

HOUSE BILL NO. 5788

May 19, 2020, Introduced by Reps. Warren, Tate, Sowerby, Cynthia Johnson, Lasinski and Brixie and referred to the Committee on Elections and Ethics.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 307 and 315 (MCL 257.307 and 257.315), section 307 as amended by 2018 PA 604 and section 315 as amended by 2008 PA 7.

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



1 citizen of the United States, the applicant shall supply a
2 photographic identity document, a birth certificate, or other
3 sufficient documents as the secretary of state may require, to
4 verify the identity and citizenship of the applicant. If an
5 applicant for an operator's or chauffeur's license is not a citizen
6 of the United States, the applicant shall supply a photographic
7 identity document and other sufficient documents to verify the
8 identity of the applicant and the applicant's legal presence in the
9 United States under subdivision (b). The documents required under
10 this subsection must include the applicant's full legal name, date
11 of birth, and address and residency and demonstrate that the
12 applicant is a citizen of the United States or is legally present
13 in the United States. If the applicant's full legal name differs
14 from the name of the applicant that appears on a document presented
15 under this subsection, the applicant shall present documents to
16 verify his or her current full legal name. The secretary of state
17 shall accept as 1 of the required identification documents an
18 identification card issued by the department of corrections to
19 prisoners who are placed on parole or released from a correctional
20 facility, containing the prisoner's legal name, photograph, and
21 other information identifying the prisoner as provided in section
22 37(4) of the corrections code of 1953, 1953 PA 232, MCL 791.237. An
23 application for an operator's or chauffeur's license must be made
24 in a manner prescribed by the secretary of state and must contain
25 all of the following:

26 (a) The applicant's full legal name, date of birth, residence
27 address, height, sex, eye color, signature, intent to make an
28 anatomical gift, other information required or permitted on the
29 license under this chapter, and, only to the extent required to



1 comply with federal law, the applicant's Social Security number.
2 The applicant may provide a mailing address if the applicant
3 receives mail at an address different from his or her residence
4 address.

5 (b) If the applicant is not a citizen of the United States,
6 the applicant shall provide, and the department shall verify,
7 documents demonstrating his or her legal presence in the United
8 States. Nothing in this act shall obligate or be construed to
9 obligate this state to comply with title II of the real ID act of
10 2005, Public Law 109-13. The secretary of state may adopt rules
11 under the administrative procedures act of 1969, 1969 PA 306, MCL
12 24.201 to 24.328, as are necessary for the administration of this
13 subdivision. A determination by the secretary of state that an
14 applicant is not legally present in the United States may be
15 appealed under section 631 of the revised judicature act of 1961,
16 1961 PA 236, MCL 600.631. The secretary of state shall not issue an
17 operator's license or a chauffeur's license to an applicant
18 described in this subdivision for a term that exceeds the duration
19 of the applicant's legal presence in the United States.

20 ~~(c) The following notice must be included to inform the~~
21 ~~applicant that under sections 509o and 509r of the Michigan~~
22 ~~election law, 1954 PA 116, MCL 168.509o and 168.509r, the secretary~~
23 ~~of state is required to use the residence address provided on this~~
24 ~~application as the applicant's residence address on the qualified~~
25 ~~voter file for voter registration and voting:~~

26 ~~"NOTICE: Michigan law requires that the same address~~
27 ~~be used for voter registration and driver license~~
28 ~~purposes. Therefore, if the residence address~~
29 ~~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
 information of your polling place, will be provided
 to you by the clerk of the jurisdiction where your
 residence address is located."~~

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

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

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

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

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



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

3 (e) ~~(f)~~—An applicant for an operator's or chauffeur's license
4 with a vehicle group designation and a hazardous material
5 indorsement shall provide his or her fingerprints as prescribed by
6 state and federal law.

7 (f) ~~(g)~~—For automatic voter registration purposes under
8 section 493a of the Michigan election law, 1954 PA 116, MCL
9 168.493a, a space for the applicant to indicate on the application
10 or change of address application whether he or she is a citizen of
11 the United States.

12 (g) ~~(h)~~—A space to allow the applicant to indicate that the
13 applicant declines to use the application as a voter registration
14 application.

15 (2) An applicant for an operator's or chauffeur's license may
16 have his or her image and signature captured or reproduced when the
17 application for the license is made. The secretary of state shall
18 acquire equipment purchased or leased under this section under
19 standard purchasing procedures of the department of technology,
20 management, and budget based on standards and specifications
21 established by the secretary of state. The secretary of state shall
22 not purchase or lease equipment until an appropriation for the
23 equipment has been made by the legislature. A digital photographic
24 image and signature captured under this section must appear on the
25 applicant's operator's license or chauffeur's license. A person's
26 digital photographic image and signature shall be used as follows:

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

29 (b) By the secretary of state for a use specifically



1 authorized by law.

2 (c) By the secretary of state for forwarding to the department
3 of state police the images of persons required to be registered
4 under the sex offenders registration act, 1994 PA 295, MCL 28.721
5 to 28.736, upon the department of state police providing the
6 secretary of state an updated list of the names of those persons.

7 (d) By the secretary of state for forwarding to the department
8 of state police as provided in section 5c of 1927 PA 372, MCL
9 28.425c.

10 (e) By the secretary of state for forwarding to the department
11 of licensing and regulatory affairs the images of applicants for an
12 official state registry identification card issued under section 6
13 of the Michigan ~~medical marihuana act~~, **Medical Marihuana Act**, 2008
14 IL 1, MCL 333.26426, if the department of licensing and regulatory
15 affairs promulgates rules requiring a photograph as a design
16 element for an official state registry identification card.

17 (f) As necessary to comply with a law of this state or of the
18 United States.

19 (3) An application must contain a signature or verification
20 and certification by the applicant, as determined by the secretary
21 of state, and must be accompanied by the proper fee. The secretary
22 of state shall collect the application fee with the application.
23 The secretary of state shall refund the application fee to the
24 applicant if the license applied for is denied, but shall not
25 refund the fee to an applicant who fails to complete the
26 examination requirements of the secretary of state within 90 days
27 after the date of application for a license.

28 (4) In conjunction with the application for an original or
29 renewal operator's license or chauffeur's license, the secretary of



1 state shall do all of the following:

2 (a) If the applicant is not a participant in the anatomical
3 gift donor registry program, specifically inquire, either orally or
4 in writing, whether the applicant wishes to participate in the
5 anatomical gift donor registry program under part 101 of the public
6 health code, 1978 PA 368, MCL 333.10101 to 333.10123. If the
7 secretary of state or an employee of the secretary of state fails
8 to inquire whether an applicant wishes to participate in the
9 anatomical gift donor registry program as required by this
10 subdivision, neither the secretary of state nor the employee is
11 civilly or criminally liable for the failure to make the inquiry.

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

13 (i) Information explaining the applicant's right to make an
14 anatomical gift in the event of death in accordance with section
15 310.

16 (ii) Information describing the anatomical gift donor registry
17 program under part 101 of the public health code, 1978 PA 368, MCL
18 333.10101 to 333.10123. The information required under this
19 subparagraph includes the address and telephone number of
20 Michigan's federally designated organ procurement organization as
21 that term is defined in section 10102 of the public health code,
22 1978 PA 368, MCL 333.10102, or its successor organization.

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

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

29 (d) Inform the applicant that, if he or she indicates to the



1 secretary of state under this section a willingness to have his or
2 her name placed on the donor registry described in subdivision
3 (b) (ii), the secretary of state will mark the applicant's record for
4 the donor registry.

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

7 (a) Providing printed material enclosed with a mailed notice
8 for an operator's or chauffeur's license renewal or the issuance of
9 an operator's or chauffeur's license.

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

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

14 (6) The secretary of state shall maintain a record of an
15 individual who indicates a willingness to have his or her name
16 placed on the donor registry described in subsection (4) (b) (ii).
17 Information about an applicant's indication of a willingness to
18 have his or her name placed on the donor registry that is obtained
19 by the secretary of state under subsection (4) and forwarded under
20 subsection (14) is exempt from disclosure under section 13(1) (d) of
21 the freedom of information act, 1976 PA 442, MCL 15.243. The
22 secretary of state is not required to maintain a record of an
23 individual who does not indicate a willingness to have his or her
24 name placed on the donor registry described in subsection (4) (b) (ii)
25 or an individual who does not respond to an inquiry under
26 subsection (4) (a).

27 (7) If an application is received from a person previously
28 licensed in another jurisdiction, the secretary of state shall
29 request a copy of the applicant's driving record and other



1 available information from the National Driver Register. When
2 received, the driving record and other available information become
3 a part of the driver's record in this state.

4 (8) If a person applies for a commercial learner's permit for
5 an original vehicle group designation or indorsement to operate a
6 commercial motor vehicle, the secretary of state may verify the
7 person's identity, may require proof of Michigan domicile under 49
8 CFR 383.5, and may verify the person's proof of United States
9 citizenship or proof of lawful permanent residency as required
10 under 49 CFR 383.71 and 383.73, if that information is not on the
11 person's Michigan driving record. If a person applies for a renewal
12 of an operator's or chauffeur's license to operate a commercial
13 motor vehicle, the secretary of state may verify the person's
14 identity, may require proof of Michigan domicile under 49 CFR
15 383.5, and may verify the person's proof of citizenship or lawful
16 permanent residency under 49 CFR 383.71 and 383.73, if that
17 information is not on the person's Michigan driving record. If a
18 person applies for an upgrade of a vehicle group designation or
19 indorsement, the secretary of state may verify the person's
20 identity, may require proof of Michigan domicile under 49 CFR
21 383.5, and may verify the person's proof of citizenship or lawful
22 permanent residency under 49 CFR 383.71 and 383.73, if that
23 information is not on the person's Michigan driving record. The
24 secretary of state shall request the person's complete driving
25 record from all states where the applicant was previously licensed
26 to drive any type of motor vehicle over the last 10 years before
27 issuing a vehicle group designation or indorsement to the
28 applicant. If the applicant does not hold a valid commercial motor
29 vehicle driver license from a state where he or she was licensed in



1 the last 10 years, this complete driving record request must be
2 made not earlier than 24 hours before the secretary of state issues
3 the applicant a vehicle group designation or indorsement. For all
4 other drivers, this request must be made not earlier than 10 days
5 before the secretary of state issues the applicant a vehicle group
6 designation or indorsement. If the application is for the renewal
7 of a vehicle group designation or indorsement, and if the secretary
8 of state enters on the person's driving record maintained under
9 section 204a a notation that the request was made and the date of
10 the request, the secretary of state is required to request the
11 applicant's complete driving record from other states only once
12 under this section. The secretary of state shall also check the
13 applicant's driving record with the National Driver Register and
14 the federal Commercial Driver's License Information System before
15 issuing that group designation or indorsement.

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



1 method, the secretary of state shall issue evidence of renewal to
2 indicate the date the license expires in the future. The department
3 of state police shall provide to the secretary of state updated
4 lists of persons required under section 5a of the sex offenders
5 registration act, 1994 PA 295, MCL 28.725a, to maintain a valid
6 operator's or chauffeur's license or official state personal
7 identification card.

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

12 (11) The secretary of state shall not disclose a Social
13 Security number obtained under subsection (1) to another person
14 except for use for 1 or more of the following purposes:

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

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

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

23 (d) With the department of health and human services, for
24 comparison with vital records maintained by the department of
25 health and human services under part 28 of the public health code,
26 1978 PA 368, MCL 333.2801 to 333.2899.

27 (e) As otherwise required by law.

28 (12) The secretary of state shall not display a person's
29 Social Security number on the person's operator's or chauffeur's



1 license.

2 (13) A requirement under this section to include a Social
3 Security number on an application does not apply to an applicant
4 who demonstrates that he or she is exempt under law from obtaining
5 a Social Security number.

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

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

20 (16) The secretary of state shall not issue an operator's
21 license or a chauffeur's license to a person holding an operator's
22 license or chauffeur's license issued by another state without
23 confirmation that the person is terminating or has terminated the
24 operator's license or chauffeur's license issued by the other
25 state.

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

27 (a) Ensure the physical security of locations where operator's
28 licenses and chauffeur's licenses are produced and the security of
29 document materials and papers from which operator's licenses and



1 chauffeur's licenses are produced.

2 (b) Subject all persons authorized to manufacture or produce
3 operator's licenses or chauffeur's licenses and all persons who
4 have the ability to affect the identity information that appears on
5 operator's licenses or chauffeur's licenses to appropriate security
6 clearance requirements. The security requirements of this
7 subdivision and subdivision (a) may require that licenses be
8 manufactured or produced in this state.

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

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

16 Sec. 315. (1) An operator or chauffeur who changes his or her
17 residence before the expiration of a license granted under this
18 chapter shall immediately notify the secretary of state of his or
19 her new residence address. A change of address notification ~~shall~~
20 **must** be in a manner prescribed by the secretary of state and may
21 include notification by personally appearing at a branch office of
22 the secretary of state or other location designated by the
23 secretary of state, or a notification by mail, telephone,
24 electronically, by submitting a voter registration application
25 unless the person registers to vote in a city, village, or township
26 that prohibits the operation of motor vehicles by law or ordinance,
27 or by any other means prescribed by the secretary of state. ~~The~~
28 ~~secretary of state shall provide the person changing his or her~~
29 ~~residence address the notice required by section 307(1)(c) that,~~



1 ~~under sections 509o and 509r of the Michigan election law, 1954 PA~~
 2 ~~116, MCL 168.509o and 168.509r, the secretary of state is required~~
 3 ~~to use the residence address provided on this change of address~~
 4 ~~application as the person's residence address on the qualified~~
 5 ~~voter file for voter registration and voting. However, a **A** person~~
 6 may submit to the secretary of state a mailing address that is
 7 different than his or her residence address.

8 (2) Upon receiving a change of address notification, the
 9 secretary of state shall change the person's driver license record
 10 to indicate the new residence address. The secretary of state shall
 11 provide the person with a new license or a label or some other
 12 mechanism containing the new residence address. Upon receipt of the
 13 label or other mechanism, the person shall affix the label or
 14 mechanism to his or her operator's or chauffeur's license as
 15 prescribed by the secretary of state. If the secretary of state
 16 furnished the person with a new license, the person shall destroy
 17 his or her old license and replace it with the new license.

18 (3) If a person fails to report a change of his or her
 19 residence address as required under this section and subsequently
 20 there is no response to a notice mailed to the residence address
 21 shown by the record of the secretary of state or if the person has
 22 provided the secretary of state a mailing address different from
 23 his or her residence address and there is no response to a notice
 24 mailed to that mailing address, the secretary of state may
 25 immediately suspend or revoke his or her license. A person who
 26 fails to report a change of his or her residence address is
 27 responsible for a civil infraction.

28 (4) A person shall not knowingly report a change of address to
 29 the secretary of state for himself or herself that is not his or



1 her residence address. A person shall not knowingly report a change
2 of address to the secretary of state for another person without the
3 consent of the other person. A person who is convicted of a
4 violation of this subsection is guilty of a misdemeanor punishable
5 by imprisonment for not more than 93 days or a fine of \$1,000.00,
6 or both. Upon receiving the abstract of a conviction under this
7 subsection, the secretary of state may suspend the person's
8 operator's or chauffeur's license for 6 months. The secretary of
9 state shall not issue a restricted license to the person during the
10 suspension.

11 (5) Upon a second or subsequent conviction under subsection
12 (4), a person is guilty of a misdemeanor punishable by imprisonment
13 for not more than 93 days or a fine of \$5,000.00, or both. Upon
14 receiving the abstract of a second or subsequent conviction under
15 subsection (4), the secretary of state shall revoke the person's
16 operator's or chauffeur's license.

17 (6) The suspension or revocation of an operator's or
18 chauffeur's license under subsection (4) or (5) is not appealable
19 under section 323.

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

22 Enacting section 2. This amendatory act does not take effect
23 unless Senate Bill No. ____ or House Bill No. 5789 (request no.
24 04102'19) of the 100th Legislature is enacted into law.

