

HOUSE BILL No. 5551

April 13, 2016, Introduced by Rep. Barrett and referred to the Committee on Military and Veterans Affairs.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 310 (MCL 257.310), as amended by 2016 PA 4.

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

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

3 (a) The distinguishing number permanently assigned to the
4 licensee.

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

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

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

15 (e) If requested by an individual who is a veteran of the
16 armed forces of this state, another state, or the United States,
17 ~~other than an individual who was dishonorably discharged from the~~
18 ~~armed forces of this state, another state, or the United States,~~ a
19 designation that the individual is a veteran. The designation shall
20 be in a style and format considered appropriate by the secretary of
21 state. The secretary of state shall require proof of discharge or
22 separation of service from the armed forces of this state, another
23 state, or the United States, and the nature of that discharge, for
24 the purposes of verifying an individual's status as a veteran under
25 this subdivision. The secretary of state shall consult with the
26 department of military and veterans affairs in determining the
27 proof that shall be required to identify an individual's status as

1 a veteran for the purposes of this subsection. The secretary of
2 state may provide the department of military and veterans affairs
3 and agencies of the counties of this state that provide veteran
4 services with information provided by an applicant under this
5 subsection for the purpose of veterans' benefits eligibility
6 referral. **AS USED IN THIS SUBDIVISION, "VETERAN" MEANS THAT TERM AS**
7 **DEFINED IN SECTION 1 OF 1965 PA 190, MCL 35.61.**

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

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

14 (5) A digitized license may contain an identifier for voter
15 registration purposes. The digitized license may contain
16 information appearing in electronic or machine readable codes
17 needed to conduct a transaction with the secretary of state. The
18 information shall be limited to the information described in
19 subsection (2)(a) and (b) except for the person's digital
20 photographic image and signature, state of issuance, license
21 expiration date, and other information necessary for use with
22 electronic devices, machine readers, or automatic teller machines
23 and shall not contain the driving record or other personal
24 identifier. The license shall identify the encoded information.

25 (6) The license shall be manufactured in a manner to prohibit
26 as nearly as possible the ability to reproduce, alter, counterfeit,
27 forge, or duplicate the license without ready detection. In

1 addition, a license with a vehicle group designation shall contain
2 the information required under 49 CFR part 383.

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

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

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

25 (c) If the intent of the reproduction, alteration,
26 counterfeiting, forging, duplication, or use is to commit or aid in
27 the commission of an offense that is a misdemeanor punishable by

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

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

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

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

25 (11) Subsections (7)(a) and (b), (8), and (9) do not apply to
26 a minor whose intent is to violate section 703 of the Michigan
27 liquor control code of 1998, 1998 PA 58, MCL 436.1703.

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

13 (13) An operator or chauffeur may indicate on the license in a
14 place designated by the secretary of state his or her blood type,
15 emergency contact information, immunization data, medication data,
16 or a statement that the licensee is deaf. The secretary of state
17 shall not require an applicant for an original or renewal
18 operator's or chauffeur's license to provide emergency contact
19 information as a condition of obtaining a license. However, the
20 secretary of state may inquire whether an operator or chauffeur
21 would like to provide emergency contact information. Emergency
22 contact information obtained under this subsection shall be
23 disclosed only to a state or federal law enforcement agency for law
24 enforcement purposes or to the extent necessary for a medical
25 emergency. No later than January 1, 2017, the secretary of state
26 shall develop and shall, in conjunction with the department of
27 state police, implement a process using the L.E.I.N. or any other

1 appropriate system that limits access to law enforcement that would
2 allow law enforcement agencies of this state to access emergency
3 contact information that the holder of an operator's license has
4 voluntarily provided to the secretary of state. As used in this
5 subsection, "emergency contact information" means the name,
6 telephone number, or address of an individual that is used for the
7 sole purpose of contacting that individual when the holder of an
8 operator's license has been involved in an emergency.

9 (14) An operator or chauffeur may indicate on the license in a
10 place designated by the secretary of state that he or she has
11 designated a patient advocate in accordance with sections 5506 to
12 5515 of the estates and protected individuals code, 1998 PA 386,
13 MCL 700.5506 to 700.5515.

14 (15) If the applicant provides proof to the secretary of state
15 that he or she is a minor who has been emancipated under 1968 PA
16 293, MCL 722.1 to 722.6, the license shall bear the designation of
17 the individual's emancipated status in a manner prescribed by the
18 secretary of state.

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

23 (17) A sticker or decal may be provided by any person,
24 hospital, school, medical group, or association interested in
25 assisting in implementing an emergency medical information card,
26 but shall meet the specifications of the secretary of state. An
27 emergency medical information card may contain information

1 concerning the licensee's patient advocate designation, other
2 emergency medical information, or an indication as to where the
3 licensee has stored or registered emergency medical information.

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

8 (19) A licensee who has agreed to participate in the
9 anatomical gift donor registry under part 101 of the public health
10 code, 1978 PA 368, MCL 333.10101 to 333.10123, shall not be
11 considered to have revoked that agreement solely because the
12 licensee's license has been revoked or suspended or has expired.
13 Enrollment in the donor registry constitutes a legal agreement that
14 remains binding and in effect after the donor's death regardless of
15 the expressed desires of the deceased donor's next of kin who may
16 oppose the donor's anatomical gift.

17 Enacting section 1. This amendatory act takes effect 90 days
18 after the date it is enacted into law.

19 Enacting section 2. This amendatory act does not take effect
20 unless House Bill No. 5332 of the 98th Legislature is enacted into
21 law.