

HOUSE BILL No. 5229

September 27, 2005, Introduced by Reps. Lipsey, Condino, Bieda, Hoogendyk and Alma Smith and referred to the Committee on Judiciary.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 307 (MCL 257.307), as amended by 2004 PA 502.

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 ACCEPT**
5 **AS 1 OF THE REQUIRED IDENTIFICATION DOCUMENTS AN IDENTIFICATION**
6 **CARD ISSUED BY THE DEPARTMENT OF CORRECTIONS TO PRISONERS WHO ARE**
7 **PLACED ON PAROLE OR RELEASED FROM A CORRECTIONAL FACILITY,**
8 **CONTAINING THE PRISONER'S NAME, PHOTOGRAPH, AND OTHER INFORMATION**

1 IDENTIFYING THE PRISONER AS PROVIDED IN SECTION 37(4) OF THE
2 CORRECTIONS CODE OF 1953, 1953 PA 232, MCL 791.237. An application
3 for an operator's or chauffeur's license shall be made in a manner
4 prescribed by the secretary of state and shall contain all of the
5 following:

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

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

19 "NOTICE: Michigan law requires that the same address be used
20 for voter registration and driver license purposes. Therefore,
21 if the residence address you provide in this application
22 differs from your voter registration address as it appears on
23 the qualified voter file, the secretary of state will
24 automatically change your voter registration to match the
25 residence address on this application, after which your voter
26 registration at your former address will no longer be valid

1 for voting purposes. A new voter registration card, containing
2 the information of your polling place, will be provided to you
3 by the clerk of the jurisdiction where your residence address
4 is located.".

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

9 (d) 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 the
15 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 operates
18 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 applicant
21 operates or intends to operate.

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

26 (iv) The applicant does not have a driver's license from more

1 than 1 state or jurisdiction.

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

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

1 section shall appear on the applicant's operator's or chauffeur's
2 license. Except as provided in this subsection, the secretary of
3 state may retain and use a person's image and signature described
4 in this subsection only for programs administered by the secretary
5 of state. Except as provided in this subsection, the secretary of
6 state shall not use a person's image or signature, or both, unless
7 the person grants written permission for that purpose to the
8 secretary of state or specific enabling legislation permitting the
9 use is enacted into law. A law enforcement agency of this state has
10 access to information retained by the secretary of state under this
11 subsection. The information may be utilized for any law enforcement
12 purpose 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 available
17 to the department of state police as provided in that act.

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

27 (4) In conjunction with the issuance of an operator's or

1 chauffeur's license, the secretary of state shall do all of the
2 following:

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

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

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

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

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

25 (c) Inform the applicant in writing that, if he or she
26 indicates to the secretary of state under this section a
27 willingness to have his or her name placed on the organ donor

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

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

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

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

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

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

20 (6) If an applicant indicates a willingness under this section
21 to have his or her name placed on the organ donor registry
22 described in subsection (4)(a)(ii), the secretary of state shall
23 within 10 days forward the applicant's name and address to the
24 organ donor registry maintained by Michigan's federally designated
25 organ procurement organization or its successor organization. The
26 secretary of state may forward information under this subsection by
27 mail or by electronic means. The secretary of state shall not

1 maintain a record of the name or address of an individual who
2 indicates a willingness to have his or her name placed on the organ
3 donor registry after forwarding that information to the organ donor
4 registry under this subsection. Information about an applicant's
5 indication of a willingness to have his or her name placed on the
6 organ donor registry that is obtained by the secretary of state
7 under subsection (4) and forwarded under this subsection is exempt
8 from disclosure under the freedom of information act, 1976 PA 442,
9 MCL 15.231 to 15.246, pursuant to section 13(1)(d) of the freedom
10 of information act, 1976 PA 442, MCL 15.243.

11 (7) If an application is received from a person previously
12 licensed in another jurisdiction, the secretary of state shall
13 request a copy of the applicant's driving record and other
14 available information from the national driver register. When
15 received, the driving record and other available information become
16 a part of the driver's record in this state.

17 (8) If an application is received for an original, renewal, or
18 upgrade of a vehicle group designation or indorsement, the
19 secretary of state shall request the person's complete driving
20 record from all states where the applicant was previously licensed
21 to drive any type of motor vehicle over the last 10 years before
22 issuing a vehicle group designation or indorsement to the
23 applicant. If the applicant does not hold a valid commercial motor
24 vehicle driver license from a state where he or she was licensed in
25 the last 10 years, this complete driving record request must be
26 made not earlier than 24 hours before the secretary of state issues
27 the applicant a vehicle group designation or indorsement. For all

1 other drivers, this request must be made not earlier than 10 days
2 before the secretary of state issues the applicant a vehicle group
3 designation or indorsement. The secretary of state shall also check
4 the applicant's driving record with the national driver register
5 and the federal commercial driver license information system before
6 issuing that group designation or indorsement. If the application
7 is for the renewal of a vehicle group designation or indorsement,
8 and if the secretary of state enters on the person's historical
9 driving record maintained under section 204a a notation that the
10 request was made and the date of the request, the secretary of
11 state is required to request the applicant's complete driving
12 record from other states only once under this section.

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

1 updated lists of persons required under section 5a of the sex
2 offenders registration act, 1994 PA 295, MCL 28.725a, to maintain a
3 valid operator's or chauffeur's license or official state personal
4 identification card.

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

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

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

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

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

21 (d) As otherwise required by law.

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

25 (13) A requirement under this section to include a social
26 security number on an application does not apply to an applicant
27 who demonstrates he or she is exempt under law from obtaining a

1 social security number or to an applicant who for religious
2 convictions is exempt under law from disclosure of his or her
3 social security number under these circumstances. The secretary of
4 state shall inform the applicant of this possible exemption.

5 **(14) THE SECRETARY OF STATE SHALL HAVE ELECTRONIC ACCESS TO**
6 **PRISONER BIOGRAPHY INFORMATION MAINTAINED BY THE DEPARTMENT OF**
7 **CORRECTIONS FOR THE PURPOSE OF VERIFYING THE IDENTITY OF A PRISONER**
8 **WHO APPLIES FOR AN OPERATOR'S OR CHAUFFEUR'S LICENSE UNDER**
9 **SUBSECTION (1).**

10 Enacting section 1. This amendatory act does not take effect
11 unless Senate Bill No.____ or House Bill No. 5230(request no.
12 02035'05 a) of the 93rd Legislature is enacted into law.