

# SENATE BILL No. 145

February 2, 2005, Introduced by Senators BRATER, PRUSI, THOMAS, BASHAM, CLARK-COLEMAN, SCHAUER, SWITALSKI, CLARKE, SCOTT, CHERRY, JACOBS, LELAND, BERNERO and EMERSON 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 502 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:

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

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

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

1       **(B) —(e)—** For an original or renewal operator's or  
2 chauffeur's license with a vehicle group designation or  
3 indorsement, the names of all states where the applicant has been  
4 licensed to drive any type of motor vehicle during the previous  
5 10 years.

6       **(C) —(d)—** For an operator's or chauffeur's license with a  
7 vehicle group designation or indorsement, the following  
8 certifications by the applicant:

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

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

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

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

25       **(D) —(e)—** An applicant for an operator's or chauffeur's  
26 license with a vehicle group designation and a hazardous material  
27 indorsement (H vehicle indorsement) shall provide his or her

1 fingerprints that were taken by a law enforcement official or a  
2 designated representative for investigation as required by the  
3 uniting and strengthening America by providing appropriate tools  
4 required to intercept and obstruct terrorism (USA PATRIOT ACT)  
5 Act of 2001, Public Law 107-56.

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

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

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

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

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

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

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

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

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

23 (c) Inform the applicant in writing that, if he or she  
24 indicates to the secretary of state under this section a  
25 willingness to have his or her name placed on the organ donor  
26 registry described in subdivision (a) (ii), the secretary of state  
27 will forward the applicant's name and address to the organ

1 donation registry maintained by Michigan's federally designated  
2 organ procurement organization or its successor organization, as  
3 required by subsection (6).

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

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

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

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

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

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

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

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



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

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

1 indicate the date the license expires in the future. The  
2 department of state police shall provide to the secretary of  
3 state updated lists of persons required under section 5a of the  
4 sex offenders registration act, 1994 PA 295, MCL 28.725a, to  
5 maintain a valid operator's or chauffeur's license or official  
6 state personal identification card.

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

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

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

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

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

23 (d) As otherwise required by law.

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

27 (13) A requirement under this section to include a social

1 security number on an application does not apply to an applicant  
2 who demonstrates he or she is exempt under law from obtaining a  
3 social security number or to an applicant who for religious  
4 convictions is exempt under law from disclosure of his or her  
5 social security number under these circumstances. The secretary  
6 of state shall inform the applicant of this possible exemption.

7       Sec. 315. (1) An operator or chauffeur who changes his or  
8 her residence before the expiration of a license granted under  
9 this chapter shall immediately notify the secretary of state of  
10 his or her new residence address. A change of address  
11 notification shall be in a manner prescribed by the secretary of  
12 state and may include notification by personally appearing at a  
13 branch office of the secretary of state or other location  
14 designated by the secretary of state, or a notification by mail,  
15 telephone, electronically, by submitting a voter registration  
16 application unless the person registers to vote in a city,  
17 village, or township that prohibits the operation of motor  
18 vehicles by law or ordinance, or by any other means prescribed by  
19 the secretary of state. ~~The secretary of state shall provide the~~  
20 ~~person changing his or her residence address the notice required~~  
21 ~~by section 307(1)(b) that, under sections 509o and 509r of the~~  
22 ~~Michigan election law, 1954 PA 116, MCL 168.509o and 168.509r,~~  
23 ~~the secretary of state is required to use the residence address~~  
24 ~~provided on this change of address application as the person's~~  
25 ~~residence address on the qualified voter file for voter~~  
26 ~~registration and voting. However, a~~ **A** person may submit to the  
27 secretary of state a mailing address that is different than his

1 or her residence address.

2       (2) Upon receiving a change of address notification, the  
3 secretary of state shall change the person's driver license  
4 record to indicate the new residence address. The secretary of  
5 state shall provide the person with a new license or a label or  
6 some other mechanism containing the new residence address. Upon  
7 receipt of the label or other mechanism, the person shall affix  
8 the label or mechanism to his or her operator's or chauffeur's  
9 license as prescribed by the secretary of state. If the secretary  
10 of state furnished the person with a new license, the person  
11 shall destroy his or her old license and replace it with the new  
12 license.

13       (3) If a person fails to report a change of his or her  
14 residence address as required under this section and subsequently  
15 there is no response to a notice mailed to the residence address  
16 shown by the record of the secretary of state or if the person  
17 has provided the secretary of state a mailing address different  
18 from his or her residence address and there is no response to a  
19 notice mailed to that mailing address, the secretary of state may  
20 immediately suspend or revoke his or her license. A person who  
21 fails to report a change of his or her residence address is  
22 responsible for a civil infraction.

23       (4) A person shall not knowingly report a change of address  
24 to the secretary of state for himself or herself that is not his  
25 or her residence address. A person shall not knowingly report a  
26 change of address to the secretary of state for another person  
27 without the consent of the other person. A person who is

1 convicted of a violation of this subsection is guilty of a  
2 misdemeanor punishable by imprisonment for not more than 93 days  
3 or a fine of \$1,000.00, or both. Upon receiving the abstract of a  
4 conviction under this subsection, the secretary of state may  
5 suspend the person's operator's or chauffeur's license for 6  
6 months. The secretary of state shall not issue a restricted  
7 license to the person during the suspension.

8 (5) Upon a second or subsequent conviction under subsection  
9 (4), a person is guilty of a misdemeanor punishable by  
10 imprisonment for not more than 93 days or a fine of \$5,000.00, or  
11 both. Upon receiving the abstract of a second or subsequent  
12 conviction under subsection (4), the secretary of state shall  
13 revoke the person's operator's or chauffeur's license.

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