

HOUSE BILL No. 4880

August 16, 2017, 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 and 709 (MCL 257.310 and 257.709), section 310 as amended by 2016 PA 219 and section 709 as amended by 2010 PA 258.

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) shall contain all
6 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, a
21 designation that the individual is a veteran. The designation shall
22 be in a style and format considered appropriate by the secretary of
23 state. The secretary of state shall require proof of discharge or
24 separation of service from the armed forces of this state, another
25 state, or the United States, and the nature of that discharge, for
26 the purposes of verifying an individual's status as a veteran under
27 this subdivision. The secretary of state shall consult with the

1 department of military and veterans affairs in determining the
2 proof that shall be required to identify an individual's status as
3 a veteran for the purposes of this subsection. The secretary of
4 state may provide the department of military and veterans affairs
5 and agencies of the counties of this state that provide veteran
6 services with information provided by an applicant under this
7 subsection for the purpose of veterans' benefits eligibility
8 referral. As used in this subdivision, "veteran" means that term as
9 defined in section 1 of 1965 PA 190, MCL 35.61.

10 **(F) IF APPLICABLE, A DESIGNATION THAT THE INDIVIDUAL HAS**
11 **SATISFIED THE REQUIREMENTS OF SECTION 709(3)(E) FOR A SPECIAL**
12 **WINDOW TREATMENT OR APPLICATION.**

13 (3) Except as otherwise required under this chapter, other
14 information required on the license pursuant to this chapter may
15 appear on the license in a form prescribed by the secretary of
16 state.

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

19 (5) A digitized license may contain an identifier for voter
20 registration purposes. The digitized license may contain
21 information appearing in electronic or machine readable codes
22 needed to conduct a transaction with the secretary of state. The
23 information shall be limited to the information described in
24 subsection (2)(a) and (b) except for the person's digital
25 photographic image and signature, state of issuance, license
26 expiration date, and other information necessary for use with
27 electronic devices, machine readers, or automatic teller machines

1 and shall not contain the driving record or other personal
2 identifier. The license shall identify the encoded information.

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

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

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

22 (b) If the intent of the reproduction, alteration,
23 counterfeiting, forging, duplication, or use is to commit or aid in
24 the commission of an offense that is a felony punishable by
25 imprisonment for less than 10 years or a misdemeanor punishable by
26 imprisonment for 6 months or more, the person committing the
27 reproduction, alteration, counterfeiting, forging, duplication, or

1 use is guilty of a felony ~~—~~punishable by imprisonment for not more
2 than 5 years ~~—~~or a fine of not more than \$10,000.00, or both.

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

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

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

24 (10) Except as provided in subsection (16), a person who is in
25 possession of a reproduced, altered, counterfeited, forged, or
26 duplicated license photograph, negative of the photograph, image,
27 license, or electronic data contained on a license or part of a

1 license is guilty of a misdemeanor punishable by imprisonment for
2 not more than 1 year or a fine of not more than \$2,000.00, or both.

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

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

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

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

14 (14) An operator or chauffeur may indicate on the license in a
15 place designated by the secretary of state that he or she has
16 designated a patient advocate in accordance with sections 5506 to
17 5515 of the estates and protected individuals code, 1998 PA 386,
18 MCL 700.5506 to 700.5515.

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

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

1 (17) A sticker or decal may be provided by any person,
2 hospital, school, medical group, or association interested in
3 assisting in implementing an emergency medical information card,
4 but shall meet the specifications of the secretary of state. An
5 emergency medical information card may contain information
6 concerning the licensee's patient advocate designation, other
7 emergency medical information, or an indication as to where the
8 licensee has stored or registered emergency medical information.

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

13 (19) A licensee who has agreed to participate in the
14 anatomical gift donor registry under part 101 of the public health
15 code, 1978 PA 368, MCL 333.10101 to 333.10123, shall not be
16 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 donor registry constitutes a legal agreement that
19 remains binding and in effect after the donor's death regardless of
20 the expressed desires of the deceased donor's next of kin who may
21 oppose the donor's anatomical gift.

22 Sec. 709. (1) A person shall not operate a motor vehicle with
23 any of the following:

24 (a) ~~A~~**SUBJECT TO SUBDIVISION (B)**, A sign, poster,
25 nontransparent material, window application, reflective film, or
26 nonreflective film upon or in the front windshield, the side
27 windows immediately adjacent to the driver or front passenger, or

1 the sidewings adjacent to and forward of the driver or front
2 passenger, except that a tinted film **OF ANY VISIBLE LIGHT**
3 **TRANSMISSION** may be used along the top edge of the windshield and
4 the side windows or sidewings immediately adjacent to the driver or
5 front passenger if the material does not extend more than 4 inches
6 from the top of the windshield, or lower than the shade band,
7 whichever is closer to the top of the windshield.

8 **(B) A TINTED FILM AFFIXED TO A SIDE WINDOW IMMEDIATELY**
9 **ADJACENT TO THE DRIVER OR FRONT PASSENGER THAT EXTENDS BELOW THE**
10 **SHADE BAND AND ALLOWS LESS THAN 70% VISIBLE LIGHT TRANSMISSION.**

11 (C) ~~(b)~~—A rear window or side window to the rear of the driver
12 composed of, covered by, or treated with a material that creates a
13 total solar reflectance of 35% or more in the visible light range,
14 including a silver or gold reflective film.

15 (D) ~~(e)~~—An object that obstructs the vision of the driver of
16 the vehicle, except as authorized by law.

17 (2) A person shall not drive a motor vehicle if driver
18 visibility through the rear window is obstructed, unless the
19 vehicle is equipped with 2 rearview mirrors, 1 on each side,
20 adjusted so that the operator has a clear view of the highway
21 behind the vehicle.

22 (3) This section does not apply to any of the following:

23 (a) The use of draperies, louvers, or other special window
24 treatments, except those specifically designated in this section,
25 on the rear window, or a side window to the rear of the driver if
26 the vehicle is equipped with 2 outside rearview mirrors, 1 on each
27 side, adjusted so that the driver has a clear view of the highway

1 behind the vehicle.

2 (b) The use of a nonreflective, smoked or tinted glass,
3 nonreflective film, perforated window screen, or other decorative
4 window application on the rear window or a side window to the rear
5 of the driver.

6 (c) The placement of a necessary certificate or sticker that
7 does not obstruct the driver's clear view of the roadway or an
8 intersecting roadway.

9 (d) A vehicle registered in another state, territory,
10 commonwealth of the United States, or another country or province.

11 (e) A special window treatment or application determined
12 necessary by a physician or optometrist, for the protection of a
13 person who is light sensitive or photosensitive, if the owner or
14 operator of a motor vehicle ~~has in possession a letter~~ **SUBMITS TO**
15 **THE SECRETARY OF STATE A FORM APPROVED BY THE SECRETARY OF STATE**
16 **AND** signed by a physician or optometrist, indicating that the
17 special window treatment or application is a medical necessity.
18 ~~However, the~~ **THE SECRETARY OF STATE SHALL DESIGNATE THAT AN**
19 **INDIVIDUAL HAS SATISFIED THE REQUIREMENTS OF THIS SUBDIVISION ON**
20 **THE INDIVIDUAL'S LICENSE AS PROVIDED IN SECTION 310, AND SHALL**
21 **ENTER THAT INFORMATION INTO THE LAW ENFORCEMENT INFORMATION**
22 **NETWORK. THE** special window treatment or application shall not
23 interfere with or obstruct the driver's clear vision of the highway
24 or an intersecting highway.

25 (4) Except as provided in subsection (5), the windshield on
26 each motor vehicle shall be equipped with a device for cleaning
27 rain, snow, or other moisture from the windshield, which device

1 shall be so constructed as to be controlled or operated by the
2 driver of the vehicle. A vehicle licensed as an historical vehicle
3 is exempt from this subsection if the vehicle was not originally
4 equipped with such a device. Each windshield wiper upon a motor
5 vehicle shall be maintained in good working order.

6 (5) A truck with a gross weight over 10,000 pounds, a truck
7 tractor, a bus, or a truck regardless of weight carrying hazardous
8 materials on which a placard is required to be posted pursuant to
9 49 CFR parts 100 to 199 having a windshield shall be equipped with
10 not less than 2 automatically operating windshield wiper blades, 1
11 on each side of the centerline of the windshield, for cleaning
12 rain, snow, or other moisture from the windshield. The blades shall
13 be in such condition as to provide clear vision for the driver,
14 unless 1 blade is so arranged as to clean an area of the windshield
15 extending to within 1 inch of the limit of vision through the
16 windshield at each side. However, in driveaway-towaway operations,
17 this subsection applies only to the operated vehicle. In addition,
18 1 windshield wiper blade suffices under this subsection when the
19 driven vehicle in a driveaway-towaway operation constitutes part or
20 all of the property being transported and has no provision for 2
21 blades. A truck and truck tractor, manufactured after June 30,
22 1953, that depends upon vacuum to operate the windshield wipers,
23 shall be so constructed that the operation of the wipers is not
24 materially impaired by change in the intake manifold pressure.

25 (6) A truck with a gross weight over 10,000 pounds, a truck
26 tractor, a bus, or a truck regardless of weight carrying hazardous
27 materials on which a placard is required to be posted under 49 CFR

1 parts 100 to 199 shall not be operated on the highways at any time
2 unless it is equipped with a hot air windshield defroster or an
3 electrically heated windshield or other device to heat and maintain
4 the windshield in operable condition at all times.

5 (7) As used in this section:

6 (a) "Physician" means that term as defined in section 17001 or
7 17501 of the public health code, 1978 PA 368, MCL 333.17001 and
8 333.17501.

9 (b) "Optometrist" means that term as defined in section 17401
10 of the public health code, 1978 PA 368, MCL 333.17401.

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