

HOUSE BILL NO. 5573

November 30, 2021, Introduced by Reps. Bollin, Martin, Allor, Hall and Lightner and referred to the Committee on Elections and Ethics.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 307 (MCL 257.307), as amended by 2020 PA 376.

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
3 citizen of the United States, the applicant shall supply a
4 photographic identity document, a birth certificate, or other
5 sufficient documents as the secretary of state may require, to

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

23 (a) The applicant's full legal name, date of birth, residence
24 address, height, sex, eye color, signature, intent to make an
25 anatomical gift, other information required or permitted on the
26 license under this chapter, and, only to the extent required to
27 comply with federal law, the applicant's Social Security number.
28 The applicant may provide a mailing address if the applicant
29 receives mail at an address different from his or her residence

1 address.

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

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

1 "NOTICE: Michigan law requires that the same address be
2 used for voter registration and driver license purposes.
3 Therefore, if the residence address you provide in this
4 application differs from your voter registration address
5 as it appears on the qualified voter file, the secretary
6 of state will automatically change your voter registration
7 to match the residence address on this application, after
8 which your voter registration at your former address will
9 no longer be valid for voting purposes. A new voter
10 registration card, containing the information of your
11 polling place, will be provided to you by the clerk of the
12 jurisdiction where your residence address is located.".

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

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

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

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

28 (iii) The applicant is not subject to disqualification by the
29 United States Secretary of Transportation, or a suspension,

1 revocation, or cancellation under any state law for conviction of
2 an offense described in section 312f or 319b.

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

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

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

14 (h) A space to allow the applicant to indicate that the
15 applicant declines to use the application as a voter registration
16 application.

17 (i) Beginning ~~180 days after the effective date of the~~
18 ~~amendatory act that added this subdivision,~~**June 27, 2021,** an
19 applicant for an operator's or chauffeur's license who is a program
20 participant in the address confidentiality program under the
21 address confidentiality program act, **2020 PA 301, MCL 780.851 to**
22 **780.873,** shall present to the secretary of state his or her
23 participation card issued under the address confidentiality program
24 act, **2020 PA 301, MCL 780.851 to 780.873.**

25 (2) An applicant for an operator's or chauffeur's license may
26 have his or her image and signature captured or reproduced when the
27 application for the **operator's or chauffeur's** license is made.
28 **Beginning on the effective date of the amendatory act that added**
29 **this sentence, the secretary of state shall capture the applicant's**

signature for a renewal operator's or chauffeur's license. The signature captured for a renewal operator's or chauffeur's license must be used to replace the signature captured when the application for an operator's or chauffeur's license is made and be uploaded to the qualified voter file as required under section 509q of the Michigan election law, 1954 PA 116, MCL 168.509q. The secretary of state shall acquire equipment purchased or leased under this section under standard purchasing procedures of the department of technology, management, and budget based on standards and specifications established by the secretary of state. The secretary of state shall not purchase or lease equipment until an appropriation for the equipment has been made by the legislature. A digital photographic image and signature captured under this section must appear on the applicant's operator's license or chauffeur's license. An individual's digital photographic image and signature shall be used as follows:

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

(b) By the secretary of state for a use specifically authorized by law.

(c) By the secretary of state for forwarding to the department of state police the images of persons required to be registered under the sex offenders registration act, 1994 PA 295, MCL 28.721 to ~~28.736~~, **28.730**, upon the department of state police providing the secretary of state an updated list of the names of those persons.

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

1 (e) By the secretary of state for forwarding to the department
2 of licensing and regulatory affairs the images of applicants for an
3 official state registry identification card issued under section 6
4 of the Michigan Medical Marihuana Act, 2008 IL 1, MCL 333.26426, if
5 the department of licensing and regulatory affairs promulgates
6 rules requiring a photograph as a design element for an official
7 state registry identification card.

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

10 (3) An application must contain a signature or verification
11 and certification by the applicant, as determined by the secretary
12 of state, and must be accompanied by the proper fee. The secretary
13 of state shall collect the application fee with the application.
14 The secretary of state shall refund the application fee to the
15 applicant if the license applied for is denied, but shall not
16 refund the fee to an applicant who fails to complete the
17 examination requirements of the secretary of state within 90 days
18 after the date of application for a license.

19 (4) In conjunction with the application for an original or
20 renewal operator's license or chauffeur's license, the secretary of
21 state shall do all of the following:

22 (a) If the applicant is not a participant in the anatomical
23 gift donor registry program, specifically inquire, either orally or
24 in writing, whether the applicant wishes to participate in the
25 anatomical gift donor registry program under part 101 of the public
26 health code, 1978 PA 368, MCL 333.10101 to 333.10123. If the
27 secretary of state or an employee of the secretary of state fails
28 to inquire whether an applicant wishes to participate in the
29 anatomical gift donor registry program as required by this

1 subdivision, neither the secretary of state nor the employee is
2 civilly or criminally liable for the failure to make the inquiry.

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

4 (i) Information explaining the applicant's right to make an
5 anatomical gift in the event of death in accordance with section
6 310.

7 (ii) Information describing the anatomical gift donor registry
8 program under part 101 of the public health code, 1978 PA 368, MCL
9 333.10101 to 333.10123. The information required under this
10 subparagraph includes the address and telephone number of
11 Michigan's federally designated organ procurement organization as
12 that term is defined in section 10102 of the public health code,
13 1978 PA 368, MCL 333.10102, or its successor organization.

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

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

20 (d) Inform the applicant that, if he or she indicates to the
21 secretary of state under this section a willingness to have his or
22 her name placed on the donor registry described in subdivision
23 (b)(ii), the secretary of state will mark the applicant's record for
24 the donor registry.

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

27 (a) Providing printed material enclosed with a mailed notice
28 for an operator's or chauffeur's license renewal or the issuance of
29 an operator's or chauffeur's license.

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

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

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

18 (7) If an application is received from an individual
19 previously licensed in another jurisdiction, the secretary of state
20 shall request a copy of the applicant's driving record and other
21 available information from the National Driver Register. When
22 received, the driving record and other available information become
23 a part of the driver's record in this state.

24 (8) If an individual applies for a commercial learner's permit
25 for an original vehicle group designation or indorsement to operate
26 a commercial motor vehicle, the secretary of state may verify the
27 individual's identity, may require proof of Michigan domicile under
28 49 CFR 383.5, and may verify the individual's proof of United
29 States citizenship or proof of lawful permanent residency as

1 required under 49 CFR 383.71 and 383.73, if that information is not
2 on the individual's Michigan driving record. If an individual
3 applies for a renewal of an operator's or chauffeur's license to
4 operate a commercial motor vehicle, the secretary of state may
5 verify the individual's identity, may require proof of Michigan
6 domicile under 49 CFR 383.5, and may verify the individual's proof
7 of citizenship or lawful permanent residency under 49 CFR 383.71
8 and 383.73, if that information is not on the individual's Michigan
9 driving record. If an individual applies for an upgrade of a
10 vehicle group designation or indorsement, the secretary of state
11 may verify the individual's identity, may require proof of Michigan
12 domicile under 49 CFR 383.5, and may verify the individual's proof
13 of citizenship or lawful permanent residency under 49 CFR 383.71
14 and 383.73, if that information is not on the individual's Michigan
15 driving record. The secretary of state shall request the
16 individual's complete driving record from all states where the
17 applicant was previously licensed to drive any type of motor
18 vehicle over the last 10 years before issuing a vehicle group
19 designation or indorsement to the applicant. If the applicant does
20 not hold a valid commercial motor vehicle driver license from a
21 state where he or she was licensed in the last 10 years, this
22 complete driving record request must be made not earlier than 24
23 hours before the secretary of state issues the applicant a vehicle
24 group designation or indorsement. For all other drivers, this
25 request must be made not earlier than 10 days before the secretary
26 of state issues the applicant a vehicle group designation or
27 indorsement. If the application is for the renewal of a vehicle
28 group designation or indorsement, and if the secretary of state
29 enters on the individual's driving record maintained under section

1 204a a notation that the request was made and the date of the
2 request, the secretary of state is required to request the
3 applicant's complete driving record from other states only once
4 under this section. The secretary of state shall also check the
5 applicant's driving record with the National Driver Register and
6 the federal Commercial Driver's License Information System before
7 issuing that group designation or indorsement.

8 (9) The secretary of state may issue a renewal operator's or
9 chauffeur's license for 1 additional 4-year period ~~or beginning on~~
10 ~~July 1, 2021, for 2 additional 4-year periods,~~ or until the
11 individual is no longer determined to be legally present under this
12 section by mail or by other methods prescribed by the secretary of
13 state. The secretary of state may check the applicant's driving
14 record through the National Driver Register and the Commercial
15 Driver's License Information System before issuing a license under
16 this section. The secretary of state shall issue a renewal license
17 only in person if the individual is an individual required under
18 section 5a of the sex offenders registration act, 1994 PA 295, MCL
19 28.725a, to maintain a valid operator's or chauffeur's license or
20 official state personal identification card. If a license is
21 renewed by mail or by other method, the secretary of state shall
22 issue evidence of renewal to indicate the date the license expires
23 in the future. The department of state police shall provide to the
24 secretary of state updated lists of individuals required under
25 section 5a of the sex offenders registration act, 1994 PA 295, MCL
26 28.725a, to maintain a valid operator's or chauffeur's license or
27 official state personal identification card.

28 (10) Upon request, the secretary of state shall provide an
29 information manual to an applicant explaining how to obtain a

1 vehicle group designation or indorsement. The manual must contain
2 the information required under 49 CFR part 383.

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

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

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

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

14 (d) With the department of health and human services, for
15 comparison with vital records maintained by the department of
16 health and human services under part 28 of the public health code,
17 1978 PA 368, MCL 333.2801 to 333.2899.

18 (e) As otherwise required by law.

19 (12) The secretary of state shall not display an individual's
20 Social Security number **or any part of an individual's Social**
21 **Security number** on the individual's operator's or chauffeur's
22 license.

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

27 (14) As required in section 10120 of the public health code,
28 1978 PA 368, MCL 333.10120, the secretary of state shall maintain
29 the donor registry in a manner that provides electronic access,

1 including, but not limited to, the transfer of data to this state's
2 federally designated organ procurement organization or its
3 successor organization, tissue banks, and eye banks, in a manner
4 that complies with that section.

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

12 (16) The secretary of state shall not issue an operator's
13 license or a chauffeur's license to an individual holding an
14 operator's license or chauffeur's license issued by another state
15 without confirmation that the individual is terminating or has
16 terminated the operator's license or chauffeur's license issued by
17 the other state.

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

19 (a) Ensure the physical security of locations where operator's
20 licenses and chauffeur's licenses are produced and the security of
21 document materials and papers from which operator's licenses and
22 chauffeur's licenses are produced.

23 (b) Subject all persons authorized to manufacture or produce
24 operator's licenses or chauffeur's licenses and all persons who
25 have the ability to affect the identity information that appears on
26 operator's licenses or chauffeur's licenses to appropriate security
27 clearance requirements. The security requirements of this
28 subdivision and subdivision (a) may require that licenses be
29 manufactured or produced in this state.

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

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