

**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) or in another appropriate system that limits access to law enforcement that would allow law enforcement agencies of this state 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 1 or more of
20 the following health conditions that may impede communication with
21 a police officer during a traffic stop:

22 (a) Deafness or hearing loss.

23 (b) An autism disorder.

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



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

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

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

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

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

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

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



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

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

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

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

(6) The license ~~shall~~**must** be manufactured in a manner to prohibit as nearly as possible the ability to reproduce, alter,



1 counterfeit, forge, or duplicate the license without ready
2 detection. In addition, a license with a vehicle group designation
3 ~~shall~~**must** contain the information required under 49 CFR part 383.

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

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

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

26 (c) If the intent of the reproduction, alteration,
27 counterfeiting, forging, duplication, or use is to commit or aid in
28 the commission of an offense that is a misdemeanor punishable by
29 imprisonment for less than 6 months, the person committing the



1 reproduction, alteration, counterfeiting, forging, duplication, or
2 use is guilty of a misdemeanor punishable by imprisonment for not
3 more than 1 year or a fine of not more than \$2,000.00, or both.

4 (8) Except as provided in subsections (11) and (16), a person
5 who sells, or who possesses with the intent to deliver to another,
6 a reproduced, altered, counterfeited, forged, or duplicated license
7 photograph, negative of the photograph, image, license, or
8 electronic data contained on a license or part of a license is
9 guilty of a felony punishable by imprisonment for not more than 5
10 years or a fine of not more than \$10,000.00, or both.

11 (9) Except as provided in subsections (11) and (16), a person
12 who is in possession of 2 or more reproduced, altered,
13 counterfeited, forged, or duplicated license photographs, negatives
14 of the photograph, images, licenses, or electronic data contained
15 on a license or part of a license is guilty of a felony punishable
16 by imprisonment for not more than 5 years or a fine of not more
17 than \$10,000.00, or both.

18 (10) Except as provided in subsection (16), a person who is in
19 possession of a reproduced, altered, counterfeited, forged, or
20 duplicated license photograph, negative of the photograph, image,
21 license, or electronic data contained on a license or part of a
22 license is guilty of a misdemeanor punishable by imprisonment for
23 not more than 1 year or a fine of not more than \$2,000.00, or both.

24 (11) Subsections (7)(a) and (b), (8), and (9) do not apply to
25 a minor whose intent is to violate section 703 of the Michigan
26 liquor control code of 1998, 1998 PA 58, MCL 436.1703.

27 (12) The secretary of state, upon determining after an
28 examination that an applicant is mentally and physically qualified
29 to receive a license, may issue the applicant a temporary driver's



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

10 (13) An operator or chauffeur may indicate on the license in a
11 place designated by the secretary of state his or her blood type,
12 emergency contact information, immunization data, medication data,
13 or a statement that the licensee is deaf. The secretary of state
14 shall not require an applicant for an original or renewal
15 operator's or chauffeur's license to provide emergency contact
16 information as a condition of obtaining a license. However, the
17 secretary of state may inquire whether an operator or chauffeur
18 would like to provide emergency contact information **and shall allow**
19 **an operator or chauffeur that meets the requirements of subsection**
20 **(21) to elect a communication impediment designation.** Emergency
21 contact information obtained under this subsection ~~shall~~**must** be
22 disclosed only to a state or federal law enforcement agency for law
23 enforcement purposes or to the extent necessary for a medical
24 emergency. No later than January 1, 2017, the secretary of state
25 shall develop and shall, in conjunction with the department of
26 state police, implement a process using the L.E.I.N. or any other
27 appropriate system that limits access to law enforcement that would
28 allow law enforcement agencies of this state to access emergency
29 contact information **and to view a communication impediment**



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

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

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

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

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

29 (18) The secretary of state shall inquire of each licensee, in



1 person or by mail, whether the licensee agrees to participate in
2 the anatomical gift donor registry under part 101 of the public
3 health code, 1978 PA 368, MCL 333.10101 to 333.10123.

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

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

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

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

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

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

29 (22) 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 (21) 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 (23) Subject to subsection (24), 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 (24) The secretary of state shall provide the operator or
14 chauffeur notice and an opportunity to be heard before canceling or
15 revoking a communication impediment designation under subsection
16 (23).

17 (25) As used in this section:

18 (a) "Communication impediment" means the operator or chauffeur
19 has 1 or more of the following health conditions that may impede
20 communication with a police officer during a traffic stop:

21 (i) Deafness or hearing loss.

22 (ii) An autism disorder.

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

27 (c) "Temporary lawful status" means that term as defined in 6
28 CFR 37.3.

29 (d) "Veteran" means that term as defined in section 1 of 1965



1 PA 190, MCL 35.61.

2 Enacting section 1. This amendatory act takes effect July 1,
3 2021.

