

**SUBSTITUTE FOR
HOUSE BILL NO. 4037**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 310 (MCL 257.310), as amended by 2012 PA 498.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 310. (1) The secretary of state shall issue an operator's
2 license to each person licensed as an operator and a chauffeur's
3 license to each person licensed as a chauffeur. An applicant for a
4 motorcycle indorsement under section 312a or a vehicle group
5 designation or indorsement shall first qualify for an operator's or
6 chauffeur's license before the indorsement or vehicle group
7 designation application is accepted and processed. An original
8 license or the first renewal of an existing license issued to a
9 person less than 21 years of age shall be portrait or vertical in

1 form and a license issued to a person 21 years of age or over shall
2 be landscape or horizontal in form.

3 (2) The license issued under subsection (1) shall contain all
4 of the following:

5 (a) The distinguishing number permanently assigned to the
6 licensee.

7 (b) The full legal name, date of birth, address of residence,
8 height, eye color, sex, digital photographic image, expiration
9 date, and signature of the licensee.

10 (c) In the case of a licensee who has indicated his or her
11 wish to participate in the anatomical gift donor registry under
12 part 101 of the public health code, 1978 PA 368, MCL 333.10101 to
13 333.10123, a heart insignia on the front of the license.

14 (d) Physical security features designed to prevent tampering,
15 counterfeiting, or duplication of the license for fraudulent
16 purposes.

17 (E) IF REQUESTED BY AN INDIVIDUAL WHO IS A VETERAN OF THE
18 ARMED FORCES OF THIS STATE, ANOTHER STATE, OR THE UNITED STATES,
19 OTHER THAN AN INDIVIDUAL WHO WAS DISHONORABLY DISCHARGED FROM THE
20 ARMED FORCES OF THIS STATE, ANOTHER STATE, OR THE UNITED STATES, A
21 DESIGNATION THAT THE INDIVIDUAL IS A VETERAN. THE DESIGNATION SHALL
22 BE IN A STYLE AND FORMAT CONSIDERED APPROPRIATE BY THE SECRETARY OF
23 STATE. THE SECRETARY OF STATE SHALL REQUIRE PROOF OF DISCHARGE OR
24 SEPARATION OF SERVICE FROM THE ARMED FORCES OF THIS STATE, ANOTHER
25 STATE, OR THE UNITED STATES, AND THE NATURE OF THAT DISCHARGE, FOR
26 THE PURPOSES OF VERIFYING AN INDIVIDUAL'S STATUS AS A VETERAN UNDER
27 THIS SUBDIVISION. THE SECRETARY OF STATE SHALL CONSULT WITH THE

1 DEPARTMENT OF MILITARY AND VETERANS AFFAIRS IN DETERMINING THE
2 PROOF THAT SHALL BE REQUIRED TO IDENTIFY AN INDIVIDUAL'S STATUS AS
3 A VETERAN FOR THE PURPOSES OF THIS SUBSECTION. THE SECRETARY OF
4 STATE MAY PROVIDE THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS
5 AND AGENCIES OF THE COUNTIES OF THIS STATE THAT PROVIDE VETERAN
6 SERVICES WITH INFORMATION PROVIDED BY AN APPLICANT UNDER THIS
7 SUBSECTION FOR THE PURPOSE OF VETERANS' BENEFITS ELIGIBILITY
8 REFERRAL.

9 (3) Except as otherwise required under this chapter, other
10 information required on the license pursuant to this chapter may
11 appear on the license in a form prescribed by the secretary of
12 state.

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

15 (5) A digitized license may contain an identifier for voter
16 registration purposes. The digitized license may contain
17 information appearing in electronic or machine readable codes
18 needed to conduct a transaction with the secretary of state. The
19 information shall be limited to the person's driver license number,
20 birth date, full legal name, date of transaction, gender, address,
21 state of issuance, license expiration date, and other information
22 necessary for use with electronic devices, machine readers, or
23 automatic teller machines and shall not contain the driving record
24 or other personal identifier. The license shall identify the
25 encoded information.

26 (6) The license shall be manufactured in a manner to prohibit
27 as nearly as possible the ability to reproduce, alter, counterfeit,

1 forge, or duplicate the license without ready detection. In
2 addition, a license with a vehicle group designation shall contain
3 the information required under 49 CFR part 383.

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

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

18 (b) If the intent of the reproduction, alteration,
19 counterfeiting, forging, duplication, or use is to commit or aid in
20 the commission of an offense that is a felony punishable by
21 imprisonment for less than 10 years or a misdemeanor punishable by
22 imprisonment for 6 months or more, the person committing the
23 reproduction, alteration, counterfeiting, forging, duplication, or
24 use is guilty of a felony, punishable by imprisonment for not more
25 than 5 years, or a fine of not more than \$10,000.00, or both.

26 (c) If the intent of the reproduction, alteration,
27 counterfeiting, forging, duplication, or use is to commit or aid in

1 the commission of an offense that is a misdemeanor punishable by
2 imprisonment for less than 6 months, the person committing the
3 reproduction, alteration, counterfeiting, forging, duplication, or
4 use is guilty of a misdemeanor punishable by imprisonment for not
5 more than 1 year or a fine of not more than \$2,000.00, or both.

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

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

20 (10) Except as provided in subsection (16), a person who is in
21 possession of a reproduced, altered, counterfeited, forged, or
22 duplicated license photograph, negative of the photograph, image,
23 license, or electronic data contained on a license or part of a
24 license is guilty of a misdemeanor punishable by imprisonment for
25 not more than 1 year or a fine of not more than \$2,000.00, or both.

26 (11) Subsections (7)(a) and (b), (8), and (9) do not apply to
27 a minor whose intent is to violate section 703 of the Michigan

1 liquor control code of 1998, 1998 PA 58, MCL 436.1703.

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

14 (13) An operator or chauffeur may indicate on the license in a
15 place designated by the secretary of state his or her blood type,
16 emergency contact information, immunization data, medication data,
17 or a statement that the licensee is deaf. The secretary of state
18 shall not require an applicant for an original or renewal
19 operator's or chauffeur's license to provide emergency contact
20 information as a condition of obtaining a license. However, the
21 secretary of state may inquire whether an operator or chauffeur
22 would like to provide emergency contact information. Emergency
23 contact information obtained under this subsection shall be
24 disclosed only to a state or federal law enforcement agency for law
25 enforcement purposes or to the extent necessary for a medical
26 emergency.

27 (14) An operator or chauffeur may indicate on the license in a

1 place designated by the secretary of state that he or she has
2 designated a patient advocate in accordance with sections 5506 to
3 5515 of the estates and protected individuals code, 1998 PA 386,
4 MCL 700.5506 to 700.5515.

5 (15) If the applicant provides proof to the secretary of state
6 that he or she is a minor who has been emancipated under 1968 PA
7 293, MCL 722.1 to 722.6, the license shall bear the designation of
8 the individual's emancipated status in a manner prescribed by the
9 secretary of state.

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

14 (17) A sticker or decal may be provided by any person,
15 hospital, school, medical group, or association interested in
16 assisting in implementing an emergency medical information card,
17 but shall meet the specifications of the secretary of state. An
18 emergency medical information card may contain information
19 concerning the licensee's patient advocate designation, other
20 emergency medical information, or an indication as to where the
21 licensee has stored or registered emergency medical information.

22 (18) The secretary of state shall inquire of each licensee, in
23 person or by mail, whether the licensee agrees to participate in
24 the anatomical gift donor registry under part 101 of the public
25 health code, 1978 PA 368, MCL 333.10101 to 333.10123.

26 (19) A licensee who has agreed to participate in the
27 anatomical gift donor registry under part 101 of the public health

1 code, 1978 PA 368, MCL 333.10101 to 333.10123, shall not be
2 considered to have revoked that agreement solely because the
3 licensee's license has been revoked or suspended or has expired.
4 Enrollment in the donor registry constitutes a legal agreement that
5 remains binding and in effect after the donor's death regardless of
6 the expressed desires of the deceased donor's next of kin who may
7 oppose the donor's anatomical gift.

8 Enacting section 1. This amendatory act takes effect May 1,
9 2014.