

HOUSE BILL No. 4030

January 8, 1997, Introduced by Reps. Brewer and Martinez and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 307 and 310 (MCL 257.307 and 257.310), as amended by 1996 PA 205.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 307. (1) An application for an operator's or
2 chauffeur's license shall be made in a manner prescribed by the
3 secretary of state and shall contain all of the following:

4 (a) For an operator's or chauffeur's license, full name,
5 date of birth, address of residence, height, sex, eye color, and
6 signature of the applicant, and other information required or
7 permitted on the license pursuant to this chapter.

8 (b) For an operator's or chauffeur's license with a vehicle
9 group designation or indorsement, full name, social security
10 number, date of birth, address of residence, height, sex, and

1 signature of the applicant, and other information required or
2 permitted on the license pursuant to this chapter.

3 (c) For an operator's or chauffeur's license with a vehicle
4 group designation or indorsement, the following certifications
5 made by the applicant:

6 (i) That the applicant meets the applicable federal physical
7 driver qualification requirements pursuant to 49 C.F.R. part 391
8 if the applicant operates or intends to operate in interstate
9 commerce or meets the applicable physical qualifications pursuant
10 to the rules promulgated by the department of state police under
11 the motor carrier safety act of 1963, ~~Act No. 181 of the Public~~
12 ~~Acts of 1963, being sections 480.11 to 480.21 of the Michigan~~
13 ~~Compiled Laws~~ 1963 PA 181, MCL 480.11 TO 480.21, if the appli-
14 cant operates or intends to operate in intrastate commerce.

15 (ii) That the vehicle in which the applicant will take the
16 driving skills tests is representative of the type of vehicle the
17 applicant operates or intends to operate.

18 (iii) That the applicant has not been convicted of an
19 offense as described in section 312f or 319b.

20 (iv) That the applicant does not have a driver's license
21 from more than 1 state.

22 (d) For an operator's or chauffeur's license with a vehicle
23 group designation or indorsement and for which the applicant
24 claims a waiver of the driving test as provided in section 312f,
25 the following additional certifications made by the applicant
26 concerning the 2-year period immediately before application:

1 (i) That the applicant has not had more than 1 license.

2 (ii) That the applicant has not had any license suspended,
3 revoked, or canceled.

4 (iii) That the applicant has not been convicted of any
5 offense described in section 319b while operating a motor
6 vehicle.

7 (iv) That the applicant has not been convicted of a moving
8 violation under state or local law relating to motor vehicle
9 traffic control arising in connection with a traffic accident.

10 (v) That the applicant is regularly employed in a job
11 requiring the operation of a commercial motor vehicle.

12 (vi) That the applicant qualifies under either of the
13 following:

14 (A) Has passed a behind-the-wheel driving test given by a
15 state with a commercial motor vehicle driver licensing and test-
16 ing system and taken in a representative vehicle for that
17 applicant's driver's license vehicle group designation.

18 (B) Has operated, for at least 2 years immediately preceding
19 application, a vehicle representative of the commercial motor
20 vehicle group or passenger vehicle for which he or she is
21 applying. Evidence shall be provided by the applicant's employer
22 or by the applicant if self-employed.

23 (2) An applicant for an operator's or chauffeur's license
24 may have his or her image captured or reproduced at the time the
25 application for the license is made. The secretary of state
26 shall acquire by purchase or lease the equipment for capturing
27 the images and may furnish the equipment to a local unit

1 authorized by the secretary of state to license drivers. The
2 secretary of state shall acquire equipment purchased or leased
3 pursuant to this section under standard purchasing procedures of
4 the department of management and budget based on standards and
5 specifications established by the secretary of state. The secre-
6 tary of state shall not purchase or lease equipment until an
7 appropriation for the equipment has been made by the
8 legislature. An image captured pursuant to this section shall
9 appear on the applicant's operator's or chauffeur's license. The
10 secretary of state may retain and use a person's image described
11 in this subsection only for programs administered by the secre-
12 tary of state. Except as provided in this subsection, the secre-
13 tary of state shall not use a person's image unless written per-
14 mission for that purpose is granted by the person to the secre-
15 tary of state or specific enabling legislation permitting the use
16 is enacted into law. A law enforcement agency of this state
17 shall have access to any information retained by the secretary of
18 state under this subsection. The information may be utilized for
19 any law enforcement purpose unless otherwise prohibited by law.

20 (3) An application shall contain a signature and certifica-
21 tion by the applicant and shall be accompanied by the proper
22 fee. The examiner shall collect the application fee and shall
23 forward the fee to the secretary of state with the application.
24 The secretary of state shall refund the application fee to the
25 applicant if the license applied for is denied, but shall not
26 refund the fee to an applicant who fails to complete the
27 examination requirements of the secretary of state within 90 days

1 after the date of application for a license. Until January 1,
2 2002, a service fee of \$1.00 shall be added to each fee collected
3 for an original, renewal, duplicate, or corrected operator's or
4 chauffeur's license. The service fee received and collected
5 under this subsection shall be deposited in the state treasury to
6 the credit of the general fund. The service fee shall be used to
7 defray the expenses of the secretary of state. Appropriations
8 from the Michigan transportation fund shall not be used to com-
9 pensate the secretary of state for costs incurred and services
10 performed under this section.

11 (4) BEFORE OR AT THE TIME A PERSON APPLIES FOR AN OPERATOR'S
12 OR CHAUFFEUR'S LICENSE, THE SECRETARY OF STATE SHALL DO BOTH OF
13 THE FOLLOWING:

14 (A) PROVIDE THE APPLICANT WITH A WRITTEN EXPLANATION OF THE
15 APPLICANT'S RIGHT TO MAKE AN ANATOMICAL GIFT IN THE EVENT OF
16 DEATH IN ACCORDANCE WITH SECTION 310.

17 (B) EXCEPT FOR A LICENSE RENEWED BY MAIL, REQUIRE AN APPLI-
18 CANT 18 YEARS OF AGE OR OLDER TO SPECIFY ON HIS OR HER LICENSE
19 APPLICATION WHETHER HE OR SHE WISHES TO MAKE AN ANATOMICAL GIFT
20 IN THE EVENT OF DEATH IN ACCORDANCE WITH SECTION 310.

21 (5) ~~(4)~~ If an application is received from a person previ-
22 ously licensed in another jurisdiction, the secretary of state
23 shall request a copy of the applicant's driving record and other
24 available information from the other jurisdiction. When
25 received, the driving record and other available information from
26 the other jurisdiction becomes a part of the driver's record in
27 this state with the same force and effect as if it had been

1 entered on the driver's record in this state in the original
2 instance. If the application is for an original, renewal, or
3 change of a vehicle group designation or indorsement, the secre-
4 tary of state shall also check the applicant's driving record
5 with the national drivers register and the United States depart-
6 ment of transportation before issuance of that group designation
7 or indorsement.

8 (6) ~~-(5)-~~ Except for a vehicle group designation or indorse-
9 ment, the secretary of state may issue a renewal operator's or
10 chauffeur's license for 1 additional 4-year period by mail or by
11 other methods prescribed by the secretary of state. The secre-
12 tary of state shall issue a renewal license only in person when
13 the licensee has a driving record with a conviction or civil
14 infraction determination obtained in the 48 months preceding
15 renewal. However, the secretary of state shall not refuse to
16 issue a renewal license by mail or by other method because of a
17 conviction or civil infraction determination for which fines and
18 costs were waived pursuant to section 901a or section 907. If a
19 license is renewed by mail or by other method, the secretary of
20 state shall issue evidence of renewal to indicate the date the
21 license expires in the future.

22 (7) ~~-(6)-~~ Upon request, the secretary of state shall provide
23 an information manual to an applicant explaining how to obtain a
24 vehicle group designation or indorsement. The manual shall con-
25 tain the information required pursuant to 49 C.F.R. part 383.

26 Sec. 310. (1) The secretary of state shall issue AN
27 OPERATOR'S LICENSE to each person licensed as an operator ~~, an~~

1 ~~operator's license,~~ and A CHAUFFEUR'S LICENSE to each person
2 licensed as a chauffeur. ~~, a chauffeur's license.~~ An applicant
3 for a motorcycle indorsement under section 312a or a vehicle
4 group designation or indorsement shall first qualify for an
5 operator's or chauffeur's license before the indorsement or vehi-
6 cle group designation application is accepted and processed.

7 (2) The license ISSUED UNDER SUBSECTION (1) shall contain
8 ALL OF the following information:

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

11 (b) The full name, date of birth, address of residence,
12 height, eye color, sex, an image, and the signature of the
13 licensee.

14 (c) An indication that the license contains 1 or more of the
15 following:

16 (i) The blood type of the licensee.

17 (ii) Immunization data of the licensee.

18 (iii) Medication data of the licensee.

19 (iv) A statement that the licensee is deaf.

20 ~~(v) A statement that the licensee has made an anatomical~~
21 ~~gift.~~

22 (v) ~~(vi)~~ Emergency contact information of the licensee.

23 (D) IF THE LICENSEE HAS EXPRESSED ON HIS OR HER LICENSE
24 APPLICATION AN INTENT TO DONATE ORGANS AND TISSUE IN THE EVENT OF
25 DEATH, AN INDICATION ON THE FACE OF THE LICENSE THAT THE LICENSEE
26 IS AN ORGAN AND TISSUE DONOR.

1 (E) THE SIGNATURE OF THE LICENSEE FOLLOWING THE INDICATION
2 OF HIS OR HER ORGAN AND TISSUE DONOR STATUS IDENTIFIED IN
3 SUBDIVISION (D).

4 (3) AT THE TIME A LICENSE IS ISSUED UNDER THIS ACT, THE SEC-
5 RETARY OF STATE SHALL PROVIDE THE LICENSEE WITH A STICKER THAT
6 THE LICENSEE MAY ATTACH TO THE REVERSE SIDE OF THE ISSUED
7 LICENSE, AND UPON WHICH THE LICENSEE MAY DESIGNATE A DONATION OR
8 GIFT OF SPECIFIC ORGANS AND TISSUE, OR THE DONATION OF HIS OR HER
9 ENTIRE BODY, PURSUANT TO PART 101 OF THE PUBLIC HEALTH CODE, 1978
10 PA 368, MCL 333.10101 TO 333.10109.

11 (4) A TERM ON A STICKER DESCRIBED IN SUBSECTION (3) THAT IS
12 INCONSISTENT WITH A TERM ON THE FACE OF A LICENSE ISSUED TO A
13 PERSON UNDER THIS ACT SUPERSEDES THE INCONSISTENT TERM APPEARING
14 ON THE FACE OF THE LICENSE.

15 (5) ~~(3)~~ Except as otherwise required in this chapter,
16 other information required on the license pursuant to this chap-
17 ter may appear on the license in a form prescribed by the secre-
18 tary of state.

19 (6) ~~(4)~~ The license shall not contain a fingerprint or
20 finger image of the licensee.

21 (7) ~~(5)~~ A digitized license may contain an identifier for
22 voter registration purposes. The digitized license may contain
23 information appearing in electronic or machine readable codes
24 needed to conduct a transaction with the secretary of state. The
25 information shall be limited to the person's driver license
26 number, birth date, license expiration date, and other
27 information necessary for use with electronic devices, machine

1 readers, or automatic teller machines and shall not contain the
2 person's name, address, driving record, or other personal
3 identifier. The license shall identify the encoded information.

4 (8) ~~-(6)-~~ The license shall be manufactured in a manner to
5 prohibit as nearly as possible the ability to reproduce, alter,
6 counterfeit, forge, or duplicate the license without ready
7 detection. In addition, a license with a vehicle group designa-
8 tion shall contain the information required pursuant to
9 49 C.F.R. part 383.

10 (9) ~~-(7)-~~ A person who intentionally reproduces, alters,
11 counterfeits, forges, or duplicates a license photograph, the
12 negative of the photograph, an image, a license, the electronic
13 data contained on a license or a part of a license, or who uses a
14 license, an image, or photograph that has been reproduced,
15 altered, counterfeited, forged, or duplicated is subject to 1 of
16 the following:

17 (a) If the intent of the reproduction, alteration, counter-
18 feiting, forging, duplication, or use was to commit or aid in the
19 commission of an offense punishable by imprisonment for 1 or more
20 years, the person committing the reproduction, alteration, coun-
21 terfeiting, forging, duplication, or use is guilty of a misde-
22 meanor, punishable by imprisonment for a period equal to the
23 imprisonment that could be imposed for the commission of the
24 offense the person had the intent to aid or commit. The court
25 may also assess a fine of not more than \$10,000.00 against the
26 person.

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

8 (10) ~~(8)~~ The secretary of state, upon determining after an
9 examination that an applicant is mentally and physically quali-
10 fied to receive a license, may issue to that person a temporary
11 driver's permit entitling the person while having the permit in
12 his or her immediate possession to drive a motor vehicle upon the
13 highway for a period not exceeding 60 days before issuance to the
14 person of an operator's or chauffeur's license by the secretary
15 of state.

16 (11) ~~(9)~~ An operator or chauffeur may indicate on the
17 license in a place designated by the secretary of state his or
18 her blood type, emergency contact information, immunization data,
19 medication data, OR a statement that the licensee is deaf. ~~, or~~
20 ~~a statement that the licensee has made an anatomical gift pursu-~~
21 ~~ant to part 101 of the public health code, Act No. 368 of the~~
22 ~~Public Acts of 1978, being sections 333.10101 to 333.10109 of the~~
23 ~~Michigan Compiled Laws.~~

24 (12) ~~(10)~~ If the applicant provides proof to the secretary
25 of state that he or she is a minor who has been emancipated pur-
26 suant to ~~Act No. 293 of the Public Acts of 1968, being sections~~
27 ~~722.1 to 722.6 of the Michigan Compiled Laws~~ 1968 PA 293, MCL

1 722.1 TO 722.6, the license shall bear the designation of the
2 individual's emancipated status in a manner prescribed by the
3 secretary of state.

4 Enacting section 1. This amendatory act does not take
5 effect unless all of the following bills of the 89th Legislature
6 are enacted into law:

7 (a) Senate Bill No. _____ or House Bill No. _____ (request
8 no. 00739'97).

9 (b) Senate Bill No. _____ or House Bill No. _____ (request
10 no. 00739'97 b).