

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 52,  
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 secretary of state shall expend money from the fund

1 only on programs and initiatives to encourage residents of this  
2 state to place their names on the organ donor registry.

3 (5) As used in this section, "fund" means the organ and  
4 tissue donation education fund created in subsection (1).

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

11 (a) The applicant's full name, date of birth, residence  
12 address, height, sex, eye color, signature, other information  
13 required or permitted on the license under this chapter, and, to  
14 the extent required to comply with federal law, the applicant's  
15 social security number. The applicant may provide a mailing  
16 address if the applicant receives mail at an address different  
17 from his or her residence address.

18 (b) The following notice shall 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  
21 secretary of state is required to use the residence address  
22 provided on this application as the applicant's residence address  
23 on the qualified voter file for voter registration and voting:

24 "NOTICE: Michigan law requires that the same address be used  
25 for voter registration and driver license purposes. Therefore,  
26 if the residence address you provide in this application  
27 differs from your voter registration address as it appears on

1 the qualified voter file, the secretary of state will  
2 automatically change your voter registration to match the  
3 residence address on this application, after which your voter  
4 registration at your former address will no longer be valid for  
5 voting purposes. A new voter registration card, containing the  
6 information of your polling place, will be provided to you by  
7 the clerk of the jurisdiction where your residence address is  
8 located.".

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

12 (i) The applicant meets the applicable federal driver  
13 qualification requirements under 49 CFR part 391 if the applicant  
14 operates or intends to operate in interstate commerce or meets  
15 the applicable qualifications under the rules promulgated by the  
16 department of state police under the motor carrier safety act of  
17 1963, 1963 PA 181, MCL 480.11 to 480.22, if the applicant  
18 operates or intends to operate in intrastate commerce.

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

22 (iii) The applicant is not subject to disqualification,  
23 suspension, revocation, or cancellation for conviction of an  
24 offense described in section 312f or 319b.

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

27 (d) An applicant for an operator's or chauffeur's license

1 with a vehicle group designation and a hazardous material  
2 indorsement (H vehicle indorsement) shall provide his or her  
3 fingerprints that were taken by a law enforcement official or a  
4 designated representative for investigation as required by the  
5 uniting and strengthening America by providing appropriate tools  
6 required to intercept and obstruct terrorism (USA PATRIOT ACT)  
7 Act of 2001, Public Law 107-56.

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  
17 purchase or lease the equipment for capturing the images and  
18 signatures and may furnish the equipment to a local unit  
19 authorized by the secretary of state to license drivers. The  
20 secretary of state shall acquire equipment purchased or leased  
21 pursuant to this section under standard purchasing procedures of  
22 the department of management and budget based on standards and  
23 specifications established by the secretary of state. The  
24 secretary of state shall not purchase or lease equipment until an  
25 appropriation for the equipment has been made by the  
26 legislature. An image and signature captured pursuant to this  
27 section shall appear on the applicant's operator's or chauffeur's

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

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

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

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

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

8       (ii) Written information describing the organ donation  
9 registry program maintained by Michigan's federally designated  
10 organ procurement organization or its successor organization.  
11 The written information required under this subparagraph shall  
12 include, in a type size and format that is conspicuous in  
13 relation to the surrounding material, the address and telephone  
14 number of Michigan's federally designated organ procurement  
15 organization or its successor organization, along with an  
16 advisory to call Michigan's federally designated organ  
17 procurement organization or its successor organization with  
18 questions about the organ donor registry program.

19       (iii) Written information giving the applicant the  
20 opportunity to be placed on the organ donation registry described  
21 in subparagraph (ii).

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

26       (c) Inform the applicant in writing that, if he or she  
27 indicates to the secretary of state under this section a

1 willingness to have his or her name placed on the organ donor  
2 registry described in subdivision (a)(ii), the secretary of state  
3 will forward the applicant's name and address to the organ  
4 donation registry maintained by Michigan's federally designated  
5 organ procurement organization or its successor organization, as  
6 required by subsection (6).

7       **(d) Provide the applicant with the opportunity to make a**  
8 **donation of \$1.00 or more to the organ and tissue donation**  
9 **education fund created under section 217o. A donation made under**  
10 **this provision shall be deposited in the state treasury to the**  
11 **credit of the organ and tissue donation education fund.**

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

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

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

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

22       (6) If an applicant indicates a willingness under this  
23 section to have his or her name placed on the organ donor  
24 registry described in subsection (4)(a)(ii), the secretary of  
25 state shall within 10 days forward the applicant's name and  
26 address to the organ donor registry maintained by Michigan's  
27 federally designated organ procurement organization or its

1 successor organization. The secretary of state may forward  
2 information under this subsection by mail or by electronic  
3 means. The secretary of state shall not maintain a record of the  
4 name or address of an individual who indicates a willingness to  
5 have his or her name placed on the organ donor registry after  
6 forwarding that information to the organ donor registry under  
7 this subsection. Information about an applicant's indication of  
8 a willingness to have his or her name placed on the organ donor  
9 registry that is obtained by the secretary of state under  
10 subsection (4) and forwarded under this subsection is exempt from  
11 disclosure under the freedom of information act, 1976 PA 442,  
12 MCL 15.231 to 15.246, pursuant to section 13(1)(d) of the freedom  
13 of information act, 1976 PA 442, MCL 15.243.

14 (7) If an application is received from a person previously  
15 licensed in another jurisdiction, the secretary of state shall  
16 request a copy of the applicant's driving record and other  
17 available information from the national driver register. When  
18 received, the driving record and other available information  
19 become a part of the driver's record in this state. If the  
20 application is for an original, renewal, or upgrade of a vehicle  
21 group designation or indorsement, the secretary of state shall  
22 check the applicant's driving record with the national driver  
23 register and the federal commercial driver license information  
24 system before issuing that group designation or indorsement.

25 (8) Except for a vehicle group designation or indorsement or  
26 as provided in this subsection, the secretary of state may issue  
27 a renewal operator's or chauffeur's license for 1 additional



1 4-year period by mail or by other methods prescribed by the  
2 secretary of state. The secretary of state shall issue a renewal  
3 license only in person if the person is a person required under  
4 section 5a of the sex offenders registration act, 1994 PA 295,  
5 MCL 28.725a, to maintain a valid operator's or chauffeur's  
6 license or official state personal identification card. If a  
7 license is renewed by mail or by other method, the secretary of  
8 state shall issue evidence of renewal to indicate the date the  
9 license expires in the future. The department of state police  
10 shall provide to the secretary of state updated lists of persons  
11 required under section 5a of the sex offenders registration act,  
12 1994 PA 295, MCL 28.725a, to maintain a valid operator's or  
13 chauffeur's license or official state personal identification  
14 card.

15 (9) Upon request, the secretary of state shall provide an  
16 information manual to an applicant explaining how to obtain a  
17 vehicle group designation or indorsement. The manual shall  
18 contain the information required under 49 CFR part 383.

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

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

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

1 (c) As otherwise required by law.

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

5 (12) A requirement under this section to include a social  
6 security number on an application does not apply to an applicant  
7 who demonstrates he or she is exempt under law from obtaining a  
8 social security number or to an applicant who for religious  
9 convictions is exempt under law from disclosure of his or her  
10 social security number under these circumstances. The secretary  
11 of state shall inform the applicant of this possible exemption.