

HOUSE BILL No. 5539

April 12, 2016, Introduced by Rep. Lucido and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 310, 313, and 625g (MCL 257.310, 257.313, and 257.625g), section 310 as amended by 2016 PA 4, section 313 as amended by 2004 PA 362, and section 625g as amended by 2014 PA 315.

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

1 license or the first renewal of an existing license issued to a
2 person less than 21 years of age shall be portrait or vertical in
3 form and a license issued to a person 21 years of age or over shall
4 be landscape or horizontal in form.

5 (2) The license issued under ~~subsection (1)~~ **THIS SECTION** shall
6 contain all of the following:

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

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

12 (c) In the case of a licensee who has indicated his or her
13 wish to participate in the anatomical gift donor registry under
14 part 101 of the public health code, 1978 PA 368, MCL 333.10101 to
15 333.10123, a heart insignia on the front of the license.

16 (d) Physical security features designed to prevent tampering,
17 counterfeiting, or duplication of the license for fraudulent
18 purposes.

19 (e) If requested by an individual who is a veteran of the
20 armed forces of this state, another state, or the United States,
21 other than an individual who was dishonorably discharged from the
22 armed forces of this state, another state, or the United States, a
23 designation that the individual is a veteran. The designation shall
24 be in a style and format considered appropriate by the secretary of
25 state. The secretary of state shall require proof of discharge or
26 separation of service from the armed forces of this state, another
27 state, or the United States, and the nature of that discharge, for

1 the purposes of verifying an individual's status as a veteran under
2 this subdivision. The secretary of state shall consult with the
3 department of military and veterans affairs in determining the
4 proof that shall be required to identify an individual's status as
5 a veteran for the purposes of this subsection. The secretary of
6 state may provide the department of military and veterans affairs
7 and agencies of the counties of this state that provide veteran
8 services with information provided by an applicant under this
9 subsection for the purpose of veterans' benefits eligibility
10 referral.

11 (3) Except as otherwise required under this chapter, other
12 information required on the license ~~pursuant to~~ **UNDER** this chapter
13 **SECTION** may appear on the license in a form prescribed by the
14 secretary of state.

15 (4) ~~The~~ **A** license **ISSUED UNDER THIS SECTION** shall not contain
16 a fingerprint or finger image of the licensee.

17 (5) A digitized license **ISSUED UNDER THIS SECTION** may contain
18 an identifier for voter registration purposes. The digitized
19 license may contain information appearing in electronic or machine
20 readable codes needed to conduct a transaction with the secretary
21 of state. The information shall be limited to the information
22 described in subsection (2)(a) and (b) except for the person's
23 digital photographic image and signature, state of issuance,
24 license expiration date, and other information necessary for use
25 with electronic devices, machine readers, or automatic teller
26 machines and shall not contain the driving record or other personal
27 identifier. The license shall identify the encoded information.

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

6 (7) Except as provided in subsection (11), a person who
7 intentionally reproduces, alters, counterfeits, forges, or
8 duplicates a license photograph, the negative of the photograph,
9 image, license, or electronic data contained on a license or a part
10 of a license or who uses a license, image, or photograph that has
11 been reproduced, altered, counterfeited, forged, or duplicated is
12 subject to 1 of the following:

13 (a) If the intent of the reproduction, alteration,
14 counterfeiting, forging, duplication, or use is to commit or aid in
15 the commission of an offense that is a felony punishable by
16 imprisonment for 10 or more years, the person committing the
17 reproduction, alteration, counterfeiting, forging, duplication, or
18 use is guilty of a felony, punishable by imprisonment for not more
19 than 10 years or a fine of not more than \$20,000.00, or both.

20 (b) If the intent of the reproduction, alteration,
21 counterfeiting, forging, duplication, or use is to commit or aid in
22 the commission of an offense that is a felony punishable by
23 imprisonment for less than 10 years or a misdemeanor punishable by
24 imprisonment for 6 months or more, the person committing the
25 reproduction, alteration, counterfeiting, forging, duplication, or
26 use is guilty of a felony, punishable by imprisonment for not more
27 than 5 years, or a fine of not more than \$10,000.00, or both.

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

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

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

22 (10) Except as provided in subsection (16), a person who is in
23 possession of 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 misdemeanor punishable by imprisonment for
27 not more than 1 year or a fine of not more than \$2,000.00, or both.

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

4 (12) The secretary of state, upon determining after an
5 examination that an applicant is mentally and physically qualified
6 to receive a license **UNDER THIS SECTION**, may issue the applicant a
7 temporary driver's permit. The temporary driver's permit entitles
8 the applicant, while having the permit in his or her immediate
9 possession, to operate a motor vehicle upon the highway for a
10 period not exceeding 60 days before the secretary of state has
11 issued the applicant an operator's or chauffeur's license. The
12 secretary of state may establish a longer duration for the validity
13 of a temporary driver's permit if necessary to accommodate the
14 process of obtaining a background check that is required for an
15 applicant by federal law.

16 (13) An operator or chauffeur may indicate on the license
17 **ISSUED UNDER THIS SECTION** in a place designated by the secretary of
18 state his or her blood type, emergency contact information,
19 immunization data, medication data, or a statement that the
20 licensee is deaf. The secretary of state shall not require an
21 applicant for an original or renewal operator's or chauffeur's
22 license to provide emergency contact information as a condition of
23 obtaining a license. However, the secretary of state may inquire
24 whether an operator or chauffeur would like to provide emergency
25 contact information. Emergency contact information obtained under
26 this subsection shall be disclosed only to a state or federal law
27 enforcement agency for law enforcement purposes or to the extent

1 necessary for a medical emergency. No later than January 1, 2017,
2 the secretary of state shall develop and shall, in conjunction with
3 the department of state police, implement a process using the
4 L.E.I.N. or any other appropriate system that limits access to law
5 enforcement that would allow law enforcement agencies of this state
6 to access emergency contact information that the holder of an
7 operator's license has voluntarily provided to the secretary of
8 state. As used in this subsection, "emergency contact information"
9 means the name, telephone number, or address of an individual that
10 is used for the sole purpose of contacting that individual when the
11 holder of an operator's license has been involved in an emergency.

12 (14) An operator or chauffeur may indicate on the license in a
13 place designated by the secretary of state that he or she has
14 designated a patient advocate in accordance with sections 5506 to
15 5515 of the estates and protected individuals code, 1998 PA 386,
16 MCL 700.5506 to 700.5515.

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

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

26 (17) A sticker or decal may be provided by any person,
27 hospital, school, medical group, or association interested in

1 assisting in implementing an emergency medical information card,
2 but shall meet the specifications of the secretary of state. An
3 emergency medical information card may contain information
4 concerning the licensee's patient advocate designation, other
5 emergency medical information, or an indication as to where the
6 licensee has stored or registered emergency medical information.

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

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

20 (20) THE SECRETARY OF STATE SHALL MAKE THE LICENSE ISSUED
21 UNDER SUBSECTION (1) AVAILABLE IN ELECTRONIC FORMAT.

22 (21) THE SECRETARY OF STATE MAY ENTER INTO A CONTRACT WITH A
23 VENDOR IN ORDER TO MAKE ELECTRONIC LICENSES AVAILABLE IN THIS
24 STATE.

25 (22) AN ELECTRONIC LICENSE ISSUED UNDER SUBSECTION (20) SHALL
26 CONTAIN ALL OF THE INFORMATION REQUIRED TO BE INCLUDED ON A PLASTIC
27 CARD LICENSE ISSUED UNDER SUBSECTION (1) AND SHALL INCLUDE A QR

1 CODE, OR ANOTHER SIMILAR TECHNOLOGY, ALLOWING THE ELECTRONIC
2 LICENSE TO BE SCANNED AND READ AND CONTAIN THE SAME INFORMATION AS
3 A DIGITIZED LICENSE DESCRIBED IN SUBSECTION (5).

4 (23) AS USED IN THIS SECTION:

5 (A) "QR CODE" MEANS A MACHINE-READABLE CODE CONSISTING OF AN
6 ARRAY OF BLACK AND WHITE SQUARES, USED FOR STORING INFORMATION FOR
7 READING BY THE CAMERA ON A CELLULAR TELEPHONE, OR OTHER TYPE OF
8 HANDHELD TECHNOLOGY.

9 (B) "SMART CELLULAR TELEPHONE" OR "OTHER HANDHELD TECHNOLOGY"
10 MEANS A CELLULAR TELEPHONE OR A SIMILAR HANDHELD MACHINE THAT
11 PERFORMS MANY OF THE FUNCTIONS OF A COMPUTER, TYPICALLY HAVING A
12 TOUCHSCREEN INTERFACE, INTERNET ACCESS, AND AN OPERATING SYSTEM
13 CAPABLE OF RUNNING DOWNLOADED APPLICATIONS.

14 Sec. 313. (1) Except as provided in subsection (2) and section
15 812, if an operator's or chauffeur's license issued under this
16 chapter is lost, destroyed, or mutilated, or becomes illegible, the
17 person to whom the license was issued may obtain a duplicate upon
18 the payment of the fee required in section 812, upon furnishing
19 proof satisfactory to the secretary of state that the license has
20 been lost, destroyed, or mutilated, or has become illegible, and
21 upon certifying that the license is not being held by a court as a
22 condition of that person's recognizance. The secretary of state may
23 check the applicant's driving record through the national driver
24 register and the commercial driver license information system
25 before issuing a license under this section.

26 (2) Subsection (1) does not apply if the operator's or
27 chauffeur's license is destroyed ~~pursuant to~~ **UNDER** section

1 625g(1) (b) (iii) OR IF THE OPERATOR'S OR CHAUFFEUR'S LICENSE IS AN
2 ELECTRONIC LICENSE ISSUED UNDER SECTION 310(20) AND IS NO LONGER IN
3 EFFECT UNDER SECTION 625G(3) .

4 Sec. 625g. (1) ~~IF~~ EXCEPT AS PROVIDED IN SUBSECTION (3), IF a
5 person refuses a chemical test offered under section 625a(6), the
6 peace officer who requested the person to submit to the chemical
7 test shall comply with subdivisions (a) and (b). ~~IF~~ EXCEPT AS
8 PROVIDED IN SUBSECTION (3), IF a person submits to the chemical
9 test or a chemical test is performed under a court order and the
10 test reveals an unlawful alcohol content, or the presence of a
11 controlled substance or other intoxicating substance, or any
12 combination of them, the peace officer who requested the person to
13 submit to the test shall do all of the following, other than
14 subdivision (b) (i) :

15 (a) On behalf of the secretary of state, immediately
16 confiscate the person's license or permit to operate a motor
17 vehicle and, if the person is otherwise eligible for a license or
18 permit, issue a temporary license or permit to the person. The
19 temporary license or permit shall be on a form provided by the
20 secretary of state.

21 (b) Except as provided in subsection (2), immediately do all
22 of the following:

23 (i) Forward a copy of the written report of the person's
24 refusal to submit to a chemical test required under section 625d to
25 the secretary of state.

26 (ii) Notify the secretary of state by means of the law
27 enforcement information network that a temporary license or permit

1 was issued to the person.

2 (iii) Destroy the person's driver's license or permit.

3 (2) ~~IF~~**EXCEPT AS PROVIDED IN SUBSECTION (5), IF** a person
4 submits to a chemical test offered under section 625a(6) that
5 requires an analysis of blood or urine and a report of the results
6 of that chemical test is not immediately available, the peace
7 officer who requested the person to submit to the test shall comply
8 with subsection (1)(a) and (b)(ii) and indicate in the notice under
9 subsection (1)(b)(ii) that a subsequent chemical test is pending.
10 If the report reveals an unlawful alcohol content, or the presence
11 of a controlled substance or other intoxicating substance, or any
12 combination of them, the peace officer who requested the person to
13 submit to the test shall immediately comply with subsection
14 (1)(b)(iii). If the report does not reveal an unlawful alcohol
15 content, or the presence of a controlled substance or other
16 intoxicating substance, or any combination of them, the peace
17 officer who requested the person to submit to the test shall
18 immediately notify the person of the test results and immediately
19 return the person's license or permit by first-class mail to the
20 address provided at the time of arrest.

21 (3) **IF A PERSON WHO HAS AN ELECTRONIC LICENSE ISSUED UNDER**
22 **SECTION 310(20) REFUSES A CHEMICAL TEST OFFERED UNDER SECTION**
23 **625A(6), THE PEACE OFFICER WHO REQUESTED THE PERSON TO SUBMIT TO**
24 **THE CHEMICAL TEST SHALL COMPLY WITH ALL OF THE FOLLOWING:**

25 (A) **IF THE PERSON IS OTHERWISE ELIGIBLE, ISSUE A TEMPORARY**
26 **LICENSE OR PERMIT TO THE PERSON. THE TEMPORARY LICENSE OR PERMIT**
27 **SHALL BE ON A FORM PROVIDED BY THE SECRETARY OF STATE AND SHALL**

1 INDICATE THAT THE PERSON'S ELECTRONIC LICENSE IS NO LONGER IN
2 EFFECT.

3 (B) FORWARD A COPY OF THE WRITTEN REPORT OF THE PERSON'S
4 REFUSAL TO SUBMIT TO A CHEMICAL TEST REQUIRED UNDER SECTION 625D TO
5 THE SECRETARY OF STATE.

6 (C) NOTIFY THE SECRETARY OF STATE BY MEANS OF THE LAW
7 ENFORCEMENT INFORMATION NETWORK THAT A TEMPORARY LICENSE OR PERMIT
8 WAS ISSUED TO THE PERSON.

9 (4) IF A PERSON WHO HAS AN ELECTRONIC LICENSE SUBMITS TO THE
10 CHEMICAL TEST OR A CHEMICAL TEST IS PERFORMED UNDER A COURT ORDER
11 AND THE TEST REVEALS AN UNLAWFUL ALCOHOL CONTENT, OR THE PRESENCE
12 OF A CONTROLLED SUBSTANCE OR OTHER INTOXICATING SUBSTANCE, OR ANY
13 COMBINATION OF THEM, THE PEACE OFFICER WHO REQUESTED THE PERSON TO
14 SUBMIT TO THE TEST SHALL COMPLY WITH SUBSECTION (3) (A) AND (C).

15 (5) IF A PERSON WHO HAS AN ELECTRONIC LICENSE ISSUED UNDER
16 SECTION 310(20) SUBMITS TO A CHEMICAL TEST OFFERED UNDER SECTION
17 625A(6) THAT REQUIRES AN ANALYSIS OF BLOOD AND A REPORT OF THE
18 RESULTS OF THAT CHEMICAL TEST IS NOT IMMEDIATELY AVAILABLE, THE
19 PEACE OFFICER WHO REQUESTED THE PERSON TO SUBMIT TO THE TEST SHALL
20 COMPLY WITH SUBSECTION (3) (A) AND (C) AND INDICATE IN THE NOTICE
21 THAT THE RESULTS OF A SUBSEQUENT CHEMICAL TEST ARE PENDING.

22 (6) ~~(3)~~—A temporary license or permit issued under this
23 section is valid for 1 of the following time periods:

24 (a) If the case is not prosecuted, for 90 days after issuance
25 or until the person's license or permit is suspended under section
26 625f, whichever occurs earlier. The prosecuting attorney shall
27 notify the secretary of state if a case referred to the prosecuting

1 attorney is not prosecuted. The arresting law enforcement agency
2 shall notify the secretary of state if a case is not referred to
3 the prosecuting attorney for prosecution.

4 (b) If the case is prosecuted, until the criminal charges
5 against the person are dismissed, the person is acquitted of those
6 charges, or the person's license or permit is suspended,
7 restricted, or revoked.

8 (7) ~~(4)~~—As used in this section:

9 (a) "Controlled substance" means that term as defined in
10 section 7104 of the public health code, 1978 PA 368, MCL 333.7104.

11 (b) "Intoxicating substance" means that term as defined in
12 section 625.

13 (c) "Unlawful alcohol content" means any of the following, as
14 applicable:

15 (i) If the person tested is less than 21 years of age, 0.02
16 grams or more of alcohol per 100 milliliters of blood, per 210
17 liters of breath, or per 67 milliliters of urine.

18 (ii) If the person tested was operating a commercial motor
19 vehicle within this state, 0.04 grams or more of alcohol per 100
20 milliliters of blood, per 210 liters of breath, or per 67
21 milliliters of urine.

22 (iii) If the person tested is not a person described in
23 subparagraph (i) or (ii), 0.08 grams or more of alcohol per 100
24 milliliters of blood, per 210 liters of breath, or per 67
25 milliliters of urine, or, beginning October 1, 2018, 0.10 grams or
26 more of alcohol per 100 milliliters of blood, per 210 liters of
27 breath, or per 67 milliliters of urine.

1 Enacting section 1. This amendatory act takes effect 90 days
2 after the date it is enacted into law.