

SENATE BILL No. 420

June 11, 2013, Introduced by Senators WARREN, GREGORY, HOPGOOD, ANANICH, BIEDA and WHITMER and referred to the Committee on Local Government and Elections.

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 2012 PA 55 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
7 license is not a citizen of the United States, the applicant

1 shall supply a photographic identity document and other
2 sufficient documents to verify the identity of the applicant and
3 the applicant's legal presence in the United States under
4 subdivision (b). The documents required under this subsection
5 shall include the applicant's full legal name, date of birth, and
6 address and residency and demonstrate that the applicant is a
7 citizen of the United States or is legally present in the United
8 States. If the applicant's full legal name differs from the name
9 of the applicant that appears on a document presented under this
10 subsection, the applicant shall present documents to verify his
11 or her current full legal name. The secretary of state shall
12 accept as 1 of the required identification documents an
13 identification card issued by the department of corrections to
14 prisoners who are placed on parole or released from a
15 correctional facility, containing the prisoner's legal name,
16 photograph, and other information identifying the prisoner as
17 provided in section 37(4) of the corrections code of 1953, 1953
18 PA 232, MCL 791.237. An application for an operator's or
19 chauffeur's license shall be made in a manner prescribed by the
20 secretary of state and shall contain all of the following:

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

1 her residence address.

2 (b) If the applicant is not a citizen of the United States,
3 the applicant shall provide, and the department shall verify,
4 documents demonstrating his or her legal presence in the United
5 States. Nothing in this act shall obligate or be construed to
6 obligate this state to comply with title II of the real ID act of
7 2005, Public Law 109-13. The secretary of state may adopt rules
8 under the administrative procedures act of 1969, 1969 PA 306, MCL
9 24.201 to 24.328, as are necessary for the administration of this
10 subdivision. A determination by the secretary of state that an
11 applicant is not legally present in the United States may be
12 appealed under section 631 of the revised judicature act of 1961,
13 1961 PA 236, 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 (C) ~~(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 (D) ~~(e)~~For an operator's or chauffeur's license with a
12 vehicle group designation or indorsement, the following
13 certifications by the applicant:

14 (i) The applicant meets the applicable federal driver
15 qualification requirements under 49 CFR parts 383 and 391 if the
16 applicant operates or intends to operate in interstate commerce
17 or meets the applicable qualifications of the department of state
18 police under the motor carrier safety act of 1963, 1963 PA 181,
19 MCL 480.11 to 480.25, if the applicant operates or intends to
20 operate 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 (E) ~~(F)~~—An applicant for an operator's or chauffeur's
4 license 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 technology, management, and budget based on standards and
13 specifications established by the secretary of state. The
14 secretary of state shall not purchase or lease equipment until an
15 appropriation for the equipment has been made by the legislature.
16 A digital photographic image and signature captured under this
17 section shall appear on the applicant's operator's license or
18 chauffeur's license. A person's digital photographic image and
19 signature shall be used as 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 of 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 (5) The secretary of state may fulfill the requirements of
13 subsection (4) by 1 or more of the following methods:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (e) As otherwise required by law.

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

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

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

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

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

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

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

26 (b) Subject all persons authorized to manufacture or produce
27 operator's licenses or chauffeur's licenses and all persons who

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

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

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

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

~~1 by section 307(1)(c) that, under sections 509e and 509r of the~~
~~2 Michigan election law, 1954 PA 116, MCL 168.509e and 168.509r,~~
~~3 the secretary of state is required to use the residence address~~
~~4 provided on this change of address application as the person's~~
~~5 residence address on the qualified voter file for voter~~
~~6 registration and voting. However, a~~ **A** person may submit to the
7 secretary of state a mailing address that is different than his
8 or her residence address.

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

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

1 fails to report a change of his or her residence address is
2 responsible for a civil infraction.

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

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

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

24 Enacting section 1. This amendatory act does not take effect
25 unless Senate Bill No. 419

26 of the 97th Legislature is enacted into law.