

HOUSE BILL No. 4127

January 27, 2009, Introduced by Rep. Rick Jones and referred to the Committee on Military and Veterans Affairs and Homeland Security.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 310 (MCL 257.310), as amended by 2008 PA 36.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 310. (1) The secretary of state shall issue an operator's
2 license to each person licensed as an operator and a chauffeur's
3 license to each person licensed as a chauffeur. An applicant for a
4 motorcycle indorsement under section 312a or a vehicle group
5 designation or indorsement shall first qualify for an operator's or
6 chauffeur's license before the indorsement or vehicle group
7 designation application is accepted and processed. An original
8 license or the first renewal of an existing license issued to a
9 person less than 21 years of age shall be portrait or vertical in
10 form and a license issued to a person 21 years of age or over shall

1 be landscape or horizontal in form.

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

4 (a) The distinguishing number permanently assigned to the
5 licensee.

6 (b) The full legal name, date of birth, address of residence,
7 height, eye color, sex, digital photographic image, expiration
8 date, and signature of the licensee.

9 (c) In the case of a licensee who has indicated his or her
10 wish to participate in the anatomical gift donor registry under
11 part 101 of the public health code, 1978 PA 368, MCL 333.10101 to
12 333.10123, a heart insignia on the front of the license.

13 (d) Physical security features designed to prevent tampering,
14 counterfeiting, or duplication of the license for fraudulent
15 purposes.

16 **(E) IF REQUESTED BY AN INDIVIDUAL WHO IS A VETERAN OF THE**
17 **ARMED FORCES OF THIS STATE, ANOTHER STATE, OR THE UNITED STATES, A**
18 **DESIGNATION THAT THE INDIVIDUAL IS A VETERAN. THE DESIGNATION SHALL**
19 **BE IN A STYLE AND FORMAT CONSIDERED APPROPRIATE BY THE SECRETARY OF**
20 **STATE AND MAY DESIGNATE THE MILITARY BRANCH OF WHICH THE INDIVIDUAL**
21 **WAS A MEMBER. THE SECRETARY OF STATE SHALL REQUIRE PROOF OF THE**
22 **INDIVIDUAL'S STATUS AS A VETERAN BEFORE PROVIDING THE DESIGNATION**
23 **REQUIRED UNDER THIS SUBSECTION.**

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

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

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

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

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

26 (a) If the intent of the reproduction, alteration,
27 counterfeiting, forging, duplication, or use is to commit or aid in

1 the commission of an offense that is a felony punishable by
2 imprisonment for 10 or more years, the person committing the
3 reproduction, alteration, counterfeiting, forging, duplication, or
4 use is guilty of a felony, punishable by imprisonment for not more
5 than 10 years or a fine of not more than \$20,000.00, or both.

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

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

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

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

8 (10) Except as provided in subsection (16), a person who is in
9 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 both.

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

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

1 federal law.

2 (13) An operator or chauffeur may indicate on the license in a
3 place designated by the secretary of state his or her blood type,
4 emergency contact information, immunization data, medication data,
5 or a statement that the licensee is deaf.

6 (14) An operator or chauffeur may indicate on the license in a
7 place designated by the secretary of state that he or she has
8 designated a patient advocate in accordance with sections 5506 to
9 5515 of the estates and protected individuals code, 1998 PA 386,
10 MCL 700.5506 to 700.5515.

11 (15) If the applicant provides proof to the secretary of state
12 that he or she is a minor who has been emancipated under 1968 PA
13 293, MCL 722.1 to 722.6, the license shall bear the designation of
14 the individual's emancipated status in a manner prescribed by the
15 secretary of state.

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

20 (17) A sticker or decal may be provided by any person,
21 hospital, school, medical group, or association interested in
22 assisting in implementing an emergency medical information card,
23 but shall meet the specifications of the secretary of state. An
24 emergency medical information card may contain information
25 concerning the licensee's patient advocate designation, other
26 emergency medical information, or an indication as to where the
27 licensee has stored or registered emergency medical information.

1 (18) The secretary of state shall inquire of each licensee, in
2 person or by mail, whether the licensee agrees to participate in
3 the anatomical gift donor registry under part 101 of the public
4 health code, 1978 PA 368, MCL 333.10101 to 333.10123.

5 (19) A licensee who has agreed to participate in the
6 anatomical gift donor registry under part 101 of the public health
7 code, 1978 PA 368, MCL 333.10101 to 333.10123, shall not be
8 considered to have revoked that agreement solely because the
9 licensee's license has been revoked or suspended or has expired.
10 Enrollment in the donor registry constitutes a legal agreement that
11 remains binding and in effect after the donor's death regardless of
12 the expressed desires of the deceased donor's next of kin who may
13 oppose the donor's anatomical gift.