

HOUSE BILL No. 5178

July 14, 2009, Introduced by Reps. Amash, Robert Jones, Schuitmaker, Kandrevas, Haugh, Polidori, Scripps, Tlaib, Gonzales, Barnett and Meadows and referred to the Committee on Judiciary.

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

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

1 sufficient documents to verify the identity of the applicant and
2 the applicant's legal presence in the United States under
3 subdivision (b). The documents required under this subsection
4 shall include the applicant's full legal name, date of birth, and
5 address and residency and demonstrate that the applicant is a
6 citizen of the United States or is legally present in the United
7 States. If the applicant's full legal name differs from the name
8 of the applicant that appears on a document presented under this
9 subsection, the applicant shall present documents to verify his
10 or her current full legal name. **THE SECRETARY OF STATE SHALL**
11 **ACCEPT AS 1 OF THE REQUIRED IDENTIFICATION DOCUMENTS AN**
12 **IDENTIFICATION CARD ISSUED BY THE DEPARTMENT OF CORRECTIONS TO**
13 **PRISONERS WHO ARE PLACED ON PAROLE OR RELEASED FROM A**
14 **CORRECTIONAL FACILITY, CONTAINING THE PRISONER'S NAME,**
15 **PHOTOGRAPH, AND OTHER INFORMATION IDENTIFYING THE PRISONER AS**
16 **PROVIDED IN SECTION 37(4) OF THE CORRECTIONS CODE OF 1953, 1953**
17 **PA 232, MCL 791.237.** An application for an operator's or
18 chauffeur's license shall be made in a manner prescribed by the
19 secretary of state and shall contain all of the following:
20 (a) The applicant's full legal name, date of birth,
21 residence address, height, sex, eye color, signature, intent to
22 make an anatomical gift, other information required or permitted
23 on the license under this chapter, and, only to the extent
24 required to comply with federal law, the applicant's social
25 security number. The applicant may provide a mailing address if
26 the applicant receives mail at an address different from his or
27 her residence address.

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

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

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

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

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

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

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

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

26 (iii) The applicant is not subject to disqualification by the
27 United States secretary of transportation, or a suspension,

1 revocation, or cancellation under any state law for conviction of
2 an offense described in section 312f or 319b.

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

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

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

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

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

26 (c) By the secretary of state for forwarding to the
27 department of state police the images to persons required to be

1 registered under the sex offenders registration act, 1994 PA 295,
2 MCL 28.721 to 28.736, upon the department of state police
3 providing the secretary of state an updated list of the names of
4 those persons.

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

7 (3) An application shall contain a signature or verification
8 and certification by the applicant, as determined by the
9 secretary of state, and shall be accompanied by the proper fee.

10 The secretary of state shall collect the application fee with the
11 application. The secretary of state shall refund the application
12 fee to the applicant if the license applied for is denied, but
13 shall not refund the fee to an applicant who fails to complete
14 the examination requirements of the secretary of state within 90
15 days after the date of application for a license.

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

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

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

23 (ii) Information describing the anatomical gift donor
24 registry program under part 101 of the public health code, 1978
25 PA 368, MCL 333.10101 to 333.10123. The information required
26 under this subparagraph includes the address and telephone number
27 of Michigan's federally designated organ procurement organization

1 or its successor organization as defined in section 10102 of the
2 public health code, 1978 PA 368, MCL 333.10102.

3 (iii) Information giving the applicant the opportunity to be
4 placed on the donor registry described in subparagraph (ii).

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

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

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

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

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

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

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

1 means.

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

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

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

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

14 (9) Except for a vehicle group designation or indorsement or
15 as provided in this subsection or section 314(5), the secretary
16 of state may issue a renewal operator's or chauffeur's license
17 for 1 additional 4-year period or until the person is no longer
18 determined to be legally present under ~~section 307~~ **THIS SECTION**
19 by mail or by other methods prescribed by the secretary of state.
20 The secretary of state may check the applicant's driving record
21 through the national driver register and the commercial driver
22 license information system before issuing a license under this
23 section. The secretary of state shall issue a renewal license
24 only in person if the person is a person required under section
25 5a of the sex offenders registration act, 1994 PA 295, MCL
26 28.725a, to maintain a valid operator's or chauffeur's license or
27 official state personal identification card. If a license is

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

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

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

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

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

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

24 (d) With the department of community health, for comparison
25 with vital records maintained by the department of community
26 health under part 28 of the public health code, 1978 PA 368, MCL
27 333.2801 to 333.2899.

1 (e) As otherwise required by law.

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

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

9 (14) As required in section 10120 of the public health code,
10 1978 PA 368, MCL 333.10120, the secretary of state shall maintain
11 the donor registry in a manner that provides electronic access,
12 including, but not limited to, the transfer of data to this
13 state's federally designated organ procurement organization or
14 its successor organization, tissue banks, and eye banks, in a
15 manner that complies with that section.

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

23 (16) The secretary of state shall not issue an operator's
24 license or a chauffeur's license to a person holding an
25 operator's license or chauffeur's license issued by another state
26 without confirmation that the person is terminating or has
27 terminated the operator's license or chauffeur's license issued

1 by the other state.

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

3 (a) Ensure the physical security of locations where
4 operator's licenses and chauffeur's licenses are produced and the
5 security of document materials and papers from which operator's
6 licenses and chauffeur's licenses are produced.

7 (b) Subject all persons authorized to manufacture or produce
8 operator's licenses or chauffeur's licenses and all persons who
9 have the ability to affect the identity information that appears
10 on operator's licenses or chauffeur's licenses to appropriate
11 security clearance requirements. The security requirements of
12 this subdivision and subdivision (a) may require that licenses be
13 manufactured or produced in this state.

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

17 **(18) THE SECRETARY OF STATE SHALL HAVE ELECTRONIC ACCESS TO**
18 **PRISONER BIOGRAPHY INFORMATION MAINTAINED BY THE DEPARTMENT OF**
19 **CORRECTIONS FOR THE PURPOSE OF VERIFYING THE IDENTITY OF A**
20 **PRISONER WHO APPLIES FOR AN OPERATOR'S OR CHAUFFEUR'S LICENSE**
21 **UNDER SUBSECTION (1).**

22 Enacting section 1. This amendatory act does not take effect
23 unless all of the following bills of the 95th Legislature are
24 enacted into law:

25 (a) Senate Bill No. _____ or House Bill No. 5177(request no.
26 00579'09).

27 (b) Senate Bill No. _____ or House Bill No. 5176(request no.

1 00579'09 a).

2 (c) Senate Bill No.____ or House Bill No.____ (request no.

3 00579'09 c).