

SUBSTITUTE FOR
HOUSE BILL NO. 4191

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~~**Except as otherwise provided in subsection**
2 **(19), if** an applicant for an operator's license or chauffeur's
3 license to operate a noncommercial motor vehicle is a citizen of
4 the United States, the applicant shall supply a photographic
5 identity document, a birth certificate, or other sufficient
6 documents as the secretary of state may require, to verify the
7 identity and citizenship of the applicant. If an applicant for an
8 operator's or chauffeur's license is not a citizen of the United
9 States, the applicant shall supply a photographic identity document

1 and other sufficient documents to verify the identity of the
2 applicant and the applicant's legal presence in the United States
3 under subdivision (b). The documents required under this subsection
4 must include the applicant's full legal name, date of birth, and
5 address and residency and demonstrate that the applicant is a
6 citizen of the United States or is legally present in the United
7 States. If the applicant's full legal name differs from the name of
8 the applicant that appears on a document presented under this
9 subsection, the applicant shall present documents to verify ~~his or~~
10 ~~her~~ **the applicant's** current full legal name. The secretary of state
11 shall accept as 1 of the required identification documents an
12 identification card issued by the department of corrections to
13 prisoners who are placed on parole or released from a correctional
14 facility, containing the prisoner's legal name, photograph, and
15 other information identifying the prisoner as provided in section
16 37(4) of the corrections code of 1953, 1953 PA 232, MCL 791.237. An
17 application for an operator's or chauffeur's license must be made
18 in a manner prescribed by the secretary of state and must contain
19 all of the following:

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

28 (b) If the applicant is not a citizen of the United States,
29 the applicant shall provide, and the department shall verify,

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

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

21 "NOTICE: Michigan law requires that the same address
22 be used for voter registration and driver license
23 purposes. Therefore, if the residence address
24 you provide in this application differs from your
25 voter registration address as it appears on the
26 qualified voter file, the secretary of state
27 will automatically change your voter registration
28 to match the residence address on this application,
29 after which your voter registration at your former

1 address will no longer be valid for voting purposes.
2 A new voter registration card, containing the
3 information of your polling place, will be provided
4 to you by the clerk of the jurisdiction where your
5 residence address is located.".

6 (d) For an original or renewal operator's or chauffeur's
7 license with a vehicle group designation or ~~indorsement,~~
8 **endorsement**, the names of all states where the applicant has been
9 licensed to drive any type of motor vehicle during the previous 10
10 years.

11 (e) For an operator's or chauffeur's license with a vehicle
12 group designation or ~~indorsement,~~**endorsement**, the following
13 certifications by the applicant:

14 (i) The applicant meets the applicable federal driver
15 qualification requirements under 49 CFR parts 383 and 391 or meets
16 the applicable qualifications of the department of state police
17 under the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11
18 to 480.25.

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

22 (iii) The applicant is not subject to disqualification by the
23 United States Secretary of Transportation, or a suspension,
24 revocation, or cancellation under any state law for conviction of
25 an offense described in section 312f or 319b.

26 (iv) The applicant does not have a driver's license from more
27 than 1 state or jurisdiction.

28 (f) An applicant for an operator's or chauffeur's license with
29 a vehicle group designation and a hazardous material ~~indorsement~~

1 **endorsement** shall provide ~~his or her~~ **the applicant's** fingerprints
2 as prescribed by state and federal law.

3 (g) For automatic voter registration purposes under section
4 493a of the Michigan election law, 1954 PA 116, MCL 168.493a, a
5 space for the applicant to indicate on the application or change of
6 address application whether ~~he or she~~ **the applicant** is a citizen of
7 the United States.

8 (h) A space to allow the applicant to indicate that the
9 applicant declines to use the application as a voter registration
10 application.

11 (i) Beginning ~~180 days after the effective date of the~~
12 ~~amendatory act that added this subdivision,~~ **June 27, 2021**, an
13 applicant for an operator's or chauffeur's license who is a program
14 participant in the address confidentiality program under the
15 address confidentiality program act, **2020 PA 301, MCL 780.851 to**
16 **780.873**, shall present to the secretary of state ~~his or her~~ **the**
17 **applicant's** participation card issued under the address
18 confidentiality program act, **2020 PA 301, MCL 780.851 to 780.873**.

19 (2) An applicant for an operator's or chauffeur's license may
20 have ~~his or her~~ **the applicant's** image and signature captured or
21 reproduced when the application for the license is made. The
22 secretary of state shall acquire equipment purchased or leased
23 under this section under standard purchasing procedures of the
24 department of technology, management, and budget based on standards
25 and specifications established by the secretary of state. The
26 secretary of state shall not purchase or lease equipment until an
27 appropriation for the equipment has been made by the legislature. A
28 digital photographic image and signature captured under this
29 section must appear on the applicant's operator's license or

1 chauffeur's license. An individual's digital photographic image and
2 signature ~~shall~~**must** be used as follows:

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

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

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

13 (d) By the secretary of state for forwarding to the department
14 of state police as provided in section 5c of 1927 PA 372, MCL
15 28.425c.

16 (e) By the secretary of state for forwarding to the department
17 of licensing and regulatory affairs the images of applicants for an
18 official state registry identification card issued under section 6
19 of the Michigan Medical Marihuana Act, 2008 IL 1, MCL 333.26426, if
20 the department of licensing and regulatory affairs promulgates
21 rules requiring a photograph as a design element for an official
22 state registry identification card.

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

25 (3) An application must contain a signature or verification
26 and certification by the applicant, as determined by the secretary
27 of state, and must be accompanied by the proper fee. The secretary
28 of state shall collect the application fee with the application.
29 The secretary of state shall refund the application fee to the

1 applicant if the license applied for is denied, but shall not
2 refund the fee to an applicant who fails to complete the
3 examination requirements of the secretary of state within 90 days
4 after the date of application for a license.

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

8 (a) If the applicant is not a participant in the anatomical
9 gift donor registry program, specifically inquire, either orally or
10 in writing, whether the applicant wishes to participate in the
11 anatomical gift donor registry program under part 101 of the public
12 health code, 1978 PA 368, MCL 333.10101 to 333.10123. If the
13 secretary of state or an employee of the secretary of state fails
14 to inquire whether an applicant wishes to participate in the
15 anatomical gift donor registry program as required by this
16 subdivision, neither the secretary of state nor the employee is
17 civilly or criminally liable for the failure to make the inquiry.

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

19 (i) Information explaining the applicant's right to make an
20 anatomical gift in the event of death in accordance with section
21 310.

22 (ii) Information describing the anatomical gift donor registry
23 program under part 101 of the public health code, 1978 PA 368, MCL
24 333.10101 to 333.10123. The information required under this
25 subparagraph includes the address and telephone number of
26 Michigan's federally designated organ procurement organization as
27 that term is defined in section 10102 of the public health code,
28 1978 PA 368, MCL 333.10102, or its successor organization.

29 (iii) Information giving the applicant the opportunity to be

1 placed on the donor registry described in subparagraph (ii).

2 (c) Provide the applicant with the opportunity to specify on
3 ~~his or her~~ **the applicant's** operator's or chauffeur's license that
4 ~~he or she~~ **the applicant** is willing to make an anatomical gift in
5 the event of death in accordance with section 310.

6 (d) Inform the applicant that, if ~~he or she~~ **the applicant**
7 indicates to the secretary of state under this section a
8 willingness to have ~~his or her~~ **the applicant's** name placed on the
9 donor registry described in subdivision (b) (ii), the secretary of
10 state will mark the applicant's record for the donor registry.

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

13 (a) Providing printed material enclosed with a mailed notice
14 for an operator's or chauffeur's license renewal or the issuance of
15 an operator's or chauffeur's license.

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

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

20 (6) The secretary of state shall maintain a record of an
21 individual who indicates a willingness to have ~~his or her~~ **the**
22 **individual's** name placed on the donor registry described in
23 subsection (4) (b) (ii). Information about an applicant's indication
24 of a willingness to have ~~his or her~~ **the applicant's** name placed on
25 the donor registry that is obtained by the secretary of state under
26 subsection (4) and forwarded under subsection (14) is exempt from
27 disclosure under section 13(1)(d) of the freedom of information
28 act, 1976 PA 442, MCL 15.243. The secretary of state is not
29 required to maintain a record of an individual who does not

1 indicate a willingness to have ~~his or her~~ **the individual's** name
2 placed on the donor registry described in subsection (4)(b)(ii) or
3 an individual who does not respond to an inquiry under subsection
4 (4)(a).

5 (7) If an application is received from an individual
6 previously licensed in another jurisdiction, the secretary of state
7 shall request a copy of the applicant's driving record and other
8 available information from the National Driver Register. When
9 received, the driving record and other available information become
10 a part of the driver's record in this state.

11 (8) If an individual applies for a commercial learner's permit
12 for an original vehicle group designation or ~~indorsement~~
13 **endorsement** to operate a commercial motor vehicle, the secretary of
14 state may verify the individual's identity, may require proof of
15 Michigan domicile under 49 CFR 383.5, and may verify the
16 individual's proof of United States citizenship or proof of lawful
17 permanent residency as required under 49 CFR 383.71 and 383.73, if
18 that information is not on the individual's Michigan driving
19 record. If an individual applies for a renewal of an operator's or
20 chauffeur's license to operate a commercial motor vehicle, the
21 secretary of state may verify the individual's identity, may
22 require proof of Michigan domicile under 49 CFR 383.5, and may
23 verify the individual's proof of citizenship or lawful permanent
24 residency under 49 CFR 383.71 and 383.73, if that information is
25 not on the individual's Michigan driving record. If an individual
26 applies for an upgrade of a vehicle group designation or
27 ~~indorsement~~, **endorsement**, the secretary of state may verify the
28 individual's identity, may require proof of Michigan domicile under
29 49 CFR 383.5, and may verify the individual's proof of citizenship

1 or lawful permanent residency under 49 CFR 383.71 and 383.73, if
2 that information is not on the individual's Michigan driving
3 record. The secretary of state shall request the individual's
4 complete driving record from all states where the applicant was
5 previously licensed to drive any type of motor vehicle over the
6 last 10 years before issuing a vehicle group designation or
7 ~~indorsement~~**endorsement** to the applicant. If the applicant does not
8 hold a valid commercial motor vehicle driver license from a state
9 where ~~he or she~~**the applicant** was licensed in the last 10 years,
10 this complete driving record request must be made not earlier than
11 24 hours before the secretary of state issues the applicant a
12 vehicle group designation or ~~indorsement~~**endorsement**. For all
13 other drivers, this request must be made not earlier than 10 days
14 before the secretary of state issues the applicant a vehicle group
15 designation or ~~indorsement~~**endorsement**. If the application is for
16 the renewal of a vehicle group designation or ~~indorsement~~**,**
17 **endorsement**, and if the secretary of state enters on the
18 individual's driving record maintained under section 204a a
19 notation that the request was made and the date of the request, the
20 secretary of state is required to request the applicant's complete
21 driving record from other states only once under this section. The
22 secretary of state shall also check the applicant's driving record
23 with the National Driver Register and the federal Commercial
24 Driver's License Information System before issuing that group
25 designation or ~~indorsement~~**endorsement**.

26 (9) The secretary of state may issue a renewal operator's or
27 chauffeur's license for 1 additional 4-year period or beginning on
28 July 1, 2021, for 2 additional 4-year periods, or until the
29 individual is no longer determined to be legally present under this

1 section by mail or by other methods prescribed by the secretary of
2 state. The secretary of state may check the applicant's driving
3 record through the National Driver Register and the Commercial
4 Driver's License Information System before issuing a license under
5 this section. The secretary of state shall issue a renewal license
6 only in person if the individual is an individual required under
7 section 5a of the sex offenders registration act, 1994 PA 295, MCL
8 28.725a, to maintain a valid operator's or chauffeur's license or
9 official state personal identification card. If a license is
10 renewed by mail or by other method, the secretary of state shall
11 issue evidence of renewal to indicate the date the license expires
12 in the future. The department of state police shall provide to the
13 secretary of state updated lists of individuals required under
14 section 5a of the sex offenders registration act, 1994 PA 295, MCL
15 28.725a, to maintain a valid operator's or chauffeur's license or
16 official state personal identification card.

17 (10) Upon request, the secretary of state shall provide an
18 information manual to an applicant explaining how to obtain a
19 vehicle group designation or ~~indorsement~~. **endorsement**. The manual
20 must contain the information required under 49 CFR part 383.

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

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

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

29 (c) To check an applicant's driving record through the

1 National Driver Register and the Commercial Driver's License
2 Information System when issuing a license under this act.

3 (d) With the department of health and human services, for
4 comparison with vital records maintained by the department of
5 health and human services under part 28 of the public health code,
6 1978 PA 368, MCL 333.2801 to 333.2899.

7 (e) As otherwise required by law.

8 (12) The secretary of state shall not display an individual's
9 Social Security number on the individual's operator's or
10 chauffeur's license.

11 (13) A requirement under this section to include a Social
12 Security number on an application does not apply to an applicant
13 who demonstrates that ~~he or she~~ **the applicant** is exempt under law
14 from obtaining a Social Security number.

15 (14) As required in section 10120 of the public health code,
16 1978 PA 368, MCL 333.10120, the secretary of state shall maintain
17 the donor registry in a manner that provides electronic access,
18 including, but not limited to, the transfer of data to this state's
19 federally designated organ procurement organization or its
20 successor organization, tissue banks, and eye banks, in a manner
21 that complies with that section.

22 (15) The secretary of state, with the approval of the state
23 administrative board created under 1921 PA 2, MCL 17.1 to 17.3, may
24 enter into agreements with the United States government to verify
25 whether an applicant for an operator's license or a chauffeur's
26 license under this section who is not a citizen of the United
27 States is authorized under federal law to be present in the United
28 States.

29 (16) The secretary of state shall not issue an operator's

1 license or a chauffeur's license to an individual holding an
2 operator's license or chauffeur's license issued by another state
3 without confirmation that the individual is terminating or has
4 terminated the operator's license or chauffeur's license issued by
5 the other state.

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

7 (a) Ensure the physical security of locations where operator's
8 licenses and chauffeur's licenses are produced and the security of
9 document materials and papers from which operator's licenses and
10 chauffeur's licenses are produced.

11 (b) Subject all persons authorized to manufacture or produce
12 operator's licenses or chauffeur's licenses and all persons who
13 have the ability to affect the identity information that appears on
14 operator's licenses or chauffeur's licenses to appropriate security
15 clearance requirements. The security requirements of this
16 subdivision and subdivision (a) may require that licenses be
17 manufactured or produced in this state.

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

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

25 **(19) Beginning October 1, 2023, on receipt of application**
26 **documents required under subsection (1), a prisoner's photograph,**
27 **and information on the projected date a prisoner will be released**
28 **on parole or discharged upon completion of the prisoner's maximum**
29 **sentence from the department of corrections as provided under**

1 section 34c of the corrections code of 1953, 1953 PA 232, MCL
2 791.234c, the secretary of state shall, to the extent possible,
3 issue an operator's license to the prisoner, if the prisoner is
4 eligible to be issued an operator's license under this act. The
5 secretary of state shall do any of the following:

6 (a) Deliver the operator's license issued pursuant to this
7 section to the department of corrections before the projected date
8 the prisoner issued the operator's license is scheduled to be
9 released on parole or discharged upon the completion of the
10 prisoner's maximum sentence.

11 (b) Mail the operator's license issued pursuant to this
12 section as soon as possible to the department of corrections. This
13 subdivision applies if both of the following conditions are met:

14 (i) The secretary could not comply with subdivision (a).

15 (ii) The prisoner is already released on parole or discharged
16 upon the completion of the prisoner's maximum sentence.

17 Enacting section 1. This amendatory act does not take effect
18 unless all of the following bills of the 102nd Legislature are
19 enacted into law:

20 (a) House Bill No. 4192.

21 (b) House Bill No. 4193.