

# HOUSE BILL No. 5827

September 7, 2016, Introduced by Rep. Kosowski and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending sections 307 and 314 (MCL 257.307 and 257.314), section  
307 as amended by 2015 PA 11 and section 314 as amended by 2011 PA  
159.

## **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 to operate a noncommercial motor vehicle is a  
3   citizen of the United States, the applicant shall supply a  
4   photographic identity document, a birth certificate, or other  
5   sufficient documents as the secretary of state may require, to  
6   verify the identity and citizenship of the applicant. If an  
7   applicant for an operator's or chauffeur's license is not a citizen  
8   of the United States, the applicant shall supply a photographic

1 identity document and other sufficient documents to verify the  
2 identity of the applicant and the applicant's legal presence in the  
3 United States under subdivision (b). The documents required under  
4 this subsection shall include the applicant's full legal name, date  
5 of birth, and address and residency and demonstrate that the  
6 applicant is a citizen of the United States or is legally present  
7 in the United States. If the applicant's full legal name differs  
8 from 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 correctional  
14 facility, containing the prisoner's legal name, photograph, and  
15 other information identifying the prisoner as provided in section  
16 37(4) of the corrections code of 1953, 1953 PA 232, MCL 791.237. An  
17 application for an operator's or chauffeur's license shall be made  
18 in a manner prescribed by the secretary of state and shall contain  
19 all of the following:

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

1 address will no longer be valid for voting purposes.

2 A new voter registration card, containing the  
3 information of your polling place, will be provided  
4 to you by the clerk of the jurisdiction where your  
5 residence address is located.".

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

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

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

18 (ii) The vehicle in which the applicant will take the driving  
19 28 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.

27 (f) An applicant for an operator's or chauffeur's license with

1 a vehicle group designation and a hazardous material indorsement  
2 shall provide his or her fingerprints as prescribed by state and  
3 federal law.

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

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

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

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

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

27 (3) An application shall contain a signature or verification

1 and certification by the applicant, as determined by the secretary  
2 of state, and shall be accompanied by the proper fee. The secretary  
3 of state shall collect the application fee with the application.

4 The secretary of state shall refund the application fee to the  
5 applicant if the license applied for is denied, but shall not  
6 refund the fee to an applicant who fails to complete the  
7 examination requirements of the secretary of state within 90 days  
8 after the date of application for a license.

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

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

13 (i) Information explaining the applicant's right to make an  
14 anatomical gift in the event of death in accordance with section  
15 310.

16 (ii) Information describing the anatomical gift donor registry  
17 program under part 101 of the public health code, 1978 PA 368, MCL  
18 333.10101 to 333.10123. The information required under this  
19 subparagraph includes the address and telephone number of  
20 Michigan's federally designated organ procurement organization or  
21 its successor organization as defined in section 10102 of the  
22 public health code, 1978 PA 368, MCL 333.10102.

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

25 (b) Provide the applicant with the opportunity to specify on  
26 his or her operator's or chauffeur's license that he or she is  
27 willing to make an anatomical gift in the event of death in

1 accordance with section 310.

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

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

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

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

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

16 (6) The secretary of state shall maintain a record of an  
17 individual who indicates a willingness to have his or her name  
18 placed on the donor registry described in subsection (4) (a) (ii).  
19 Information about an applicant's indication of a willingness to  
20 have his or her name placed on the donor registry that is obtained  
21 by the secretary of state under subsection (4) and forwarded under  
22 subsection (14) is exempt from disclosure under section 13(1) (d) of  
23 the freedom of information act, 1976 PA 442, MCL 15.243.

24 (7) If an application is received from a person previously  
25 licensed in another jurisdiction, the secretary of state shall  
26 request a copy of the applicant's driving record and other  
27 available information from the national driver register. When

received, the driving record and other available information become a part of the driver's record in this state.

(8) If a person applies for a commercial learner's permit for an original vehicle group designation or indorsement to operate a commercial motor vehicle, the secretary of state may verify the person's identity, may require proof of Michigan domicile under 49 CFR 383.5, and may verify the person's proof of United States citizenship or proof of lawful permanent residency as required under 49 CFR 383.71 and 383.73, if that information is not on the person's Michigan driving record. If a person applies for a renewal of an operator's or chauffeur's license to operate a commercial motor vehicle, the secretary of state may verify the person's identity, may require proof of Michigan domicile under 49 CFR 383.5, and may verify the person's proof of citizenship or lawful permanent residency under 49 CFR 383.71 and 383.73, if that information is not on the person's Michigan driving record. If a person applies for an upgrade of a vehicle group designation or indorsement, the secretary of state may verify the person's identity, may require proof of Michigan domicile under 49 CFR 383.5, and may verify the person's proof of citizenship or lawful permanent residency under 49 CFR 383.71 and 383.73, if that information is not on the person's Michigan driving record. The secretary of state shall request the person's complete driving record from all states where the applicant was previously licensed to drive any type of motor vehicle over the last 10 years before issuing a vehicle group designation or indorsement to the applicant. If the applicant does not hold a valid commercial motor



1 vehicle driver license from a state where he or she was licensed in  
2 the last 10 years, this complete driving record request must be  
3 made not earlier than 24 hours before the secretary of state issues  
4 the applicant a vehicle group designation or indorsement. For all  
5 other drivers, this request must be made not earlier than 10 days  
6 before the secretary of state issues the applicant a vehicle group  
7 designation or indorsement. If the application is for the renewal  
8 of a vehicle group designation or indorsement, and if the secretary  
9 of state enters on the person's driving record maintained under  
10 section 204a a notation that the request was made and the date of  
11 the request, the secretary of state is required to request the  
12 applicant's complete driving record from other states only once  
13 under this section. The secretary of state shall also check the  
14 applicant's driving record with the national driver register and  
15 the federal commercial driver license information system before  
16 issuing that group designation or indorsement.

17 (9) Except for a vehicle group designation or indorsement or  
18 as provided in this subsection or section 314(5), the secretary of  
19 state may issue a renewal operator's or chauffeur's license for 1  
20 additional ~~4-year~~ **8-YEAR** period or until the person is no longer  
21 determined to be legally present under this section by mail or by  
22 other methods prescribed by the secretary of state. The secretary  
23 of state may check the applicant's driving record through the  
24 national driver register and the commercial driver license  
25 information system before issuing a license under this section. The  
26 secretary of state shall issue a renewal license only in person if  
27 the person is a person required under section 5a of the sex

1 offenders registration act, 1994 PA 295, MCL 28.725a, to maintain a  
2 valid operator's or chauffeur's license or official state personal  
3 identification card. If a license is renewed by mail or by other  
4 method, the secretary of state shall issue evidence of renewal to  
5 indicate the date the license expires in the future. The department  
6 of state police shall provide to the secretary of state updated  
7 lists of persons required under section 5a of the sex offenders  
8 registration act, 1994 PA 295, MCL 28.725a, to maintain a valid  
9 operator's or chauffeur's license or official state personal  
10 identification card.

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

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

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

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

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

26 (d) With the department of community health, for comparison  
27 with vital records maintained by the department of community health

1 under part 28 of the public health code, 1978 PA 368, MCL 333.2801  
2 to 333.2899.

3 (e) As otherwise required by law.

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

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

11 (14) As required in section 10120 of the public health code,  
12 1978 PA 368, MCL 333.10120, the secretary of state shall maintain  
13 the donor registry in a manner that provides electronic access,  
14 including, but not limited to, the transfer of data to this state's  
15 federally designated organ procurement organization or its  
16 successor organization, tissue banks, and eye banks, in a manner  
17 that complies with that section.

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

25 (16) The secretary of state shall not issue an operator's  
26 license or a chauffeur's license to a person holding an operator's  
27 license or chauffeur's license issued by another state without

1 confirmation that the person is terminating or has terminated the  
2 operator's license or chauffeur's license issued by the other  
3 state.

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

5 (a) Ensure the physical security of locations where operator's  
6 licenses and chauffeur's licenses are produced and the security of  
7 document materials and papers from which operator's licenses and  
8 chauffeur's licenses are produced.

9 (b) Subject all persons authorized to manufacture or produce  
10 operator's licenses or chauffeur's licenses and all persons who  
11 have the ability to affect the identity information that appears on  
12 operator's licenses or chauffeur's licenses to appropriate security  
13 clearance requirements. The security requirements of this  
14 subdivision and subdivision (a) may require that licenses be  
15 manufactured or produced in this state.

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

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

23 Sec. 314. (1) Except as otherwise provided in this section,  
24 operator's licenses and chauffeur's licenses expire on the birthday  
25 of the person to whom the license is issued in the ~~fourth~~ **EIGHTH**  
26 year following the date of the issuance of the license or on the  
27 date the person is no longer considered to be legally present in

1 the United States under section 307, whichever is earlier, unless  
2 suspended or revoked before that date. A license shall not be  
3 issued for a period longer than ~~4-8~~ years. A person holding a  
4 license at any time 12 months before the expiration of his or her  
5 license may apply for a new license as provided for in this  
6 chapter. A knowledge test for an original group designation or  
7 indorsement may be taken at any time during this period and the  
8 results are valid for 12 months. A license renewed under this  
9 subsection shall be renewed for the time remaining on the license  
10 before its renewal combined with the ~~4-year-8-YEAR~~ renewal period.

11 (2) The first operator's license issued to a person who at the  
12 time of application is less than 20-1/2 years of age expires on the  
13 licensee's twenty-first birthday or on the date the person is no  
14 longer considered to be legally present in the United States under  
15 section 307, whichever is earlier, unless suspended or revoked.

16 (3) The first chauffeur's license issued to a person expires  
17 on the licensee's birthday in the ~~fourth-EIGHTH~~ year following the  
18 date of issuance or on the date the person is no longer considered  
19 to be legally present in the United States under section 307,  
20 whichever is earlier, unless the license is suspended or revoked  
21 before that date. The chauffeur's license of a person who at the  
22 time of application is less than 20-1/2 years of age expires on the  
23 licensee's twenty-first birthday or on the date the person is no  
24 longer considered to be legally present in the United States under  
25 section 307, whichever is earlier, unless suspended or revoked. A  
26 subsequent chauffeur's license expires on the birthday of the  
27 person to whom the license is issued in the ~~fourth-EIGHTH~~ year

1 following the date of issuance of the license or on the date the  
2 person is no longer considered to be legally present in the United  
3 States under section 307, whichever is earlier, unless the license  
4 is suspended or revoked before that date.

5 (4) A person may apply for an extension of his or her driving  
6 privileges if he or she is out of state on the date that his or her  
7 operator's or chauffeur's license expires. The extension may extend  
8 the license for 180 days beyond the expiration date or not more  
9 than 2 weeks after the applicant returns to Michigan, whichever  
10 occurs first. This subsection does not apply to a person who fails  
11 to meet the requirements of 49 CFR parts 383 and 391 with regard to  
12 medical certification documentation requirements.

13 (5) The secretary of state may issue a renewal operator's or  
14 chauffeur's license to a person who will be out of state for more  
15 than 180 days beyond the expiration date of his or her operator's  
16 or chauffeur's license, if the secretary of state has a digital  
17 image of the person on file. The applicant for this renewal shall  
18 submit a statement evidencing a vision examination in accordance  
19 with the rules promulgated by the secretary of state under section  
20 309 and any other statement required by this act or federal law. A  
21 person is not eligible for consecutive renewals of a license under  
22 this subsection. This subsection does not apply to a person who  
23 fails to meet the requirements of 49 CFR parts 383 and 391 with  
24 regard to medical certification documentation requirements, or a  
25 person with a hazardous material indorsement on his or her  
26 operator's or chauffeur's license.

27 (6) The secretary of state may check the applicant's driving

1 record through the national driver register and the commercial  
2 driver license information system before issuing a renewal under  
3 this section.

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