

# SENATE BILL No. 1406

September 21, 2004, Introduced by Senators BRATER, CHERRY, SCHAUER, SCOTT, THOMAS, JACOBS, PRUSI, BERNERO, SWITALSKI, CLARK-COLEMAN, CLARKE, OLSHOVE, BASHAM, LELAND, EMERSON and BARCIA and referred to the Committee on Government Operations.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 307 and 315 (MCL 257.307 and 257.315), section 307 as amended by 2004 PA 52 and section 315 as amended by 1999 PA 118.

**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. An application for an operator's  
5 or chauffeur's license shall be made in a manner prescribed by  
6 the secretary of state and shall contain all of the following:

7       (a) The applicant's full name, date of birth, residence  
8 address, height, sex, eye color, signature, other information  
9 required or permitted on the license under this chapter, and, to

1 the extent required to comply with federal law, the applicant's  
2 social security number. The applicant may provide a mailing  
3 address if the applicant receives mail at an address different  
4 from his or her residence address.

5 ~~(b) The following notice shall be included to inform the~~  
6 ~~applicant that under sections 509o and 509r of the Michigan~~  
7 ~~election law, 1954 PA 116, MCL 168.509o and 168.509r, the~~  
8 ~~secretary of state is required to use the residence address~~  
9 ~~provided on this application as the applicant's residence address~~  
10 ~~on the qualified voter file for voter registration and voting.~~

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

23 ~~(b) —(e)—~~ For an operator's or chauffeur's license with a  
24 vehicle group designation or indorsement, the following  
25 certifications by the applicant:

26 (i) The applicant meets the applicable federal driver

1 qualification requirements under 49 CFR part 391 if the applicant  
2 operates or intends to operate in interstate commerce or meets  
3 the applicable qualifications under the rules promulgated by the  
4 department of state police under the motor carrier safety act of  
5 1963, 1963 PA 181, MCL 480.11 to 480.22, if the applicant  
6 operates or intends to operate in intrastate commerce.

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

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

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

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

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

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

1 police shall provide to the secretary of state updated lists of  
2 persons required to be registered under the sex offenders  
3 registration act, 1994 PA 295, MCL 28.721 to 28.732, and the  
4 secretary of state shall make the images of those persons  
5 available to the department of state police as provided in that  
6 act.

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

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

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

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

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

1 relation to the surrounding material, the address and telephone  
2 number of Michigan's federally designated organ procurement  
3 organization or its successor organization, along with an  
4 advisory to call Michigan's federally designated organ  
5 procurement organization or its successor organization with  
6 questions about the organ donor registry program.

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

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

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

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

24 (a) Providing printed material enclosed with a mailed notice  
25 for an operator's or chauffeur's license renewal or the issuance  
26 of an operator's or chauffeur's license.

27 (b) Providing printed material to an applicant who personally

1 appears at a secretary of state branch office.

2 (c) Through electronic information transmittals for  
3 operator's and chauffeur's licenses processed by electronic  
4 means.

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

24 (7) If an application is received from a person previously  
25 licensed in another jurisdiction, the secretary of state shall  
26 request a copy of the applicant's driving record and other  
27 available information from the national driver register. When

1 received, the driving record and other available information  
2 become a part of the driver's record in this state. If the  
3 application is for an original, renewal, or upgrade of a vehicle  
4 group designation or indorsement, the secretary of state shall  
5 check the applicant's driving record with the national driver  
6 register and the federal commercial driver license information  
7 system before issuing that group designation or indorsement.

8 (8) Except for a vehicle group designation or indorsement or  
9 as provided in this subsection, the secretary of state may issue  
10 a renewal operator's or chauffeur's license for 1 additional  
11 4-year period by mail or by other methods prescribed by the  
12 secretary of state. The secretary of state shall issue a renewal  
13 license only in person if the person is a person required under  
14 section 5a of the sex offenders registration act, 1994 PA 295,  
15 MCL 28.725a, to maintain a valid operator's or chauffeur's  
16 license or official state personal identification card. If a  
17 license is renewed by mail or by other method, the secretary of  
18 state shall issue evidence of renewal to indicate the date the  
19 license expires in the future. The department of state police  
20 shall provide to the secretary of state updated lists of persons  
21 required under section 5a of the sex offenders registration act,  
22 1994 PA 295, MCL 28.725a, to maintain a valid operator's or  
23 chauffeur's license or official state personal identification  
24 card.

25 (9) Upon request, the secretary of state shall provide an  
26 information manual to an applicant explaining how to obtain a  
27 vehicle group designation or indorsement. The manual shall

1 contain the information required under 49 CFR part 383.

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

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

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

11 (c) As otherwise required by law.

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

15 (12) A requirement under this section to include a social  
16 security number on an application does not apply to an applicant  
17 who demonstrates he or she is exempt under law from obtaining a  
18 social security number or to an applicant who for religious  
19 convictions is exempt under law from disclosure of his or her  
20 social security number under these circumstances. The secretary  
21 of state shall inform the applicant of this possible exemption.

22 Sec. 315. (1) An operator or chauffeur who changes his or  
23 her residence before the expiration of a license granted under  
24 this chapter shall immediately notify the secretary of state of  
25 his or her new residence address. A change of address  
26 notification shall be in a manner prescribed by the secretary of  
27 state and may include notification by personally appearing at a

1 branch office of the secretary of state or other location  
2 designated by the secretary of state, or a notification by mail,  
3 telephone, electronically, by submitting a voter registration  
4 application unless the person registers to vote in a city,  
5 village, or township that prohibits the operation of motor  
6 vehicles by law or ordinance, or by any other means prescribed by  
7 the secretary of state. ~~The secretary of state shall provide~~  
8 ~~the person changing his or her residence address the notice~~  
9 ~~required by section 307(1)(b) that, under sections 509o and 509r~~  
10 ~~of the Michigan election law, 1954 PA 116, MCL 168.509o and~~  
11 ~~168.509r, the secretary of state is required to use the residence~~  
12 ~~address provided on this change of address application as the~~  
13 ~~person's residence address on the qualified voter file for voter~~  
14 ~~registration and voting. However, a~~ A person may submit to the  
15 secretary of state a mailing address that is different than his  
16 or her residence address.

17 (2) Upon receiving a change of address notification, the  
18 secretary of state shall change the person's driver license  
19 record to indicate the new residence address. The secretary of  
20 state shall provide the person with a new license or a label or  
21 some other mechanism containing the new residence address. Upon  
22 receipt of the label or other mechanism, the person shall affix  
23 the label or mechanism to his or her operator's or chauffeur's  
24 license as prescribed by the secretary of state. If the  
25 secretary of state furnished the person with a new license, the  
26 person shall destroy his or her old license and replace it with  
27 the new license.

1           (3) If a person fails to report a change of his or her  
2 residence address as required under this section and subsequently  
3 there is no response to a notice mailed to the residence address  
4 shown by the record of the secretary of state or if the person  
5 has provided the secretary of state a mailing address different  
6 from his or her residence address and there is no response to a  
7 notice mailed to that mailing address, the secretary of state may  
8 immediately suspend or revoke his or her license. A person who  
9 fails to report a change of his or her residence address is  
10 responsible for a civil infraction.

11           (4) A person shall not knowingly report a change of address  
12 to the secretary of state for himself or herself that is not his  
13 or her residence address. A person shall not knowingly report a  
14 change of address to the secretary of state for another person  
15 without the consent of the other person. A person who is  
16 convicted of a violation of this subsection is guilty of a  
17 misdemeanor punishable by imprisonment for not more than 93 days  
18 or a fine of \$1,000.00, or both. Upon receiving the abstract of  
19 a conviction under this subsection, the secretary of state may  
20 suspend the person's operator's or chauffeur's license for 6  
21 months. The secretary of state shall not issue a restricted  
22 license to the person during the suspension.

23           (5) Upon a second or subsequent conviction under subsection  
24 (4), a person is guilty of a misdemeanor punishable by  
25 imprisonment for not more than 93 days or a fine of \$5,000.00, or  
26 both. Upon receiving the abstract of a second or subsequent  
27 conviction under subsection (4), the secretary of state shall

1 revoke the person's operator's or chauffeur's license.

2           (6) The suspension or revocation of an operator's or  
3 chauffeur's license under subsection (4) or (5) is not appealable  
4 under section 323.