

SENATE BILL No. 745

February 4, 2016, Introduced by Senators YOUNG and SMITH and referred to the Committee on Elections and Government Reform.

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

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
8 citizen of the United States, the applicant shall supply a
9 photographic identity document and other sufficient documents to
10 verify the identity of the applicant and the applicant's legal
11 presence in the United States under subdivision (b). The

1 documents required under this subsection shall include the
2 applicant's full legal name, date of birth, and address and
3 residency and demonstrate that the applicant is a citizen of the
4 United States or is legally present in the United States. If the
5 applicant's full legal name differs from the name of the
6 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,

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 address will no longer be valid for voting purposes. 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 or
13 meets the applicable qualifications of the department of state
14 police under the motor carrier safety act of 1963, 1963 PA 181,
15 MCL 480.11 to 480.25.

16 (ii) The vehicle in which the applicant will take the driving
17 ~~28~~-skills tests is representative of the type of vehicle the
18 applicant operates or intends to operate.

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

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

25 (f) An applicant for an operator's or chauffeur's license
26 with a vehicle group designation and a hazardous material
27 indorsement shall provide his or her fingerprints as prescribed

1 by state and federal law.

2 (G) FOR AUTOMATIC VOTER REGISTRATION PURPOSES UNDER SECTION
3 493A OF THE MICHIGAN ELECTION LAW, 1954 PA 116, MCL 168.493A, AN
4 APPLICANT FOR AN OPERATOR'S OR CHAUFFEUR'S LICENSE SHALL INDICATE
5 ON THE APPLICATION OR RENEWAL APPLICATION WHETHER HE OR SHE IS A
6 CITIZEN OF THE UNITED STATES.

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 a person applies for a commercial learner's permit
11 for an original vehicle group designation or indorsement to
12 operate a commercial motor vehicle, the secretary of state may
13 verify the person's identity, may require proof of Michigan
14 domicile under 49 CFR 383.5, and may verify the person's proof of
15 United States citizenship or proof of lawful permanent residency
16 as required under 49 CFR 383.71 and 383.73, if that information
17 is not on the person's Michigan driving record. If a person
18 applies for a renewal of an operator's or chauffeur's license to
19 operate a commercial motor vehicle, the secretary of state may
20 verify the person's identity, may require proof of Michigan
21 domicile under 49 CFR 383.5, and may verify the person's proof of
22 citizenship or lawful permanent residency under 49 CFR 383.71 and
23 383.73, if that information is not on the person's Michigan
24 driving record. If a person applies for an upgrade of a vehicle
25 group designation or indorsement, the secretary of state may
26 verify the person's identity, may require proof of Michigan
27 domicile under 49 CFR 383.5, and may verify the person's proof of

1 citizenship or lawful permanent residency under 49 CFR 383.71 and
2 383.73, if that information is not on the person's Michigan
3 driving record. The secretary of state shall request the person's
4 complete driving record from all states where the applicant was
5 previously licensed to drive any type of motor vehicle over the
6 last 10 years before issuing a vehicle group designation or
7 indorsement to the applicant. If the applicant does not hold a
8 valid commercial motor vehicle driver license from a state where
9 he or she was licensed in the last 10 years, this complete
10 driving record request must be made not earlier than 24 hours
11 before the secretary of state issues the applicant a vehicle
12 group designation or indorsement. For all other drivers, this
13 request must be made not earlier than 10 days before the
14 secretary of state issues the applicant a vehicle group
15 designation or indorsement. If the application is for the renewal
16 of a vehicle group designation or indorsement, and if the
17 secretary of state enters on the person's driving record
18 maintained under section 204a a notation that the request was
19 made and the date of the request, the secretary of state is
20 required to request the applicant's complete driving record from
21 other states only once under this section. The secretary of state
22 shall also check the applicant's driving record with the national
23 driver register and the federal commercial driver license
24 information system before issuing that group designation or
25 indorsement.

26 (9) Except for a vehicle group designation or indorsement or
27 as provided in this subsection or section 314(5), the secretary

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

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

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

27 (a) Compliance with 49 USC 31301 to 31317 and regulations

1 and state law and rules related to this chapter.

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

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

8 (d) With the department of ~~community~~ health **AND HUMAN**
9 **SERVICES**, for comparison with vital records maintained by the
10 department of ~~community~~ health **AND HUMAN SERVICES** under part 28
11 of the public health code, 1978 PA 368, MCL 333.2801 to 333.2899.

12 (e) As otherwise required by law.

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

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

20 (14) As required in section 10120 of the public health code,
21 1978 PA 368, MCL 333.10120, the secretary of state shall maintain
22 the donor registry in a manner that provides electronic access,
23 including, but not limited to, the transfer of data to this
24 state's federally designated organ procurement organization or
25 its successor organization, tissue banks, and eye banks, in a
26 manner that complies with that section.

27 (15) The secretary of state, with the approval of the state

1 administrative board created under 1921 PA 2, MCL 17.1 to 17.3,
2 may enter into agreements with the United States government to
3 verify whether an applicant for an operator's license or a
4 chauffeur's license under this section who is not a citizen of
5 the United States is authorized under federal law to be present
6 in the United States.

7 (16) The secretary of state shall not issue an operator's
8 license or a chauffeur's license to a person holding an
9 operator's license or chauffeur's license issued by another state
10 without confirmation that the person is terminating or has
11 terminated the operator's license or chauffeur's license issued
12 by the other state.

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

14 (a) Ensure the physical security of locations where
15 operator's licenses and chauffeur's licenses are produced and the
16 security of document materials and papers from which operator's
17 licenses and chauffeur's licenses are produced.

18 (b) Subject all persons authorized to manufacture or produce
19 operator's licenses or chauffeur's licenses and all persons who
20 have the ability to affect the identity information that appears
21 on operator's licenses or chauffeur's licenses to appropriate
22 security clearance requirements. The security requirements of
23 this subdivision and subdivision (a) may require that licenses be
24 manufactured or produced in this state.

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

1 (18) The secretary of state shall have electronic access to
2 prisoner information maintained by the department of corrections
3 for the purpose of verifying the identity of a prisoner who
4 applies for an operator's or chauffeur's license under subsection
5 (1).

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

8 Enacting section 2. This amendatory act does not take effect
9 unless Senate Bill No. 735

10 of the 98th Legislature is enacted into law.