

HOUSE BILL NO. 4364

February 25, 2021, Introduced by Reps. Lilly and Sneller and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 221 and 310 (MCL 257.221 and 257.310), as amended by 2020 PA 93.

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 must be interfaced

1 with the law enforcement information network as provided in the
2 C.J.I.S. policy council act, 1974 PA 163, MCL 28.211 to 28.215.

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

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

20 (4) An owner of a motor vehicle seeking an election for a
21 communication impediment designation under subsection (3) 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, **audiologist, speech-language pathologist,**
26 **psychologist,** or physical therapist licensed to practice in this
27 state.

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

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

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

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

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

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

15 (7) The secretary of state shall provide the owner of a motor
16 vehicle notice and an opportunity to be heard before canceling or
17 revoking a communication impediment designation under subsection
18 (6).

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

25 (a) Deafness or hearing loss.

26 (b) An autism spectrum disorder.

27 Sec. 310. (1) The secretary of state shall issue an operator's
28 license to each person licensed as an operator and a chauffeur's
29 license to each person licensed as a chauffeur. An applicant for a

1 motorcycle indorsement under section 312a or a vehicle group
2 designation or indorsement shall first qualify for an operator's or
3 chauffeur's license before the indorsement or vehicle group
4 designation application is accepted and processed. An original
5 license or the first renewal of an existing license issued to a
6 person less than 21 years of age must be portrait or vertical in
7 form and a license issued to a person 21 years of age or over must
8 be landscape or horizontal in form.

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

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

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

16 (c) In the case of a licensee who has indicated his or her
17 wish to participate in the anatomical gift donor registry under
18 part 101 of the public health code, 1978 PA 368, MCL 333.10101 to
19 333.10123, a heart insignia on the front of the license.

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

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

1 the purposes of verifying an individual's status as a veteran under
2 this subdivision. The secretary of state shall consult with the
3 department of military and veterans affairs in determining the
4 proof that must be required to identify an individual's status as a
5 veteran for the purposes of this subsection. The secretary of state
6 may provide the department of military and veterans affairs and
7 agencies of the counties of this state that provide veteran
8 services with information provided by an applicant under this
9 subsection for the purpose of veterans' benefits eligibility
10 referral.

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

14 (4) The license must not contain a fingerprint or finger image
15 of the licensee.

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

27 (6) The license must be manufactured in a manner to prohibit
28 as nearly as possible the ability to reproduce, alter, counterfeit,
29 forge, or duplicate the license without ready detection. In

1 addition, a license with a vehicle group designation must contain
2 the information required under 49 CFR part 383.

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

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

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

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

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

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

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

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

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

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

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

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

1 voluntarily provided to the secretary of state.

2 (14) An operator or chauffeur may indicate on the license in a
3 place designated by the secretary of state that he or she has
4 designated a patient advocate in accordance with sections 5506 to
5 5515 of the estates and protected individuals code, 1998 PA 386,
6 MCL 700.5506 to 700.5515.

7 (15) If the applicant provides proof to the secretary of state
8 that he or she is a minor who has been emancipated under 1968 PA
9 293, MCL 722.1 to 722.6, the license must bear the designation of
10 the individual's emancipated status in a manner prescribed by the
11 secretary of state.

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

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

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

28 (19) A licensee who has agreed to participate in the
29 anatomical gift donor registry under part 101 of the public health

1 code, 1978 PA 368, MCL 333.10101 to 333.10123, must not be
2 considered to have revoked that agreement solely because the
3 licensee's license has been revoked or suspended or has expired.
4 Enrollment in the donor registry constitutes a legal agreement that
5 remains binding and in effect after the donor's death regardless of
6 the expressed desires of the deceased donor's next of kin who may
7 oppose the donor's anatomical gift.

8 (20) If an operator's or chauffeur's license is issued to an
9 individual described in section 307(1)(b) who has temporary lawful
10 status, the license must be issued in compliance with 6 CFR 37.21
11 or in compliance with the process established to comply with 6 CFR
12 37.71 by the secretary of state.

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

17 (a) Is signed by a physician, physician assistant, certified
18 nurse practitioner, **audiologist, speech-language pathologist,**
19 **psychologist,** or physical therapist licensed to practice in this
20 state.

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

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

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

29 (23) Subject to subsection (24), the secretary of state may

1 cancel or revoke a communication impediment designation elected and
2 maintained under this section if either of the following
3 circumstances applies:

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

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

8 (24) The secretary of state shall provide the operator or
9 chauffeur notice and an opportunity to be heard before canceling or
10 revoking a communication impediment designation under subsection
11 (23).

12 (25) As used in this section:

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

17 (i) Deafness or hearing loss.

18 (ii) An autism spectrum disorder.

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

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

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

27 Enacting section 1. This amendatory act takes effect July 1,
28 2021.