

HOUSE BILL No. 4038

January 12, 2017, Introduced by Reps. Wittenberg, Green, Chirkun, Yanez, Moss, Hertel, Jones, Cochran, Neeley and Lasinski and referred to the Committee on Elections and Ethics.

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 citizen
8 of the United States, the applicant shall supply a photographic
9 identity document and other sufficient documents to verify the
10 identity of the applicant and the applicant's legal presence in the

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

18 (a) The applicant's full legal name, date of birth, residence
19 address, height, sex, eye color, signature, intent to make an
20 anatomical gift, other information required or permitted on the
21 license under this chapter, and, only to the extent required to
22 comply with federal law, the applicant's social security number.
23 The applicant may provide a mailing address if the applicant
24 receives mail at an address different from his or her residence
25 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~~**MUST** 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 secretary
14 of state is required to use the residence address provided on this
15 application as the applicant's residence address on the qualified
16 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 names
6 of all states where the applicant has been licensed to drive any
7 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 meets
13 the applicable qualifications of the department of state police
14 under the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11
15 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 with
26 a vehicle group designation and a hazardous material indorsement
27 shall provide his or her fingerprints as prescribed by state and

1 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, RENEWAL APPLICATION, OR CHANGE OF ADDRESS
6 APPLICATION WHETHER HE OR SHE IS A CITIZEN OF THE UNITED STATES.

7 (2) An applicant for an operator's or chauffeur's license may
8 have his or her image and signature captured or reproduced when the
9 application for the license is made. The secretary of state shall
10 acquire equipment purchased or leased under this section under
11 standard purchasing procedures of the department of technology,
12 management, and budget based on standards and specifications
13 established by the secretary of state. The secretary of state shall
14 not purchase or lease equipment until an appropriation for the
15 equipment has been made by the legislature. A digital photographic
16 image and signature captured under this section ~~shall~~**MUST** appear
17 on the applicant's operator's license or chauffeur's license. A
18 person's digital photographic image and signature shall be used as
19 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 department
25 of state police the images of persons required to be registered
26 under the sex offenders registration act, 1994 PA 295, MCL 28.721
27 to 28.736, upon the department of state police providing the

1 secretary of state an updated list of the names of those persons.

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

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

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

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

17 (i) Information explaining the applicant's right to make an
18 anatomical gift in the event of death in accordance with section
19 310.

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

27 (iii) Information giving the applicant the opportunity to be

1 placed on the donor registry described in subparagraph (ii).

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

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

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

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

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

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

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

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

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

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

21 (9) Except for a vehicle group designation or indorsement or
22 as provided in this subsection or section 314(5), the secretary of
23 state may issue a renewal operator's or chauffeur's license for 1
24 additional 4-year period or until the person is no longer
25 determined to be legally present under this section by mail or by
26 other methods prescribed by the secretary of state. The secretary
27 of state may check the applicant's driving record through the

1 national driver register and the commercial driver license
2 information system before issuing a license under this section. The
3 secretary of state shall issue a renewal license only in person if
4 the person is a person required under section 5a of the sex
5 offenders registration act, 1994 PA 295, MCL 28.725a, to maintain a
6 valid operator's or chauffeur's license or official state personal
7 identification card. If a license is renewed by mail or by other
8 method, the secretary of state shall issue evidence of renewal to
9 indicate the date the license expires in the future. The department
10 of state police shall provide to the secretary of state updated
11 lists of persons required under section 5a of the sex offenders
12 registration act, 1994 PA 295, MCL 28.725a, to maintain a valid
13 operator's or chauffeur's license or official state personal
14 identification card.

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

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

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

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

27 (c) To check an applicant's driving record through the

1 national driver register and the commercial driver license
2 information system when issuing a license under this act.

3 (d) With the department of ~~community~~-health **AND HUMAN**
4 **SERVICES**, for comparison with vital records maintained by the
5 department of ~~community~~-health **AND HUMAN SERVICES** under part 28 of
6 the public health code, 1978 PA 368, MCL 333.2801 to 333.2899.

7 (e) As otherwise required by law.

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

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

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

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

1 States.

2 (16) The secretary of state shall not issue an operator's
3 license or a chauffeur's license to a person holding an operator's
4 license or chauffeur's license issued by another state without
5 confirmation that the person is terminating or has terminated the
6 operator's license or chauffeur's license issued by the other
7 state.

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

9 (a) Ensure the physical security of locations where operator's
10 licenses and chauffeur's licenses are produced and the security of
11 document materials and papers from which operator's licenses and
12 chauffeur's licenses are produced.

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

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

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

27 Enacting section 1. This amendatory act takes effect 90 days

1 after the date it is enacted into law.

2 Enacting section 2. This amendatory act does not take effect

3 unless Senate Bill No. _____ or House Bill No. 4037 (request no.

4 00438'17) of the 99th Legislature is enacted into law.