

HOUSE BILL No. 4373

February 19, 2009, Introduced by Reps. Warren, Segal, Bauer, Scripps, Byrum, Tlaib, Roberts, Robert Jones, Byrnes, Donigan, Lahti, Spade, LeBlanc, Meadows, Smith, Gregory, Lipton, Espinoza, Dean, Barnett, Liss, McDowell, Switalski and Lisa Brown and referred to the Committee on Ethics and Elections.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 307 and 315 (MCL 257.307 and 257.315),
section 307 as amended by 2008 PA 36 and section 315 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

1 applicant. If an applicant for an operator's or chauffeur's
2 license is not a citizen of the United States, the applicant
3 shall supply a photographic identity document and other
4 sufficient documents to verify the identity of the applicant and
5 the applicant's legal presence in the United States under
6 subdivision (b). The documents required under this subsection
7 shall include the applicant's full legal name, date of birth, and
8 address and residency and demonstrate that the applicant is a
9 citizen of the United States or is legally present in the United
10 States. If the applicant's full legal name differs from the name
11 of the applicant that appears on a document presented under this
12 subsection, the applicant shall present documents to verify his
13 or her current full legal name. An application for an operator's
14 or chauffeur's license shall be made in a manner prescribed by
15 the secretary of state and shall contain all of the following:

16 (a) The applicant's full legal name, date of birth,
17 residence address, height, sex, eye color, signature, intent to
18 make an anatomical gift, other information required or permitted
19 on the license under this chapter, and, only to the extent
20 required to comply with federal law, the applicant's social
21 security number. The applicant may provide a mailing address if
22 the applicant receives mail at an address different from his or
23 her residence address.

24 (b) If the applicant is not a citizen of the United States,
25 the applicant shall provide documents demonstrating his or her
26 legal presence in the United States. A person legally present in
27 the United States includes, but is not limited to, a person

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

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

18 ~~"NOTICE: Michigan law requires that the same address~~
19 ~~be used for voter registration and driver license~~
20 ~~purposes. Therefore, if the residence address~~
21 ~~you provide in this application differs from your~~
22 ~~voter registration address as it appears on the~~
23 ~~qualified voter file, the secretary of state~~
24 ~~will automatically change your voter registration~~

1 ~~to match the residence address on this application,~~
2 ~~after which your voter registration at your former~~
3 ~~address will no longer be valid for voting purposes.~~
4 ~~A new voter registration card, containing the~~
5 ~~information of your polling place, will be provided~~
6 ~~to you by the clerk of the jurisdiction where your~~
7 ~~residence address is located."~~

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

12 (D) ~~(e)~~—For an operator's or chauffeur's license with a
13 vehicle group designation or indorsement, the following
14 certifications by the applicant:

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

22 (ii) The vehicle in which the applicant will take the driving
23 skills tests is representative of the type of vehicle the
24 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)** ~~(f)~~—An applicant for an operator's or chauffeur's
8 license 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) An applicant for an operator's or chauffeur's license
12 may have his or her image and signature captured or reproduced
13 when the application for the license is made. The secretary of
14 state shall acquire equipment purchased or leased under this
15 section under standard purchasing procedures of the department of
16 management and budget based on standards and specifications
17 established by the secretary of state. The secretary of state
18 shall not purchase or lease equipment until an appropriation for
19 the equipment has been made by the legislature. A digital
20 photographic image and signature captured under this section
21 shall appear on the applicant's operator's license or chauffeur's
22 license. A person's digital photographic image shall be used as
23 follows:

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

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

1 (c) By the secretary of state for forwarding to the
2 department of state police the images to persons required to be
3 registered under the sex offenders registration act, 1994 PA 295,
4 MCL 28.721 to 28.736, upon the department of state police
5 providing the secretary of state an updated list of the names of
6 those persons.

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

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

18 (4) In conjunction with the application for an operator's
19 license or chauffeur's license, the secretary of state shall do
20 all of the following:

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

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

25 (ii) Information describing the anatomical gift donor
26 registry program under part 101 of the public health code, 1978
27 PA 368, MCL 333.10101 to 333.10123. The information required

1 under this subparagraph includes the address and telephone number
2 of Michigan's federally designated organ procurement organization
3 or its successor organization as defined in section 10102 of the
4 public health code, 1978 PA 368, MCL 333.10102.

5 (iii) Information giving the applicant the opportunity to be
6 placed on the donor 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 donor registry described in subdivision
14 (a)(ii), the secretary of state will mark the applicant's record
15 for the donor 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) The secretary of state shall maintain a record of an
5 individual who indicates a willingness to have his or her name
6 placed on the donor registry described in subsection (4)(a)(ii).
7 Information about an applicant's indication of a willingness to
8 have his or her name placed on the donor registry that is
9 obtained by the secretary of state under subsection (4) and
10 forwarded under subsection (14) is exempt from disclosure under
11 section 13(1)(d) of the freedom of information act, 1976 PA 442,
12 MCL 15.243.

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

19 (8) If an application is received for an original, renewal,
20 or upgrade of a vehicle group designation or indorsement, the
21 secretary of state shall request the person's complete driving
22 record from all states where the applicant was previously
23 licensed to drive any type of motor vehicle over the last 10
24 years before issuing a vehicle group designation or indorsement
25 to the applicant. If the applicant does not hold a valid
26 commercial motor vehicle driver license from a state where he or
27 she was licensed in the last 10 years, this complete driving

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

16 (9) Except for a vehicle group designation or indorsement or
17 as provided in this subsection or section 314(5), the secretary
18 of state may issue a renewal operator's or chauffeur's license
19 for 1 additional 4-year period or until the person is no longer
20 determined to be legally present under **THIS** section ~~307~~ by mail
21 or by other methods prescribed by the secretary of state. The
22 secretary of state may check the applicant's driving record
23 through the national driver register and the commercial driver
24 license information system before issuing a license under this
25 section. The secretary of state shall issue a renewal license
26 only in person if the person is a person required under section
27 5a of the sex offenders registration act, 1994 PA 295, MCL

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

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

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

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

20 (b) To carry out the purposes of section 466(a) of the
21 social security act, 42 USC 666, in connection with matters
22 relating to paternity, child support, or overdue child support.

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

26 (d) With the department of community health, for comparison
27 with vital records maintained by the department of community

1 health under part 28 of the public health code, 1978 PA 368, MCL
2 333.2801 to 333.2899.

3 (e) As otherwise required by law.

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

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

11 (14) As required in section 10120 of the public health code,
12 1978 PA 368, MCL 333.10120, the secretary of state shall maintain
13 the donor registry in a manner that provides electronic access,
14 including, but not limited to, the transfer of data to this
15 state's federally designated organ procurement organization or
16 its successor organization, tissue banks, and eye banks, in a
17 manner that complies with that section.

18 (15) The secretary of state, with the approval of the state
19 administrative board created under 1921 PA 2, MCL 17.1 to 17.3,
20 may enter into agreements with the United States government to
21 verify whether an applicant for an operator's license or a
22 chauffeur's license under this section who is not a citizen of
23 the United States is authorized under federal law to be present
24 in the United States.

25 (16) The secretary of state shall not issue an operator's
26 license or a chauffeur's license to a person holding an
27 operator's license or chauffeur's license issued by another state

1 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 (17) 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 and all persons who
11 have the ability to affect the identity information that appears
12 on operator's licenses or chauffeur's licenses to appropriate
13 security clearance requirements. The security requirements of
14 this subdivision and subdivision (a) may require that licenses be
15 manufactured or produced in this state.

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

19 Sec. 315. (1) An operator or chauffeur who changes his or
20 her residence before the expiration of a license granted under
21 this chapter shall immediately notify the secretary of state of
22 his or her new residence address. A change of address
23 notification shall be in a manner prescribed by the secretary of
24 state and may include notification by personally appearing at a
25 branch office of the secretary of state or other location
26 designated by the secretary of state, or a notification by mail,
27 telephone, electronically, by submitting a voter registration

1 application unless the person registers to vote in a city,
2 village, or township that prohibits the operation of motor
3 vehicles by law or ordinance, or by any other means prescribed by
4 the secretary of state. ~~The secretary of state shall provide the~~
5 ~~person changing his or her residence address the notice required~~
6 ~~by section 307(1)(c) that, under sections 509o and 509r of the~~
7 ~~Michigan election law, 1954 PA 116, MCL 168.509o and 168.509r,~~
8 ~~the secretary of state is required to use the residence address~~
9 ~~provided on this change of address application as the person's~~
10 ~~residence address on the qualified voter file for voter~~
11 ~~registration and voting. However, a~~ **A** person may submit to the
12 secretary of state a mailing address that is different than his
13 or her residence address.

14 (2) Upon receiving a change of address notification, the
15 secretary of state shall change the person's driver license
16 record to indicate the new residence address. The secretary of
17 state shall provide the person with a new license or a label or
18 some other mechanism containing the new residence address. Upon
19 receipt of the label or other mechanism, the person shall affix
20 the label or mechanism to his or her operator's or chauffeur's
21 license as prescribed by the secretary of state. If the secretary
22 of state furnished the person with a new license, the person
23 shall destroy his or her old license and replace it with the new
24 license.

25 (3) If a person fails to report a change of his or her
26 residence address as required under this section and subsequently
27 there is no response to a notice mailed to the residence address

1 shown by the record of the secretary of state or if the person
2 has provided the secretary of state a mailing address different
3 from his or her residence address and there is no response to a
4 notice mailed to that mailing address, the secretary of state may
5 immediately suspend or revoke his or her license. A person who
6 fails to report a change of his or her residence address is
7 responsible for a civil infraction.

8 (4) A person shall not knowingly report a change of address
9 to the secretary of state for himself or herself that is not his
10 or her residence address. A person shall not knowingly report a
11 change of address to the secretary of state for another person
12 without the consent of the other person. A person who is
13 convicted of a violation of this subsection is guilty of a
14 misdemeanor punishable by imprisonment for not more than 93 days
15 or a fine of \$1,000.00, or both. Upon receiving the abstract of a
16 conviction under this subsection, the secretary of state may
17 suspend the person's operator's or chauffeur's license for 6
18 months. The secretary of state shall not issue a restricted
19 license to the person during the suspension.

20 (5) Upon a second or subsequent conviction under subsection
21 (4), a person is guilty of a misdemeanor punishable by
22 imprisonment for not more than 93 days or a fine of \$5,000.00, or
23 both. Upon receiving the abstract of a second or subsequent
24 conviction under subsection (4), the secretary of state shall
25 revoke the person's operator's or chauffeur's license.

26 (6) The suspension or revocation of an operator's or
27 chauffeur's license under subsection (4) or (5) is not appealable

1 under section 323.