



HOUSE BILL No. 6089

November 9, 2000, Introduced by Reps. Martinez, Spade, Cherry, LaForge, DeHart, Minore, Schermesser, Garza, Brater, Dennis, Jacobs, Scott and Jamnick and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 307 (MCL 257.307), as amended by 1999
PA 118.

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) The applicant's full name, date of birth, residence
5 address, height, sex, eye color, signature, other information
6 required or permitted on the license under this chapter, and, to
7 the extent required to comply with federal law, the applicant's
8 social security number. The applicant may provide a mailing
9 address if the applicant receives mail at an address different
10 from his or her residence address.

1 (b) The following notice shall be included to inform the
2 applicant that under sections 509o and 509r of the Michigan elec-
3 tion law, 1954 PA 116, MCL 168.509o and 168.509r, the secretary
4 of state is required to use the residence address provided on
5 this application as the applicant's residence address on the
6 qualified voter file for voter registration and voting:

7 "NOTICE: Michigan law requires that the same address be used
8 for voter registration and driver license purposes.

9 Therefore, if the residence address you provide in this
10 application differs from your voter registration address as
11 it appears on the qualified voter file, the secretary of
12 state will automatically change your voter registration to
13 match the residence address on this application, after which
14 your voter registration at your former address will no longer
15 be valid for voting purposes. A new voter registration card,
16 containing the information of your polling place, will be
17 provided to you by the clerk of the jurisdiction where your
18 residence address is located.".

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

22 (i) The applicant meets the applicable federal physical
23 driver qualification requirements under 49 C.F.R. part 391 if the
24 applicant operates or intends to operate in interstate commerce
25 or meets the applicable physical qualifications under the rules
26 promulgated by the department of state police under the motor
27 carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.22, if

1 the applicant operates or intends to operate in intrastate
2 commerce.

3 (ii) The vehicle in which the applicant will take the driv-
4 ing skills tests is representative of the type of vehicle the
5 applicant operates or intends to operate.

6 (iii) The applicant has not been convicted of an offense as
7 described in section 312f or 319b.

8 (iv) The applicant does not have a driver's license from
9 more than 1 state.

10 (d) For an operator's or chauffeur's license with a vehicle
11 group designation or indorsement and for which the applicant
12 claims a waiver of the driving test as provided in section 312f,
13 the following additional certifications by the applicant concern-
14 ing the 2-year period immediately before application:

15 (i) The applicant has not had more than 1 license.

16 (ii) The applicant has not had any license suspended,
17 revoked, or canceled.

18 (iii) The applicant has not been convicted of any offense
19 described in section 319b while operating a motor vehicle.

20 (iv) The applicant has not been convicted of a moving viola-
21 tion under state or local law relating to motor vehicle traffic
22 control arising in connection with a traffic accident.

23 (v) The applicant is regularly employed in a job requiring
24 the operation of a commercial motor vehicle.

25 (vi) The applicant qualifies under either of the following:

26 (A) He or she has passed a behind-the-wheel driving test
27 given by a state with a commercial motor vehicle driver licensing

1 and testing system and taken in a representative vehicle for that
2 applicant's driver's license vehicle group designation.

3 (B) For at least 2 years immediately preceding application,
4 the applicant has operated a vehicle representative of the com-
5 mercial motor vehicle group or passenger vehicle for which he or
6 she is applying. The applicant's employer or the applicant, if
7 self-employed, shall provide evidence of this requirement.

8 (2) Except as provided in this subsection, an applicant for
9 an operator's or chauffeur's license may have his or her image
10 AND SIGNATURE captured or reproduced when the application for the
11 license is made. An applicant required under section 5a of the
12 sex offenders registration act, 1994 PA 295, MCL 28.725a, to
13 maintain a valid operator's or chauffeur's license or official
14 state personal identification card shall have his or her image
15 AND SIGNATURE captured or reproduced when the application for the
16 license is made. The secretary of state shall acquire by pur-
17 chase or lease the equipment for capturing the images AND
18 SIGNATURES and may furnish the equipment to a local unit autho-
19 rized by the secretary of state to license drivers. The secre-
20 tary of state shall acquire equipment purchased or leased pursu-
21 ant to this section under standard purchasing procedures of the
22 department of management and budget based on standards and speci-
23 fications established by the secretary of state. The secretary
24 of state shall not purchase or lease equipment until an appropri-
25 ation for the equipment has been made by the legislature. An
26 image AND SIGNATURE captured pursuant to this section shall
27 appear on the applicant's operator's or chauffeur's license.

1 Except as provided in this subsection, the secretary of state may
2 retain and use a person's image OR SIGNATURE described in this
3 subsection only for programs administered by the secretary of
4 state. Except as provided in this subsection, the secretary of
5 state shall not use a person's image OR SIGNATURE unless the
6 person grants written permission for that purpose to the secre-
7 tary of state or specific enabling legislation permitting the use
8 is enacted into law. A law enforcement agency of this state has
9 access to information retained by the secretary of state under
10 this subsection. The information may be utilized for any law
11 enforcement purpose unless otherwise prohibited by law. The
12 department of state police shall provide to the secretary of
13 state updated lists of persons required to be registered under
14 the sex offenders registration act, 1994 PA 295, MCL 28.721 to
15 28.732, and the secretary of state shall make the images of those
16 persons available to the department of state police as provided
17 in that act.

18 (3) An application shall contain a signature MADE IN A
19 MANNER PRESCRIBED BY THE SECRETARY OF STATE and certification by
20 the applicant and shall be accompanied by the proper fee. The
21 examiner shall collect the application fee and shall forward the
22 fee to the secretary of state with the application. The secre-
23 tary of state shall refund the application fee to the applicant
24 if the license applied for is denied, but shall not refund the
25 fee to an applicant who fails to complete the examination
26 requirements of the secretary of state within 90 days after the
27 date of application for a license. Until January 1, 2002, a

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

10 (4) In conjunction with the issuance of an operator's or
11 chauffeur's license, the secretary of state shall do all of the
12 following:

13 (a) Provide the applicant with all of the following:

14 (i) Written information explaining the applicant's right to
15 make an anatomical gift in the event of death in accordance with
16 section 310.

17 (ii) Written information describing the organ donation reg-
18 istry program maintained by Michigan's federally designated organ
19 procurement organization or its successor organization. The
20 written information required under this subparagraph shall
21 include, in a type size and format that is conspicuous in rela-
22 tion to the surrounding material, the address and telephone
23 number of Michigan's federally designated organ procurement
24 organization or its successor organization, along with an
25 advisory to call Michigan's federally designated organ procure-
26 ment organization or its successor organization with questions
27 about the organ donor registry program.

1 (iii) Written information giving the applicant the
2 opportunity to be placed on the organ donation registry described
3 in subparagraph (ii).

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

8 (c) Inform the applicant in writing that, if he or she indi-
9 cates to the secretary of state under this section a willingness
10 to have his or her name placed on the organ donor registry
11 described in subdivision (a)(ii), the secretary of state will
12 forward the applicant's name and address to the organ donation
13 registry maintained by Michigan's federally designated organ pro-
14 curement organization or its successor organization, as required
15 by subsection (6).

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

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

21 (b) Providing printed material to an applicant who person-
22 ally appears at a secretary of state branch office.

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

26 (6) If an applicant indicates a willingness under this
27 section to have his or her name placed on the organ donor

1 registry described in subsection (4)(a)(ii), the secretary of
2 state shall within 10 days forward the applicant's name and
3 address to the organ donor registry maintained by Michigan's fed-
4 erally designated organ procurement organization or its successor
5 organization. The secretary of state may forward information
6 under this subsection by mail or by electronic means. The secre-
7 tary of state shall not maintain a record of the name or address
8 of an individual who indicates a willingness to have his or her
9 name placed on the organ donor registry after forwarding that
10 information to the organ donor registry under this subsection.
11 Information about an applicant's indication of a willingness to
12 have his or her name placed on the organ donor registry that is
13 obtained by the secretary of state under subsection (4) and for-
14 warding under this subsection is exempt from disclosure under the
15 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246,
16 pursuant to section 13(1)(d) of the freedom of information act,
17 1976 PA 442, MCL 15.243.

18 (7) If an application is received from a person previously
19 licensed in another jurisdiction, the secretary of state shall
20 request a copy of the applicant's driving record and other avail-
21 able information from the other jurisdiction. When received, the
22 driving record and other available information from the other
23 jurisdiction becomes a part of the driver's record in this state
24 with the same force and effect as if it had been entered on the
25 driver's record in this state in the original instance. If the
26 application is for an original, renewal, or change of a vehicle
27 group designation or indorsement, the secretary of state shall

1 also check the applicant's driving record with the national
2 drivers register and the United States department of transporta-
3 tion before issuing that group designation or indorsement.

4 (8) Except for a vehicle group designation or indorsement or
5 as provided in this subsection, the secretary of state may issue
6 a renewal operator's or chauffeur's license for 1 additional
7 4-year period by mail or by other methods prescribed by the sec-
8 retary of state. The secretary of state shall issue a renewal
9 license only in person if the licensee has a driving record with
10 a conviction or civil infraction determination obtained in the 48
11 months preceding renewal or if the person is a person required
12 under section 5a of the sex offenders registration act, 1994
13 PA 295, MCL 28.725a, to maintain a valid operator's or
14 chauffeur's license or official state personal identification
15 card. However, the secretary of state shall not refuse to issue
16 a renewal license by mail or by other method because of a convic-
17 tion or civil infraction determination for which fines and costs
18 were waived under section 901a or section 907. If a license is
19 renewed by mail or by other method, the secretary of state shall
20 issue evidence of renewal to indicate the date the license
21 expires in the future. The department of state police shall pro-
22 vide to the secretary of state updated lists of persons required
23 under section 5a of the sex offenders registration act, 1994
24 PA 295, MCL 28.725a, to maintain a valid operator's or
25 chauffeur's license or official state personal identification
26 card.

1 (9) Upon request, the secretary of state shall provide an
2 information manual to an applicant explaining how to obtain a
3 vehicle group designation or indorsement. The manual shall con-
4 tain the information required under 49 C.F.R. part 383.

5 (10) The secretary of state shall not disclose a social
6 security number obtained under subsection (1) to another person
7 except for use for 1 or more of the following purposes:

8 (a) Compliance with the commercial motor vehicle safety act
9 of 1986, title XII of Public Law 99-570, 100 Stat. 3207-170, and
10 regulations and state law and rules related to that act.

11 (b) Through the law enforcement information network, to
12 carry out the purposes of section 466(a) of part D of title IV of
13 the social security act, 42 U.S.C. 666, in connection with mat-
14 ters relating to paternity, child support, or overdue child
15 support.

16 (c) As otherwise required by law.

17 (11) The secretary of state shall not display a person's
18 social security number on the person's operator's or chauffeur's
19 license.

20 (12) A requirement under this section to include a social
21 security number on an application does not apply to an applicant
22 who demonstrates he or she is exempt under law from obtaining a
23 social security number or to an applicant who for religious con-
24 victions is exempt under law from disclosure of his or her social
25 security number under these circumstances. The secretary of
26 state shall inform the applicant of this possible exemption.