

HOUSE BILL No. 4619

April 24, 2013, Introduced by Reps. Singh, Tlaib, Irwin, Zemke, Dillon, Knezek, Schor and Ananich and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 307 (MCL 257.307), as amended by 2012 PA 55.

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

1 the applicant's legal presence **OR DEFERRED STATUS** in the United
2 States under subdivision (b). The documents required under this
3 subsection shall include the applicant's full legal name, date of
4 birth, and address and residency and demonstrate that the
5 applicant is a citizen of the United States, ~~or~~ is legally
6 present in the United States, **OR HAS DEFERRED STATUS IN THE**
7 **UNITED STATES**. If the applicant's full legal name differs from
8 the name of the applicant that appears on a document presented
9 under this subsection, the applicant shall present documents to
10 verify his or her current full legal name. The secretary of state
11 shall 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 legal 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.

(b) If the applicant is not a citizen of the United States, the applicant shall provide, and the department shall verify, documents demonstrating his or her legal presence in the United States **OR DEFERRED STATUS IN THE UNITED STATES**. Nothing in this act shall obligate or be construed to obligate this state to comply with title II of the real ID act of 2005, Public Law 109-13. The secretary of state may adopt rules under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, as are necessary for the administration of this subdivision. A determination by the secretary of state that an applicant is not legally present in the United States **OR DOES NOT HAVE DEFERRED STATUS IN THE UNITED STATES** may be appealed under section 631 of the revised judicature act of 1961, 1961 PA 236, MCL 600.631.

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

"NOTICE: Michigan law requires that the same address be used for voter registration and driver license purposes. Therefore, if the residence address you provide in this application differs from your voter registration address as it appears on the qualified voter file, the secretary of state 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 (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 (e) For an operator's or chauffeur's license with a vehicle
13 group designation or indorsement, the following certifications by
14 the applicant:

15 (i) The applicant meets the applicable federal driver
16 qualification requirements under 49 CFR parts 383 and 391 if the
17 applicant operates or intends to operate in interstate commerce
18 or meets the applicable qualifications of the department of state
19 police under the motor carrier safety act of 1963, 1963 PA 181,
20 MCL 480.11 to 480.25, if the applicant operates or intends to
21 operate 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.

25 (iii) The applicant is not subject to disqualification by the
26 United States secretary of transportation, or a suspension,
27 revocation, or cancellation under any state law for conviction of

1 an offense described in section 312f or 319b.

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

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

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

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

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

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

1 MCL 28.721 to 28.736, upon the department of state police
2 providing the secretary of state an updated list of the names of
3 those persons.

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

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

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

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

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

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

1 public health code, 1978 PA 368, MCL 333.10102.

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

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

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

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

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

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

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

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

1 obtained by the secretary of state under subsection (4) and
2 forwarded under subsection (14) is exempt from disclosure under
3 section 13(1)(d) of the freedom of information act, 1976 PA 442,
4 MCL 15.243.

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

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

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

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

1 license or official state personal identification card.

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

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

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

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

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

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

21 (e) As otherwise required by law.

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

25 (13) A requirement under this section to include a social
26 security number on an application does not apply to an applicant
27 who demonstrates he or she is exempt under law from obtaining a

1 social security number.

2 (14) As required in section 10120 of the public health code,
3 1978 PA 368, MCL 333.10120, the secretary of state shall maintain
4 the donor registry in a manner that provides electronic access,
5 including, but not limited to, the transfer of data to this
6 state's federally designated organ procurement organization or
7 its successor organization, tissue banks, and eye banks, in a
8 manner that complies with that section.

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

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

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

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

27 (b) Subject all persons authorized to manufacture or produce

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

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

10 (18) The secretary of state shall have electronic access to
11 prisoner information maintained by the department of corrections
12 for the purpose of verifying the identity of a prisoner who
13 applies for an operator's or chauffeur's license under subsection
14 (1) .

15 (19) AS USED IN THIS SECTION, "DEFERRED STATUS" MEANS THAT
16 THE INDIVIDUAL HAS BEEN GRANTED A DEFERRAL FROM PROSECUTION FOR
17 UNLAWFUL STATUS IN THE UNITED STATES BY THE UNITED STATES
18 DEPARTMENT OF HOMELAND SECURITY THROUGH THE FEDERAL EXECUTIVE
19 BRANCH PROGRAM KNOWN AS DEFERRED ACTION FOR CHILDHOOD ARRIVALS
20 (DACA) .