

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 712

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 307 and 310 (MCL 257.307 and 257.310), as
amended by 2008 PA 7.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 307. (1) If an applicant for an operator's license or
2 chauffeur's license is a citizen of the United States, the
3 applicant shall supply a photographic identity document, a birth
4 certificate, or other sufficient documents as the secretary of
5 state may require to verify the identity and citizenship of the
6 applicant. If an applicant for an operator's or chauffeur's
7 license is not a citizen of the United States, the applicant
8 shall supply a photographic identity document and other

sufficient documents to verify the identity of the applicant and the applicant's legal presence in the United States under subdivision (b). The documents required under this subsection shall include the applicant's full legal name, date of birth, and address and residency and demonstrate that the applicant is a citizen of the United States or is legally present in the United States. If the applicant's full legal name differs from the name of the applicant that appears on a document presented under this subsection, the applicant shall present documents to verify his or her current full legal name. An application for an operator's or chauffeur's license shall be made in a manner prescribed by the secretary of state and shall contain all of the following:

(a) The applicant's full legal name, date of birth, residence address, height, sex, eye color, signature, ~~and, beginning January 1, 2007, intent to be an organ donor~~ **MAKE AN ANATOMICAL GIFT**, other information required or permitted on the license under this chapter, and, only to the extent required to comply with federal law, the applicant's social security number. The applicant may provide a mailing address if the applicant receives mail at an address different from his or her residence address.

(b) If the applicant is not a citizen of the United States, the applicant shall provide documents demonstrating his or her legal presence in the United States. A person legally present in the United States includes, but is not limited to, a person authorized by the United States government for employment in the United States, a person with nonimmigrant status authorized under

1 federal law, and a person who is the beneficiary of an approved
2 immigrant visa petition or an approved labor certification. The
3 secretary of state shall adopt rules under the administrative
4 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, as are
5 necessary for the administration of this subdivision. A
6 determination by the secretary of state that an applicant is not
7 legally present in the United States may be appealed under
8 section 631 of the revised judicature act of 1961, 1961 PA 236,
9 MCL 600.631.

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

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

1 residence address is located.".

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

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

9 (i) The applicant meets the applicable federal driver
10 qualification requirements under 49 CFR part 391 if the applicant
11 operates or intends to operate in interstate commerce or meets
12 the applicable qualifications of the department of state police
13 under the motor carrier safety act of 1963, 1963 PA 181, MCL
14 480.11 to 480.25, if the applicant operates or intends to operate
15 in intrastate commerce.

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

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

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

25 (f) An applicant for an operator's or chauffeur's license
26 with a vehicle group designation and a hazardous material

1 indorsement shall provide his or her fingerprints as prescribed
2 by state and federal law.

3 (2) An applicant for an operator's or chauffeur's license
4 may have his or her image and signature captured or reproduced
5 when the application for the license is made. The secretary of
6 state shall acquire equipment purchased or leased under this
7 section under standard purchasing procedures of the department of
8 management and budget based on standards and specifications
9 established by the secretary of state. The secretary of state
10 shall not purchase or lease equipment until an appropriation for
11 the equipment has been made by the legislature. A digital
12 photographic image and signature captured under this section
13 shall appear on the applicant's operator's license or chauffeur's
14 license. A person's digital photographic image shall be used as
15 follows:

16 (a) By a federal, state, or local governmental agency for a
17 law enforcement purpose authorized by law.

18 (b) By the secretary of state for a use specifically
19 authorized by law.

20 (c) By the secretary of state for forwarding to the
21 department of state police the images to persons required to be
22 registered under the sex offenders registration act, 1994 PA 295,
23 MCL ~~28.271~~**28.721** to ~~28.726~~**28.736**, upon the department of state
24 police providing the secretary of state an updated list of the
25 names of those persons.

26 (d) As necessary to comply with a law of this state or of
27 the United States.

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

(4) In conjunction with the application for ~~or, until~~ ~~January 1, 2007, the issuance of~~ an operator's license or chauffeur's license, the secretary of state shall do all of the following:

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

(i) Information explaining the applicant's right to make an anatomical gift in the event of death in accordance with section 310.

(ii) Information describing the ~~organ, tissue, and eye~~ **ANATOMICAL GIFT** donor registry program **UNDER PART 101 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.10101 TO 333.10123**. The information required under this subparagraph includes the address and telephone number of Michigan's federally designated organ procurement organization or its successor organization **AS DEFINED IN SECTION 10102 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.10102**.

(iii) Information giving the applicant the opportunity to be placed on the **DONOR** registry described in subparagraph (ii).

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

(c) Inform the applicant that, if he or she indicates to the secretary of state under this section a willingness to have his or her name placed on the **DONOR** registry described in subdivision (a)(ii), the secretary of state will mark the applicant's record for the **DONOR** registry.

(d) Provide the applicant with the opportunity to make a donation of \$1.00 or more to the organ and tissue donation education fund created under section 217o. A donation made under this subdivision shall be deposited in the state treasury to the credit of the organ and tissue donation education fund.

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

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

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

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

~~(6) Until January 1, 2007, if an applicant indicates a willingness under this section to have his or her name placed on the organ donor registry described in subsection (4)(a)(ii), the~~

~~1 secretary of state shall within 10 days forward the applicant's~~
~~2 name, and address, and date of birth to the organ donor registry~~
~~3 maintained by Michigan's federally designated organ procurement~~
~~4 organization or its successor organization. The secretary of~~
~~5 state may forward information under this subsection by mail or by~~
~~6 electronic means. The secretary of state shall not maintain a~~
~~7 record of the name or address of an individual who indicates a~~
~~8 willingness to have his or her name placed on the organ donor~~
~~9 registry after forwarding that information to the organ donor~~
~~10 registry under this subsection. Information about an applicant's~~
~~11 indication of a willingness to have his or her name placed on the~~
~~12 organ donor registry that is obtained by the secretary of state~~
~~13 under subsection (4) and forwarded under this subsection is~~
~~14 exempt from disclosure under section 13(1)(d) of the freedom of~~
~~15 information act, 1976 PA 442, MCL 15.243. Beginning January 1,~~
~~16 2007, the~~ **THE** secretary of state shall maintain a record of an
17 individual who indicates a willingness to have his or her name
18 placed on the **DONOR** registry described in subsection (4)(a)(ii).
19 Information about an applicant's indication of a willingness to
20 have his or her name placed on the **DONOR** registry that is
21 obtained by the secretary of state under subsection (4) and
22 forwarded under subsection (14) is exempt from disclosure under
23 section 13(1)(d) of the freedom of information act, 1976 PA 442,
24 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 national driver register. When
2 received, the driving record and other available information
3 become a part of the driver's record in this state.

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

1 (9) Except for a vehicle group designation or indorsement or
2 as provided in this subsection or section 314(5), the secretary
3 of state may issue a renewal operator's or chauffeur's license
4 for 1 additional 4-year period or until the person is no longer
5 determined to be legally present under section 307 by mail or by
6 other methods prescribed by the secretary of state. The secretary
7 of state may check the applicant's driving record through the
8 national driver register and the commercial driver license
9 information system before issuing a license under this section.

10 The secretary of state shall issue a renewal license only in
11 person if the person is a person required under section 5a of the
12 sex offenders registration act, 1994 PA 295, MCL 28.725a, to
13 maintain a valid operator's or chauffeur's license or official
14 state personal identification card. If a license is renewed by
15 mail or by other method, the secretary of state shall issue
16 evidence of renewal to indicate the date the license expires in
17 the future. The department of state police shall provide to the
18 secretary of state updated lists of persons required under
19 section 5a of the sex offenders registration act, 1994 PA 295,
20 MCL 28.725a, to maintain a valid operator's or chauffeur's
21 license or official state personal identification card.

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

26 (11) The secretary of state shall not disclose a social
27 security number obtained under subsection (1) to another person

1 except for use for 1 or more of the following purposes:

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

4 (b) To carry out the purposes of section ~~666(a)~~**466(A)** of
5 the social security act, 42 USC 666, in connection with matters
6 relating to paternity, child support, or overdue child support.

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

10 (d) With the department of community health, for comparison
11 with vital records maintained by the department of community
12 health under part 28 of the public health code, 1978 PA 368, MCL
13 333.2801 to 333.2899.

14 (e) As otherwise required by law.

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

18 (13) A requirement under this section to include a social
19 security number on an application does not apply to an applicant
20 who demonstrates he or she is exempt under law from obtaining a
21 social security number.

22 (14) ~~The~~**AS REQUIRED IN SECTION 10120 OF THE PUBLIC HEALTH**
23 **CODE, 1978 PA 368, MCL 333.10120, THE** secretary of state shall
24 maintain the ~~organ, tissue, and eye~~ donor registry in a manner
25 that provides electronic access, including, but not limited to,
26 **THE** transfer of data to this state's federally designated organ
27 procurement ~~organizations, their~~**ORGANIZATION OR ITS** successor

1 ~~organizations, and~~ **ORGANIZATION**, tissue **BANKS**, and eye banks,
2 ~~with limitations on the use of and access to the donor registry~~
3 ~~as determined by the secretary of state~~ **IN A MANNER THAT COMPLIES**
4 **WITH THAT SECTION.**

5 (15) The secretary of state, with the approval of the state
6 administrative board created under 1921 PA 2, MCL 17.1 to 17.3,
7 may enter into agreements with the United States government to
8 verify whether an applicant for an operator's license or a
9 chauffeur's license under this section who is not a citizen of
10 the United States is authorized under federal law to be present
11 in the United States.

12 (16) The secretary of state shall not issue an operator's
13 license or a chauffeur's license to a person holding an
14 operator's license or chauffeur's license issued by another state
15 without confirmation that the person is terminating or has
16 terminated the operator's license or chauffeur's license issued
17 by the other state.

18 (17) The secretary of state shall do all of the following:

19 (a) Ensure the physical security of locations where
20 operator's licenses and chauffeur's licenses are produced and the
21 security of document materials and papers from which operator's
22 licenses and chauffeur's licenses are produced.

23 (b) Subject all persons authorized to manufacture or produce
24 operator's licenses or chauffeur's licenses and all persons who
25 have the ability to affect the identity information that appears
26 on operator's licenses or chauffeur's licenses to appropriate
27 security clearance requirements. The security requirements of

1 this subdivision and subdivision (a) may require that licenses be
2 manufactured or produced in this state.

3 (c) Provide fraudulent document recognition programs to
4 department of state employees engaged in the issuance of
5 operator's licenses and chauffeur's licenses.

6 Sec. 310. (1) The secretary of state shall issue an
7 operator's license to each person licensed as an operator and a
8 chauffeur's license to each person licensed as a chauffeur. An
9 applicant for a motorcycle indorsement under section 312a or a
10 vehicle group designation or indorsement shall first qualify for
11 an operator's or chauffeur's license before the indorsement or
12 vehicle group designation application is accepted and processed.
13 An original license or the first renewal of an existing license
14 issued to a person less than 21 years of age shall be portrait or
15 vertical in form and a license issued to a person 21 years of age
16 or over shall be landscape or horizontal in form.

17 (2) The license issued under subsection (1) shall contain
18 all of the following:

19 (a) The distinguishing number permanently assigned to the
20 licensee.

21 (b) The full legal name, date of birth, address of
22 residence, height, eye color, sex, digital photographic image,
23 expiration date, and signature of the licensee.

24 (c) In the case of a licensee who has indicated his or her
25 wish to participate in the ~~organ and tissue~~ **ANATOMICAL GIFT** donor
26 registry under part 101 of the public health code, 1978 PA 368,
27 MCL 333.10101 to ~~333.10109~~ **333.10123**, a heart insignia on the

1 front of the license.

2 (d) Physical security features designed to prevent
3 tampering, counterfeiting, or duplication of the license for
4 fraudulent purposes.

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

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

11 (5) A digitized license may contain an identifier for voter
12 registration purposes. The digitized license may contain
13 information appearing in electronic or machine readable codes
14 needed to conduct a transaction with the secretary of state. The
15 information shall be limited to the person's driver license
16 number, birth date, full legal name, date of transaction, gender,
17 address, state of issuance, license expiration date, and other
18 information necessary for use with electronic devices, machine
19 readers, or automatic teller machines and shall not contain the
20 driving record or other personal identifier. The license shall
21 identify the encoded information.

22 (6) The license shall be manufactured in a manner to
23 prohibit as nearly as possible the ability to reproduce, alter,
24 counterfeit, forge, or duplicate the license without ready
25 detection. In addition, a license with a vehicle group
26 designation shall contain the information required under 49 CFR
27 part 383.

1 (7) Except as provided in subsection (11), a person who
2 intentionally reproduces, alters, counterfeits, forges, or
3 duplicates a license photograph, the negative of the photograph,
4 image, license, or electronic data contained on a license or a
5 part of a license or who uses a license, image, or photograph
6 that has been reproduced, altered, counterfeited, forged, or
7 duplicated is subject to 1 of the following:

8 (a) If the intent of the reproduction, alteration,
9 counterfeiting, forging, duplication, or use is to commit or aid
10 in the commission of an offense that is a felony punishable by
11 imprisonment for 10 or more years, the person committing the
12 reproduction, alteration, counterfeiting, forging, duplication,
13 or use is guilty of a felony, punishable by imprisonment for not
14 more than 10 years or a fine of not more than \$20,000.00, or
15 both.

16 (b) If the intent of the reproduction, alteration,
17 counterfeiting, forging, duplication, or use is to commit or aid
18 in the commission of an offense that is a felony punishable by
19 imprisonment for less than 10 years or a misdemeanor punishable
20 by imprisonment for 6 months or more, the person committing the
21 reproduction, alteration, counterfeiting, forging, duplication,
22 or use is guilty of a felony, punishable by imprisonment for not
23 more than 5 years, or a fine of not more than \$10,000.00, or
24 both.

25 (c) If the intent of the reproduction, alteration,
26 counterfeiting, forging, duplication, or use is to commit or aid
27 in the commission of an offense that is a misdemeanor punishable

1 by imprisonment for less than 6 months, the person committing the
2 reproduction, alteration, counterfeiting, forging, duplication,
3 or use is guilty of a misdemeanor punishable by imprisonment for
4 not more than 1 year or a fine of not more than \$2,000.00, or
5 both.

6 (8) Except as provided in subsections (11) and (16), a
7 person who sells, or who possesses with the intent to deliver to
8 another, a reproduced, altered, counterfeited, forged, or
9 duplicated license photograph, negative of the photograph, image,
10 license, or electronic data contained on a license or part of a
11 license 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 both.

13 (9) Except as provided in subsections (11) and (16), a
14 person who is in possession of 2 or more reproduced, altered,
15 counterfeited, forged, or duplicated license photographs,
16 negatives of the photograph, images, licenses, or electronic data
17 contained on a license or part of a license is guilty of a felony
18 punishable by imprisonment for not more than 5 years or a fine of
19 not more than \$10,000.00, or both.

20 (10) Except as provided in subsection (16), a person who is
21 in possession of a reproduced, altered, counterfeited, forged, or
22 duplicated license photograph, negative of the photograph, image,
23 license, or electronic data contained on a license or part of a
24 license is guilty of a misdemeanor punishable by imprisonment for
25 not more than 1 year or a fine of not more than \$2,000.00, or
26 both.

27 (11) Subsections (7)(a) and (b), (8), and (9) do not apply

1 to a minor whose intent is to violate section 703 of the Michigan
2 liquor control code of 1998, 1998 PA 58, MCL 436.1703.

3 (12) The secretary of state, upon determining after an
4 examination that an applicant is mentally and physically
5 qualified to receive a license, may issue the applicant a
6 temporary driver's permit. The temporary driver's permit entitles
7 the applicant, while having the permit in his or her immediate
8 possession, to drive a motor vehicle upon the highway for a
9 period not exceeding 60 days before the secretary of state has
10 issued the applicant an operator's or chauffeur's license. The
11 secretary of state may establish a longer duration for the
12 validity of a temporary driver's permit if necessary to
13 accommodate the process of obtaining a background check that is
14 required for an applicant by federal law.

15 (13) An operator or chauffeur may indicate on the license in
16 a place designated by the secretary of state his or her blood
17 type, emergency contact information, immunization data,
18 medication data, or a statement that the licensee is deaf.

19 (14) An operator or chauffeur may indicate on the license in
20 a place designated by the secretary of state that he or she has
21 designated a patient advocate in accordance with sections 5506 to
22 5515 of the estates and protected individuals code, 1998 PA 386,
23 MCL 700.5506 to 700.5515.

24 (15) If the applicant provides proof to the secretary of
25 state that he or she is a minor who has been emancipated under
26 1968 PA 293, MCL 722.1 to 722.6, the license shall bear the
27 designation of the individual's emancipated status in a manner

1 prescribed by the secretary of state.

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

6 (17) A sticker or decal may be provided by any person,
7 hospital, school, medical group, or association interested in
8 assisting in implementing an emergency medical information card,
9 but shall meet the specifications of the secretary of state. An
10 emergency medical information card may contain information
11 concerning the licensee's patient advocate designation, other
12 emergency medical information, or an indication as to where the
13 licensee has stored or registered emergency medical information.

14 (18) The secretary of state shall inquire of each licensee,
15 in person or by mail, whether the licensee agrees to participate
16 in the ~~organ, tissue, and eye~~ **ANATOMICAL GIFT** donor registry
17 under part 101 of the public health code, 1978 PA 368, MCL
18 333.10101 to ~~333.10109~~ **333.10123**.

19 (19) A licensee who has agreed to participate in the ~~organ,~~
20 ~~tissue, and eye~~ **ANATOMICAL GIFT** donor registry under part 101 of
21 the public health code, 1978 PA 368, MCL 333.10101 to ~~333.10109~~
22 **333.10123**, shall not be considered to have revoked that agreement
23 solely because the licensee's license has been revoked or
24 suspended or has expired. Enrollment in the ~~organ, tissue, and~~
25 ~~eye~~ donor registry constitutes a legal agreement that remains
26 binding and in effect after the donor's death regardless of the
27 expressed desires of the deceased donor's next of kin who may

1 oppose the donor's ~~organ, tissue, or eye donation~~ **ANATOMICAL**
2 **GIFT.**

3 Enacting section 1. This amendatory act does not take effect
4 unless House Bill No. 4940 of the 94th Legislature is enacted
5 into law.