

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 817

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 307 (MCL 257.307), as amended by 2004 PA 362,
and by adding section 217o.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 217o. (1) The organ and tissue donation education fund
2 is created within the state treasury.
- 3 (2) The state treasurer may receive money or other assets
4 from any source for deposit into the fund. The state treasurer
5 shall direct the investment of the fund. The state treasurer
6 shall credit to the fund interest and earnings from fund
7 investments.
- 8 (3) Money in the fund at the close of the fiscal year shall
9 remain in the fund and shall not lapse to the general fund.
- 10 (4) The state treasurer shall disburse money in the fund on a

1 monthly basis to the chronic disease division of the department
2 of community health. The chronic disease division shall only use
3 the money to provide grants for programs and initiatives to
4 encourage residents of this state to place their names on the
5 organ donor registry.

6 (5) Not more than 8% of all money received by the state each
7 year for deposit into the fund shall be used by the department of
8 community health and the secretary of state, collectively, for
9 administrative expenses.

10 (6) As used in this section, "fund" means the organ and
11 tissue donation education fund created in subsection (1).

12 Sec. 307. (1) An applicant for an operator's or chauffeur's
13 license shall supply a birth certificate attesting to his or her
14 age or other sufficient documents or identification as the
15 secretary of state may require. An application for an operator's
16 or chauffeur's license shall be made in a manner prescribed by
17 the secretary of state and shall contain all of the following:

18 (a) The applicant's full name, date of birth, residence
19 address, height, sex, eye color, signature, other information
20 required or permitted on the license under this chapter, and, to
21 the extent required to comply with federal law, the applicant's
22 social security number. The applicant may provide a mailing
23 address if the applicant receives mail at an address different
24 from his or her residence address.

25 (b) The following notice shall be included to inform the
26 applicant that under sections 509o and 509r of the Michigan
27 election law, 1954 PA 116, MCL 168.509o and 168.509r, the

1 secretary of state is required to use the residence address
2 provided on this application as the applicant's residence address
3 on the qualified voter file for voter registration and voting:

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

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

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

23 (i) The applicant meets the applicable federal driver
24 qualification requirements under 49 CFR part 391 if the applicant
25 operates or intends to operate in interstate commerce or meets
26 the applicable qualifications under the rules promulgated by the

1 department of state police under the motor carrier safety act of
2 1963, 1963 PA 181, MCL 480.11 to 480.22, if the applicant
3 operates or intends to operate in intrastate commerce.

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

7 (iii) The applicant is not subject to disqualification by the
8 United States secretary of transportation, or a suspension,
9 revocation, or cancellation under any state law for conviction of
10 an offense described in section 312f or 319b.

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

13 (e) An applicant for an operator's or chauffeur's license
14 with a vehicle group designation and a hazardous material
15 indorsement (H vehicle indorsement) shall provide his or her
16 fingerprints that were taken by a law enforcement official or a
17 designated representative for investigation as required by the
18 uniting and strengthening America by providing appropriate tools
19 required to intercept and obstruct terrorism (USA PATRIOT ACT)
20 Act of 2001, Public Law 107-56.

21 (2) Except as provided in this subsection, an applicant for
22 an operator's or chauffeur's license may have his or her image
23 and signature captured or reproduced when the application for the
24 license is made. An applicant required under section 5a of the
25 sex offenders registration act, 1994 PA 295, MCL 28.725a, to
26 maintain a valid operator's or chauffeur's license or official
27 state personal identification card shall have his or her image

1 and signature captured or reproduced when the application for the
2 license is made. The secretary of state shall acquire by
3 purchase or lease the equipment for capturing the images and
4 signatures and may furnish the equipment to a local unit
5 authorized by the secretary of state to license drivers. The
6 secretary of state shall acquire equipment purchased or leased
7 pursuant to this section under standard purchasing procedures of
8 the department of management and budget based on standards and
9 specifications established by the secretary of state. The
10 secretary of state shall not purchase or lease equipment until an
11 appropriation for the equipment has been made by the
12 legislature. An image and signature captured pursuant to this
13 section shall appear on the applicant's operator's or chauffeur's
14 license. Except as provided in this subsection, the secretary of
15 state may retain and use a person's image and signature described
16 in this subsection only for programs administered by the
17 secretary of state. Except as provided in this subsection, the
18 secretary of state shall not use a person's image or signature,
19 or both, unless the person grants written permission for that
20 purpose to the secretary of state or specific enabling
21 legislation permitting the use is enacted into law. A law
22 enforcement agency of this state has access to information
23 retained by the secretary of state under this subsection. The
24 information may be utilized for any law enforcement purpose
25 unless otherwise prohibited by law. The department of state
26 police shall provide to the secretary of state updated lists of
27 persons required to be registered under the sex offenders

1 registration act, 1994 PA 295, MCL 28.721 to 28.732, and the
2 secretary of state shall make the images of those persons
3 available to the department of state police as provided in that
4 act.

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

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

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

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

21 (ii) Written information describing the organ donation
22 registry program maintained by Michigan's federally designated
23 organ procurement organization or its successor organization.
24 The written information required under this subparagraph shall
25 include, in a type size and format that is conspicuous in
26 relation to the surrounding material, the address and telephone
27 number of Michigan's federally designated organ procurement

1 organization or its successor organization, along with an
2 advisory to call Michigan's federally designated organ
3 procurement organization or its successor organization with
4 questions about the organ donor registry program.

5 (iii) Written information giving the applicant the
6 opportunity to be placed on the organ donation registry described
7 in subparagraph (ii).

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

12 (c) Inform the applicant in writing that, if he or she
13 indicates to the secretary of state under this section a
14 willingness to have his or her name placed on the organ donor
15 registry described in subdivision (a)(ii), the secretary of state
16 will forward the applicant's name and address to the organ
17 donation registry maintained by Michigan's federally designated
18 organ procurement organization or its successor organization, as
19 required by subsection (6).

20 (d) Provide the applicant with the opportunity to make a
21 donation of \$1.00 or more to the organ and tissue donation
22 education fund created under section 217o. A donation made under
23 this provision shall be deposited in the state treasury to the
24 credit of the organ and tissue donation education fund.

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

1 for an operator's or chauffeur's license renewal or the issuance
2 of an operator's or chauffeur's license.

3 (b) Providing printed material to an applicant who personally
4 appears at a secretary of state branch office.

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

8 (6) If an applicant indicates a willingness under this
9 section to have his or her name placed on the organ donor
10 registry described in subsection (4)(a)(ii), the secretary of
11 state shall within 10 days forward the applicant's name and
12 address to the organ donor registry maintained by Michigan's
13 federally designated organ procurement organization or its
14 successor organization. The secretary of state may forward
15 information under this subsection by mail or by electronic
16 means. The secretary of state shall not maintain a record of the
17 name or address of an individual who indicates a willingness to
18 have his or her name placed on the organ donor registry after
19 forwarding that information to the organ donor registry under
20 this subsection. Information about an applicant's indication of
21 a willingness to have his or her name placed on the organ donor
22 registry that is obtained by the secretary of state under
23 subsection (4) and forwarded under this subsection is exempt from
24 disclosure under the freedom of information act, 1976 PA 442, MCL
25 15.231 to 15.246, pursuant to section 13(1)(d) of the freedom of
26 information act, 1976 PA 442, MCL 15.243.

27 (7) If an application is received from a person previously

1 licensed in another jurisdiction, the secretary of state shall
2 request a copy of the applicant's driving record and other
3 available information from the national driver register. When
4 received, the driving record and other available information
5 become a part of the driver's record in this state.

6 (8) If an application is received for an original, renewal,
7 or upgrade of a vehicle group designation or indorsement, the
8 secretary of state shall request the person's complete driving
9 record from all states where the applicant was previously
10 licensed to drive any type of motor vehicle over the last 10
11 years before issuing a vehicle group designation or indorsement
12 to the applicant. If the applicant does not hold a valid
13 commercial motor vehicle driver license from a state where he or
14 she was licensed in the last 10 years, this complete driving
15 record request must be made not earlier than 24 hours before the
16 secretary of state issues the applicant a vehicle group
17 designation or indorsement. For all other drivers, this request
18 must be made not earlier than 10 days before the secretary of
19 state issues the applicant a vehicle group designation or
20 indorsement. The secretary of state shall also check the
21 applicant's driving record with the national driver register and
22 the federal commercial driver license information system before
23 issuing that group designation or indorsement. If the
24 application is for the renewal of a vehicle group designation or
25 indorsement, and if the secretary of state enters on the person's
26 historical driving record maintained under section 204a a
27 notation that the request was made and the date of the request,

1 the secretary of state is required to request the applicant's
2 complete driving record from other states only once under this
3 section.

4 (9) 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
8 secretary of state. The secretary of state may check the
9 applicant's driving record through the national driver register
10 and the commercial driver license information system before
11 issuing a license under this section. The secretary of state
12 shall issue a renewal license only in person if the person is a
13 person required under section 5a of the sex offenders
14 registration act, 1994 PA 295, MCL 28.725a, to maintain a valid
15 operator's or chauffeur's license or official state personal
16 identification card. If a license is renewed by mail or by other
17 method, the secretary of state shall issue evidence of renewal to
18 indicate the date the license expires in the future. The
19 department of state police shall provide to the secretary of
20 state updated lists of persons required under section 5a of the
21 sex offenders registration act, 1994 PA 295, MCL 28.725a, to
22 maintain a valid operator's or chauffeur's license or official
23 state personal identification card.

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

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

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

6 (b) Through the law enforcement information network, to carry
7 out the purposes of section 466(a) of the social security act, 42
8 USC 666, in connection with matters relating to paternity, child
9 support, or overdue child support.

10 (c) To check an applicant's driving record through the
11 national driver register and the commercial driver license
12 information system when issuing a license under this act.

13 (d) As otherwise required by law.

14 (12) The secretary of state shall not display a person's
15 social security number on the person's operator's or chauffeur's
16 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 he or she is exempt under law from obtaining a
20 social security number or to an applicant who for religious
21 convictions is exempt under law from disclosure of his or her
22 social security number under these circumstances. The secretary
23 of state shall inform the applicant of this possible exemption.