

# SENATE BILL No. 793

February 18, 2014, Introduced by Senators PROOS, ANANICH, BOOHER, MARLEAU, PAPPAGEORGE, ANDERSON, JANSEN, PAVLOV, BRANDENBURG and MOOLENAAR and referred to the Committee on Transportation.

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  
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 legal 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, and the department shall verify,

1 documents demonstrating his or her legal presence in the United  
2 States. Nothing in this act shall obligate or be construed to  
3 obligate this state to comply with title II of the real ID act of  
4 2005, Public Law 109-13. The secretary of state may adopt rules  
5 under the administrative procedures act of 1969, 1969 PA 306, MCL  
6 24.201 to 24.328, as are necessary for the administration of this  
7 subdivision. A determination by the secretary of state that an  
8 applicant is not legally present in the United States may be  
9 appealed under section 631 of the revised judicature act of 1961,  
10 1961 PA 236, 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

1 information of your polling place, will be provided  
2 to you by the clerk of the jurisdiction where your  
3 residence address is located.".

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (A) **SPECIFICALLY INQUIRE, EITHER ORALLY OR IN WRITING,**  
16 **WHETHER THE APPLICANT WISHES TO PARTICIPATE IN THE ANATOMICAL**  
17 **GIFT DONOR REGISTRY PROGRAM UNDER PART 101 OF THE PUBLIC HEALTH**  
18 **CODE, 1978 PA 368, MCL 333.10101 TO 333.10123.**

19 (B) ~~(a)~~ Provide the applicant with all of the following:

20 (i) Information explaining the applicant's right to make an  
21 anatomical gift in the event of death in accordance with section  
22 310.

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

~~or its successor organization~~ as **THAT TERM IS** defined in section 10102 of the public health code, 1978 PA 368, MCL 333.10102, **OR ITS SUCCESSOR ORGANIZATION.**

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

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

(D) ~~(e)~~ Inform the applicant that, if he or she indicates to the secretary of state under this section a willingness to have his or her name placed on the donor registry described in subdivision ~~(a) (ii)~~, **(B) (ii)**, the secretary of state will mark the applicant's record for the donor registry.

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

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

(b) Providing printed material to an applicant who personally appears at a secretary of state branch office, **OR INQUIRING ORALLY.**

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

(6) The secretary of state shall maintain a record of an individual who indicates a willingness to have his or her name

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

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

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



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

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

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

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

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

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

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

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

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

24 (e) As otherwise required by law.

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

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

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

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

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

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

26       (a) Ensure the physical security of locations where  
27 operator's licenses and chauffeur's licenses are produced and the

1 security of document materials and papers from which operator's  
2 licenses and chauffeur's licenses are produced.

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

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

13 (18) The secretary of state shall have electronic access to  
14 prisoner information maintained by the department of corrections  
15 for the purpose of verifying the identity of a prisoner who  
16 applies for an operator's or chauffeur's license under subsection  
17 (1).