

Act No. 93
Public Acts of 2020
Approved by the Governor
June 23, 2020
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**STATE OF MICHIGAN
100TH LEGISLATURE
REGULAR SESSION OF 2020**

Introduced by Senators Barrett, Hertel and Geiss

ENROLLED SENATE BILL No. 278

AN ACT to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of manufacturers, the manufacturers of certain devices, the manufacturers of automated technology, upfitters, owners, and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to regulate and certify the manufacturers of certain devices; to provide for approval and certification of installers and servicers of certain devices; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,” 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:

Sec. 221. (1) The secretary of state shall create and maintain a computerized central file of all applications for registration of motor vehicles and is not required to retain any other record of the application. The computerized central file must be interfaced with the law enforcement information network as provided in the C.J.I.S. policy council act, 1974 PA 163, MCL 28.211 to 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 must be available to state and federal agencies and the friend of the court as provided under section 4 of the C.J.I.S. policy council act, 1974 PA 163, MCL 28.214, and rules promulgated under that section. 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 material fact or commits or attempts to commit a deception or fraud on a statement described under subsection (4) is guilty of a misdemeanor punishable by imprisonment for not more than 30 days or a fine of not more than \$500.00, or both.

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

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

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

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

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

(a) Deafness or hearing loss.

(b) An autism spectrum disorder.

Sec. 310. (1) The secretary of state shall issue an operator's license to each person licensed as an operator and a chauffeur's license to each person licensed as a chauffeur. An applicant for a motorcycle indorsement under section 312a or a vehicle group designation or indorsement shall first qualify for an operator's or chauffeur's license before the indorsement or vehicle group designation application is accepted and processed. An original license or the first renewal of an existing license issued to a person less than 21 years of age must be portrait or vertical in form and a license issued to a person 21 years of age or over must be landscape or horizontal in form.

(2) The license issued under subsection (1) must contain all of the following:

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

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

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

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

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

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

(4) The license 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 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 must not contain the driving record or other personal identifier. The license must identify the encoded information.

(6) The license must be manufactured in a manner to prohibit as nearly as possible the ability to reproduce, alter, counterfeit, forge, or duplicate the license without ready detection. In addition, a license with a vehicle group designation must contain the information required under 49 CFR part 383.

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

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

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

(c) If the intent of the reproduction, alteration, counterfeiting, forging, duplication, or use is to commit or aid in the commission of an offense that is a misdemeanor punishable by imprisonment for less than 6 months, the person committing the reproduction, alteration, counterfeiting, forging, duplication, or use is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$2,000.00, or both.

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

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

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

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

(12) The secretary of state, upon determining after an examination that an applicant is mentally and physically qualified to receive a license, may issue the applicant a temporary driver's permit. The temporary driver's permit entitles the applicant, while having the permit in his or her immediate possession, to operate a motor vehicle upon the highway for a period not exceeding 60 days before the secretary of state has issued the applicant an operator's or chauffeur's license. The secretary of state may establish a longer duration for the validity of a temporary driver's permit if necessary to accommodate the process of obtaining a background check that is required for an applicant by federal law.

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

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

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

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

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

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

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

(20) If an operator's or chauffeur's license is issued to an individual described in section 307(1)(b) who has temporary lawful status, the license must be issued in compliance with 6 CFR 37.21 or in compliance with the process established to comply with 6 CFR 37.71 by the secretary of state.

(21) An operator or chauffeur seeking an election for a communication impediment designation under subsection (13) 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.

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

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

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

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

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

(25) As used in this section:

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

(i) Deafness or hearing loss.

(ii) An autism spectrum disorder.

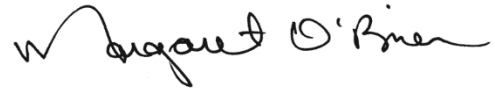
(b) "Emergency contact information" means the name, telephone number, or address of an individual that is used for the sole purpose of contacting that individual when the holder of an operator's license has been involved in an emergency.

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

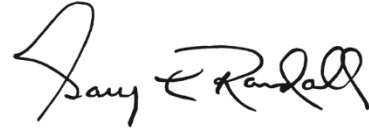
(d) "Veteran" means that term as defined in section 1 of 1965 PA 190, MCL 35.61.

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

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved _____

Governor