

HOUSE BILL No. 5547

December 6, 2007, Introduced by Rep. Acciavatti and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 303, 307, 310, and 314 (MCL 257.303, 257.307, 257.310, and 257.314), sections 303, 307, and 314 as amended by 2006 PA 298 and section 310 as amended by 2005 PA 141, and by adding sections 310f and 310g.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 303. (1) The secretary of state shall not issue a
2 license under this act to any of the following persons:
3 (a) A person, as an operator, who is less than 18 years of
4 age, except as otherwise provided in this act.
5 (b) A person, as a chauffeur, who is less than 18 years of
6 age, except as otherwise provided in this act.

1 (c) A person whose license is suspended, revoked, denied, or
2 canceled in any state. If the suspension, revocation, denial, or
3 cancellation is not from the jurisdiction that issued the last
4 license to the person, the secretary of state may issue a license
5 after the expiration of 5 years from the effective date of the
6 most recent suspension, revocation, denial, or cancellation.

7 (d) A person who in the opinion of the secretary of state is
8 afflicted with or suffering from a physical or mental disability
9 or disease preventing that person from exercising reasonable and
10 ordinary control over a motor vehicle while operating the motor
11 vehicle upon the highways.

12 (e) A person who is unable to understand highway warning or
13 direction signs in the English language.

14 (f) A person who is unable to pass a knowledge, skill, or
15 ability test administered by the secretary of state in connection
16 with the issuance of an original operator's or chauffeur's
17 license, original motorcycle indorsement, or an original or
18 renewal of a vehicle group designation or vehicle indorsement.

19 (g) A person who has been convicted of, has received a
20 juvenile disposition for, or has been determined responsible for
21 2 or more moving violations under a law of this state, a local
22 ordinance substantially corresponding to a law of this state, or
23 a law of another state substantially corresponding to a law of
24 this state within the preceding 3 years, if the violations
25 occurred before issuance of an original license to the person in
26 this state, another state, or another country.

27 (h) ~~A~~**—EXCEPT AS PROVIDED IN SECTION 310F, A** nonresident,

1 including, but not limited to, a foreign exchange student.

2 (i) A person who has failed to answer a citation or notice
3 to appear in court or for any matter pending or fails to comply
4 with an order or judgment of the court, including, but not
5 limited to, paying all fines, costs, fees, and assessments, in
6 violation of section 321a, until that person answers the citation
7 or notice to appear in court or for any matter pending or
8 complies with an order or judgment of the court, including, but
9 not limited to, paying all fines, costs, fees, and assessments,
10 as provided under section 321a.

11 (j) A person not licensed under this act who has been
12 convicted of, has received a juvenile disposition for, or has
13 been determined responsible for a crime or civil infraction
14 described in section 319, 324, or 904. A person shall be denied a
15 license under this subdivision for the length of time
16 corresponding to the period of the licensing sanction that would
17 have been imposed under section 319, 324, or 904 if the person
18 had been licensed at the time of the violation.

19 (k) A person not licensed under this act who has been
20 convicted of or received a juvenile disposition for committing a
21 crime described in section 319e. A person shall be denied a
22 license under this subdivision for the length of time that
23 corresponds to the period of the licensing sanction that would
24 have been imposed under section 319e if the person had been
25 licensed at the time of the violation.

26 (l) A person not licensed under this act who is determined to
27 have violated section 33b(1) of former 1933 (Ex Sess) PA 8,

1 section 703(1) of the Michigan liquor control code of 1998, 1998
2 PA 58, MCL 436.1703, or section 624a or 624b of this act. The
3 person shall be denied a license under this subdivision for a
4 period of time that corresponds to the period of the licensing
5 sanction that would have been imposed under those sections had
6 the person been licensed at the time of the violation.

7 (m) A person whose commercial driver license application is
8 canceled under section 324(2).

9 (N) **EXCEPT AS PROVIDED IN SECTION 310F, A PERSON WHO IS NOT**
10 **A CITIZEN OF THE UNITED STATES.**

11 (2) Upon receiving the appropriate records of conviction,
12 the secretary of state shall revoke the operator's or chauffeur's
13 license of a person and deny issuance of an operator's or
14 chauffeur's license to a person having any of the following,
15 whether under a law of this state, a local ordinance
16 substantially corresponding to a law of this state, or a law of
17 another state substantially corresponding to a law of this state:

18 (a) Any combination of 2 convictions within 7 years for
19 reckless driving in violation of section 626.

20 (b) Any combination of 2 or more convictions within 7 years
21 for any of the following:

22 (i) A felony in which a motor vehicle was used.

23 (ii) A violation or attempted violation of section 601b(2) or
24 (3), section 601c(1) or (2), section 602a(4) or (5), section 617,
25 section 653a(3) or (4), or section 904(4) or (5).

26 (iii) Negligent homicide, manslaughter, or murder resulting
27 from the operation of a vehicle or an attempt to commit any of

1 those crimes.

2 (iv) A violation or attempted violation of section 479a(4) or
3 (5) of the Michigan penal code, 1931 PA 328, MCL 750.479a.

4 (c) Any combination of 2 convictions within 7 years for any
5 of the following or a combination of 1 conviction for a violation
6 or attempted violation of section 625(6) and 1 conviction for any
7 of the following within 7 years:

8 (i) A violation or attempted violation of section 625, except
9 a violation of section 625(2), or a violation of any prior
10 enactment of section 625 in which the defendant operated a
11 vehicle while under the influence of intoxicating or alcoholic
12 liquor or a controlled substance, or a combination of
13 intoxicating or alcoholic liquor and a controlled substance, or
14 while visibly impaired, or with an unlawful bodily alcohol
15 content.

16 (ii) A violation or attempted violation of section 625m.

17 (iii) Former section 625b.

18 (d) One conviction for a violation or attempted violation of
19 section 315(5), section 601b(3), section 601c(2), section 602a(4)
20 or (5), section 617, section 625(4) or (5), section 653a(4), or
21 section 904(4) or (5).

22 (e) One conviction of negligent homicide, manslaughter, or
23 murder resulting from the operation of a vehicle or an attempt to
24 commit any of those crimes.

25 (f) One conviction for a violation or attempted violation of
26 section 479a(4) or (5) of the Michigan penal code, 1931 PA 328,
27 MCL 750.479a.

1 (g) Any combination of 3 convictions within 10 years for any
2 of the following or 1 conviction for a violation or attempted
3 violation of section 625(6) and any combination of 2 convictions
4 for any of the following within 10 years, if any of the
5 convictions resulted from an arrest on or after January 1, 1992:

6 (i) A violation or attempted violation of section 625, except
7 a violation of section 625(2), or a violation of any prior
8 enactment of section 625 in which the defendant operated a
9 vehicle while under the influence of intoxicating or alcoholic
10 liquor or a controlled substance, or a combination of
11 intoxicating or alcoholic liquor and a controlled substance, or
12 while visibly impaired, or with an unlawful bodily alcohol
13 content.

14 (ii) A violation or attempted violation of section 625m.

15 (iii) Former section 625b.

16 (3) The secretary of state shall revoke a license under
17 subsection (2) notwithstanding a court order unless the court
18 order complies with section 323.

19 (4) The secretary of state shall not issue a license under
20 this act to a person whose license has been revoked under this
21 act or revoked and denied under subsection (2) until all of the
22 following occur, as applicable:

23 (a) The later of the following:

24 (i) The expiration of not less than 1 year after the license
25 was revoked or denied.

26 (ii) The expiration of not less than 5 years after the date
27 of a subsequent revocation or denial occurring within 7 years

1 after the date of any prior revocation or denial.

2 (b) For a denial under subsection (2)(a), (b), (c), and (g),
3 the person rebuts by clear and convincing evidence the
4 presumption resulting from the prima facie evidence that he or
5 she is a habitual offender. The convictions that resulted in the
6 revocation and denial constitute prima facie evidence that he or
7 she is a habitual offender.

8 (c) The person meets the requirements of the department.

9 (5) The secretary of state may deny issuance of an
10 operator's license as follows:

11 (a) Until the age of 17, to a person not licensed under this
12 act who was convicted of or received a juvenile disposition for
13 violating or attempting to violate section 411a(2) of the
14 Michigan penal code, 1931 PA 328, MCL 750.411a, involving a
15 school when he or she was less than 14 years of age. A person not
16 issued a license under this subdivision is not eligible to begin
17 graduated licensing training until he or she attains 16 years of
18 age.

19 (b) To a person less than 21 years of age not licensed under
20 this act who was convicted of or received a juvenile disposition
21 for violating or attempting to violate section 411a(2) of the
22 Michigan penal code, 1931 PA 328, MCL 750.411a, involving a
23 school when he or she was less than 14 years of age or older,
24 until 3 years after the date of the conviction or juvenile
25 disposition. A person not issued a license under this subdivision
26 is not eligible to begin graduated licensing training or
27 otherwise obtain an original operator's or chauffeur's license

1 until 3 years after the date of the conviction or juvenile
2 disposition.

3 (6) The secretary of state shall deny issuance of a vehicle
4 group designation to a person if the person has been disqualified
5 by the United States secretary of transportation from operating a
6 commercial motor vehicle.

7 (7) Multiple convictions or civil infraction determinations
8 resulting from the same incident shall be treated as a single
9 violation for purposes of denial or revocation of a license under
10 this section.

11 (8) As used in this section, "felony in which a motor
12 vehicle was used" means a felony during the commission of which
13 the person operated a motor vehicle and while operating the
14 vehicle presented real or potential harm to persons or property
15 and 1 or more of the following circumstances existed:

16 (a) The vehicle was used as an instrument of the felony.

17 (b) The vehicle was used to transport a victim of the
18 felony.

19 (c) The vehicle was used to flee the scene of the felony.

20 (d) The vehicle was necessary for the commission of the
21 felony.

22 Sec. 307. (1) An applicant for an operator's or chauffeur's
23 license shall supply a birth certificate attesting to his or her
24 ~~age or~~ **NAME AND DATE OF BIRTH AND** other sufficient documents or
25 identification as the secretary of state may require
26 **DEMONSTRATING HIS OR HER ADDRESS AND RESIDENCY AND THAT THE**
27 **APPLICANT IS A CITIZEN OF THE UNITED STATES, IS AN ALIEN LAWFULLY**

1 **ADMITTED FOR PERMANENT OR TEMPORARY RESIDENCE IN THE UNITED**
2 **STATES, OR HAS CONDITIONAL PERMANENT RESIDENT STATUS IN THE**
3 **UNITED STATES.** An application for an operator's or chauffeur's
4 license shall be made in a manner prescribed by the secretary of
5 state and shall contain all of the following:

6 (a) The applicant's full name, date of birth, residence
7 address, height, sex, eye color, signature, and, beginning
8 January 1, 2007, intent to be an organ donor, other information
9 required or permitted on the license under this chapter, and, to
10 the extent required to comply with federal law, the applicant's
11 social security number **OR VERIFICATION THAT THE PERSON IS**
12 **INELIGIBLE FOR A SOCIAL SECURITY NUMBER.** The applicant may
13 provide a mailing address if the applicant receives mail at an
14 address different from his or her residence address.

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

21 "NOTICE: Michigan law requires that the same address
22 be used for voter registration and driver license
23 purposes. Therefore, if the residence address
24 you provide in this application differs from your
25 voter registration address as it appears on the
26 qualified voter file, the secretary of state
27 will automatically change your voter registration

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

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

12 (d) For an operator's or chauffeur's license with a vehicle
13 group designation or indorsement, the following certifications by
14 the applicant:

15 (i) The applicant meets the applicable federal driver
16 qualification requirements under 49 CFR part 391 if the applicant
17 operates or intends to operate in interstate commerce or meets
18 the applicable qualifications of the department of state police
19 under the motor carrier safety act of 1963, 1963 PA 181, MCL
20 480.11 to 480.25, if the applicant operates or intends to operate
21 in intrastate commerce.

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

25 (iii) The applicant is not subject to disqualification by the
26 United States secretary of transportation, or a suspension,
27 revocation, or cancellation under any state law for conviction of

1 an offense described in section 312f or 319b.

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

4 (e) An applicant for an operator's or chauffeur's license
5 with a vehicle group designation and a hazardous material
6 indorsement shall provide his or her fingerprints as prescribed
7 by state and federal law.

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

1 the applicant's operator's or chauffeur's license. Except as
2 provided in this subsection, the secretary of state may retain
3 and use a person's **DIGITAL PHOTOGRAPHIC** image and signature
4 described in this subsection only for programs administered by
5 the secretary of state. Except as provided in this subsection,
6 the secretary of state shall not use a person's **DIGITAL**
7 **PHOTOGRAPHIC** image or signature, or both, unless the person
8 grants written permission for that purpose to the secretary of
9 state or specific enabling legislation permitting the use is
10 enacted into law. A law enforcement agency of this state has
11 access to information retained by the secretary of state under
12 this subsection. The information may be utilized for any law
13 enforcement purpose unless otherwise prohibited by law. The
14 department of state police shall provide to the secretary of
15 state updated lists of persons required to be registered under
16 the sex offenders registration act, 1994 PA 295, MCL 28.721 to
17 28.736, and the secretary of state shall make the **DIGITAL**
18 **PHOTOGRAPHIC** images of those persons available to the department
19 of state police as provided in that act.

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

1 days after the date of application for a license.

2 (4) In conjunction with the application for or, until
3 January 1, 2007, the issuance of an operator's or chauffeur's
4 license, the secretary of state shall do all of the following:

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

6 (i) Information explaining the applicant's right to make an
7 anatomical gift in the event of death in accordance with section
8 310.

9 (ii) Information describing the organ, tissue, and eye donor
10 registry program. The information required under this
11 subparagraph includes the address and telephone number of
12 Michigan's federally designated organ procurement organization or
13 its successor organization.

14 (iii) Information giving the applicant the opportunity to be
15 placed on the registry described in subparagraph (ii).

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

20 (c) Inform the applicant that, if he or she indicates to the
21 secretary of state under this section a willingness to have his
22 or her name placed on the registry described in subdivision
23 (a) (ii), the secretary of state will mark the applicant's record
24 for the registry.

25 (d) Provide the applicant with the opportunity to make a
26 donation of \$1.00 or more to the organ and tissue donation
27 education fund created under section 217o. A donation made under

1 this subdivision shall be deposited in the state treasury to the
2 credit of the organ and tissue donation education fund.

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

5 (a) Providing printed material enclosed with a mailed notice
6 for an operator's or chauffeur's license renewal or the issuance
7 of an operator's or chauffeur's license.

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

10 (c) Through electronic information transmittals for
11 operator's and chauffeur's licenses processed by electronic
12 means.

13 (6) Until January 1, 2007, if an applicant indicates a
14 willingness under this section to have his or her name placed on
15 the organ donor registry described in subsection (4) (a) (ii), the
16 secretary of state shall within 10 days forward the applicant's
17 name, and address, and date of birth to the organ donor registry
18 maintained by Michigan's federally designated organ procurement
19 organization or its successor organization. The secretary of
20 state may forward information under this subsection by mail or by
21 electronic means. The secretary of state shall not maintain a
22 record of the name or address of an individual who indicates a
23 willingness to have his or her name placed on the organ donor
24 registry after forwarding that information to the organ donor
25 registry under this subsection. Information about an applicant's
26 indication of a willingness to have his or her name placed on the
27 organ donor registry that is obtained by the secretary of state

1 under subsection (4) and forwarded under this subsection is
2 exempt from disclosure under section 13(1)(d) of the freedom of
3 information act, 1976 PA 442, MCL 15.243. Beginning January 1,
4 2007, the secretary of state shall maintain a record of an
5 individual who indicates a willingness to have his or her name
6 placed on the registry described in subsection (4)(a)(ii).
7 Information about an applicant's indication of a willingness to
8 have his or her name placed on the registry that is obtained by
9 the secretary of state under subsection (4) and forwarded under
10 subsection (14) is exempt from disclosure under section 13(1)(d)
11 of the freedom of information act, 1976 PA 442, MCL 15.243.

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

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

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

15 (9) Except for a vehicle group designation or indorsement or
16 as provided in this subsection or section 314(5), the secretary
17 of state may issue a renewal operator's or chauffeur's license
18 for 1 additional 4-year period by mail or by other methods
19 prescribed by the secretary of state. The secretary of state may
20 check the applicant's driving record through the national driver
21 register and the commercial driver license information system
22 before issuing a license under this section. The secretary of
23 state shall issue a renewal license only in person if the person
24 is a person required under section 5a of the sex offenders
25 registration act, 1994 PA 295, MCL 28.725a, to maintain a valid
26 operator's or chauffeur's license or official state personal
27 identification card. If a license is renewed by mail or by other

1 method, the secretary of state shall issue evidence of renewal to
2 indicate the date the license expires in the future. The
3 department of state police shall provide to the secretary of
4 state updated lists of persons 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.

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

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

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

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

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

24 (d) With the department of community health, for comparison
25 with vital records maintained by the department of community
26 health under part 28 of the public health code, 1978 PA 368, MCL
27 333.2801 to 333.2899.

1 (e) As otherwise required by law.

2 (12) 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 (13) 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.

12 (14) Beginning January 1, 2007, the secretary of state shall
13 maintain the organ, tissue, and eye donor registry in a manner
14 that provides electronic access, including, but not limited to,
15 transfer of data to this state's federally designated organ
16 procurement organizations, their successor organizations, and
17 tissue and eye banks with limitations on the use of and access to
18 the donor registry as determined by the secretary of state.

19 Sec. 310. (1) The secretary of state shall issue an
20 operator's license to each person licensed as an operator and a
21 chauffeur's license to each person licensed as a chauffeur. An
22 applicant for a motorcycle indorsement under section 312a or a
23 vehicle group designation or indorsement shall first qualify for
24 an operator's or chauffeur's license before the indorsement or
25 vehicle group designation application is accepted and processed.
26 On and after July 1, 2003, an original license or the first
27 renewal of an existing license issued to a person less than 21

1 years of age shall be portrait or vertical in form and a license
2 issued to a person 21 years of age or over shall be landscape or
3 horizontal in form.

4 (2) The license issued under subsection (1) shall contain
5 all of the following information:

6 (a) The distinguishing number permanently assigned to the
7 licensee.

8 (b) The full name, date of birth, address of residence,
9 height, eye color, sex, image, and signature of the licensee.

10 (c) Until January 1, 2007, a place for the licensee to
11 indicate 1 or more of the following:

12 (i) The blood type of the licensee.

13 (ii) Immunization data of the licensee.

14 (iii) Medication data of the licensee.

15 (iv) A statement that the licensee is deaf.

16 (v) Until January 1, 2007, a statement that the licensee is
17 an organ and tissue donor under part 101 of the public health
18 code, 1978 PA 368, MCL 333.10101 to 333.10109.

19 (vi) Emergency contact information of the licensee.

20 (vii) A sticker or decal as specified by the secretary of
21 state to indicate that the licensee has designated 1 or more
22 patient advocates in accordance with section 5506 of the estates
23 and protected individuals code, 1998 PA 386, MCL 700.5506, or a
24 statement that the licensee carries an emergency medical
25 information card.

26 (d) Until January 1, 2007, if the licensee has made a
27 statement described in subdivision (c)(v), the signature of the

1 licensee following the indication of his or her organ and tissue
2 donor intent identified in subdivision (c)(v), along with the
3 signature of at least 1 witness.

4 (e) In the case of a licensee who is less than 18 years of
5 age at the time of issuance of the license, the date on which the
6 licensee will become 18 years of age and 21 years of age.

7 (f) In the case of a licensee who is at least 18 years of
8 age but less than 21 years of age at the time of issuance of the
9 license, the date on which the licensee will become 21 years of
10 age.

11 (g) Beginning January 1, 2007, in the case of a licensee who
12 has indicated his or her wish to participate in the organ and
13 tissue donor registry under part 101 of the public health code,
14 1978 PA 368, MCL 333.10101 to 333.10109, a heart insignia on the
15 front of the license.

16 **(H) PHYSICAL SECURITY FEATURES DESIGNED TO PREVENT**
17 **TAMPERING, COUNTERFEITING, OR DUPLICATION OF THE LICENSE FOR**
18 **FRAUDULENT PURPOSES.**

19 **(I) A COMMON MACHINE-READABLE TECHNOLOGY, WITH DEFINED**
20 **MINIMUM DATA ELEMENTS.**

21 (3) Except as otherwise required under this chapter, other
22 information required on the license pursuant to this chapter may
23 appear on the license in a form prescribed by the secretary of
24 state.

25 (4) The license shall not contain a fingerprint or finger
26 image of the licensee.

27 (5) A digitized license may contain an identifier for voter

1 registration purposes. The digitized license may contain
2 information appearing in electronic or machine readable codes
3 needed to conduct a transaction with the secretary of state. The
4 information shall be limited to the person's driver license
5 number, birth date, license expiration date, and other
6 information necessary for use with electronic devices, machine
7 readers, or automatic teller machines and shall not contain the
8 person's name, address, driving record, or other personal
9 identifier. The license shall identify the encoded information.

10 (6) The license shall be manufactured in a manner to
11 prohibit as nearly as possible the ability to reproduce, alter,
12 counterfeit, forge, or duplicate the license without ready
13 detection. In addition, a license with a vehicle group
14 designation shall contain the information required under 49 CFR
15 part 383.

16 (7) Except as provided in subsection (11), a person who
17 intentionally reproduces, alters, counterfeits, forges, or
18 duplicates a license photograph, the negative of the photograph,
19 image, license, or electronic data contained on a license or a
20 part of a license or who uses a license, image, or photograph
21 that has been reproduced, altered, counterfeited, forged, or
22 duplicated is subject to 1 of the following:

23 (a) If the intent of the reproduction, alteration,
24 counterfeiting, forging, duplication, or use is to commit or aid
25 in the commission of an offense that is a felony punishable by
26 imprisonment for 10 or more years, the person committing the
27 reproduction, alteration, counterfeiting, forging, duplication,

1 or use is guilty of a felony, punishable by imprisonment for not
2 more than 10 years or a fine of not more than \$20,000.00, or
3 both.

4 (b) If the intent of the reproduction, alteration,
5 counterfeiting, forging, duplication, or use is to commit or aid
6 in the commission of an offense that is a felony punishable by
7 imprisonment for less than 10 years or a misdemeanor punishable
8 by imprisonment for 6 months or more, the person committing the
9 reproduction, alteration, counterfeiting, forging, duplication,
10 or use is guilty of a felony, punishable by imprisonment for not
11 more than 5 years, or a fine of not more than \$10,000.00, or
12 both.

13 (c) If the intent of the reproduction, alteration,
14 counterfeiting, forging, duplication, or use is to commit or aid
15 in the commission of an offense that is a misdemeanor punishable
16 by imprisonment for less than 6 months, the person committing the
17 reproduction, alteration, counterfeiting, forging, duplication,
18 or use is guilty of a misdemeanor punishable by imprisonment for
19 not more than 1 year or a fine of not more than \$2,000.00, or
20 both.

21 (8) Except as provided in subsections (11) and (16), a
22 person who sells, or who possesses with the intent to deliver to
23 another, a reproduced, altered, counterfeited, forged, or
24 duplicated license photograph, negative of the photograph, image,
25 license, or electronic data contained on a license or part of a
26 license is guilty of a felony punishable by imprisonment for not
27 more than 5 years or a fine of not more than \$10,000.00, or both.

1 (9) Except as provided in subsections (11) and (16), a
2 person who is in possession of 2 or more reproduced, altered,
3 counterfeited, forged, or duplicated license photographs,
4 negatives of the photograph, images, licenses, or electronic data
5 contained on a license or part of a license is guilty of a felony
6 punishable by imprisonment for not more than 5 years or a fine of
7 not more than \$10,000.00, or both.

8 (10) Except as provided in subsection (16), a person who is
9 in possession of a reproduced, altered, counterfeited, forged, or
10 duplicated license photograph, negative of the photograph, image,
11 license, or electronic data contained on a license or part of a
12 license is guilty of a misdemeanor punishable by imprisonment for
13 not more than 1 year or a fine of not more than \$2,000.00, or
14 both.

15 (11) Subsections (7)(a) and (b), (8), and (9) do not apply
16 to a minor whose intent is to violate section 703 of the Michigan
17 liquor control code of 1998, 1998 PA 58, MCL 436.1703.

18 (12) The secretary of state, upon determining after an
19 examination that an applicant is mentally and physically
20 qualified to receive a license, may issue the applicant a
21 temporary driver's permit. The temporary driver's permit entitles
22 the applicant, while having the permit in his or her immediate
23 possession, to drive a motor vehicle upon the highway for a
24 period not exceeding 60 days before the secretary of state has
25 issued the applicant an operator's or chauffeur's license. The
26 secretary of state may establish a longer duration for the
27 validity of a temporary driver's permit if necessary to

1 accommodate the process of obtaining a background check that is
2 required for an applicant by federal law.

3 (13) An operator or chauffeur may indicate on the license in
4 a place designated by the secretary of state his or her blood
5 type, emergency contact information, immunization data,
6 medication data, or a statement that the licensee is deaf, or,
7 until January 1, 2007, a statement that the licensee is an organ
8 and tissue donor and has made an anatomical gift under part 101
9 of the public health code, 1978 PA 368, MCL 333.10101 to
10 333.10109.

11 (14) An operator or chauffeur may indicate on the license in
12 a place designated by the secretary of state that he or she has
13 designated a patient advocate in accordance with sections 5506 to
14 5513 of the estates and protected individuals code, 1998 PA 386,
15 MCL 700.5506 to 700.5513.

16 (15) If the applicant provides proof to the secretary of
17 state that he or she is a minor who has been emancipated under
18 1968 PA 293, MCL 722.1 to 722.6, the license shall bear the
19 designation of the individual's emancipated status in a manner
20 prescribed by the secretary of state.

21 (16) Subsections (8), (9), and (10) do not apply to a person
22 who is in possession of 1 or more photocopies, reproductions, or
23 duplications of a license to document the identity of the
24 licensee for a legitimate business purpose.

25 (17) The sticker or decal described in subsection (2)(c)(vii)
26 may be provided by any person, hospital, school, medical group,
27 or association interested in assisting in implementing the

1 emergency medical information card, but shall meet the
2 specifications of the secretary of state. The emergency medical
3 information card may contain the information described in
4 subsection (2)(c)(vi), information concerning the licensee's
5 patient advocate designation, other emergency medical
6 information, or an indication as to where the licensee has stored
7 or registered emergency medical information.

8 (18) Beginning January 1, 2007, the secretary of state shall
9 inquire of each licensee, in person or by mail, whether the
10 licensee agrees to participate in the organ, tissue, and eye
11 donor registry under part 101 of the public health code, 1978 PA
12 368, MCL 333.10101 to 333.10109.

13 (19) A licensee who has agreed to participate in the organ,
14 tissue, and eye donor registry under part 101 of the public
15 health code, 1978 PA 368, MCL 333.10101 to 333.10109, shall not
16 be considered to have revoked that agreement solely because the
17 licensee's license has been revoked or suspended or has expired.
18 Enrollment in the organ, tissue, and eye donor registry
19 constitutes a legal agreement that remains binding and in effect
20 after the donor's death regardless of the expressed desires of
21 the deceased donor's next of kin who may oppose the donor's
22 organ, tissue, or eye donation.

23 **SEC. 310F. (1) BEFORE ISSUING AN OPERATOR'S LICENSE TO AN**
24 **APPLICANT, THE SECRETARY OF STATE SHALL DEMAND AND THE APPLICANT**
25 **SHALL PRODUCE DOCUMENTARY EVIDENCE AS THE SECRETARY OF STATE**
26 **SHALL REQUIRE SHOWING THAT 1 OR MORE OF THE FOLLOWING APPLIES TO**
27 **THE APPLICANT:**

1 (A) THE APPLICANT IS A CITIZEN OF THE UNITED STATES.

2 (B) THE APPLICANT IS AN ALIEN LAWFULLY ADMITTED FOR
3 PERMANENT OR TEMPORARY RESIDENCE IN THE UNITED STATES.

4 (C) THE APPLICANT HAS CONDITIONAL PERMANENT RESIDENCE STATUS
5 IN THE UNITED STATES.

6 (D) THE APPLICANT HAS A VALID, UNEXPIRED NONIMMIGRANT VISA
7 OR NONIMMIGRANT VISA STATUS FOR ENTRY INTO THE UNITED STATES.

8 (E) THE APPLICANT HAS A PENDING OR APPROVED APPLICATION FOR
9 ASYLUM IN THE UNITED STATES.

10 (F) THE APPLICANT HAS ENTERED INTO THE UNITED STATES IN
11 REFUGEE STATUS.

12 (G) THE APPLICANT HAS A PENDING OR APPROVED APPLICATION FOR
13 TEMPORARY PROTECTED STATUS IN THE UNITED STATES.

14 (H) THE APPLICANT HAS APPROVED DEFERRED ACTION STATUS.

15 (I) THE APPLICANT HAS A PENDING APPLICATION FOR ADJUSTMENT
16 OF STATUS TO THAT OF AN ALIEN LAWFULLY ADMITTED FOR PERMANENT
17 RESIDENCE IN THE UNITED STATES OR CONDITIONAL PERMANENT RESIDENCE
18 STATUS IN THE UNITED STATES.

19 (2) IF AN APPLICANT PRESENTS EVIDENCE DESCRIBED IN
20 SUBSECTION (1) (D) THROUGH (I), THE SECRETARY OF STATE SHALL NOT
21 ISSUE AN OPERATOR'S LICENSE UNDER SECTION 307, BUT MAY ISSUE A
22 TEMPORARY OPERATOR'S LICENSE TO THE APPLICANT. A TEMPORARY
23 OPERATOR'S LICENSE ISSUED UNDER THIS SUBSECTION IS VALID ONLY
24 DURING THE PERIOD OF TIME THAT THE APPLICANT IS AUTHORIZED TO
25 STAY IN THE UNITED STATES OR, IF THERE IS NO DEFINITE END TO THE
26 PERIOD OF AUTHORIZED STAY, FOR A PERIOD OF 1 YEAR.

27 (3) A TEMPORARY OPERATOR'S LICENSE ISSUED UNDER THIS SECTION

1 SHALL CLEARLY INDICATE THAT IT IS TEMPORARY AND SHALL STATE THE
2 DATE ON WHICH IT EXPIRES.

3 (4) A TEMPORARY OPERATOR'S LICENSE ISSUED UNDER THIS SECTION
4 MAY BE RENEWED ONLY UPON PRESENTATION OF VALID DOCUMENTARY
5 EVIDENCE THAT THE STATUS BY WHICH THE APPLICANT QUALIFIED FOR THE
6 TEMPORARY OPERATOR'S LICENSE OR TEMPORARY IDENTIFICATION CARD HAS
7 BEEN EXTENDED BY THE UNITED STATES SECRETARY OF HOMELAND
8 SECURITY.

9 (5) THE SECRETARY OF STATE SHALL VERIFY WITH THE ISSUING
10 AGENCY THE VALIDITY AND COMPLETENESS OF EACH DOCUMENT PRESENTED
11 BY AN APPLICANT FOR AN OPERATOR'S LICENSE UNDER THIS CHAPTER. THE
12 SECRETARY OF STATE SHALL NOT ACCEPT A FOREIGN DOCUMENT, OTHER
13 THAN AN OFFICIAL PASSPORT, TO SATISFY THE APPLICATION
14 REQUIREMENTS UNDER THIS CHAPTER.

15 (6) THE SECRETARY OF STATE SHALL USE TECHNOLOGY TO CAPTURE
16 DIGITAL IMAGES OF IDENTITY SOURCE DOCUMENTS SO THAT THE IMAGES
17 ARE CAPABLE OF BEING RETAINED IN ELECTRONIC STORAGE IN A
18 TRANSFERABLE FORMAT.

19 (7) THE SECRETARY OF STATE SHALL RETAIN PAPER COPIES OF
20 SOURCE DOCUMENTS PRESENTED BY AN APPLICANT TO OBTAIN AN
21 OPERATOR'S LICENSE UNDER THIS CHAPTER FOR NOT LESS THAN 7 YEARS
22 OR IMAGES OF THOSE SOURCE DOCUMENTS FOR NOT LESS THAN 10 YEARS.

23 (8) THE SECRETARY OF STATE SHALL ESTABLISH AN EFFECTIVE
24 PROCEDURE TO CONFIRM OR VERIFY A RENEWING APPLICANT'S
25 INFORMATION.

26 (9) THE SECRETARY OF STATE SHALL CONFIRM WITH THE SOCIAL
27 SECURITY ADMINISTRATION A SOCIAL SECURITY ACCOUNT NUMBER

1 PRESENTED BY A PERSON USING THE FULL SOCIAL SECURITY ACCOUNT
2 NUMBER. IF A SOCIAL SECURITY ACCOUNT NUMBER IS ALREADY REGISTERED
3 TO OR ASSOCIATED WITH ANOTHER PERSON TO WHOM THIS STATE OR ANY
4 OTHER STATE HAS ISSUED AN OPERATOR'S LICENSE, THE STATE SHALL
5 RESOLVE THE DISCREPANCY AND TAKE APPROPRIATE ACTION.

6 (10) THE SECRETARY OF STATE SHALL REFUSE TO ISSUE AN
7 OPERATOR'S LICENSE TO A PERSON HOLDING AN OPERATOR'S LICENSE
8 ISSUED BY ANOTHER STATE WITHOUT CONFIRMATION THAT THE PERSON IS
9 TERMINATING OR HAS TERMINATED THE OPERATOR'S LICENSE ISSUED BY
10 THE OTHER STATE.

11 (11) THE SECRETARY OF STATE SHALL DO ALL OF THE FOLLOWING:

12 (A) ENSURE THE PHYSICAL SECURITY OF LOCATIONS WHERE
13 OPERATOR'S LICENSES ARE PRODUCED AND THE SECURITY OF DOCUMENT
14 MATERIALS AND PAPERS FROM WHICH OPERATOR'S LICENSES ARE PRODUCED.

15 (B) SUBJECT ALL PERSONS AUTHORIZED TO MANUFACTURE OR PRODUCE
16 OPERATOR'S LICENSES TO APPROPRIATE SECURITY CLEARANCE
17 REQUIREMENTS.

18 (C) ESTABLISH FRAUDULENT DOCUMENT RECOGNITION TRAINING
19 PROGRAMS FOR APPROPRIATE EMPLOYEES ENGAGED IN THE ISSUANCE OF
20 OPERATOR'S LICENSES.

21 (12) FOR PURPOSES OF THIS CHAPTER, THE SECRETARY OF STATE
22 SHALL PRESUME THAT AN OPERATOR'S LICENSE FOR WHICH AN APPLICATION
23 HAS BEEN MADE FOR RENEWAL, DUPLICATION, OR REISSUANCE WAS ISSUED
24 IN ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER IF AT THE TIME
25 THE APPLICATION IS MADE THE OPERATOR'S LICENSE IS NOT EXPIRED,
26 CANCELED, SUSPENDED, OR REVOKED. THE PRESUMPTION CREATED UNDER
27 THIS SUBSECTION DOES NOT APPLY IF THE SECRETARY OF STATE IS

1 NOTIFIED BY A LOCAL, STATE, OR FEDERAL GOVERNMENTAL AGENCY THAT
2 THE PERSON SEEKING A RENEWAL, DUPLICATION, OR REISSUANCE IS
3 EITHER OF THE FOLLOWING:

4 (A) NOT A CITIZEN OF THE UNITED STATES.

5 (B) NOT LEGALLY IN THE UNITED STATES.

6 SEC. 310G. (1) NOT LATER THAN SEPTEMBER 11, 2007, THE STATE
7 SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE UNITED
8 STATES SECRETARY OF HOMELAND SECURITY TO ROUTINELY UTILIZE THE
9 AUTOMATED SYSTEM KNOWN AS SYSTEMATIC ALIEN VERIFICATION FOR
10 ENTITLEMENTS, AS PROVIDED BY SECTION 404 OF THE ILLEGAL
11 IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996, 110
12 STAT. 3009-664, TO VERIFY THE LEGAL PRESENCE STATUS OF A PERSON,
13 OTHER THAN A UNITED STATES CITIZEN, APPLYING FOR AN OPERATOR'S
14 LICENSE.

15 (2) THIS STATE SHALL ENTER INTO AND PARTICIPATE IN THE
16 INTERSTATE COMPACT REGARDING SHARING OF DRIVER LICENSE DATA,
17 KNOWN AS THE "DRIVER LICENSE AGREEMENT", IN ORDER TO PROVIDE
18 ELECTRONIC ACCESS BY A STATE TO INFORMATION CONTAINED IN THE
19 MOTOR VEHICLE DATABASES OF ALL OTHER STATES. THE SECRETARY OF
20 STATE SHALL ESTABLISH AND MAINTAIN A MOTOR VEHICLE DATABASE
21 CONTAINING THE INFORMATION REQUIRED UNDER THE DRIVER LICENSE
22 AGREEMENT.

23 Sec. 314. (1) Except as otherwise provided in this ~~section~~
24 CHAPTER, operator's licenses and chauffeur's licenses expire on
25 the birthday of the person to whom the license is issued in the
26 fourth year following the date of the issuance of the license
27 unless suspended or revoked before that date. A license shall not

1 be issued for a period longer than 4 years. A person holding a
2 license at any time 12 months before the expiration of his or her
3 license may apply for a new license as provided for in this
4 chapter. A knowledge test for an original group designation or
5 indorsement may be taken at any time during this period and the
6 results are valid for 12 months. A license renewed under this
7 subsection shall be renewed for the time remaining on the license
8 before its renewal combined with the 4-year renewal period.

9 (2) The first operator's license issued to a person who at
10 the time of application is less than 20-1/2 years of age expires
11 on the licensee's twenty-first birthday unless suspended or
12 revoked.

13 (3) The first chauffeur's license issued to a person expires
14 on the licensee's birthday in the fourth year following the date
15 of issuance unless the license is suspended or revoked before
16 that date. The chauffeur's license of a person who at the time of
17 application is less than 20-1/2 years of age expires on the
18 licensee's twenty-first birthday unless suspended or revoked. A
19 subsequent chauffeur's license expires on the birthday of the
20 person to whom the license is issued in the fourth year following
21 the date of issuance of the license unless the license is
22 suspended or revoked before that date.

23 (4) A person may apply for an extension of his or her
24 driving privileges if he or she is out of state on the date that
25 his or her operator's or chauffeur's license expires. The
26 extension may extend the license for 180 days beyond the
27 expiration date or not more than 2 weeks after the applicant

1 returns to Michigan, whichever occurs first.

2 (5) Except for an operator's or chauffeur's license with a
3 hazardous material indorsement, the secretary of state may issue
4 a renewal operator's or chauffeur's license to a person who will
5 be out of state for more than 180 days beyond the expiration date
6 of his or her operator's or chauffeur's license, if the secretary
7 of state has a digital image of the person on file. The applicant
8 for this renewal shall submit a statement evidencing a vision
9 examination in accordance with the rules promulgated by the
10 secretary of state under section 309 and any other statement
11 required by this act or federal law. A person is not eligible for
12 consecutive renewals of a license under this subsection.

13 (6) The secretary of state may check the applicant's driving
14 record through the national driver register and the commercial
15 driver license information system before issuing a renewal under
16 this section.