



Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383  
Fax: (517) 373-1986  
TDD: (517) 373-0543

Senate Bills 653 and 654 (as introduced 7-25-07)  
Sponsor: Senator Alan Sanborn  
Committee: Transportation

Date Completed: 11-27-07

## **CONTENT**

**Senate Bill 653 would amend the Michigan Vehicle Code, and Senate Bill 654 would amend Public Act 222 of 1972 (which provides for an official State personal identification card) to do the following:**

- **Require the Secretary of State, before issuing a driver license or State personal ID card to an applicant, to verify that the applicant was a resident with lawful status in the United States, verify the accuracy of identifying documents presented by the applicant, and verify that the applicant's Social Security number matched his or her name.**
- **Establish a class 2 driver license or official State personal ID card for residents presenting certain documents to demonstrate lawful status, including a nonimmigrant visa, a pending application for asylum, an application for temporary protected status, approved deferred action status, and an application for adjustment to permanent resident status.**
- **Provide that a class 2 license or ID card would be valid only for the time that the person was authorized to be in the U.S., or if there were no definite end to the authorized period of stay, a maximum of one year.**
- **Require a person holding a class 2 license or ID card to renew it in person.**

The bills are described in detail below.

### Lawful Status

Senate Bill 653 would prohibit the Secretary of State from issuing a license under the Vehicle Code, and Senate Bill 654 would prohibit the Secretary of State from issuing an official State personal ID card, to a person who did not have lawful status in the State.

Under the bills, "lawful status" would mean that the person meets one of the following criteria:

- He or she is a citizen or national of the United States.
- He or she is an alien lawfully admitted for permanent or temporary residence in the U.S.
- He or she has conditional resident status in the U.S.
- He or she has an approved application for asylum in the U.S. or has entered the U.S. in refugee status.
- He or she has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the U.S.
- He or she has a pending application for asylum in the U.S.
- He or she has a pending or approved application for temporary protected status in the U.S.

- He or she has approved deferred action status.
- He or she has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the U.S. or conditional permanent resident status in the U.S.

The bills specify that, notwithstanding these provisions, a person who was a foreign exchange student would not have lawful status in the U.S. for the purposes of the Code or the Act.

Also, Senate Bill 653 would require the Secretary of State, before issuing a temporary driver's permit, to determine that the applicant had met the residency requirements established under the bill.

For the purposes of the Vehicle Code, "resident" currently means every person who resides in a settled or permanent home or domicile with the intention of remaining in the State. Senate Bill 653 also would require an individual to have lawful status in the U.S.

Senate Bill 654 would define "resident" as every person who has lawful status in the United States and who resides in a settled or permanent home or domicile with the intention of remaining in the State. A person who obtained employment in the State would be presumed to have the intention of remaining in the State. That definition would apply only to Public Act 222.

#### Required Documents

Currently, an applicant for an operator's or chauffeur's license or an official State personal ID card must supply a birth certificate attesting to his or her age, or other sufficient documents or identification as the Secretary of State may require.

Under the bills, an applicant would have to supply those documents as well as the following:

- A photo identity document.
- A nonphoto identity document if it included both the person's full legal name and date of birth.
- Proof of the person's Social Security number or verification that the person was not eligible for a Social Security number.
- Documentation showing the person's name and the address of his or her principal residence.
- Any valid documentary evidence of lawful status.

The Secretary of State could not accept a document issued by another country, other than an official passport, to satisfy these requirements.

Before issuing a license or ID card, the Secretary of State would have to verify with the issuing agency the issuance, validity, and completeness of each document required to be presented.

Under Senate Bill 653, an applicant for a temporary instruction permit, a motorcycle temporary instruction permit, or a graduated driver license also would have to supply the documents described above, notwithstanding any other provision of the Code.

#### Class 2 License or ID Card

Under the bills, if a person presented any of the following documents showing lawful status, the Secretary of State could only issue a class 2 operator's or chauffeur's license or a class 2 State personal ID card to the person:

- A valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the U.S.
- A pending application for asylum in the U.S.
- A pending or approved application for temporary protected status in the U.S.
- Approved deferred action status.
- A pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the U.S. or conditional permanent resident status in the U.S.

A class 2 license or ID card would be valid only during the period of time the applicant was authorized to stay in the U.S. or, if there were no definite end to the period of authorized stay, a maximum period of one year. A class 2 license or ID card would have to indicate clearly that it was temporary, be of a different color than other licenses or ID cards, and prominently display the date on which it expired.

### License Renewal

Under the Vehicle Code, the Secretary of State may issue a renewal operator's or chauffeur's license for a four-year period by mail or other methods prescribed by the Secretary of State, with some exceptions. Under Public Act 222, a State personal ID card usually expires on the birthday of the person to whom it is issued in the fourth year following the date of issuance and, with certain exceptions, a person may apply for renewal by mail or by other methods prescribed by the Secretary of State. Under Senate Bills 653 and 654, the Secretary of State would have to require a class 2 license or ID card to be renewed in person.

A class 2 operator's or chauffeur's license or State personal ID card could be renewed only upon presentation of valid documentary evidence that the status by which the applicant qualified for the license had been extended by the U.S. Secretary of Homeland Security.

The Code permits a person holding a license to apply for a new license at any time 12 months before the expiration of his or her license, with certain exceptions. Under Senate Bill 653, this provision would not apply to a person holding a class 2 license.

### Social Security Number

The Vehicle Code requires an application for an operator's or chauffeur's license to contain certain information regarding the applicant, including, to the extent required to comply with Federal law, the applicant's Social Security number. Senate Bill 653 would remove the reference to Federal law.

Currently, a requirement to include a Social Security number on a driver license application does not apply to an applicant who demonstrates that he or she is exempt under law from obtaining a Social Security number or to an applicant who for religious reasons is exempt under law from disclosure of his or her Social Security number under those circumstances.

Senate Bill 653 would remove those provisions. Instead, the requirement to include a Social Security account number would not apply to an applicant whom the Secretary of State verified was not eligible for such a number.

Senate Bills 653 and 654 would require the Secretary of State, before issuing a driver license or a State personal ID card, to verify in real time that the applicant's Social Security number matched the applicant's name.

### License Expiration

Under the Vehicle Code, a license issued to a person not previously licensed in Michigan or any other state must be designated as probationary for three years after the date of

issuance. Senate Bill 653 would require a class 2 license to be designated as probationary for three years or until the expiration date shown on the license, whichever was earlier.

A license issued to a person between the ages of 14 and 16 expires on the birthday following issuance of the license or, if that birthday is within six months after the date the license is issued, one year after that birthday. Under the bill, this provision also would apply to a class 2 license, unless it expired earlier.

The chauffeur's license or the first operator's license issued to a person who at the time of application is less than 20½ years of age expires on the licensee's 21<sup>st</sup> birthday unless suspended or revoked. Under the bill, this provision also would apply to a class 2 license, unless it expired earlier.

Under the Code, a subsequent chauffeur's license expires on the birthday of the person to whom it is issued in the fourth year following the date of issuance unless the license is suspended or revoked. Under the bill, a subsequent class 2 chauffeur's license would expire on the expiration of the licensee's authorized stay in the U.S. or, if there were no definite end to the period of authorized stay, one year from the date the license was issued.

### License Extension

Under the Vehicle Code, a person may apply for an extension of his or her driving privileges if he or she is out of State on the date that his or her operator's or chauffeur's license expires. The extension may extend the license for 180 days beyond the expiration date or not more than two weeks after the applicant returns to Michigan, whichever occurs first.

If a person will be out of State for more than 180 days beyond the expiration date of his or her operator's or chauffeur's license, the Secretary of State may, with some exceptions, issue a renewal license to the person, if the Secretary of State has a digital image of the person on file, and if the applicant submits evidence of a vision examination and any other required statements under State or Federal law.

These provisions would not apply to a class 2 license under Senate Bill 653.

MCL 257.51a et al. (S.B. 653)  
28.291-28.292 (S.B. 654)

Legislative Analyst: Curtis Walker

### **FISCAL IMPACT**

State: There would be an indeterminate cost associated with the provisions in the proposed legislation. There would be significant costs associated with the possible hiring and training of additional staff, and programming costs including the purchase of additional equipment and software. These costs, however, would be limited by the amount of appropriations provided by the Legislature to cover these presumed additional expenses. One of the biggest potential costs would be the verification, in real time, of a person's Social Security number as the bills would require. Data are currently unavailable to determine the exact amount; however, there would be costs associated with the purchase of equipment and/or software necessary to perform the verifications.

Local: The bills would have no fiscal impact on local government.

Fiscal Analyst: Joe Carrasco

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.