

SENATE BILL No. 962

December 6, 2007, Introduced by Senators SANBORN, PATTERSON, JELINEK, GILBERT, CASSIS, CROUSEY, RICHARDVILLE, STAMAS, BIRKHOLOZ, BROWN, ALLEN, KAHN and PAPPAGEORGE and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 40b, 208c, 303, 307, 310, 314, 811, and 812 (MCL 257.40b, 257.208c, 257.303, 257.307, 257.310, 257.314, 257.811, and 257.812), section 40b as added by 1997 PA 100, section 208c as amended by 2004 PA 362, sections 303, 307, and 314 as amended by 2006 PA 298, section 310 as amended by 2005 PA 141, section 811 as amended by 2006 PA 589, and section 812 as amended by 2005 PA 142, and by adding sections 30c, 310f, and 310g.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 30C. "DEFINED MINIMUM DATA ELEMENTS" MEANS THAT PHRASE
2 AS DEFINED IN 6 CFR 37.19.

1 Sec. 40b. (1) "Personal information" means information that
2 identifies an individual, including the individual's photograph
3 or image, name, address (but not the zip code), driver license
4 number, social security number, telephone number, digitized
5 signature, and medical and disability information. Personal
6 information does not include information on driving and
7 equipment-related violations or civil infractions, driver or
8 vehicle registration status, vehicular accidents, or other
9 behaviorally-related information.

10 (2) "Highly restricted personal information" means an
11 individual's photograph or image, social security number,
12 digitized signature, ~~and~~ medical and disability information, **AND**
13 **SOURCE DOCUMENTS PRESENTED BY AN APPLICANT TO OBTAIN AN**
14 **OPERATOR'S OR CHAUFFEUR'S LICENSE UNDER SECTION 307(1).**

15 Sec. 208c. (1) Except as provided in this section and in
16 section 232, personal information in a record maintained under
17 this act shall not be disclosed, unless the person requesting the
18 information furnishes proof of identity satisfactory to the
19 secretary of state and certifies that the personal information
20 requested will be used for a permissible purpose identified in
21 this section or in section 232. However, highly restricted
22 personal information shall be used and disclosed only as
23 expressly permitted in section 307 or as otherwise expressly
24 provided by law.

25 (2) Personal information in a record maintained under this
26 act shall be disclosed by the secretary of state if required to
27 carry out the purposes of federal law or federal regulations.

1 (3) Personal information in a record maintained under this
2 act may be disclosed by the secretary of state as follows:

3 (a) For use by a federal, state, or local governmental
4 agency, including a court or law enforcement agency, in carrying
5 out the agency's functions, or by a private person or entity
6 acting on behalf of a governmental agency in carrying out the
7 agency's functions.

8 (b) For use in connection with matters of motor vehicle and
9 driver safety or auto theft; motor vehicle emissions; motor
10 vehicle product alterations, recalls, or advisories; performance
11 monitoring of motor vehicles; motor vehicle market research
12 activities, including survey research; and the removal of
13 nonowner records from the original records of motor vehicle
14 manufacturers.

15 (c) For use in the normal course of business by a legitimate
16 business, including the agents, employees, and contractors of the
17 business, but only to verify the accuracy of personal information
18 submitted by an individual to the business or its agents,
19 employees, or contractors, and if the information as so submitted
20 is no longer correct, to obtain the correct information, for the
21 sole purpose of preventing fraud by pursuing legal remedies
22 against, or recovering on a debt against, the individual.

23 (d) For use in connection with a civil, criminal,
24 administrative, or arbitration proceeding in a federal, state, or
25 local court or governmental agency or before a self-regulatory
26 body, including use for service of process, investigation in
27 anticipation of litigation, and the execution or enforcement of

1 judgments and orders, or pursuant to an order of a federal,
2 state, or local court, an administrative agency, or a self-
3 regulatory body.

4 (e) For use in legitimate research activities and in
5 preparing statistical reports for commercial, scholarly, or
6 academic purposes by a bona fide research organization, if the
7 personal information is not published, redisclosed, or used to
8 contact individuals.

9 (f) For use by an insurer or insurance support organization,
10 or by a self-insured entity, or its agents, employees, or
11 contractors, in connection with claims investigating activity,
12 antifraud activity, rating, or underwriting.

13 (g) For use in providing notice to the owner of an
14 abandoned, towed, or impounded vehicle.

15 (h) For use either by a private detective or private
16 investigator licensed under the private detective license act,
17 1965 PA 285, MCL 338.821 to 338.851, or by a private security
18 guard agency or alarm system contractor licensed under the
19 private security business and security alarm act, 1968 PA 330,
20 MCL 338.1051 to 338.1083, only for a purpose permitted under this
21 section.

22 (i) For use by an employer, or the employer's agent or
23 insurer, to obtain or verify information relating either to the
24 holder of a commercial driver license that is required under
25 federal law or to the holder of a chauffeur's license that is
26 required under chapter 3.

27 (j) For use by a car rental business, or its employees,

1 agents, contractors, or service firms, for the purpose of making
2 rental decisions.

3 (k) For use in connection with the operation of private toll
4 transportation facilities.

5 (l) For use by a news medium in the preparation and
6 dissemination of a report related in part or in whole to the
7 operation of a motor vehicle or public safety. "News medium"
8 includes a newspaper, a magazine or periodical published at
9 regular intervals, a news service, a broadcast network, a
10 television station, a radio station, a cablecaster, or an entity
11 employed by any of the foregoing.

12 (m) For any use by an individual requesting information
13 pertaining to himself or herself or requesting in writing that
14 the secretary of state provide information pertaining to himself
15 or herself to the individual's designee. A request for disclosure
16 to a designee, however, may be submitted only by the individual.

17 (4) Medical and disability information in a record
18 maintained under this act may be used and disclosed for purposes
19 of subsection (3)(a), (d), or (m).

20 **(5) COPIES OR IMAGES OF SOURCE DOCUMENTS RETAINED BY THE**
21 **SECRETARY OF STATE UNDER SECTION 310F MAY BE USED AND DISCLOSED**
22 **FOR PURPOSES OF SUBSECTION (3)(A) OR (M).**

23 Sec. 303. (1) The secretary of state shall not issue a
24 license under this act to any of the following persons:

25 (a) A person, as an operator, who is less than 18 years of
26 age, except as otherwise provided in this act.

27 (b) A person, as a chauffeur, who is less than 18 years of

1 age, except as otherwise provided in this act.

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

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

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

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

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

1 (h) ~~A~~ **UNLESS OTHERWISE ELIGIBLE UNDER SECTION 310F, A**
2 nonresident, including, but not limited to, a foreign exchange
3 student.

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

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

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

1 (l) A person not licensed under this act who is determined to
2 have violated section 33b(1) of former 1933 (Ex Sess) PA 8,
3 section 703(1) of the Michigan liquor control code of 1998, 1998
4 PA 58, MCL 436.1703, or section 624a or 624b of this act. The
5 person shall be denied a license under this subdivision for a
6 period of time that corresponds to the period of the licensing
7 sanction that would have been imposed under those sections had
8 the person been licensed at the time of the violation.

9 (m) A person whose commercial driver license application is
10 canceled under section 324(2).

11 **(N) UNLESS OTHERWISE ELIGIBLE UNDER SECTION 310F, A PERSON**
12 **WHO IS NOT A CITIZEN OF THE UNITED STATES.**

13 (2) Upon receiving the appropriate records of conviction,
14 the secretary of state shall revoke the operator's or chauffeur's
15 license of a person and deny issuance of an operator's or
16 chauffeur's license to a person having any of the following,
17 whether under a law of this state, a local ordinance
18 substantially corresponding to a law of this state, or a law of
19 another state substantially corresponding to a law of this state:

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

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

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

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

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

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

6 (c) Any combination of 2 convictions within 7 years for any
7 of the following or a combination of 1 conviction for a violation
8 or attempted violation of section 625(6) and 1 conviction for any
9 of the following within 7 years:

10 (i) A violation or attempted violation of section 625, except
11 a violation of section 625(2), or a violation of any prior
12 enactment of section 625 in which the defendant operated a
13 vehicle while under the influence of intoxicating or alcoholic
14 liquor or a controlled substance, or a combination of
15 intoxicating or alcoholic liquor and a controlled substance, or
16 while visibly impaired, or with an unlawful bodily alcohol
17 content.

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

19 (iii) Former section 625b.

20 (d) One conviction for a violation or attempted violation of
21 section 315(5), section 601b(3), section 601c(2), section 602a(4)
22 or (5), section 617, section 625(4) or (5), section 653a(4), or
23 section 904(4) or (5).

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

27 (f) One conviction for a violation or attempted violation of

1 section 479a(4) or (5) of the Michigan penal code, 1931 PA 328,
2 MCL 750.479a.

3 (g) Any combination of 3 convictions within 10 years for any
4 of the following or 1 conviction for a violation or attempted
5 violation of section 625(6) and any combination of 2 convictions
6 for any of the following within 10 years, if any of the
7 convictions resulted from an arrest on or after January 1, 1992:

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

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

17 (iii) Former section 625b.

18 (3) The secretary of state shall revoke a license under
19 subsection (2) notwithstanding a court order unless the court
20 order complies with section 323.

21 (4) The secretary of state shall not issue a license under
22 this act to a person whose license has been revoked under this
23 act or revoked and denied under subsection (2) until all of the
24 following occur, as applicable:

25 (a) The later of the following:

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

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

4 (b) For a denial under subsection (2)(a), (b), (c), and (g),
5 the person rebuts by clear and convincing evidence the
6 presumption resulting from the prima facie evidence that he or
7 she is a habitual offender. The convictions that resulted in the
8 revocation and denial constitute prima facie evidence that he or
9 she is a habitual offender.

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

11 (5) The secretary of state may deny issuance of an
12 operator's license as follows:

13 (a) Until the age of 17, to a person not licensed under this
14 act who was convicted of or received a juvenile disposition for
15 violating or attempting to violate section 411a(2) of the
16 Michigan penal code, 1931 PA 328, MCL 750.411a, involving a
17 school when he or she was less than 14 years of age. A person not
18 issued a license under this subdivision is not eligible to begin
19 graduated licensing training until he or she attains 16 years of
20 age.

21 (b) To a person less than 21 years of age not licensed under
22 this act who was convicted of or received a juvenile disposition
23 for violating or attempting to violate section 411a(2) of the
24 Michigan penal code, 1931 PA 328, MCL 750.411a, involving a
25 school when he or she was less than 14 years of age or older,
26 until 3 years after the date of the conviction or juvenile
27 disposition. A person not issued a license under this subdivision

1 is not eligible to begin graduated licensing training or
2 otherwise obtain an original operator's or chauffeur's license
3 until 3 years after the date of the conviction or juvenile
4 disposition.

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

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

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

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

19 (b) The vehicle was used to transport a victim of the
20 felony.

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

22 (d) The vehicle was necessary for the commission of the
23 felony.

24 Sec. 307. (1) An applicant for an operator's or chauffeur's
25 license shall supply a **PHOTOGRAPHIC IDENTITY DOCUMENT, A** birth
26 certificate, ~~attesting to his or her age or~~ **OTHER NONPHOTOGRAPHIC**
27 **IDENTITY DOCUMENT AND** other sufficient documents or

1 identification as the secretary of state may require. **THESE**
2 **DOCUMENTS SHALL PROVIDE THE APPLICANT'S FULL LEGAL NAME HISTORY**
3 **AND DATE OF BIRTH, HIS OR HER ADDRESS AND RESIDENCY, AND**
4 **DEMONSTRATE THAT THE APPLICANT IS A CITIZEN OF THE UNITED STATES,**
5 **IS AN ALIEN LAWFULLY ADMITTED FOR PERMANENT OR TEMPORARY**
6 **RESIDENCE IN THE UNITED STATES, OR HAS CONDITIONAL PERMANENT**
7 **RESIDENT STATUS IN THE UNITED STATES.** An application for an
8 operator's or chauffeur's license shall be made in a manner
9 prescribed by the secretary of state and shall contain all of the
10 following:

11 (a) The applicant's full **LEGAL** name, date of birth,
12 residence address, height, sex, eye color, signature, and ~~7~~
13 ~~beginning January 1, 2007,~~ intent to be an organ donor, other
14 information required or permitted on the license under this
15 chapter, and, to the extent required to comply with federal law,
16 the applicant's social security number. The applicant may provide
17 a mailing address if the applicant receives mail at an address
18 different from his or her residence address.

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

25 "NOTICE: Michigan law requires that the same address
26 be used for voter registration and driver license
27 purposes. Therefore, if the residence address

1 you provide in this application differs from your
2 voter registration address as it appears on the
3 qualified voter file, the secretary of state
4 will automatically change your voter registration
5 to match the residence address on this application,
6 after which your voter registration at your former
7 address will no longer be valid for voting purposes.
8 A new voter registration card, containing the
9 information of your polling place, will be provided
10 to you by the clerk of the jurisdiction where your
11 residence address is located.".

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

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

19 (i) The applicant meets the applicable federal driver
20 qualification requirements under 49 CFR part 391 if the applicant
21 operates or intends to operate in interstate commerce or meets
22 the applicable qualifications of the department of state police
23 under the motor carrier safety act of 1963, 1963 PA 181, MCL
24 480.11 to 480.25, if the applicant operates or intends to operate
25 in intrastate commerce.

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

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

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

7 (e) An applicant for an operator's or chauffeur's license
8 with a vehicle group designation and a hazardous material
9 indorsement shall provide his or her fingerprints as prescribed
10 by state and federal law.

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

1 or lease equipment until an appropriation for the equipment has
2 been made by the legislature. ~~An~~ **A DIGITAL PHOTOGRAPHIC** image and
3 signature captured ~~pursuant to~~ **UNDER** this section shall appear on
4 the applicant's operator's or chauffeur's license. ~~Except as~~
5 ~~provided in this subsection, the secretary of state may retain~~
6 ~~and use a person's image and signature described in this~~
7 ~~subsection only for programs administered by the secretary of~~
8 ~~state. Except as provided in this subsection, the secretary of~~
9 ~~state shall not use a person's image or signature, or both,~~
10 ~~unless the person grants written permission for that purpose to~~
11 ~~the secretary of state or specific enabling legislation~~
12 ~~permitting the use is enacted into law. A law enforcement agency~~
13 ~~of this state has access to information retained by the secretary~~
14 ~~of state under this subsection. The information may be utilized~~
15 ~~for any law enforcement purpose unless otherwise prohibited by~~
16 ~~law. The department of state police shall provide to the~~
17 ~~secretary of state updated lists of persons required to be~~
18 ~~registered under the sex offenders registration act, 1994 PA 295,~~
19 ~~MCL 28.721 to 28.736, and the secretary of state shall make the~~
20 ~~images of those persons available to the department of state~~
21 ~~police as provided in that act.~~ **A PERSON'S DIGITAL PHOTOGRAPHIC**
22 **IMAGE OR SIGNATURE SHALL ONLY BE USED AS FOLLOWS:**

23 (A) BY A FEDERAL, STATE, OR LOCAL GOVERNMENTAL AGENCY FOR A
24 LAW ENFORCEMENT PURPOSE.

25 (B) BY ANOTHER STATE TO THE EXTENT REQUIRED BY FEDERAL LAW.

26 (C) BY THE SECRETARY OF STATE FOR A PROGRAM ADMINISTERED BY
27 THE SECRETARY OF STATE.

1 (D) BY THE SECRETARY OF STATE FOR A PURPOSE OTHER THAN A
2 PURPOSE DESCRIBED IN SUBDIVISION (C), IF THE PERSON GIVES WRITTEN
3 PERMISSION.

4 (E) THE SECRETARY OF STATE SHALL FORWARD TO THE DEPARTMENT
5 OF STATE POLICE THE IMAGES OF PERSONS REQUIRED TO BE REGISTERED
6 UNDER THE SEX OFFENDERS REGISTRATION ACT, 1994 PA 295, MCL 28.721
7 TO 28.736, UPON THE DEPARTMENT OF STATE POLICE PROVIDING THE
8 SECRETARY OF STATE AN UPDATED LIST OF THOSE PERSONS.

9 (F) AS NECESSARY TO COMPLY WITH A LAW OF THIS STATE OR THE
10 UNITED STATES.

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

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

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

24 (i) Information explaining the applicant's right to make an
25 anatomical gift in the event of death in accordance with section
26 310.

27 (ii) Information describing the organ, tissue, and eye donor

1 registry program. The information required under this
2 subparagraph includes the address and telephone number of
3 Michigan's federally designated organ procurement organization or
4 its successor organization.

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

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

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

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

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

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

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

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

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

1 subsection (14) is exempt from disclosure under section 13(1)(d)
2 of the freedom of information act, 1976 PA 442, MCL 15.243.

3 (7) If an application is received from a person previously
4 licensed in another jurisdiction, the secretary of state shall
5 request a copy of the applicant's driving record and other
6 available information from the national driver register. When
7 received, the driving record and other available information
8 become a part of the driver's record in this state.

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

1 and if the secretary of state enters on the person's historical
2 driving record maintained under section 204a a notation that the
3 request was made and the date of the request, the secretary of
4 state is required to request the applicant's complete driving
5 record from other states only once under this section.

6 (9) Except for a vehicle group designation or indorsement or
7 as provided in this subsection or section 314(5), the secretary
8 of state may issue a renewal operator's or chauffeur's license
9 for 1 additional 4-year period by mail or by other methods
10 prescribed by the secretary of state. The secretary of state may
11 check the applicant's driving record through the national driver
12 register and the commercial driver license information system
13 before issuing a license under this section. The secretary of
14 state shall issue a renewal license only in person if the person
15 is a person required under section 5a of the sex offenders
16 registration act, 1994 PA 295, MCL 28.725a, to maintain a valid
17 operator's or chauffeur's license or official state personal
18 identification card. If a license is renewed by mail or by other
19 method, the secretary of state shall issue evidence of renewal to
20 indicate the date the license expires in the future. The
21 department of state police shall provide to the secretary of
22 state updated lists of persons required under section 5a of the
23 sex offenders registration act, 1994 PA 295, MCL 28.725a, to
24 maintain a valid operator's or chauffeur's license or official
25 state personal identification card.

26 (10) Upon request, the secretary of state shall provide an
27 information manual to an applicant explaining how to obtain a

1 vehicle group designation or indorsement. The manual shall
2 contain the information required under 49 CFR part 383.

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

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

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

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

15 (d) With the department of community health, for comparison
16 with vital records maintained by the department of community
17 health under part 28 of the public health code, 1978 PA 368, MCL
18 333.2801 to 333.2899.

19 (e) As otherwise required by law.

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

23 (13) A requirement under this section to include a social
24 security number on an application does not apply to an applicant
25 who demonstrates he or she is exempt under law from obtaining a
26 social security number. ~~or to an applicant who for religious~~
27 ~~convictions is exempt under law from disclosure of his or her~~

1 ~~social security number under these circumstances. The secretary~~
2 ~~of state shall inform the applicant of this possible exemption.~~

3 (14) ~~Beginning January 1, 2007, the~~ **THE** secretary of state
4 shall maintain the organ, tissue, and eye donor registry in a
5 manner that provides electronic access, including, but not
6 limited to, transfer of data to this state's federally designated
7 organ procurement organizations, their successor organizations,
8 and tissue and eye banks with limitations on the use of and
9 access to the donor registry as determined by the secretary of
10 state.

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

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

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

27 (b) The full **LEGAL** name, date of birth, address of

1 residence, height, eye color, sex, **DIGITAL PHOTOGRAPHIC** image,
2 and signature of the licensee.

3 ~~—— (c) Until January 1, 2007, a place for the licensee to
4 indicate 1 or more of the following:~~

5 ~~—— (i) The blood type of the licensee.~~

6 ~~—— (ii) Immunization data of the licensee.~~

7 ~~—— (iii) Medication data of the licensee.~~

8 ~~—— (iv) A statement that the licensee is deaf.~~

9 ~~—— (v) Until January 1, 2007, a statement that the licensee is
10 an organ and tissue donor under part 101 of the public health
11 code, 1978 PA 368, MCL 333.10101 to 333.10109.~~

12 ~~—— (vi) Emergency contact information of the licensee.~~

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

19 ~~—— (d) Until January 1, 2007, if the licensee has made a
20 statement described in subdivision (c) (v), the signature of the
21 licensee following the indication of his or her organ and tissue
22 donor intent identified in subdivision (c) (v), along with the
23 signature of at least 1 witness.~~

24 ~~—— (e) In the case of a licensee who is less than 18 years of
25 age at the time of issuance of the license, the date on which the
26 licensee will become 18 years of age and 21 years of age.~~

27 ~~—— (f) In the case of a licensee who is at least 18 years of~~

1 ~~age but less than 21 years of age at the time of issuance of the~~
2 ~~license, the date on which the licensee will become 21 years of~~
3 ~~age.~~

4 (C) ~~(g) Beginning January 1, 2007, in~~ **IN** the case of a
5 licensee who has indicated his or her wish to participate in the
6 organ and tissue donor registry under part 101 of the public
7 health code, 1978 PA 368, MCL 333.10101 to 333.10109, a heart
8 insignia on the front of the license.

9 (D) **PHYSICAL SECURITY FEATURES DESIGNED TO PREVENT**
10 **TAMPERING, COUNTERFEITING, OR DUPLICATION OF THE LICENSE FOR**
11 **FRAUDULENT PURPOSES.**

12 (3) Except as otherwise required under this chapter, other
13 information required on the license ~~pursuant to~~ **UNDER** this
14 chapter may appear on the license in a form prescribed by the
15 secretary of state.

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

18 (5) A digitized license may contain an identifier for voter
19 registration purposes. The digitized license ~~may~~ **SHALL** contain
20 information appearing in electronic or machine readable codes
21 **WITH DEFINED MINIMUM DATA ELEMENTS** needed to conduct a
22 transaction with the secretary of state. ~~The information shall be~~
23 ~~limited to the person's driver license number, birth date,~~
24 ~~license expiration date, and other information necessary for use~~
25 ~~with electronic devices, machine readers, or automatic teller~~
26 ~~machines and shall not contain the person's name, address,~~
27 ~~driving record, or other personal identifier. The license shall~~

1 ~~identify the encoded information.~~

2 (6) The license shall be manufactured in a manner to
3 prohibit as nearly as possible the ability to reproduce, alter,
4 counterfeit, forge, or duplicate the license without ready
5 detection. In addition, a license with a vehicle group
6 designation shall contain the information required under 49 CFR
7 part 383.

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

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

23 (b) If the intent of the reproduction, alteration,
24 counterfeiting, forging, duplication, or use is to commit or aid
25 in the commission of an offense that is a felony punishable by
26 imprisonment for less than 10 years or a misdemeanor punishable
27 by imprisonment for 6 months or more, the person committing the

1 reproduction, alteration, counterfeiting, forging, duplication,
2 or use is guilty of a felony, punishable by imprisonment for not
3 more than 5 years, or a fine of not more than \$10,000.00, or
4 both.

5 (c) If the intent of the reproduction, alteration,
6 counterfeiting, forging, duplication, or use is to commit or aid
7 in the commission of an offense that is a misdemeanor punishable
8 by imprisonment for less than 6 months, the person committing the
9 reproduction, alteration, counterfeiting, forging, duplication,
10 or use is guilty of a misdemeanor punishable by imprisonment for
11 not more than 1 year or a fine of not more than \$2,000.00, or
12 both.

13 (8) Except as provided in subsections (11) and (16), a
14 person who sells, or who possesses with the intent to deliver to
15 another, a reproduced, altered, counterfeited, forged, or
16 duplicated license photograph, negative of the photograph, image,
17 license, or electronic data contained on a license or part of a
18 license is guilty of a felony punishable by imprisonment for not
19 more than 5 years or a fine of not more than \$10,000.00, or both.

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

27 (10) Except as provided in subsection (16), a person who is

1 in possession of a reproduced, altered, counterfeited, forged, or
2 duplicated license photograph, negative of the photograph, image,
3 license, or electronic data contained on a license or part of a
4 license is guilty of a misdemeanor punishable by imprisonment for
5 not more than 1 year or a fine of not more than \$2,000.00, or
6 both.

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

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

22 (13) An operator or chauffeur may indicate on the license in
23 a place designated by the secretary of state his or her blood
24 type, emergency contact information, immunization data,
25 medication data, or a statement that the licensee is deaf, or,
26 until January 1, 2007, a statement that the licensee is an organ
27 and tissue donor and has made an anatomical gift under part 101

1 of the public health code, 1978 PA 368, MCL 333.10101 to
2 333.10109.

3 (14) An operator or chauffeur may indicate on the license in
4 a place designated by the secretary of state that he or she has
5 designated a patient advocate in accordance with sections 5506 to
6 ~~5513-5515~~ of the estates and protected individuals code, 1998 PA
7 386, MCL 700.5506 to ~~700.5513-700.5515~~.

8 (15) If the applicant provides proof to the secretary of
9 state that he or she is a minor who has been emancipated under
10 1968 PA 293, MCL 722.1 to 722.6, the license shall bear the
11 designation of the individual's emancipated status in a manner
12 prescribed by the secretary of state.

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

17 (17) The sticker or decal described in subsection (2)(c)(vii)
18 may be provided by any person, hospital, school, medical group,
19 or association interested in assisting in implementing the
20 emergency medical information card, but shall meet the
21 specifications of the secretary of state. The emergency medical
22 information card may contain the information described in
23 subsection (2)(c)(vi), information concerning the licensee's
24 patient advocate designation, other emergency medical
25 information, or an indication as to where the licensee has stored
26 or registered emergency medical information.

27 (18) Beginning January 1, 2007, the secretary of state shall

1 inquire of each licensee, in person or by mail, whether the
2 licensee agrees to participate in the organ, tissue, and eye
3 donor registry under part 101 of the public health code, 1978 PA
4 368, MCL 333.10101 to 333.10109.

5 (19) A licensee who has agreed to participate in the organ,
6 tissue, and eye donor registry under part 101 of the public
7 health code, 1978 PA 368, MCL 333.10101 to 333.10109, shall not
8 be considered to have revoked that agreement solely because the
9 licensee's license has been revoked or suspended or has expired.
10 Enrollment in the organ, tissue, and eye donor registry
11 constitutes a legal agreement that remains binding and in effect
12 after the donor's death regardless of the expressed desires of
13 the deceased donor's next of kin who may oppose the donor's
14 organ, tissue, or eye donation.

15 **SEC. 310F. (1) BEFORE ISSUING AN OPERATOR'S LICENSE OR A**
16 **CHAUFFEUR'S LICENSE TO AN APPLICANT, THE SECRETARY OF STATE SHALL**
17 **REQUIRE AND THE APPLICANT SHALL PRODUCE DOCUMENTARY EVIDENCE AS**
18 **DETERMINED BY THE SECRETARY OF STATE SHOWING THAT 1 OR MORE OF**
19 **THE FOLLOWING APPLY TO THE APPLICANT:**

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

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

23 (C) THE APPLICANT HAS CONDITIONAL PERMANENT RESIDENCE STATUS
24 IN THE UNITED STATES.

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

27 (E) THE APPLICANT HAS AN APPROVED APPLICATION FOR ASYLUM IN

1 THE UNITED STATES.

2 (F) THE APPLICANT HAS ENTERED INTO THE UNITED STATES IN
3 REFUGEE STATUS.

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

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

7 (I) THE APPLICANT HAS A PENDING APPLICATION FOR ADJUSTMENT
8 OF STATUS TO THAT OF AN ALIEN LAWFULLY ADMITTED FOR PERMANENT
9 RESIDENCE IN THE UNITED STATES OR CONDITIONAL PERMANENT RESIDENCE
10 STATUS IN THE UNITED STATES.

11 (2) IF AN APPLICANT PRESENTS EVIDENCE DESCRIBED IN
12 SUBSECTION (1) (D) THROUGH (I), THE SECRETARY OF STATE SHALL NOT
13 ISSUE AN OPERATOR'S LICENSE OR CHAUFFEUR'S LICENSE UNDER SECTION
14 307, BUT MAY ISSUE A TEMPORARY OPERATOR'S LICENSE OR CHAUFFEUR'S
15 LICENSE TO THE APPLICANT. A TEMPORARY OPERATOR'S LICENSE OR
16 CHAUFFEUR'S LICENSE ISSUED UNDER THIS SUBSECTION IS VALID ONLY
17 DURING THE PERIOD OF TIME THAT THE APPLICANT IS AUTHORIZED TO
18 STAY IN THE UNITED STATES OR, IF THERE IS NO DEFINITE END TO THE
19 PERIOD OF AUTHORIZED STAY, FOR 1 YEAR.

20 (3) A TEMPORARY OPERATOR'S LICENSE OR CHAUFFEUR'S LICENSE
21 ISSUED UNDER THIS SECTION SHALL CLEARLY INDICATE THAT IT IS
22 TEMPORARY AND SHALL STATE THE DATE ON WHICH IT EXPIRES.

23 (4) A TEMPORARY OPERATOR'S LICENSE OR CHAUFFEUR'S LICENSE
24 ISSUED UNDER THIS SECTION MAY BE RENEWED ONLY UPON PRESENTATION
25 OF VALID DOCUMENTARY EVIDENCE THAT THE STATUS BY WHICH THE
26 APPLICANT QUALIFIED FOR THE TEMPORARY OPERATOR'S LICENSE OR
27 CHAUFFEUR'S LICENSE HAS BEEN EXTENDED BY THE UNITED STATES

1 SECRETARY OF HOMELAND SECURITY.

2 (5) THE SECRETARY OF STATE SHALL VERIFY WITH THE ISSUING
3 AGENCY THE VALIDITY AND COMPLETENESS OF EACH DOCUMENT PRESENTED
4 BY AN APPLICANT FOR AN OPERATOR'S LICENSE OR CHAUFFEUR'S LICENSE
5 UNDER THIS CHAPTER. THE SECRETARY OF STATE SHALL NOT ACCEPT A
6 FOREIGN DOCUMENT, OTHER THAN AN OFFICIAL PASSPORT, TO SATISFY THE
7 APPLICATION REQUIREMENTS UNDER THIS CHAPTER.

8 (6) THE SECRETARY OF STATE SHALL USE TECHNOLOGY TO CAPTURE
9 DIGITAL IMAGES OF IDENTITY SOURCE DOCUMENTS SO THAT THE IMAGES
10 ARE CAPABLE OF BEING RETAINED IN ELECTRONIC STORAGE IN A
11 TRANSFERABLE FORMAT.

12 (7) THE SECRETARY OF STATE SHALL RETAIN PAPER COPIES OF
13 SOURCE DOCUMENTS PRESENTED BY AN APPLICANT TO OBTAIN AN
14 OPERATOR'S LICENSE OR CHAUFFEUR'S LICENSE UNDER THIS CHAPTER FOR
15 NOT LESS THAN 7 YEARS OR IMAGES OF THOSE SOURCE DOCUMENTS FOR NOT
16 LESS THAN 10 YEARS.

17 (8) THE SECRETARY OF STATE SHALL ESTABLISH AN EFFECTIVE
18 PROCEDURE TO CONFIRM OR VERIFY A RENEWING APPLICANT'S
19 INFORMATION.

20 (9) THE SECRETARY OF STATE SHALL CONFIRM WITH THE SOCIAL
21 SECURITY ADMINISTRATION A SOCIAL SECURITY ACCOUNT NUMBER
22 PRESENTED BY A PERSON USING THE FULL SOCIAL SECURITY ACCOUNT
23 NUMBER OR CONFIRM THE APPLICANT'S INELIGIBILITY FOR ISSUANCE OF A
24 SOCIAL SECURITY NUMBER.

25 (10) THE SECRETARY OF STATE SHALL REFUSE TO ISSUE AN
26 OPERATOR'S LICENSE OR A CHAUFFEUR'S LICENSE TO A PERSON HOLDING
27 AN OPERATOR'S LICENSE OR CHAUFFEUR'S LICENSE ISSUED BY ANOTHER

1 STATE WITHOUT CONFIRMATION THAT THE PERSON IS TERMINATING OR HAS
2 TERMINATED THE OPERATOR'S LICENSE OR CHAUFFEUR'S LICENSE ISSUED
3 BY THE OTHER STATE.

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

5 (A) ENSURE THE PHYSICAL SECURITY OF LOCATIONS WHERE
6 OPERATOR'S LICENSES AND CHAUFFEUR'S LICENSES ARE PRODUCED AND THE
7 SECURITY OF DOCUMENT MATERIALS AND PAPERS FROM WHICH OPERATOR'S
8 LICENSES AND CHAUFFEUR'S LICENSES ARE PRODUCED.

9 (B) SUBJECT ALL PERSONS AUTHORIZED TO MANUFACTURE OR PRODUCE
10 OPERATOR'S LICENSES OR CHAUFFEUR'S LICENSES TO APPROPRIATE
11 SECURITY CLEARANCE REQUIREMENTS.

12 (C) ESTABLISH FRAUDULENT DOCUMENT RECOGNITION TRAINING
13 PROGRAMS FOR APPROPRIATE EMPLOYEES ENGAGED IN THE ISSUANCE OF
14 OPERATOR'S LICENSES AND CHAUFFEUR'S LICENSES.

15 (12) FOR PURPOSES OF THIS CHAPTER, THE SECRETARY OF STATE
16 SHALL PRESUME THAT AN OPERATOR'S LICENSE OR CHAUFFEUR'S LICENSE
17 FOR WHICH AN APPLICATION HAS BEEN MADE FOR RENEWAL, DUPLICATION,
18 OR REISSUANCE WAS ISSUED IN ACCORDANCE WITH THE PROVISIONS OF
19 THIS CHAPTER IF AT THE TIME THE APPLICATION IS MADE THE
20 OPERATOR'S LICENSE OR CHAUFFEUR'S LICENSE IS NOT EXPIRED,
21 CANCELED, SUSPENDED, OR REVOKED. THE PRESUMPTION CREATED UNDER
22 THIS SUBSECTION DOES NOT APPLY IF THE SECRETARY OF STATE IS
23 NOTIFIED BY A LOCAL, STATE, OR FEDERAL GOVERNMENTAL AGENCY THAT
24 THE PERSON SEEKING A RENEWAL, DUPLICATION, OR REISSUANCE IS
25 EITHER OF THE FOLLOWING:

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

27 (B) NOT LEGALLY IN THE UNITED STATES.

1 SEC. 310G. (1) THIS STATE SHALL ENTER INTO A MEMORANDUM OF
2 UNDERSTANDING WITH THE UNITED STATES SECRETARY OF HOMELAND
3 SECURITY TO ROUTINELY UTILIZE THE AUTOMATED SYSTEM KNOWN AS
4 SYSTEMATIC ALIEN VERIFICATION FOR ENTITLEMENTS, AS PROVIDED BY
5 SECTION 404 OF THE ILLEGAL IMMIGRATION REFORM AND IMMIGRANT
6 RESPONSIBILITY ACT OF 1996, 110 STAT. 3009-664, TO VERIFY THE
7 LEGAL PRESENCE STATUS OF A PERSON, OTHER THAN A UNITED STATES
8 CITIZEN, APPLYING FOR AN OPERATOR'S LICENSE OR CHAUFFEUR'S
9 LICENSE.

10 (2) THIS STATE MAY ENTER INTO AND PARTICIPATE IN THE
11 INTERSTATE COMPACT REGARDING SHARING OF DRIVER LICENSE DATA,
12 KNOWN AS THE "DRIVER LICENSE AGREEMENT", IN ORDER TO PROVIDE
13 ELECTRONIC ACCESS BY A STATE TO INFORMATION CONTAINED IN THE
14 MOTOR VEHICLE DATABASES OF ALL OTHER STATES. THE SECRETARY OF
15 STATE SHALL ESTABLISH AND MAINTAIN A MOTOR VEHICLE DATABASE
16 CONTAINING THE INFORMATION REQUIRED UNDER THE DRIVER LICENSE
17 AGREEMENT.

18 Sec. 314. (1) Except as otherwise provided in this ~~section~~
19 CHAPTER, operator's licenses and chauffeur's licenses expire on
20 the birthday of the person to whom the license is issued in the
21 fourth year following the date of the issuance of the license
22 unless suspended or revoked before that date. A license shall not
23 be issued for a period longer than 4 years. A person holding a
24 license at any time 12 months before the expiration of his or her
25 license may apply for a new license as provided for in this
26 chapter. A knowledge test for an original group designation or
27 indorsement may be taken at any time during this period and the

1 results are valid for 12 months. A license renewed under this
2 subsection shall be renewed for the time remaining on the license
3 before its renewal combined with the 4-year renewal period.

4 (2) The first operator's license issued to a person who at
5 the time of application is less than 20-1/2 years of age expires
6 on the licensee's twenty-first birthday unless suspended or
7 revoked.

8 (3) The first chauffeur's license issued to a person expires
9 on the licensee's birthday in the fourth year following the date
10 of issuance unless the license is suspended or revoked before
11 that date. The chauffeur's license of a person who at the time of
12 application is less than 20-1/2 years of age expires on the
13 licensee's twenty-first birthday unless suspended or revoked. A
14 subsequent chauffeur's license expires on the birthday of the
15 person to whom the license is issued in the fourth year following
16 the date of issuance of the license unless the license is
17 suspended or revoked before that date.

18 (4) A person may apply for an extension of his or her
19 driving privileges if he or she is out of state on the date that
20 his or her operator's or chauffeur's license expires. The
21 extension may extend the license for 180 days beyond the
22 expiration date or not more than 2 weeks after the applicant
23 returns to Michigan, whichever occurs first.

24 (5) Except for an operator's or chauffeur's license with a
25 hazardous material indorsement, the secretary of state may issue
26 a renewal operator's or chauffeur's license to a person who will
27 be out of state for more than 180 days beyond the expiration date

1 of his or her operator's or chauffeur's license, if the secretary
2 of state has a digital image of the person on file. The applicant
3 for this renewal shall submit a statement evidencing a vision
4 examination in accordance with the rules promulgated by the
5 secretary of state under section 309 and any other statement
6 required by this act or federal law. A person is not eligible for
7 consecutive renewals of a license under this subsection.

8 (6) The secretary of state may check the applicant's driving
9 record through the national driver register and the commercial
10 driver license information system before issuing a renewal under
11 this section.

12 Sec. 811. (1) An application for an original operator's or
13 an original or renewal chauffeur's license as provided in
14 sections 307 and 312 and an application for an original minor's
15 restricted license as provided in section 312 shall be
16 accompanied by the following fees:

- 17 Operator's license.....~~\$ 25.00~~ **NOT MORE THAN \$35.00**
- 18 Chauffeur's license..... ~~35.00~~ **NOT MORE THAN \$45.00**
- 19 Minor's restricted license..... ~~25.00~~ **NOT MORE THAN \$35.00**

20 The renewal fee for an operator's license renewed under this
21 section is ~~\$18.00~~ **SHALL NOT BE MORE THAN \$30.00**. However, if an
22 operator's license is expired at the time of the renewal, the fee
23 is the same as the original fee, except as provided in subsection
24 (4). The date of an application for a renewal of an operator's
25 license under this section that is delivered to the secretary of
26 state by regular mail is the postmark date in determining the fee

1 to be assessed.

2 (2) The secretary of state shall deposit the money received
3 and collected under subsection (1) in the state treasury to the
4 credit of the general fund. The secretary of state shall refund
5 out of the fees collected to each county or municipality acting
6 as an examining officer or examining bureau \$2.50 for each
7 applicant examined for an original license, \$1.00 for each
8 applicant examined for an original chauffeur's license, and \$1.00
9 for every other applicant examined, if the application is not
10 denied and the money refunded is paid to the county or local
11 treasurer and is appropriated to the county, municipality, or
12 officer or bureau receiving the money for the purpose of carrying
13 out this act. The state treasurer shall deposit the sum of \$4.00
14 in the traffic law enforcement and safety fund created in section
15 819a for each person examined for an original license, a renewal
16 operator's license, an original chauffeur's license, or a renewal
17 chauffeur's license. ~~, except that the sum deposited for each 2-~~
18 ~~year operator's or 2 year chauffeur's license shall be \$2.00.~~

19 (3) Notwithstanding sections 306 and 308, an operator's
20 license shall not be issued to a person under 18 years of age
21 unless that person successfully passes a driver education course
22 and examination given by a school licensed under the driver
23 education and training schools act, 1974 PA 369, MCL 256.601 to
24 256.612. A person who has been a holder of a motor vehicle
25 operator's license issued by any other state, territory, or
26 possession of the United States, or any other sovereignty for 1
27 year immediately before application for an operator's license

1 under this act is not required to comply with this subsection.
2 Restricted licenses may be issued pursuant to section 312 without
3 compliance with this subsection.

4 (4) A person who is on active military service at the time
5 his or her operator's license expires shall be charged the
6 renewal rate for renewing his or her operator's license under
7 this section if all of the following apply:

8 (a) He or she applies for renewal within 30 days of
9 returning to this state from active duty.

10 (b) He or she held a valid, unexpired operator's license
11 from this state immediately prior to leaving this state for
12 active military service.

13 (c) He or she presents such documentation as the secretary
14 of state requires to establish eligibility under this subsection.

15 **(5) THE REVENUE FROM THE INCREASE IN FEES UNDER THIS SECTION**
16 **THAT IS AUTHORIZED BY THE AMENDATORY ACT THAT ADDED THIS**
17 **SUBSECTION IS APPROPRIATED TO THE GENERAL FUND TO BE USED BY THE**
18 **SECRETARY OF STATE TO PAY THE NECESSARY EXPENSES INCURRED BY THE**
19 **SECRETARY OF STATE IN THE ADMINISTRATION AND ENFORCEMENT OF THE**
20 **AMENDATORY ACT THAT ADDED THIS SUBSECTION.**

21 Sec. 812. (1) Except as otherwise provided in subsection
22 (2), for each duplicate license as provided in section 313, and
23 for each correction of a license, a person may apply for renewal
24 of the license and pay the renewal fee prescribed in this act or
25 the person may, at his or her option and upon payment of the fee
26 prescribed in this section, apply for a duplicate license which
27 expires on the same date as the license which was lost,

1 destroyed, mutilated, or became illegible. The secretary of state
2 may check the applicant's driving record through the national
3 driver register and the commercial driver license information
4 system before issuing a license under this section. The fee for a
5 duplicate chauffeur's license is ~~\$18.00~~ **NOT MORE THAN \$25.00**. The
6 fee for a duplicate operator's license is ~~\$9.00~~ **NOT MORE THAN**
7 **\$15.00**. A renewal fee shall not be charged for a change of
8 address, a correction required to correct a department error, or,
9 beginning January 1, 2007, to add or remove a heart insignia
10 described in section 310.

11 (2) Except with regard to a person who is less than 21 years
12 of age or a person with a license containing a hazardous material
13 indorsement, for each duplicate license as provided in section
14 313, and for each correction of a license, a person shall apply
15 for renewal of the license and pay the renewal fee prescribed in
16 this act if the license was due to expire within the next 12
17 months. Except as otherwise provided in this act, a license
18 renewed under this subsection shall be renewed for the combined
19 period of the time remaining on the license before its renewal
20 and the 4-year renewal period.

21 (3) **THE REVENUE FROM THE INCREASE IN FEES UNDER THIS SECTION**
22 **THAT IS AUTHORIZED BY THE AMENDATORY ACT THAT ADDED THIS**
23 **SUBSECTION IS APPROPRIATED TO THE GENERAL FUND TO BE USED BY THE**
24 **SECRETARY OF STATE TO PAY THE NECESSARY EXPENSES INCURRED BY THE**
25 **SECRETARY OF STATE IN THE ADMINISTRATION AND ENFORCEMENT OF THE**
26 **AMENDATORY ACT THAT ADDED THIS SUBSECTION.**

27 Enacting section 1. This amendatory act takes effect January

1 1, 2009.

2 Enacting section 2. This amendatory act does not take effect

3 unless Senate Bill No. 963

4 of the 94th Legislature is enacted into law.