

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,** or
26 physical therapist licensed to practice in 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 (5) 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 (4) 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 (6) Subject to subsection (7), 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 (7) The secretary of state shall provide the owner of a motor
15 vehicle notice and an opportunity to be heard before canceling or
16 revoking a communication impediment designation under subsection
17 (6).

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

24 (a) Deafness or hearing loss.

25 (b) An autism spectrum disorder.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 the information required under 49 CFR part 383.

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

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

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

24 (c) If the intent of the reproduction, alteration,
25 counterfeiting, forging, duplication, or use is to commit or aid in
26 the commission of an offense that is a misdemeanor punishable by
27 imprisonment for less than 6 months, the person committing the
28 reproduction, alteration, counterfeiting, forging, duplication, or
29 use is guilty of a misdemeanor punishable by imprisonment for not

1 more than 1 year or a fine of not more than \$2,000.00, or both.

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

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

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

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

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

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

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

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

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

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

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

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

27 (19) A licensee who has agreed to participate in the
28 anatomical gift donor registry under part 101 of the public health
29 code, 1978 PA 368, MCL 333.10101 to 333.10123, must not be

1 considered to have revoked that agreement solely because the
2 licensee's license has been revoked or suspended or has expired.
3 Enrollment in the donor registry constitutes a legal agreement that
4 remains binding and in effect after the donor's death regardless of
5 the expressed desires of the deceased donor's next of kin who may
6 oppose the donor's anatomical gift.

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

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

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

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

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

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

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

1 circumstances applies:

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

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

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

10 (25) As used in this section:

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

15 (i) Deafness or hearing loss.

16 (ii) An autism spectrum disorder.

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

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

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

25 Enacting section 1. This amendatory act takes effect July 1,
26 2021.