state shall collect the application fee with the  
24 application. The secretary of state shall refund the application  
25 fee to the applicant if the license applied for is denied, but  
26 shall not refund the fee to an applicant who fails to complete  
27 the examination requirements of the secretary of state within 90

1 days after the date of application for a license.

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

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

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

9 (ii) Written information describing the organ donation  
10 registry program maintained by Michigan's federally designated  
11 organ procurement organization or its successor organization. The  
12 written information required under this subparagraph shall  
13 include, in a type size and format that is conspicuous in  
14 relation to the surrounding material, the address and telephone  
15 number of Michigan's federally designated organ procurement  
16 organization or its successor organization, along with an  
17 advisory to call Michigan's federally designated organ  
18 procurement organization or its successor organization with  
19 questions about the organ donor registry program.

20 (iii) Written information giving the applicant the opportunity  
21 to be placed on the organ donation registry described in  
22 subparagraph (ii).

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

27 (c) Inform the applicant in writing that, if he or she

1 indicates to the secretary of state under this section a  
2 willingness to have his or her name placed on the organ donor  
3 registry described in subdivision (a)(ii), the secretary of state  
4 will forward the applicant's name and address to the organ  
5 donation registry maintained by Michigan's federally designated  
6 organ procurement organization or its successor organization, as  
7 required by subsection (6).

8 (d) Provide the applicant with the opportunity to make a  
9 donation of \$1.00 or more to the organ and tissue donation  
10 education fund created under section 217o. A donation made under  
11 this ~~provision~~ **SUBDIVISION** shall be deposited in the state  
12 treasury to the credit of the organ and tissue donation education  
13 fund.

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

16 (a) Providing printed material enclosed with a mailed notice  
17 for an operator's or chauffeur's license renewal or the issuance  
18 of an operator's or chauffeur's license.

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

21 (c) Through electronic information transmittals for  
22 operator's and chauffeur's licenses processed by electronic  
23 means.

24 (6) If an applicant indicates a willingness under this  
25 section to have his or her name placed on the organ donor  
26 registry described in subsection (4)(a)(ii), the secretary of  
27 state shall within 10 days forward the applicant's name and

1 address to the organ donor registry maintained by Michigan's  
2 federally designated organ procurement organization or its  
3 successor organization. The secretary of state may forward  
4 information under this subsection by mail or by electronic means.  
5 The secretary of state shall not maintain a record of the name or  
6 address of an individual who indicates a willingness to have his  
7 or her name placed on the organ donor registry after forwarding  
8 that information to the organ donor registry under this  
9 subsection. Information about an applicant's indication of a  
10 willingness to have his or her name placed on the organ donor  
11 registry that is obtained by the secretary of state under  
12 subsection (4) and forwarded under this subsection is exempt from  
13 disclosure under ~~the freedom of information act, 1976 PA 442,~~  
14 ~~MCL 15.231 to 15.246, pursuant to~~ section 13(1)(d) of the  
15 freedom of information act, 1976 PA 442, MCL 15.243.

16 (7) If an application is received from a person previously  
17 licensed in another jurisdiction, the secretary of state shall  
18 request a copy of the applicant's driving record and other  
19 available information from the national driver register. When  
20 received, the driving record and other available information  
21 become a part of the driver's record in this state.

22 (8) If an application is received for an original, renewal,  
23 or upgrade of a vehicle group designation or indorsement, the  
24 secretary of state shall request the person's complete driving  
25 record from all states where the applicant was previously  
26 licensed to drive any type of motor vehicle over the last 10  
27 years before issuing a vehicle group designation or indorsement

1 to the applicant. If the applicant does not hold a valid  
2 commercial motor vehicle driver license from a state where he or  
3 she was licensed in the last 10 years, this complete driving  
4 record request must be made not earlier than 24 hours before the  
5 secretary of state issues the applicant a vehicle group  
6 designation or indorsement. For all other drivers, this request  
7 must be made not earlier than 10 days before the secretary of  
8 state issues the applicant a vehicle group designation or  
9 indorsement. The secretary of state shall also check the  
10 applicant's driving record with the national driver register and  
11 the federal commercial driver license information system before  
12 issuing that group designation or indorsement. If the application  
13 is for the renewal of a vehicle group designation or indorsement,  
14 and if the secretary of state enters on the person's historical  
15 driving record maintained under section 204a a notation that the  
16 request was made and the date of the request, the secretary of  
17 state is required to request the applicant's complete driving  
18 record from other states only once under this section.

19 (9) Except for a vehicle group designation or indorsement or  
20 as provided in this subsection, the secretary of state may issue  
21 a renewal operator's or chauffeur's license for 1 additional 4-  
22 year period by mail or by other methods prescribed by the  
23 secretary of state. The secretary of state may check the  
24 applicant's driving record through the national driver register  
25 and the commercial driver license information system before  
26 issuing a license under this section. The secretary of state  
27 shall issue a renewal license only in person if the person is a



1 person required under section 5a of the sex offenders  
2 registration act, 1994 PA 295, MCL 28.725a, to maintain a valid  
3 operator's or chauffeur's license or official state personal  
4 identification card. If a license is renewed by mail or by other  
5 method, the secretary of state shall issue evidence of renewal to  
6 indicate the date the license expires in the future. The  
7 department of state police shall provide to the secretary of  
8 state updated lists of persons required under section 5a of the  
9 sex offenders registration act, 1994 PA 295, MCL 28.725a, to  
10 maintain a valid operator's or chauffeur's license or official  
11 state personal identification card.

12 (10) Upon request, the secretary of state shall provide an  
13 information manual to an applicant explaining how to obtain a  
14 vehicle group designation or indorsement. The manual shall  
15 contain the information required under 49 CFR part 383.

16 (11) The secretary of state shall not disclose a social  
17 security number obtained under subsection (1) to another person  
18 except for use for 1 or more of the following purposes:

19 (a) Compliance with 49 USC 31301 to 31317 and regulations  
20 and state law and rules related to this chapter.

21 (b) Through the law enforcement information network, to  
22 carry out the purposes of section 466(a) of the social security  
23 act, 42 USC 666, in connection with matters relating to  
24 paternity, child support, or overdue child support.

25 (c) To check an applicant's driving record through the  
26 national driver register and the commercial driver license  
27 information system when issuing a license under this act.

1 (d) As otherwise required by law.

2 (12) The secretary of state shall not display a person's  
3 social security number on the person's operator's or chauffeur's  
4 license.

5 (13) A requirement under this section to include a social  
6 security number on an application does not apply to an applicant  
7 who demonstrates he or she is exempt under law from obtaining a  
8 social security number or to an applicant who for religious  
9 convictions is exempt under law from disclosure of his or her  
10 social security number under these circumstances. The secretary  
11 of state shall inform the applicant of this possible exemption.

12 Sec. 310. (1) The secretary of state shall issue an  
13 operator's license to each person licensed as an operator and a  
14 chauffeur's license to each person licensed as a chauffeur. An  
15 applicant for a motorcycle indorsement under section 312a or a  
16 vehicle group designation or indorsement shall first qualify for  
17 an operator's or chauffeur's license before the indorsement or  
18 vehicle group designation application is accepted and processed.  
19 Beginning on and after July 1, 2003, an original license or the  
20 first renewal of an existing license issued to a person less than  
21 21 years of age shall be portrait or vertical in form and a  
22 license issued to a person 21 years of age or over shall be  
23 landscape or horizontal in form.

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

26 (a) The distinguishing number permanently assigned to the  
27 licensee.

1 (b) The full name, date of birth, address of residence,  
2 height, eye color, sex, an image, and the signature of the  
3 licensee.

4 (c) An indication that the license contains 1 or more of the  
5 following:

6 (i) The blood type of the licensee.

7 (ii) Immunization data of the licensee.

8 (iii) Medication data of the licensee.

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

10 (v) A statement that the licensee is an organ and tissue  
11 donor pursuant to part 101 of the public health code, 1978 PA  
12 368, MCL 333.10101 to 333.10109.

13 (vi) Emergency contact information of the licensee.

14 (vii) A sticker or decal as specified by the secretary of  
15 state to indicate that the licensee has designated 1 or more  
16 patient advocates in accordance with section 5506 of the estates  
17 and protected individuals code, 1998 PA 386, MCL 700.5506, or a  
18 statement that the licensee carries an emergency medical  
19 information card.

20 (d) If the licensee has made a statement described in  
21 subdivision (c)(v), the signature of the licensee following the  
22 indication of his or her organ and tissue donor intent identified  
23 in subdivision (c)(v), along with the signature of at least 1  
24 witness.

25 ~~—— (e) The sticker or decal described in subdivision (c)(vii)~~  
26 ~~may be provided by any person, hospital, school, medical group,~~  
27 ~~or association interested in assisting in implementing the~~

~~emergency medical information card, but shall meet the specifications of the secretary of state. The emergency medical information card may contain the information described in subdivision (c)(vi), information concerning the licensee's patient advocate designation, other emergency medical information, or an indication as to where the licensee has stored or registered emergency medical information.~~

(E) ~~-(f)-~~ Beginning July 1, 2003, in the case of a licensee who is less than 18 years of age at the time of issuance of the license, the date on which the licensee will become 18 years of age and 21 years of age.

(F) PHYSICAL SECURITY FEATURES DESIGNED TO PREVENT TAMPERING, COUNTERFEITING, OR DUPLICATION OF THE LICENSE FOR FRAUDULENT PURPOSES.

(G) A COMMON MACHINE-READABLE TECHNOLOGY, WITH DEFINED MINIMUM DATA ELEMENTS.

(H) ~~-(g)-~~ Beginning July 1, 2003, in the case of a licensee who is at least 18 years of age but less than 21 years of age at the time of issuance of the license, the date on which the licensee will become 21 years of age.

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

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

(5) A digitized license may contain an identifier for voter

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

10 (6) The license shall be manufactured in a manner to  
11 prohibit as nearly as possible the ability to reproduce, alter,  
12 counterfeit, forge, or duplicate the license without ready  
13 detection. In addition, a license with a vehicle group  
14 designation shall contain the information required ~~pursuant to~~  
15 **UNDER 49 -C.F.R.- CFR** part 383.

16 (7) A person who intentionally reproduces, alters,  
17 counterfeits, forges, or duplicates a license photograph, the  
18 negative of the photograph, an image, a license, or the  
19 electronic data contained on a license or a part of a license or  
20 who uses a license, an image, or photograph that has been  
21 reproduced, altered, counterfeited, forged, or duplicated is  
22 subject to 1 of the following:

23 (a) If the intent of the reproduction, alteration,  
24 counterfeiting, forging, duplication, or use was to commit or aid  
25 in the commission of an offense that is a felony punishable by  
26 imprisonment for 10 or more years, the person committing the  
27 reproduction, alteration, counterfeiting, forging, duplication,

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

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

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

21 (8) Except as provided in subsection (16), a person who  
22 sells, or who possesses with the intent to deliver to another, a  
23 reproduced, altered, counterfeited, forged, or duplicated license  
24 photograph, negative of the photograph, image, license, or  
25 electronic data contained on a license or part of a license is  
26 guilty of a felony punishable by imprisonment for not more than 5  
27 years or a fine of not more than \$10,000.00, or both.

1       (9) Except as provided in subsection (16), a person who is  
2 in possession of 2 or more reproduced, altered, counterfeited,  
3 forged, or duplicated license photographs, negatives of the  
4 photograph, images, licenses, or electronic data contained on a  
5 license or part of a license is guilty of a felony punishable by  
6 imprisonment for not more than 5 years or a fine of not more than  
7 \$10,000.00, or both.

8       (10) Except as provided in subsection (16), a person who is  
9 in possession of a reproduced, altered, counterfeited, forged, or  
10 duplicated license photograph, negative of the photograph, image,  
11 license, or electronic data contained on a license or part of a  
12 license is guilty of a misdemeanor punishable by imprisonment for  
13 not more than 1 year or a fine of not more than \$2,000.00, or  
14 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  
19 examination that an applicant is mentally and physically  
20 qualified to receive a license, may issue to that person a  
21 temporary driver's permit entitling the person while having the  
22 permit in his or her immediate possession to drive a motor  
23 vehicle upon the highway for a period not exceeding 60 days  
24 before issuance to the person of an operator's or chauffeur's  
25 license by the secretary of 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

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~~ **UNDER** part 101 of the  
5 public health 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  
13 ~~pursuant to~~ **UNDER** 1968 PA 293, MCL 722.1 to 722.6, the license  
14 shall bear the designation of the individual's emancipated status  
15 in a manner prescribed by the secretary of state.

16 (16) Subsections (8), (9), and (10) do not apply to a person  
17 who is in possession of 1 or more photocopies, reproductions, or  
18 duplications of a license to document the identity of the  
19 licensee for a legitimate business purpose.

20 **(17) THE STICKER OR DECAL DESCRIBED IN SUBSECTION (2)(C)(vii)**  
21 **MAY BE PROVIDED BY ANY PERSON, HOSPITAL, SCHOOL, MEDICAL GROUP,**  
22 **OR ASSOCIATION INTERESTED IN ASSISTING IN IMPLEMENTING THE**  
23 **EMERGENCY MEDICAL INFORMATION CARD, BUT SHALL MEET THE**  
24 **SPECIFICATIONS OF THE SECRETARY OF STATE. THE EMERGENCY MEDICAL**  
25 **INFORMATION CARD MAY CONTAIN THE INFORMATION DESCRIBED IN**  
26 **SUBSECTION (2)(C)(vii), INFORMATION CONCERNING THE LICENSEE'S**  
27 **PATIENT ADVOCATE DESIGNATION, OTHER EMERGENCY MEDICAL**



1 INFORMATION, OR AN INDICATION AS TO WHERE THE LICENSEE HAS STORED  
2 OR REGISTERED EMERGENCY MEDICAL INFORMATION.

3 SEC. 310F. (1) BEFORE ISSUING AN OPERATOR'S LICENSE TO AN  
4 APPLICANT, THE SECRETARY OF STATE SHALL DEMAND AND THE APPLICANT  
5 SHALL PRODUCE DOCUMENTARY EVIDENCE AS THE SECRETARY OF STATE  
6 SHALL REQUIRE SHOWING THAT 1 OR MORE OF THE FOLLOWING APPLIES TO  
7 THE APPLICANT:

8 (A) THE APPLICANT IS A CITIZEN OF THE UNITED STATES.

9 (B) THE APPLICANT IS AN ALIEN LAWFULLY ADMITTED FOR  
10 PERMANENT OR TEMPORARY RESIDENCE IN THE UNITED STATES.

11 (C) THE APPLICANT HAS CONDITIONAL PERMANENT RESIDENCE STATUS  
12 IN THE UNITED STATES.

13 (D) THE APPLICANT HAS A VALID, UNEXPIRED NONIMMIGRANT VISA  
14 OR NONIMMIGRANT VISA STATUS FOR ENTRY INTO THE UNITED STATES.

15 (E) THE APPLICANT HAS A PENDING OR APPROVED APPLICATION FOR  
16 ASYLUM IN THE UNITED STATES.

17 (F) THE APPLICANT HAS ENTERED INTO THE UNITED STATES IN  
18 REFUGEE STATUS.

19 (G) THE APPLICANT HAS A PENDING OR APPROVED APPLICATION FOR  
20 TEMPORARY PROTECTED STATUS IN THE UNITED STATES.

21 (H) THE APPLICANT HAS APPROVED DEFERRED ACTION STATUS.

22 (I) THE APPLICANT HAS A PENDING APPLICATION FOR ADJUSTMENT  
23 OF STATUS TO THAT OF AN ALIEN LAWFULLY ADMITTED FOR PERMANENT  
24 RESIDENCE IN THE UNITED STATES OR CONDITIONAL PERMANENT RESIDENCE  
25 STATUS IN THE UNITED STATES.

26 (2) IF AN APPLICANT PRESENTS EVIDENCE DESCRIBED IN  
27 SUBSECTION (1)(D) THROUGH (I), THE SECRETARY OF STATE SHALL NOT

1 ISSUE AN OPERATOR'S LICENSE UNDER SECTION 307, BUT MAY ISSUE A  
2 TEMPORARY OPERATOR'S LICENSE TO THE APPLICANT. A TEMPORARY  
3 OPERATOR'S LICENSE ISSUED UNDER THIS SUBSECTION IS VALID ONLY  
4 DURING THE PERIOD OF TIME THAT THE APPLICANT IS AUTHORIZED TO  
5 STAY IN THE UNITED STATES OR, IF THERE IS NO DEFINITE END TO THE  
6 PERIOD OF AUTHORIZED STAY, FOR A PERIOD OF 1 YEAR.

7 (3) A TEMPORARY OPERATOR'S LICENSE ISSUED UNDER THIS SECTION  
8 SHALL CLEARLY INDICATE THAT IT IS TEMPORARY AND SHALL STATE THE  
9 DATE ON WHICH IT EXPIRES.

10 (4) A TEMPORARY OPERATOR'S LICENSE ISSUED UNDER THIS SECTION  
11 MAY BE RENEWED ONLY UPON PRESENTATION OF VALID DOCUMENTARY  
12 EVIDENCE THAT THE STATUS BY WHICH THE APPLICANT QUALIFIED FOR THE  
13 TEMPORARY OPERATOR'S LICENSE OR TEMPORARY IDENTIFICATION CARD HAS  
14 BEEN EXTENDED BY THE UNITED STATES SECRETARY OF HOMELAND  
15 SECURITY.

16 (5) THE SECRETARY OF STATE SHALL VERIFY WITH THE ISSUING  
17 AGENCY THE VALIDITY AND COMPLETENESS OF EACH DOCUMENT PRESENTED  
18 BY AN APPLICANT FOR AN OPERATOR'S LICENSE UNDER THIS CHAPTER.  
19 THE SECRETARY OF STATE SHALL NOT ACCEPT A FOREIGN DOCUMENT, OTHER  
20 THAN AN OFFICIAL PASSPORT, TO SATISFY THE APPLICATION  
21 REQUIREMENTS UNDER THIS CHAPTER.

22 (6) THE SECRETARY OF STATE SHALL USE TECHNOLOGY TO CAPTURE  
23 DIGITAL IMAGES OF IDENTITY SOURCE DOCUMENTS SO THAT THE IMAGES  
24 ARE CAPABLE OF BEING RETAINED IN ELECTRONIC STORAGE IN A  
25 TRANSFERABLE FORMAT.

26 (7) THE SECRETARY OF STATE SHALL RETAIN PAPER COPIES OF  
27 SOURCE DOCUMENTS PRESENTED BY AN APPLICANT TO OBTAIN AN

1 OPERATOR'S LICENSE UNDER THIS CHAPTER FOR NOT LESS THAN 7 YEARS  
2 OR IMAGES OF THOSE SOURCE DOCUMENTS FOR NOT LESS THAN 10 YEARS.

3 (8) THE SECRETARY OF STATE SHALL ESTABLISH AN EFFECTIVE  
4 PROCEDURE TO CONFIRM OR VERIFY A RENEWING APPLICANT'S  
5 INFORMATION.

6 (9) THE SECRETARY OF STATE SHALL CONFIRM WITH THE SOCIAL  
7 SECURITY ADMINISTRATION A SOCIAL SECURITY ACCOUNT NUMBER  
8 PRESENTED BY A PERSON USING THE FULL SOCIAL SECURITY ACCOUNT  
9 NUMBER. IF A SOCIAL SECURITY ACCOUNT NUMBER IS ALREADY  
10 REGISTERED TO OR ASSOCIATED WITH ANOTHER PERSON TO WHICH THIS  
11 STATE OR ANY OTHER STATE HAS ISSUED AN OPERATOR'S LICENSE, THE  
12 STATE SHALL RESOLVE THE DISCREPANCY AND TAKE APPROPRIATE ACTION.

13 (10) THE SECRETARY OF STATE SHALL REFUSE TO ISSUE AN  
14 OPERATOR'S LICENSE TO A PERSON HOLDING AN OPERATOR'S LICENSE  
15 ISSUED BY ANOTHER STATE WITHOUT CONFIRMATION THAT THE PERSON IS  
16 TERMINATING OR HAS TERMINATED THE OPERATOR'S LICENSE ISSUED BY  
17 THE OTHER STATE.

18 (11) THE SECRETARY OF STATE SHALL DO ALL OF THE FOLLOWING:

19 (A) ENSURE THE PHYSICAL SECURITY OF LOCATIONS WHERE  
20 OPERATOR'S LICENSES ARE PRODUCED AND THE SECURITY OF DOCUMENT  
21 MATERIALS AND PAPERS FROM WHICH OPERATOR'S LICENSES ARE PRODUCED.

22 (B) SUBJECT ALL PERSONS AUTHORIZED TO MANUFACTURE OR PRODUCE  
23 OPERATOR'S LICENSES TO APPROPRIATE SECURITY CLEARANCE  
24 REQUIREMENTS.

25 (C) ESTABLISH FRAUDULENT DOCUMENT RECOGNITION TRAINING  
26 PROGRAMS FOR APPROPRIATE EMPLOYEES ENGAGED IN THE ISSUANCE OF  
27 OPERATOR'S LICENSES.

1           (12) FOR PURPOSES OF THIS CHAPTER, THE SECRETARY OF STATE  
2 SHALL PRESUME THAT AN OPERATOR'S LICENSE FOR WHICH AN APPLICATION  
3 HAS BEEN MADE FOR RENEWAL, DUPLICATION, OR REISSUANCE WAS ISSUED  
4 IN ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER IF AT THE TIME  
5 THE APPLICATION IS MADE THE OPERATOR'S LICENSE IS NOT EXPIRED,  
6 CANCELED, SUSPENDED, OR REVOKED. THE PRESUMPTION CREATED UNDER  
7 THIS SUBSECTION DOES NOT APPLY IF THE SECRETARY OF STATE IS  
8 NOTIFIED BY A LOCAL, STATE, OR FEDERAL GOVERNMENTAL AGENCY THAT  
9 THE PERSON SEEKING A RENEWAL, DUPLICATION, OR REISSUANCE IS  
10 EITHER OF THE FOLLOWING:

11           (A) NOT A CITIZEN OF THE UNITED STATES.

12           (B) NOT LEGALLY IN THE UNITED STATES.

13           SEC. 310G. (1) NOT LATER THAN SEPTEMBER 11, 2005, THE STATE  
14 SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE UNITED  
15 STATES SECRETARY OF HOMELAND SECURITY TO ROUTINELY UTILIZE THE  
16 AUTOMATED SYSTEM KNOWN AS SYSTEMATIC ALIEN VERIFICATION FOR  
17 ENTITLEMENTS, AS PROVIDED BY SECTION 404 OF THE ILLEGAL  
18 IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996, 110  
19 STAT. 3009-664, TO VERIFY THE LEGAL PRESENCE STATUS OF A PERSON,  
20 OTHER THAN A UNITED STATES CITIZEN, APPLYING FOR AN OPERATOR'S  
21 LICENSE.

22           (2) THIS STATE SHALL ENTER INTO AND PARTICIPATE IN THE  
23 INTERSTATE COMPACT REGARDING SHARING OF DRIVER LICENSE DATA,  
24 KNOWN AS THE "DRIVER LICENSE AGREEMENT", IN ORDER TO PROVIDE  
25 ELECTRONIC ACCESS BY A STATE TO INFORMATION CONTAINED IN THE  
26 MOTOR VEHICLE DATABASES OF ALL OTHER STATES. THE SECRETARY OF  
27 STATE SHALL ESTABLISH AND MAINTAIN A MOTOR VEHICLE DATABASE

1   **CONTAINING THE INFORMATION REQUIRED UNDER THE DRIVER LICENSE**  
 2   **AGREEMENT.**

3       Sec. 314. (1) Except as otherwise provided in this ~~section~~  
 4   **CHAPTER**, an operator's license ~~shall expire~~ **EXPIRES** on the  
 5   birthday of the person to whom the license is issued in the  
 6   fourth year following the date of the issuance of the license  
 7   unless suspended or revoked before that date. A license shall not  
 8   be issued for a period longer than 4 years. A person holding a  
 9   license at any time within 45 days before the expiration of his  
 10   or her license may ~~make application~~ **APPLY** for a new license as  
 11   provided for in this chapter. However, a knowledge test for an  
 12   original group designation or indorsement may be taken at any  
 13   time during this period and the results ~~shall be~~ **ARE** valid for  
 14   12 months. However, if the licensee will be out of the state  
 15   during the 45 days immediately preceding expiration of the  
 16   license or for other good cause shown cannot apply for a license  
 17   within the 45-day period, ~~application~~ **THE LICENSEE MAY APPLY**  
 18   for a new license ~~may be made~~ not more than 6 months before  
 19   expiration of the license. ~~This~~ **IF IT IS ISSUED, THIS** new  
 20   license ~~when granted shall expire~~ **EXPIRES** as provided for in  
 21   this chapter.

22       (2) The first operator's license issued to a person who at  
 23   the time of application is less than 20-1/2 years of age ~~shall~~  
 24   ~~expire~~ **EXPIRES** on the licensee's twenty-first birthday unless  
 25   suspended or revoked. Until July 1, 2003, the secretary of state  
 26   shall code the license in a manner ~~which~~ **THAT** clearly  
 27   identifies the licensee as being less than 21 years of age.

1       (3) The first chauffeur's license issued to a person ~~shall~~  
2 ~~expire~~ **EXPIRES** on the licensee's birthday in the fourth year  
3 following the date of issuance unless the license is suspended or  
4 revoked before that date. The chauffeur's license of a person who  
5 at the time of application is less than 20-1/2 years of age  
6 ~~shall expire~~ **EXPIRES** on the licensee's twenty-first birthday  
7 unless suspended or revoked. Until July 1, 2003, the secretary of  
8 state shall code the license in a manner which clearly identifies  
9 the licensee as being less than 21 years of age. A subsequent  
10 chauffeur's license ~~shall expire~~ **EXPIRES** on the birthday of the  
11 person to whom the license is issued in the fourth year following  
12 the date of issuance of the license unless the license is  
13 suspended or revoked before that date.

14       (4) A person may apply for an extension of his or her  
15 driving privileges if he or she is out of state on the date that  
16 his or her operator's or chauffeur's license expires. The  
17 extension may extend the license for 180 days beyond the  
18 expiration date or within 2 weeks after the applicant returns to  
19 Michigan, whichever occurs first.

20       (5) A person who will be out of state for more than 90 days  
21 beyond the expiration date of his or her operator's license may  
22 apply for a 4-year renewal of his or her driving privileges. The  
23 applicant for this renewal shall submit a statement evidencing a  
24 vision examination in accordance with the rules promulgated by  
25 the secretary of state under section 309.

26       (6) The secretary of state may check the applicant's driving  
27 record through the national driver register and the commercial

- 1 driver license information system before issuing a renewal under
- 2 this section.