

HOUSE BILL No. 4896

September 6, 2017, Introduced by Rep. Kosowski and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 307 and 811 (MCL 257.307 and 257.811), section 307 as amended by 2017 PA 32 and section 811 as amended by 2006 PA 589.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 307. (1) If an applicant for an operator's license or
2 chauffeur's license to operate a noncommercial motor vehicle is a
3 citizen of the United States, the applicant ~~shall~~**MUST** supply a
4 photographic identity document, a birth certificate, or other
5 sufficient documents as the secretary of state may require, to
6 verify the identity and citizenship of the applicant. If an

1 applicant for an operator's or chauffeur's license is not a citizen
2 of the United States, the applicant ~~shall~~**MUST** supply a
3 photographic identity document and other sufficient documents to
4 verify the identity of the applicant and the applicant's legal
5 presence in the United States under subdivision (b). The documents
6 required under this subsection shall include the applicant's full
7 legal name, date of birth, and address and residency and
8 demonstrate that the applicant is a citizen of the United States or
9 is legally present in the United States. If the applicant's full
10 legal name differs from the name of the applicant that appears on a
11 document presented under this subsection, the applicant ~~shall~~**MUST**
12 present documents to verify his or her current full legal name. The
13 secretary of state shall accept as 1 of the required identification
14 documents an identification card issued by the department of
15 corrections to prisoners who are placed on parole or released from
16 a correctional facility, containing the prisoner's legal name,
17 photograph, and other information identifying the prisoner as
18 provided in section 37(4) of the corrections code of 1953, 1953 PA
19 232, MCL 791.237. An application for an operator's or chauffeur's
20 license shall be made in a manner prescribed by the secretary of
21 state and shall contain all of the following:

22 (a) The applicant's full legal name, date of birth, residence
23 address, height, sex, eye color, signature, intent to make an
24 anatomical gift, other information required or permitted on the
25 license under this chapter, and, only to the extent required to
26 comply with federal law, the applicant's social security number.
27 The applicant may provide a mailing address if the applicant

1 receives mail at an address different from his or her residence
2 address.

3 (b) If the applicant is not a citizen of the United States,
4 the applicant ~~shall~~**MUST** provide, and the department shall verify,
5 documents demonstrating his or her legal presence in the United
6 States. Nothing in this act ~~shall obligate~~**OBLIGATES** or **SHALL** be
7 construed to obligate this state to comply with title II of the
8 real ID act of 2005, Public Law 109-13. The secretary of state may
9 adopt rules under the administrative procedures act of 1969, 1969
10 PA 306, MCL 24.201 to 24.328, as are necessary for the
11 administration of this subdivision. A determination by the
12 secretary of state that an applicant is not legally present in the
13 United States may be appealed under section 631 of the revised
14 judicature act of 1961, 1961 PA 236, MCL 600.631.

15 (c) 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 secretary
18 of state is required to use the residence address provided on this
19 application as the applicant's residence address on the qualified
20 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 (d) For an original or renewal operator's or chauffeur's
9 license with a vehicle group designation or indorsement, the names
10 of all states where the applicant has been licensed to drive any
11 type of motor vehicle during the previous 10 years.

12 (e) 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 parts 383 and 391 or meets
17 the applicable qualifications of the department of state police
18 under the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11
19 to 480.25.

20 (ii) The vehicle in which the applicant will take the driving
21 ~~28~~-skills tests is representative of the type of vehicle the
22 applicant operates or intends to operate.

23 (iii) The applicant is not subject to disqualification by the
24 United States Secretary of Transportation, or a suspension,
25 revocation, or cancellation under any state law for conviction of
26 an offense described in section 312f or 319b.

27 (iv) The applicant does not have a driver's license from more

1 than 1 state or jurisdiction.

2 (f) An applicant for an operator's or chauffeur's license with
3 a vehicle group designation and a hazardous material indorsement
4 ~~shall~~**MUST** provide his or her fingerprints as prescribed by state
5 and federal law.

6 **(G) FOR AN ORIGINAL OR RENEWAL OPERATOR'S OR CHAUFFEUR'S**
7 **LICENSE, WHETHER THE APPLICANT WISHES TO DONATE TO THE STATE**
8 **FORENSIC LABORATORY FUND CREATED IN SECTION 3 OF THE FORENSIC**
9 **LABORATORY FUNDING ACT, 1994 PA 35, MCL 12.203, FOR THE PURPOSE OF**
10 **ELIMINATING THE SEXUAL ASSAULT KIT ANALYSIS BACKLOG.**

11 (2) An applicant for an operator's or chauffeur's license may
12 have his or her image and signature captured or reproduced when the
13 application for the license is made. The secretary of state shall
14 acquire equipment purchased or leased under this section under
15 standard purchasing procedures of the department of technology,
16 management, and budget based on standards and specifications
17 established by the secretary of state. The secretary of state shall
18 not purchase or lease equipment until an appropriation for the
19 equipment has been made by the legislature. A digital photographic
20 image and signature captured under this section shall appear on the
21 applicant's operator's license or chauffeur's license. A person's
22 digital photographic image and signature shall be used as follows:

23 (a) By a federal, state, or local governmental agency for a
24 law enforcement purpose authorized by law.

25 (b) By the secretary of state for a use specifically
26 authorized by law.

27 (c) By the secretary of state for forwarding to the department

1 of state police the images of persons required to be registered
2 under the sex offenders registration act, 1994 PA 295, MCL 28.721
3 to 28.736, upon the department of state police providing the
4 secretary of state an updated list of the names of those persons.

5 (d) By the secretary of state for forwarding to the department
6 of state police as provided in section 5c of 1927 PA 372, MCL
7 28.425c.

8 (e) As necessary to comply with a law of this state or of the
9 United States.

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

19 (4) In conjunction with the application for an original or
20 renewal operator's license or chauffeur's license, the secretary of
21 state shall do all of the following:

22 (a) If the applicant is not a participant in the anatomical
23 gift donor registry program, specifically inquire, either orally or
24 in writing, whether the applicant wishes to participate in the
25 anatomical gift donor registry program under part 101 of the public
26 health code, 1978 PA 368, MCL 333.10101 to 333.10123. If the
27 secretary of state or an employee of the secretary of state fails

1 to inquire whether an applicant wishes to participate in the
2 anatomical gift donor registry program as required by this
3 subdivision, neither the secretary of state nor the employee is
4 civilly or criminally liable for the failure to make the inquiry.

5 (b) 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 anatomical gift donor registry
10 program under part 101 of the public health code, 1978 PA 368, MCL
11 333.10101 to 333.10123. The information required under this
12 subparagraph includes the address and telephone number of
13 Michigan's federally designated organ procurement organization as
14 that term is defined in section 10102 of the public health code,
15 1978 PA 368, MCL 333.10102, or its successor organization.

16 (iii) Information giving the applicant the opportunity to be
17 placed on the donor registry described in subparagraph (ii).

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

22 (d) Inform the applicant that, if he or she indicates to the
23 secretary of state under this section a willingness to have his or
24 her name placed on the donor registry described in subdivision

25 (b) (ii), the secretary of state will mark the applicant's record
26 for the donor registry.

27 (5) The secretary of state may fulfill the requirements of

1 subsection (4) by 1 or more of the following methods:

2 (a) Providing printed material enclosed with a mailed notice
3 for an operator's or chauffeur's license renewal or the issuance of
4 an operator's or chauffeur's license.

5 (b) Providing printed material to an applicant who personally
6 appears at a secretary of state branch office, or inquiring orally.

7 (c) Through electronic information transmittals for operator's
8 and chauffeur's licenses processed by electronic means.

9 (6) The secretary of state shall maintain a record of an
10 individual who indicates a willingness to have his or her name
11 placed on the donor registry described in subsection (4) (b) (ii) .
12 Information about an applicant's indication of a willingness to
13 have his or her name placed on the donor registry that is obtained
14 by the secretary of state under subsection (4) and forwarded under
15 subsection (14) is exempt from disclosure under section 13(1) (d) of
16 the freedom of information act, 1976 PA 442, MCL 15.243. The
17 secretary of state is not required to maintain a record of an
18 individual who does not indicate a willingness to have his or her
19 name placed on the donor registry described in subsection
20 (4) (b) (ii) or an individual who does not respond to an inquiry
21 under subsection (4) (a) .

22 (7) If an application is received from a person previously
23 licensed in another jurisdiction, the secretary of state shall
24 request a copy of the applicant's driving record and other
25 available information from the National Driver Register. When
26 received, the driving record and other available information become
27 a part of the driver's record in this state.

1 (8) If a person applies for a commercial learner's permit for
2 an original vehicle group designation or indorsement to operate a
3 commercial motor vehicle, the secretary of state may verify the
4 person's identity, may require proof of Michigan domicile under 49
5 CFR 383.5, and may verify the person's proof of United States
6 citizenship or proof of lawful permanent residency as required
7 under 49 CFR 383.71 and 383.73, if that information is not on the
8 person's Michigan driving record. If a person applies for a renewal
9 of an operator's or chauffeur's license to operate a commercial
10 motor vehicle, the secretary of state may verify the person's
11 identity, may require proof of Michigan domicile under 49 CFR
12 383.5, and may verify the person's proof of citizenship or lawful
13 permanent residency under 49 CFR 383.71 and 383.73, if that
14 information is not on the person's Michigan driving record. If a
15 person applies for an upgrade of a vehicle group designation or
16 indorsement, the secretary of state may verify the person's
17 identity, may require proof of Michigan domicile under 49 CFR
18 383.5, and may verify the person's proof of citizenship or lawful
19 permanent residency under 49 CFR 383.71 and 383.73, if that
20 information is not on the person's Michigan driving record. The
21 secretary of state shall request the person's complete driving
22 record from all states where the applicant was previously licensed
23 to drive any type of motor vehicle over the last 10 years before
24 issuing a vehicle group designation or indorsement to the
25 applicant. If the applicant does not hold a valid commercial motor
26 vehicle driver license from a state where he or she was licensed in
27 the last 10 years, this complete driving record request must be

1 made not earlier than 24 hours before the secretary of state issues
2 the applicant a vehicle group designation or indorsement. For all
3 other drivers, this request must be made not earlier than 10 days
4 before the secretary of state issues the applicant a vehicle group
5 designation or indorsement. If the application is for the renewal
6 of a vehicle group designation or indorsement, and if the secretary
7 of state enters on the person's driving record maintained under
8 section 204a a notation that the request was made and the date of
9 the request, the secretary of state is required to request the
10 applicant's complete driving record from other states only once
11 under this section. The secretary of state shall also check the
12 applicant's driving record with the National Driver Register and
13 the federal Commercial Driver's License Information System before
14 issuing that group designation or indorsement.

15 (9) Except for a vehicle group designation or indorsement or
16 as provided in this subsection or section 314(5), the secretary of
17 state may issue a renewal operator's or chauffeur's license for 1
18 additional 4-year period or until the person is no longer
19 determined to be legally present under this section by mail or by
20 other methods prescribed by the secretary of state. The secretary
21 of state may check the applicant's driving record through the
22 National Driver Register and the Commercial Driver's License
23 Information System before issuing a license under this section. The
24 secretary of state shall issue a renewal license only in person if
25 the person is a person required under section 5a of the sex
26 offenders registration act, 1994 PA 295, MCL 28.725a, to maintain a
27 valid operator's or chauffeur's license or official state personal

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

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

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

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

18 (b) To carry out the purposes of section 466(a) of the social
19 security 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's License
23 Information System when issuing a license under this act.

24 (d) With the department of health and human services, for
25 comparison with vital records maintained by the department of
26 health and human services under part 28 of the public health code,
27 1978 PA 368, MCL 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 that he or she is exempt under law from obtaining
8 a social security number.

9 (14) As required in section 10120 of the public health code,
10 1978 PA 368, MCL 333.10120, the secretary of state shall maintain
11 the donor registry in a manner that provides electronic access,
12 including, but not limited to, the transfer of data to this state's
13 federally designated organ procurement organization or its
14 successor organization, tissue banks, and eye banks, in a manner
15 that complies with that section.

16 (15) The secretary of state, with the approval of the state
17 administrative board created under 1921 PA 2, MCL 17.1 to 17.3, may
18 enter into agreements with the United States government to verify
19 whether an applicant for an operator's license or a chauffeur's
20 license under this section who is not a citizen of the United
21 States is authorized under federal law to be present in the United
22 States.

23 (16) The secretary of state shall not issue an operator's
24 license or a chauffeur's license to a person holding an operator's
25 license or chauffeur's license issued by another state without
26 confirmation that the person is terminating or has terminated the
27 operator's license or chauffeur's license issued by the other

1 state.

2 (17) The secretary of state shall do all of the following:

3 (a) Ensure the physical security of locations where operator's
4 licenses and chauffeur's licenses are produced and the security of
5 document materials and papers from which operator's licenses and
6 chauffeur's licenses are produced.

7 (b) Subject all persons authorized to manufacture or produce
8 operator's licenses or chauffeur's licenses and all persons who
9 have the ability to affect the identity information that appears on
10 operator's licenses or chauffeur's licenses to appropriate security
11 clearance requirements. The security requirements of this
12 subdivision and subdivision (a) may require that licenses be
13 manufactured or produced in this state.

14 (c) Provide fraudulent document recognition programs to
15 department of state employees engaged in the issuance of operator's
16 licenses and chauffeur's licenses.

17 (18) The secretary of state shall have electronic access to
18 prisoner information maintained by the department of corrections
19 for the purpose of verifying the identity of a prisoner who applies
20 for an operator's or chauffeur's license under subsection (1).

21 Sec. 811. (1) ~~An~~ **SUBJECT TO SUBSECTION (5), AN** application for
22 an original operator's or an original or renewal chauffeur's
23 license as provided in sections 307 and 312 and an application for
24 an original minor's restricted license as provided in section 312
25 shall be accompanied by the following fees:

26	Operator's license.....	\$ 25.00
27	Chauffeur's license.....	35.00

1 Minor's restricted license..... 25.00

2 The renewal fee for an operator's license renewed under this
3 section is \$18.00. However, if an operator's license is expired at
4 the time of the renewal, the fee is the same as the original fee,
5 except as provided in subsection (4). The date of an application
6 for a renewal of an operator's license under this section that is
7 delivered to the secretary of state by regular mail is the postmark
8 date in determining the fee to be assessed.

9 (2) The secretary of state shall deposit the money received
10 and collected under subsection (1) in the state treasury to the
11 credit of the general fund. The secretary of state shall refund out
12 of the fees collected to each county or municipality acting as an
13 examining officer or examining bureau \$2.50 for each applicant
14 examined for an original license, \$1.00 for each applicant examined
15 for an original chauffeur's license, and \$1.00 for every other
16 applicant examined, if the application is not denied and the money
17 refunded is paid to the county or local treasurer and is
18 appropriated to the county, municipality, or officer or bureau
19 receiving the money for the purpose of carrying out this act. The
20 state treasurer shall deposit the sum of \$4.00 in the traffic law
21 enforcement and safety fund created in section 819a for each person
22 examined for an original license, a renewal operator's license, an
23 original chauffeur's license, or a renewal chauffeur's license,
24 except that the sum deposited for each 2-year operator's or 2-year
25 chauffeur's license shall be \$2.00.

26 (3) Notwithstanding sections 306 and 308, an operator's
27 license shall not be issued to a person under 18 years of age

1 unless that person successfully passes a driver education course
2 and examination given by a school licensed under the driver
3 education **PROVIDER** and ~~training schools~~**INSTRUCTOR** act, ~~1974 PA~~
4 ~~369, MCL 256.601 to 256.612.~~ **2006 PA 384, MCL 256.621 TO 256.705.** A
5 person who has been a holder of a motor vehicle operator's license
6 issued by any other state, territory, or possession of the United
7 States, or any other sovereignty for 1 year immediately before
8 application for an operator's license under this act is not
9 required to comply with this subsection. Restricted licenses may be
10 issued ~~pursuant to~~**UNDER** section 312 without compliance with this
11 subsection.

12 (4) A person who is on active military service at the time his
13 or her operator's license expires shall be charged the renewal rate
14 for renewing his or her operator's license under this section if
15 all of the following apply:

16 (a) He or she applies for renewal within 30 days of returning
17 to this state from active duty.

18 (b) He or she held a valid, unexpired operator's license from
19 this state immediately prior to leaving this state for active
20 military service.

21 (c) He or she presents such documentation as the secretary of
22 state requires to establish eligibility under this subsection.

23 **(5) AN INDIVIDUAL WHO WISHES TO DONATE TO THE STATE FORENSIC**
24 **LABORATORY FUND CREATED IN SECTION 3 OF THE FORENSIC LABORATORY**
25 **FUNDING ACT, 1994 PA 35, MCL 12.203, FOR THE PURPOSE OF ELIMINATING**
26 **THE SEXUAL ASSAULT KIT ANALYSIS BACKLOG MUST ACCOMPANY THE FEE**
27 **REQUIRED UNDER SUBSECTION (1) WITH THE AMOUNT THAT HE OR SHE WISHES**

1 TO DONATE. THE SECRETARY OF STATE SHALL DEPOSIT MONEY COLLECTED AS
2 A DONATION UNDER THIS SUBSECTION IN THE STATE FORENSIC LABORATORY
3 FUND CREATED IN SECTION 3 OF THE FORENSIC LABORATORY FUNDING ACT,
4 1994 PA 35, MCL 12.203.

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

7 Enacting section 2. This amendatory act does not take effect
8 unless Senate Bill No.____ or House Bill No.____ (request no.
9 03849'17 a) of the 99th Legislature is enacted into law.