

HOUSE BILL No. 4204

February 14, 2017, Introduced by Reps. Cole, LaFave, Griffin, Tedder, Lucido, Kivela, Glenn, Lower, Sneller, Allor and Hughes and referred to the Committee on Judiciary.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 307 (MCL 257.307), as amended by 2016 PA 451.

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

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

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

27 (b) If the applicant is not a citizen of the United States,

1 the applicant shall provide, and the department shall verify,
2 documents demonstrating his or her legal presence in the United
3 States. Nothing in this act shall obligate or be construed to
4 obligate this state to comply with title II of the real ID act of
5 2005, Public Law 109-13. The secretary of state may adopt rules
6 under the administrative procedures act of 1969, 1969 PA 306, MCL
7 24.201 to 24.328, as are necessary for the administration of this
8 subdivision. A determination by the secretary of state that an
9 applicant is not legally present in the United States may be
10 appealed under section 631 of the revised judicature act of 1961,
11 1961 PA 236, MCL 600.631.

12 (c) The following notice shall be included to inform the
13 applicant that under sections 509o and 509r of the Michigan
14 election law, 1954 PA 116, MCL 168.509o and 168.509r, the secretary
15 of state is required to use the residence address provided on this
16 application as the applicant's residence address on the qualified
17 voter file for voter registration and voting:

18 "NOTICE: Michigan law requires that the same address
19 be used for voter registration and driver license
20 purposes. Therefore, if the residence address
21 you provide in this application differs from your
22 voter registration address as it appears on the
23 qualified voter file, the secretary of state
24 will automatically change your voter registration
25 to match the residence address on this application,
26 after which your voter registration at your former
27 address will no longer be valid for voting purposes.

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

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

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

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

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

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

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

26 (f) An applicant for an operator's or chauffeur's license with
27 a vehicle group designation and a hazardous material indorsement

1 shall provide his or her fingerprints as prescribed by state and
2 federal law.

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

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

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

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

24 **(D) BY THE SECRETARY OF STATE FOR FORWARDING TO THE DEPARTMENT**
25 **OF STATE POLICE AS PROVIDED IN SECTION 5C OF 1927 PA 372, MCL**
26 **28.425C.**

27 **(E)** ~~(d)~~—As necessary to comply with a law of this state or of

1 the United States.

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

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

14 (a) If the applicant is not a participant in the anatomical
15 gift donor registry program, specifically inquire, either orally or
16 in writing, whether the applicant wishes to participate in the
17 anatomical gift donor registry program under part 101 of the public
18 health code, 1978 PA 368, MCL 333.10101 to 333.10123. If the
19 secretary of state or an employee of the secretary of state fails
20 to inquire whether an applicant wishes to participate in the
21 anatomical gift donor registry program as required by this
22 subdivision, neither the secretary of state nor the employee is
23 civilly or criminally liable for the failure to make the inquiry.

24 (b) Provide the applicant with all of the following:

25 (i) Information explaining the applicant's right to make an
26 anatomical gift in the event of death in accordance with section
27 310.

1 (ii) Information describing the anatomical gift donor registry
2 program under part 101 of the public health code, 1978 PA 368, MCL
3 333.10101 to 333.10123. The information required under this
4 subparagraph includes the address and telephone number of
5 Michigan's federally designated organ procurement organization as
6 that term is defined in section 10102 of the public health code,
7 1978 PA 368, MCL 333.10102, or its successor organization.

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

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

14 (d) Inform the applicant that, if he or she indicates to the
15 secretary of state under this section a willingness to have his or
16 her name placed on the donor registry described in subdivision
17 (b) (ii), the secretary of state will mark the applicant's record
18 for the donor registry.

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

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

24 (b) Providing printed material to an applicant who personally
25 appears at a secretary of state branch office, or inquiring orally.

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

1 (6) The secretary of state shall maintain a record of an
2 individual who indicates a willingness to have his or her name
3 placed on the donor registry described in subsection (4) (b) (ii) .
4 Information about an applicant's indication of a willingness to
5 have his or her name placed on the donor registry that is obtained
6 by the secretary of state under subsection (4) and forwarded under
7 subsection (14) is exempt from disclosure under section 13(1) (d) of
8 the freedom of information act, 1976 PA 442, MCL 15.243. The
9 secretary of state is not required to maintain a record of an
10 individual who does not indicate a willingness to have his or her
11 name placed on the donor registry described in subsection
12 (4) (b) (ii) or an individual who does not respond to an inquiry
13 under subsection (4) (a) .

14 (7) If an application is received from a person previously
15 licensed in another jurisdiction, the secretary of state shall
16 request a copy of the applicant's driving record and other
17 available information from the National Driver Register. When
18 received, the driving record and other available information become
19 a part of the driver's record in this state.

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

1 of an operator's or chauffeur's license to operate a commercial
2 motor vehicle, the secretary of state may verify the person's
3 identity, may require proof of Michigan domicile under 49 CFR
4 383.5, and may verify the person's proof of citizenship or lawful
5 permanent residency under 49 CFR 383.71 and 383.73, if that
6 information is not on the person's Michigan driving record. If a
7 person applies for an upgrade of a vehicle group designation or
8 indorsement, the secretary of state may verify the person's
9 identity, may require proof of Michigan domicile under 49 CFR
10 383.5, and may verify the person's proof of citizenship or lawful
11 permanent residency under 49 CFR 383.71 and 383.73, if that
12 information is not on the person's Michigan driving record. The
13 secretary of state shall request the person's complete driving
14 record from all states where the applicant was previously licensed
15 to drive any type of motor vehicle over the last 10 years before
16 issuing a vehicle group designation or indorsement to the
17 applicant. If the applicant does not hold a valid commercial motor
18 vehicle driver license from a state where he or she was licensed in
19 the last 10 years, this complete driving record request must be
20 made not earlier than 24 hours before the secretary of state issues
21 the applicant a vehicle group designation or indorsement. For all
22 other drivers, this request must be made not earlier than 10 days
23 before the secretary of state issues the applicant a vehicle group
24 designation or indorsement. If the application is for the renewal
25 of a vehicle group designation or indorsement, and if the secretary
26 of state enters on the person's driving record maintained under
27 section 204a a notation that the request was made and the date of

1 the request, the secretary of state is required to request the
2 applicant's complete driving record from other states only once
3 under this section. The secretary of state shall also check the
4 applicant's driving record with the National Driver Register and
5 the federal Commercial Driver's License Information System before
6 issuing that group designation or indorsement.

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

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

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

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

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

13 (c) To check an applicant's driving record through the
14 National Driver Register and the Commercial Driver's License
15 Information System when issuing a license under this act.

16 (d) With the department of health and human services, for
17 comparison with vital records maintained by the department of
18 health and human services under part 28 of the public health code,
19 1978 PA 368, MCL 333.2801 to 333.2899.

20 (e) As otherwise required by law.

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

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

1 (14) As required in section 10120 of the public health code,
2 1978 PA 368, MCL 333.10120, the secretary of state shall maintain
3 the donor registry in a manner that provides electronic access,
4 including, but not limited to, the transfer of data to this state's
5 federally designated organ procurement organization or its
6 successor organization, tissue banks, and eye banks, in a manner
7 that complies with that section.

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

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

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

22 (a) Ensure the physical security of locations where operator's
23 licenses and chauffeur's licenses are produced and the security of
24 document materials and papers from which operator's licenses and
25 chauffeur's licenses are produced.

26 (b) Subject all persons authorized to manufacture or produce
27 operator's licenses or chauffeur's licenses and all persons who

1 have the ability to affect the identity information that appears on
2 operator's licenses or chauffeur's licenses to appropriate security
3 clearance requirements. The security requirements of this
4 subdivision and subdivision (a) may require that licenses be
5 manufactured or produced in this state.

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

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

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