

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 278

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 221 and 310 (MCL 257.221 and 257.310), section
221 as amended by 1998 PA 64 and section 310 as amended by 2018 PA
177.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 221. (1) The secretary of state shall create and maintain
2 a computerized central file of all applications for registration of
3 motor vehicles and is not required to retain any other record of
4 the application. The computerized central file ~~shall~~**must** be
5 interfaced with the law enforcement information network as provided
6 in the ~~L.E.I.N.-C.J.I.S.~~ policy council act, ~~of 1974,~~ 1974 PA 163,
7 MCL 28.211 to ~~28.216.~~**28.215.**



(2) The secretary of state shall preserve the records described in subsection (1) for 3 years after the date of registration. The records ~~shall~~**must** be available to state and federal agencies and the friend of the court as provided under section 4 of the ~~L.E.I.N.-C.J.I.S.~~ policy council act, ~~of 1974,~~ 1974 PA 163, MCL 28.214, and rules promulgated under that section. ~~, and~~**The records, except for a communication impediment designation, must be available** to the public through the secretary of state's commercial look-up service.

(3) If an owner of a motor vehicle meets the requirements under subsection (4), the secretary of state shall allow the owner of a motor vehicle who is applying for a vehicle registration or for renewal of a vehicle registration to elect a communication impediment designation on the application maintained in the central file under subsection (1) **to allow a person with access to the law enforcement information network under the C.J.I.S. policy council act, 1974 PA 163, MCL 28.211 to 28.215,** to view a communication impediment designation with a motor vehicle registration.

(4) An owner of a motor vehicle seeking an election for a communication impediment designation under subsection (3) shall provide to the secretary of state a certification that meets all of the following:

(a) Is signed by a physician, physician assistant, certified nurse practitioner, or physical therapist licensed to practice in this state.

(b) Identifies the individual for whom the communication impediment designation is being elected.

(c) Attests to the nature of the communication impediment.

(5) A person who intentionally makes a false statement of



1 material fact or commits or attempts to commit a deception or fraud
2 on a statement described under subsection (4) is guilty of a
3 misdemeanor punishable by imprisonment for not more than 30 days or
4 a fine of not more than \$500.00, or both.

5 (6) Subject to subsection (7), the secretary of state may
6 cancel or revoke a communication impediment designation elected and
7 maintained under this section if either of the following
8 circumstances applies:

9 (a) The secretary of state determines that a communication
10 impediment designation was fraudulently or erroneously elected.

11 (b) The secretary of state determines the communication
12 impediment designation was abused during a traffic stop.

13 (7) The secretary of state shall provide the owner of a motor
14 vehicle notice and an opportunity to be heard before canceling or
15 revoking a communication impediment designation under subsection
16 (6).

17 (8) As used in this section, "communication impediment" means
18 the owner of a motor vehicle, or an individual who resides in the
19 same household as the owner of the motor vehicle, has a health
20 condition that may impede communication with a police officer
21 during a traffic stop, including, but not limited to, any of the
22 following:

23 (a) Deafness or hearing loss.

24 (b) An autism spectrum disorder.

25 Sec. 310. (1) The secretary of state shall issue an operator's
26 license to each person licensed as an operator and a chauffeur's
27 license to each person licensed as a chauffeur. An applicant for a
28 motorcycle indorsement under section 312a or a vehicle group
29 designation or indorsement shall first qualify for an operator's or



1 chauffeur's license before the indorsement or vehicle group
2 designation application is accepted and processed. An original
3 license or the first renewal of an existing license issued to a
4 person less than 21 years of age ~~shall~~**must** be portrait or vertical
5 in form and a license issued to a person 21 years of age or over
6 ~~shall~~**must** be landscape or horizontal in form.

7 (2) The license issued under subsection (1) ~~shall~~**must** contain
8 all of the following:

9 (a) The distinguishing number permanently assigned to the
10 licensee.

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

14 (c) In the case of a licensee who has indicated his or her
15 wish to participate in the anatomical gift donor registry under
16 part 101 of the public health code, 1978 PA 368, MCL 333.10101 to
17 333.10123, a heart insignia on the front of the license.

18 (d) Physical security features designed to prevent tampering,
19 counterfeiting, or duplication of the license for fraudulent
20 purposes.

21 (e) If requested by an individual who is a veteran of the
22 armed forces of this state, another state, or the United States, a
23 designation that the individual is a veteran. The designation ~~shall~~
24 **must** be in a style and format considered appropriate by the
25 secretary of state. The secretary of state shall require proof of
26 discharge or separation of service from the armed forces of this
27 state, another state, or the United States, and the nature of that
28 discharge, for the purposes of verifying an individual's status as
29 a veteran under this subdivision. The secretary of state shall



1 consult with the department of military and veterans affairs in
2 determining the proof that ~~shall~~**must** be required to identify an
3 individual's status as a veteran for the purposes of this
4 subsection. The secretary of state may provide the department of
5 military and veterans affairs and agencies of the counties of this
6 state that provide veteran services with information provided by an
7 applicant under this subsection for the purpose of veterans'
8 benefits eligibility referral. ~~As used in this subdivision,~~
9 ~~"veteran" means that term as defined in section 1 of 1965 PA 190,~~
10 ~~MCL 35.61.~~

11 (3) Except as otherwise required under this chapter, other
12 information required on the license ~~pursuant to~~**under** this chapter
13 may appear on the license in a form prescribed by the secretary of
14 state.

15 (4) The license ~~shall~~**must** not contain a fingerprint or finger
16 image of the licensee.

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

29 (6) The license ~~shall~~**must** be manufactured in a manner to



1 prohibit as nearly as possible the ability to reproduce, alter,
2 counterfeit, forge, or duplicate the license without ready
3 detection. In addition, a license with a vehicle group designation
4 ~~shall~~**must** contain the information required under 49 CFR part 383.

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

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

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

27 (c) If the intent of the reproduction, alteration,
28 counterfeiting, forging, duplication, or use is to commit or aid in
29 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.

28 (12) The secretary of state, upon determining after an
29 examination that an applicant is mentally and physically qualified



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

11 (13) An operator or chauffeur may indicate on the license in a
12 place designated by the secretary of state his or her blood type,
13 emergency contact information, immunization data, medication data,
14 or a statement that the licensee is deaf. The secretary of state
15 shall not require an applicant for an original or renewal
16 operator's or chauffeur's license to provide emergency contact
17 information as a condition of obtaining a license. However, the
18 secretary of state may inquire whether an operator or chauffeur
19 would like to provide emergency contact information **and shall allow**
20 **an operator or chauffeur that meets the requirements of subsection**
21 **(21) to elect a communication impediment designation.** Emergency
22 contact information obtained under this subsection ~~shall~~**must** 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
28 appropriate system that limits access to law enforcement that would
29 allow law enforcement agencies of this state to access emergency



1 contact information **and to view a communication impediment**
 2 **designation** that the holder of an operator's license has
 3 voluntarily provided to the secretary of state. ~~As used in this~~
 4 ~~subsection, "emergency contact information" means the name,~~
 5 ~~telephone number, or address of an individual that is used for the~~
 6 ~~sole purpose of contacting that individual when the holder of an~~
 7 ~~operator's license has been involved in an emergency.~~

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

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

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

22 (17) A sticker or decal may be provided by any person,
 23 hospital, school, medical group, or association interested in
 24 assisting in implementing an emergency medical information card,
 25 but ~~shall~~**must** meet the specifications of the secretary of state.
 26 An emergency medical information card may contain information
 27 concerning the licensee's patient advocate designation, other
 28 emergency medical information, or an indication as to where the
 29 licensee has stored or registered emergency medical information.



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

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

14 (20) If an operator's or chauffeur's license is issued to an
15 individual described in section 307(1)(b) who has temporary lawful
16 status, the license ~~shall~~**must** be issued in compliance with 6 CFR
17 37.21 or in compliance with the process established to comply with
18 6 CFR 37.71 by the secretary of state. ~~As used in this subsection,~~
19 ~~"temporary lawful status" means that term as defined in 6 CFR 37.3.~~

20 (21) **An operator or chauffeur seeking an election for a**
21 **communication impediment designation under subsection (13) shall**
22 **provide to the secretary of state a certification that meets all of**
23 **the following:**

24 (a) **Is signed by a physician, physician assistant, certified**
25 **nurse practitioner, or physical therapist licensed to practice in**
26 **this state.**

27 (b) **Identifies the individual for whom the communication**
28 **impediment designation is being elected.**

29 (c) **Attests to the nature of the communication impediment.**



1 (22) A person who intentionally makes a false statement of
2 material fact or commits or attempts to commit a deception or fraud
3 on a statement described under subsection (21) is guilty of a
4 misdemeanor punishable by imprisonment for not more than 30 days or
5 a fine of not more than \$500.00, or both.

6 (23) Subject to subsection (24), the secretary of state may
7 cancel or revoke a communication impediment designation elected and
8 maintained under this section if either of the following
9 circumstances applies:

10 (a) The secretary of state determines that a communication
11 impediment designation was fraudulently or erroneously elected.

12 (b) The secretary of state determines the communication
13 impediment designation was abused during a traffic stop.

14 (24) The secretary of state shall provide the operator or
15 chauffeur notice and an opportunity to be heard before canceling or
16 revoking a communication impediment designation under subsection
17 (23).

18 (25) As used in this section:

19 (a) "Communication impediment" means the operator or chauffeur
20 has a health condition that may impede communication with a police
21 officer during a traffic stop, including, but not limited to, any
22 of the following:

23 (i) Deafness or hearing loss.

24 (ii) An autism spectrum disorder.

25 (b) "Emergency contact information" means the name, telephone
26 number, or address of an individual that is used for the sole
27 purpose of contacting that individual when the holder of an
28 operator's license has been involved in an emergency.

29 (c) "Temporary lawful status" means that term as defined in 6



1 CFR 37.3.

2 (d) "Veteran" means that term as defined in section 1 of 1965
3 PA 190, MCL 35.61.

4 Enacting section 1. This amendatory act takes effect July 1,
5 2021.

