

SENATE BILL No. 87

January 27, 2009, Introduced by Senator WHITMER and referred to the Committee on Campaign and Election Oversight.

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
6 applicant. If an applicant for an operator's or chauffeur's

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

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

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

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

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

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

1 ~~to you by the clerk of the jurisdiction where your~~
2 ~~residence address is located."~~

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

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

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

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

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

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

26 (E) ~~(f)~~—An applicant for an operator's or chauffeur's

1 license with a vehicle group designation and a hazardous material
2 indorsement shall provide his or her fingerprints as prescribed
3 by state and federal law.

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

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

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

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

27 (d) As necessary to comply with a law of this state or of

1 the United States.

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

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

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

15 (i) Information explaining the applicant's right to make an
16 anatomical gift in the event of death in accordance with section
17 310.

18 (ii) Information describing the anatomical gift donor
19 registry program under part 101 of the public health code, 1978
20 PA 368, MCL 333.10101 to 333.10123. The information required
21 under this subparagraph includes the address and telephone number
22 of Michigan's federally designated organ procurement organization
23 or its successor organization as defined in section 10102 of the
24 public health code, 1978 PA 368, MCL 333.10102.

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

27 (b) Provide the applicant with the opportunity to specify on

1 his or her operator's or chauffeur's license that he or she is
2 willing to make an anatomical gift in the event of death in
3 accordance with section 310.

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

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

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

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

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

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

24 (6) The secretary of state shall maintain a record of an
25 individual who indicates a willingness to have his or her name
26 placed on the donor registry described in subsection (4) (a) (ii).
27 Information about an applicant's indication of a willingness to

1 have his or her name placed on the donor registry that is
2 obtained by the secretary of state under subsection (4) and
3 forwarded under subsection (14) is exempt from disclosure under
4 section 13(1)(d) of the freedom of information act, 1976 PA 442,
5 MCL 15.243.

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

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

1 the federal commercial driver license information system before
2 issuing that group designation or indorsement. If the application
3 is for the renewal of a vehicle group designation or indorsement,
4 and if the secretary of state enters on the person's historical
5 driving record maintained under section 204a a notation that the
6 request was made and the date of the request, the secretary of
7 state is required to request the applicant's complete driving
8 record from other states only once under this section.

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

1 1994 PA 295, MCL 28.725a, to maintain a valid operator's or
2 chauffeur's license or official state personal identification
3 card.

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

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

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

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

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

19 (d) With the department of community health, for comparison
20 with vital records maintained by the department of community
21 health under part 28 of the public health code, 1978 PA 368, MCL
22 333.2801 to 333.2899.

23 (e) As otherwise required by law.

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

27 (13) A requirement under this section to include a social

1 security number on an application does not apply to an applicant
2 who demonstrates he or she is exempt under law from obtaining a
3 social security number.

4 (14) As required in section 10120 of the public health code,
5 1978 PA 368, MCL 333.10120, the secretary of state shall maintain
6 the donor registry in a manner that provides electronic access,
7 including, but not limited to, the transfer of data to this
8 state's federally designated organ procurement organization or
9 its successor organization, tissue banks, and eye banks, in a
10 manner that complies with that section.

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

18 (16) The secretary of state shall not issue an operator's
19 license or a chauffeur's license to a person holding an
20 operator's license or chauffeur's license issued by another state
21 without confirmation that the person is terminating or has
22 terminated the operator's license or chauffeur's license issued
23 by the other state.

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

25 (a) Ensure the physical security of locations where
26 operator's licenses and chauffeur's licenses are produced and the
27 security of document materials and papers from which operator's

1 licenses and chauffeur's licenses are produced.

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

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

12 Sec. 315. (1) An operator or chauffeur who changes his or
13 her residence before the expiration of a license granted under
14 this chapter shall immediately notify the secretary of state of
15 his or her new residence address. A change of address
16 notification shall be in a manner prescribed by the secretary of
17 state and may include notification by personally appearing at a
18 branch office of the secretary of state or other location
19 designated by the secretary of state, or a notification by mail,
20 telephone, electronically, by submitting a voter registration
21 application unless the person registers to vote in a city,
22 village, or township that prohibits the operation of motor
23 vehicles by law or ordinance, or by any other means prescribed by
24 the secretary of state. ~~The secretary of state shall provide the~~
25 ~~person changing his or her residence address the notice required~~
26 ~~by section 307(1)(c) that, under sections 509o and 509r of the~~
27 ~~Michigan election law, 1954 PA 116, MCL 168.509o and 168.509r,~~

1 ~~the secretary of state is required to use the residence address~~
2 ~~provided on this change of address application as the person's~~
3 ~~residence address on the qualified voter file for voter~~
4 ~~registration and voting. However, a~~ **A** person may submit to the
5 secretary of state a mailing address that is different than his
6 or her residence address.

7 (2) Upon receiving a change of address notification, the
8 secretary of state shall change the person's driver license
9 record to indicate the new residence address. The secretary of
10 state shall provide the person with a new license or a label or
11 some other mechanism containing the new residence address. Upon
12 receipt of the label or other mechanism, the person shall affix
13 the label or mechanism to his or her operator's or chauffeur's
14 license as prescribed by the secretary of state. If the secretary
15 of state furnished the person with a new license, the person
16 shall destroy his or her old license and replace it with the new
17 license.

18 (3) If a person fails to report a change of his or her
19 residence address as required under this section and subsequently
20 there is no response to a notice mailed to the residence address
21 shown by the record of the secretary of state or if the person
22 has provided the secretary of state a mailing address different
23 from his or her residence address and there is no response to a
24 notice mailed to that mailing address, the secretary of state may
25 immediately suspend or revoke his or her license. A person who
26 fails to report a change of his or her residence address is
27 responsible for a civil infraction.

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

13 (5) Upon a second or subsequent conviction under subsection
14 (4), a person is guilty of a misdemeanor punishable by
15 imprisonment for not more than 93 days or a fine of \$5,000.00, or
16 both. Upon receiving the abstract of a second or subsequent
17 conviction under subsection (4), the secretary of state shall
18 revoke the person's operator's or chauffeur's license.

19 (6) The suspension or revocation of an operator's or
20 chauffeur's license under subsection (4) or (5) is not appealable
21 under section 323.