

HOUSE BILL NO. 5470

October 21, 2021, Introduced by Reps. Anthony, Aiyash, Huizenga, Breen, Young, Hood, Tyrone Carter, Ellison, Bolden, Green, Cavanagh, Scott, Puri, Camilleri and Whitsett and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 310 (MCL 257.310), as amended by 2020 PA 304.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 310. (1) The secretary of state shall issue an operator's
2 license to each person licensed as an operator and a chauffeur's
3 license to each person licensed as a chauffeur. An applicant for a
4 motorcycle indorsement under section 312a or a vehicle group
5 designation or indorsement shall first qualify for an operator's or

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

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

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

11 (b) Except as provided in section 310f, the full legal name,
12 date of birth, address of residence, height, eye color, sex,
13 digital photographic image, expiration date, and signature of the
14 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) **The secretary of state shall make the license issued under**
16 **subsection (1) available in a digital format. The secretary of**
17 **state may enter into a contract with a vendor in order to make**
18 **digitized licenses issued pursuant to this subsection available in**
19 **this state.** A digitized license may contain an identifier for voter
20 registration purposes. ~~The~~ **A digitized license may** ~~may~~ **must** contain
21 ~~information~~ **all of the following:**

22 (a) **Information** appearing in electronic or machine-readable
23 codes needed to conduct a transaction with the secretary of state.
24 ~~The information must be limited to the information~~

25 (b) **A QR code that allows the digitized license to be scanned**
26 **and read.**

27 (c) **Information** described in subsection (2)(a) and (b) except
28 for the ~~person's~~ **individual's** digital photographic image and
29 signature, state of issuance, license expiration date, and other

1 information necessary for use with electronic devices, machine
2 readers, or automatic teller machines and must not contain the
3 driving record or other personal identifier. The **digitized** license
4 must identify the encoded information.

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

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

17 (a) 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 10 or more years, 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 10 years or a fine of not more than \$20,000.00, or both.

24 (b) 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 felony punishable by
27 imprisonment for less than 10 years or a misdemeanor punishable by
28 imprisonment for 6 months or more, the person committing the
29 reproduction, alteration, counterfeiting, forging, duplication, or

1 use is guilty of a felony, punishable by imprisonment for not more
2 than 5 years, or a fine of not more than \$10,000.00, or both.

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

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

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

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

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

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

16 (13) An operator or chauffeur may indicate on the license in a
17 place designated by the secretary of state his or her blood type,
18 emergency contact information, immunization data, medication data,
19 or a statement that the licensee is deaf. The secretary of state
20 shall not require an applicant for an original or renewal
21 operator's or chauffeur's license to provide emergency contact
22 information as a condition of obtaining a license. However, the
23 secretary of state may inquire whether an operator or chauffeur
24 would like to provide emergency contact information and, beginning
25 July 1, 2021, shall allow an operator or chauffeur that meets the
26 requirements of subsection (21) to elect a communication impediment
27 designation. Emergency contact information obtained under this
28 subsection must be disclosed only to a state or federal law
29 enforcement agency for law enforcement purposes or to the extent

1 necessary for a medical emergency. The secretary of state shall
2 develop and shall, in conjunction with the department of state
3 police, implement a process using the L.E.I.N. or any other
4 appropriate system that limits access to law enforcement that would
5 allow law enforcement agencies of this state to access emergency
6 contact information and, beginning July 1, 2021, to view a
7 communication impediment designation that the holder of an
8 operator's license has voluntarily provided to the secretary of
9 state.

10 (14) An operator or chauffeur may indicate on the license in a
11 place designated by the secretary of state that he or she has
12 designated a patient advocate in accordance with sections 5506 to
13 5515 of the estates and protected individuals code, 1998 PA 386,
14 MCL 700.5506 to 700.5515.

15 (15) If the applicant provides proof to the secretary of state
16 that he or she is a minor who has been emancipated under 1968 PA
17 293, MCL 722.1 to 722.6, the license must bear the designation of
18 the individual's emancipated status in a manner prescribed by the
19 secretary of state.

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

24 (17) A sticker or decal may be provided by any person,
25 hospital, school, medical group, or association interested in
26 assisting in implementing an emergency medical information card,
27 but must meet the specifications of the secretary of state. An
28 emergency medical information card may contain information
29 concerning the licensee's patient advocate designation, other

1 emergency medical information, or an indication as to where the
2 licensee has stored or registered emergency medical information.

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

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

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

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

25 (a) Is signed by a physician, physician assistant, certified
26 nurse practitioner, or physical therapist licensed to practice in
27 this 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 (22) 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 (21) 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 (23) Subject to subsection (24), 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 (24) The secretary of state shall provide the operator or
16 chauffeur notice and an opportunity to be heard before canceling or
17 revoking a communication impediment designation under subsection
18 (23).

19 (25) As used in this section:

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

24 (i) Deafness or hearing loss.

25 (ii) An autism spectrum disorder.

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

1 (c) "QR code" means a machine-readable code consisting of an
2 array of black and white squares, used for storing information for
3 reading by the camera on a smart cellular telephone or other
4 handheld technology.

5 (d) "Smart cellular telephone" or "other handheld technology"
6 means a cellular telephone or a similar handheld machine that
7 performs many of the functions of a computer, typically having a
8 touchscreen interface, internet access, and an operating system
9 capable of running downloaded applications.

10 (e) ~~(e)~~—"Temporary lawful status" means that term as defined
11 in 6 CFR 37.3.

12 (f) ~~(d)~~—"Veteran" means that term as defined in section 1 of
13 1965 PA 190, MCL 35.61.