

HOUSE BILL NO. 4984

September 14, 2023, Introduced by Reps. Skaggs, Tsernoglou, McFall, Wegela, Wilson, Glanville, Brixie, Morgan, Hope, Haadsma, Brabec, MacDonell, Martus, Grant, Weiss, Stone, Rheingans, Andrews, Price, Breen, Coffia and Hill and referred to the Committee on Elections.

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~~ **the applicant's** current full legal name. The
14 secretary of state shall accept as 1 of the required identification
15 documents an identification card issued by the department of
16 corrections to prisoners who are placed on parole or released from
17 a correctional facility, containing the prisoner's legal name,
18 photograph, and other information identifying the prisoner as
19 provided in section 37(4) of the corrections code of 1953, 1953 PA
20 232, MCL 791.237. An application for an operator's or chauffeur's
21 license must be made in a manner prescribed by the secretary of
22 state and must contain 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~~ **the**

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

18 (c) The following notice must be included to inform the
19 applicant that under sections 509o and 509r of the Michigan
20 election law, 1954 PA 116, MCL 168.509o and 168.509r, the secretary
21 of state is required to use the residence address provided on this
22 application as the applicant's residence address on the qualified
23 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 license from more
 4 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~~ **the applicant's** fingerprints as prescribed
 8 by state and federal law.

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

14 (h) ~~A Only for automatic voter registration transactions under~~
 15 **section 493a(6) of the Michigan election law, 1954 PA 116, MCL**
 16 **168.493a, a** space to allow the applicant to indicate that the
 17 applicant declines to use the application as a voter registration
 18 application.

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

27 (2) An applicant for an operator's or chauffeur's license may
 28 have ~~his or her~~ **the applicant's** image and signature captured or
 29 reproduced when the application for the license is made. The

1 secretary of state shall acquire equipment purchased or leased
2 under this section under standard purchasing procedures of the
3 department of technology, management, and budget based on standards
4 and specifications established by the secretary of state. The
5 secretary of state shall not purchase or lease equipment until an
6 appropriation for the equipment has been made by the legislature. A
7 digital photographic image and signature captured under this
8 section must appear on the applicant's operator's license or
9 chauffeur's license. An individual's digital photographic image and
10 signature shall be used as follows:

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

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

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

21 (d) By the secretary of state for forwarding to the department
22 of state police as provided in section 5c of 1927 PA 372, MCL
23 28.425c.

24 (e) By the secretary of state for forwarding to the department
25 of licensing and regulatory affairs the images of applicants for an
26 official state registry identification card issued under section 6
27 of the Michigan Medical Marihuana Act, 2008 IL 1, MCL 333.26426, if
28 the department of licensing and regulatory affairs promulgates
29 rules requiring a photograph as a design element for an official

1 state registry identification card.

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

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

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

16 (a) If the applicant is not a participant in the anatomical
17 gift donor registry program, specifically inquire, either orally or
18 in writing, whether the applicant wishes to participate in the
19 anatomical gift donor registry program under part 101 of the public
20 health code, 1978 PA 368, MCL 333.10101 to 333.10123. If the
21 secretary of state or an employee of the secretary of state fails
22 to inquire whether an applicant wishes to participate in the
23 anatomical gift donor registry program as required by this
24 subdivision, neither the secretary of state nor the employee is
25 civilly or criminally liable for the failure to make the inquiry.

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

27 (i) Information explaining the applicant's right to make an
28 anatomical gift in the event of death in accordance with section
29 310.

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

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

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

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

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

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

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

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

(6) The secretary of state shall maintain a record of an individual who indicates a willingness to have ~~his or her~~ **the**

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

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

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

1 domicile under 49 CFR 383.5, and may verify the individual's proof
2 of citizenship or lawful permanent residency under 49 CFR 383.71
3 and 383.73, if that information is not on the individual's Michigan
4 driving record. If an individual applies for an upgrade of a
5 vehicle group designation or indorsement, the secretary of state
6 may verify the individual's identity, may require proof of Michigan
7 domicile under 49 CFR 383.5, and may verify the individual's proof
8 of citizenship or lawful permanent residency under 49 CFR 383.71
9 and 383.73, if that information is not on the individual's Michigan
10 driving record. The secretary of state shall request the
11 individual's complete driving record from all states where the
12 applicant was previously licensed to drive any type of motor
13 vehicle over the last 10 years before issuing a vehicle group
14 designation or indorsement to the applicant. If the applicant does
15 not hold a valid commercial motor vehicle driver license from a
16 state where ~~he or she~~ **the applicant** was licensed in the last 10
17 years, this complete driving record request must be made not
18 earlier than 24 hours before the secretary of state issues the
19 applicant a vehicle group designation or indorsement. For all other
20 drivers, this request must be made not earlier than 10 days before
21 the secretary of state issues the applicant a vehicle group
22 designation or indorsement. If the application is for the renewal
23 of a vehicle group designation or indorsement, and if the secretary
24 of state enters on the individual's driving record maintained under
25 section 204a a notation that the request was made and the date of
26 the request, the secretary of state is required to request the
27 applicant's complete driving record from other states only once
28 under this section. The secretary of state shall also check the
29 applicant's driving record with the National Driver Register and

1 the federal Commercial Driver's License Information System before
2 issuing that group designation or indorsement.

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

23 (10) Upon request, the secretary of state shall provide an
24 information manual to an applicant explaining how to obtain a
25 vehicle group designation or indorsement. The manual must contain
26 the information required under 49 CFR part 383.

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

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

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

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

9 (d) With the department of health and human services, for
10 comparison with vital records maintained by the department of
11 health and human services under part 28 of the public health code,
12 1978 PA 368, MCL 333.2801 to 333.2899.

13 (e) As otherwise required by law.

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

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

21 (14) As required in section 10120 of the public health code,
22 1978 PA 368, MCL 333.10120, the secretary of state shall maintain
23 the donor registry in a manner that provides electronic access,
24 including, but not limited to, the transfer of data to this state's
25 federally designated organ procurement organization or its
26 successor organization, tissue banks, and eye banks, in a manner
27 that complies with that section.

28 (15) The secretary of state, with the approval of the state
29 administrative board created under 1921 PA 2, MCL 17.1 to 17.3, may

1 enter into agreements with the United States government to verify
2 whether an applicant for an operator's license or a chauffeur's
3 license under this section who is not a citizen of the United
4 States is authorized under federal law to be present in the United
5 States.

6 (16) The secretary of state shall not issue an operator's
7 license or a chauffeur's license to an individual holding an
8 operator's license or chauffeur's license issued by another state
9 without confirmation that the individual is terminating or has
10 terminated the operator's license or chauffeur's license issued by
11 the other state.

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

13 (a) Ensure the physical security of locations where operator's
14 licenses and chauffeur's licenses are produced and the security of
15 document materials and papers from which operator's licenses and
16 chauffeur's licenses are produced.

17 (b) Subject all persons authorized to manufacture or produce
18 operator's licenses or chauffeur's licenses and all persons who
19 have the ability to affect the identity information that appears on
20 operator's licenses or chauffeur's licenses to appropriate security
21 clearance requirements. The security requirements of this
22 subdivision and subdivision (a) may require that licenses be
23 manufactured or produced in this state.

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

27 (18) The secretary of state shall have electronic access to
28 prisoner information maintained by the department of corrections
29 for the purpose of verifying the identity of a prisoner who applies

1 for an operator's or chauffeur's license under subsection (1).

2 (19) Subject to this subsection, any printed notice provided
3 to an applicant at the conclusion of a transaction conducted under
4 this section must, if the individual's information will be used for
5 voter registration or voter preregistration under section 493a(2)
6 to (5) of the Michigan election law, 1954 PA 116, MCL 168.493a,
7 include a notice of that use and that the individual will receive a
8 notice mailed under section 493a(2) to (5) of the Michigan election
9 law, 1954 PA 116, MCL 168.493a. If the individual's information has
10 been used for voter registration or preregistration under section
11 493a(6) of the Michigan election law, 1954 PA 116, MCL 168.493a,
12 the printed notice provided to the applicant must include a notice
13 of that voter registration and the printed notice serves as a
14 receipt verifying the voter registration application.

15 Enacting section 1. This amendatory act does not take effect
16 unless Senate Bill No.____ or House Bill No. 4983 (request no.
17 02701'23) of the 102nd Legislature is enacted into law.