

# HOUSE BILL No. 5936

May 25, 2004, Introduced by Reps. Lipsey, Hoogendyk, Milosch, Wenke, DeRossett, Huizenga, Pappageorge, Sheen, Ehardt, Wojno, O'Neil, Reeves, Gielegem and LaSata 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 2004 PA 52.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 307. (1) An applicant for an operator's or chauffeur's  
2 license shall supply a birth certificate attesting to his or her  
3 age or other sufficient documents or identification as the  
4 secretary of state may require. **The secretary of state shall**  
5 **accept as 1 of the required identification documents an**  
6 **identification card issued by the department of corrections to**  
7 **prisoners who are placed on parole or released from a**  
8 **correctional facility, containing the prisoner's name,**  
9 **photograph, and other information identifying the prisoner as**  
10 **provided in section 37 of the corrections code of 1953, 1953 PA**  
11 **232, MCL 791.232. An application for an operator's or chauffeur's**

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1 license shall be made in a manner prescribed by the secretary of  
2 state and shall contain all of the following:

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

10 (b) The following notice shall be included to inform the  
11 applicant that under sections 509o and 509r of the Michigan  
12 election law, 1954 PA 116, MCL 168.509o and 168.509r, the  
13 secretary of state is required to use the residence address  
14 provided on this application as the applicant's residence address  
15 on the qualified voter file for voter registration and voting:

16 "NOTICE: Michigan law requires that the same address be used  
17 for voter registration and driver license purposes. Therefore,  
18 if the residence address you provide in this application  
19 differs from your voter registration address as it appears on  
20 the qualified voter file, the secretary of state will  
21 automatically change your voter registration to match the  
22 residence address on this application, after which your voter  
23 registration at your former address will no longer be valid for  
24 voting purposes. A new voter registration card, containing the  
25 information of your polling place, will be provided to you by  
26 the clerk of the jurisdiction where your residence address is

1 located.".

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

5 (i) The applicant meets the applicable federal driver  
6 qualification requirements under 49 CFR part 391 if the applicant  
7 operates or intends to operate in interstate commerce or meets  
8 the applicable qualifications under the rules promulgated by the  
9 department of state police under the motor carrier safety act of  
10 1963, 1963 PA 181, MCL 480.11 to 480.22, if the applicant  
11 operates or intends to operate in intrastate commerce.

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

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

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

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

1           (2) Except as provided in this subsection, an applicant for  
2 an operator's or chauffeur's license may have his or her image  
3 and signature captured or reproduced when the application for the  
4 license is made. An applicant required under section 5a of the  
5 sex offenders registration act, 1994 PA 295, MCL 28.725a, to  
6 maintain a valid operator's or chauffeur's license or official  
7 state personal identification card shall have his or her image  
8 and signature captured or reproduced when the application for the  
9 license is made. The secretary of state shall acquire by  
10 purchase or lease the equipment for capturing the images and  
11 signatures and may furnish the equipment to a local unit  
12 authorized by the secretary of state to license drivers. The  
13 secretary of state shall acquire equipment purchased or leased  
14 pursuant to this section under standard purchasing procedures of  
15 the department of management and budget based on standards and  
16 specifications established by the secretary of state. The  
17 secretary of state shall not purchase or lease equipment until an  
18 appropriation for the equipment has been made by the  
19 legislature. An image and signature captured pursuant to this  
20 section shall appear on the applicant's operator's or chauffeur's  
21 license. Except as provided in this subsection, the secretary of  
22 state may retain and use a person's image and signature described  
23 in this subsection only for programs administered by the  
24 secretary of state. Except as provided in this subsection, the  
25 secretary of state shall not use a person's image or signature,  
26 or both, unless the person grants written permission for that  
27 purpose to the secretary of state or specific enabling

1 legislation permitting the use is enacted into law. A law  
2 enforcement agency of this state has access to information  
3 retained by the secretary of state under this subsection. The  
4 information may be utilized for any law enforcement purpose  
5 unless otherwise prohibited by law. The department of state  
6 police shall provide to the secretary of state updated lists of  
7 persons required to be registered under the sex offenders  
8 registration act, 1994 PA 295, MCL 28.721 to 28.732, and the  
9 secretary of state shall make the images of those persons  
10 available to the department of state police as provided in that  
11 act.

12 (3) An application shall contain a signature or verification  
13 and certification by the applicant, as determined by the  
14 secretary of state, and shall be accompanied by the proper fee.  
15 The secretary of state shall collect the application fee with the  
16 application. The secretary of state shall refund the application  
17 fee to the applicant if the license applied for is denied, but  
18 shall not refund the fee to an applicant who fails to complete  
19 the examination requirements of the secretary of state within 90  
20 days after the date of application for a license.

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

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

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

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

12           (iii) Written information giving the applicant the  
13 opportunity to be placed on the organ donation registry described  
14 in subparagraph (ii).

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

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

27           (5) The secretary of state may fulfill the requirements of

1 subsection (4) by 1 or more of the following methods:

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

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

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

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

1 of information act, 1976 PA 442, MCL 15.243.

2 (7) If an application is received from a person previously  
3 licensed in another jurisdiction, the secretary of state shall  
4 request a copy of the applicant's driving record and other  
5 available information from the national driver register. When  
6 received, the driving record and other available information  
7 become a part of the driver's record in this state. If the  
8 application is for an original, renewal, or upgrade of a vehicle  
9 group designation or indorsement, the secretary of state shall  
10 check the applicant's driving record with the national driver  
11 register and the federal commercial driver license information  
12 system before issuing that group designation or indorsement.

13 (8) Except for a vehicle group designation or indorsement or  
14 as provided in this subsection, the secretary of state may issue  
15 a renewal operator's or chauffeur's license for 1 additional  
16 4-year period by mail or by other methods prescribed by the  
17 secretary of state. The secretary of state shall issue a renewal  
18 license only in person if the person is a person required under  
19 section 5a of the sex offenders registration act, 1994 PA 295,  
20 MCL 28.725a, to maintain a valid operator's or chauffeur's  
21 license or official state personal identification card. If a  
22 license is renewed by mail or by other method, the secretary of  
23 state shall issue evidence of renewal to indicate the date the  
24 license expires in the future. The department of state police  
25 shall provide to the secretary of state updated lists of persons  
26 required under section 5a of the sex offenders registration act,  
27 1994 PA 295, MCL 28.725a, to maintain a valid operator's or

1 chauffeur's license or official state personal identification  
2 card.

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

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

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

12 (b) Through the law enforcement information network, to carry  
13 out the purposes of section 466(a) of the social security act, 42  
14 USC 666, in connection with matters relating to paternity, child  
15 support, or overdue child 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  
24 convictions is exempt under law from disclosure of his or her  
25 social security number under these circumstances. The secretary  
26 of state shall inform the applicant of this possible exemption.

27 **(13) The secretary of state shall have electronic access to**

1 prisoner biography information maintained by the department of  
2 corrections for the purpose of verifying the identity of a  
3 prisoner who applies for an operator's or chauffeur's license  
4 under subsection (1).

5 Enacting section 1. This amendatory act does not take  
6 effect unless all of the following bills of the 92nd Legislature  
7 are enacted into law:

8 (a) Senate Bill No. \_\_\_\_ or House Bill No. 5934 (request  
9 no. 04594'03).

10 (b) Senate Bill No. \_\_\_\_ or House Bill No. 5933 (request  
11 no. 04595'03).

12 (c) Senate Bill No. \_\_\_\_ or House Bill No. 5935 (request  
13 no. 04596'03).

14 (d) Senate Bill No. \_\_\_\_ or House Bill No. 5937 (request  
15 no. 04630'03).