

HOUSE BILL No. 4076

January 13, 2011, Introduced by Reps. Damrow, O'Brien, Genetski, Outman, Shaughnessy, McMillin, Lori, Daley, Kowall, Shirkey and Lund 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
9 sufficient documents to verify the identity of the applicant and
10 the applicant's legal presence in the United States under

1 subdivision (b). The documents required under this subsection
2 shall include the applicant's full legal name, date of birth, and
3 address and residency and demonstrate that the applicant is a
4 citizen of the United States or is legally present in the United
5 States. If the applicant's full legal name differs from the name
6 of the applicant that appears on a document presented under this
7 subsection, the applicant shall present documents to verify his
8 or her current full legal name. **THE SECRETARY OF STATE SHALL**
9 **ACCEPT AS 1 OF THE REQUIRED IDENTIFICATION DOCUMENTS AN**
10 **IDENTIFICATION CARD ISSUED BY THE DEPARTMENT OF CORRECTIONS TO**
11 **PRISONERS WHO ARE PLACED ON PAROLE OR RELEASED FROM A**
12 **CORRECTIONAL FACILITY, CONTAINING THE PRISONER'S NAME,**
13 **PHOTOGRAPH, AND OTHER INFORMATION IDENTIFYING THE PRISONER AS**
14 **PROVIDED IN SECTION 37(4) OF THE CORRECTIONS CODE OF 1953, 1953**
15 **PA 232, MCL 791.237.** An application for an operator's or
16 chauffeur's license shall be made in a manner prescribed by the
17 secretary of state and shall contain all of the following:

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

26 (b) If the applicant is not a citizen of the United States,
27 the applicant shall provide documents demonstrating his or her

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (c) By the secretary of state for forwarding to the
25 department of state police the images to persons required to be
26 registered under the sex offenders registration act, 1994 PA 295,
27 MCL 28.721 to 28.736, upon the department of state police

1 providing the secretary of state an updated list of the names of
2 those persons.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (6) The secretary of state shall maintain a record of an

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

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

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

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

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

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

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

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

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

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

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

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

26 (e) As otherwise required by law.

27 (12) The secretary of state shall not display a person's

1 social security number on the person's operator's or chauffeur's
2 license.

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

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

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

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

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

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

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

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

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

20 Enacting section 1. This amendatory act does not take effect
 21 unless all of the following bills of the 96th Legislature are
 22 enacted into law:

23 (a) Senate Bill No. _____ or House Bill No. 4074 (request no.
 24 00525'11 *).

25 (b) Senate Bill No. _____ or House Bill No. 4075 (request no.
 26 00525'11 a *).

27 (c) Senate Bill No. _____ or House Bill No. 4077 (request no.

1 00525'11 c *).