

SENATE BILL No. 1239

November 29, 2018, Introduced by Senator KOWALL and referred to the Committee on Elections and Government Reform.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 307 (MCL 257.307), as amended by 2018 PA 177.

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 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
7 applicant for an operator's or chauffeur's license is not a citizen
8 of the United States, the applicant shall supply a photographic

1 identity document and other sufficient documents to verify the
2 identity of the applicant and the applicant's legal presence in the
3 United States under subdivision (b). The documents required under
4 this subsection ~~shall~~**MUST** include the applicant's full legal name,
5 date of birth, and address and residency and demonstrate that the
6 applicant is a citizen of the United States or is legally present
7 in the United States. If the applicant's full legal name differs
8 from the name of the applicant that appears on a document presented
9 under this subsection, the applicant shall present documents to
10 verify his or her current full legal name. The secretary of state
11 shall accept as 1 of the required identification documents an
12 identification card issued by the department of corrections to
13 prisoners who are placed on parole or released from a correctional
14 facility, containing the prisoner's legal name, photograph, and
15 other information identifying the prisoner as provided in section
16 37(4) of the corrections code of 1953, 1953 PA 232, MCL 791.237. An
17 application for an operator's or chauffeur's license ~~shall~~**MUST** be
18 made in a manner prescribed by the secretary of state and ~~shall~~
19 **MUST** contain all of the following:

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

(b) If the applicant is not a citizen of the United States, the applicant shall provide, and the department shall verify, documents demonstrating his or her legal presence in the United States. Nothing in this act shall obligate or be construed to obligate this state to comply with title II of the real ID act of 2005, Public Law 109-13. The secretary of state may adopt rules under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, as are necessary for the administration of this subdivision. A determination by the secretary of state that an applicant is not legally present in the United States may be appealed under section 631 of the revised judicature act of 1961, 1961 PA 236, MCL 600.631. The secretary of state shall not issue an operator's license or a chauffeur's license to an applicant described in this subdivision for a term that exceeds the duration of the applicant's legal presence in the United States.

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

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

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

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

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

16 (i) The applicant meets the applicable federal driver
17 qualification requirements under 49 CFR parts 383 and 391 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 480.11
20 to 480.25.

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

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

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

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

7 (G) FOR AUTOMATIC VOTER REGISTRATION PURPOSES UNDER SECTION
8 493A OF THE MICHIGAN ELECTION LAW, 1954 PA 116, MCL 168.493A, A
9 SPACE FOR THE APPLICANT TO INDICATE ON THE APPLICATION, RENEWAL
10 APPLICATION, OR CHANGE OF ADDRESS APPLICATION WHETHER HE OR SHE IS
11 A CITIZEN OF THE UNITED STATES.

12 (H) A SPACE TO ALLOW THE APPLICANT TO INDICATE THAT THE
13 APPLICANT DECLINES TO USE THE APPLICATION AS A VOTER REGISTRATION
14 APPLICATION.

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

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

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

5 (c) By the secretary of state for forwarding to the department
6 of state police the images of persons required to be registered
7 under the sex offenders registration act, 1994 PA 295, MCL 28.721
8 to 28.736, upon the department of state police providing the
9 secretary of state an updated list of the names of those persons.

10 (d) By the secretary of state for forwarding to the department
11 of state police as provided in section 5c of 1927 PA 372, MCL
12 28.425c.

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

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

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

27 (a) If the applicant is not a participant in the anatomical

1 gift donor registry program, specifically inquire, either orally or
2 in writing, whether the applicant wishes to participate in the
3 anatomical gift donor registry program under part 101 of the public
4 health code, 1978 PA 368, MCL 333.10101 to 333.10123. If the
5 secretary of state or an employee of the secretary of state fails
6 to inquire whether an applicant wishes to participate in the
7 anatomical gift donor registry program as required by this
8 subdivision, neither the secretary of state nor the employee is
9 civilly or criminally liable for the failure to make the inquiry.

10 (b) Provide the applicant with all of the following:

11 (i) Information explaining the applicant's right to make an
12 anatomical gift in the event of death in accordance with section
13 310.

14 (ii) Information describing the anatomical gift donor registry
15 program under part 101 of the public health code, 1978 PA 368, MCL
16 333.10101 to 333.10123. The information required under this
17 subparagraph includes the address and telephone number of
18 Michigan's federally designated organ procurement organization as
19 that term is defined in section 10102 of the public health code,
20 1978 PA 368, MCL 333.10102, or its successor organization.

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

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

27 (d) Inform the applicant that, if he or she indicates to the

1 secretary of state under this section a willingness to have his or
2 her name placed on the donor registry described in subdivision
3 (b) (ii), the secretary of state will mark the applicant's record
4 for the donor registry.

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

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

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

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

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

27 (7) If an application is received from a person previously

1 licensed in another jurisdiction, the secretary of state shall
2 request a copy of the applicant's driving record and other
3 available information from the National Driver Register. When
4 received, the driving record and other available information become
5 a part of the driver's record in this state.

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

1 to drive any type of motor vehicle over the last 10 years before
2 issuing a vehicle group designation or indorsement to the
3 applicant. If the applicant does not hold a valid commercial motor
4 vehicle driver license from a state where he or she was licensed in
5 the last 10 years, this complete driving record request must be
6 made not earlier than 24 hours before the secretary of state issues
7 the applicant a vehicle group designation or indorsement. For all
8 other drivers, this request must be made not earlier than 10 days
9 before the secretary of state issues the applicant a vehicle group
10 designation or indorsement. If the application is for the renewal
11 of a vehicle group designation or indorsement, and if the secretary
12 of state enters on the person's driving record maintained under
13 section 204a a notation that the request was made and the date of
14 the request, the secretary of state is required to request the
15 applicant's complete driving record from other states only once
16 under this section. The secretary of state shall also check the
17 applicant's driving record with the National Driver Register and
18 the federal Commercial Driver's License Information System before
19 issuing that group designation or indorsement.

20 (9) Except for a vehicle group designation or indorsement or
21 as provided in this subsection or section 314(5), the secretary of
22 state may issue a renewal operator's or chauffeur's license for 1
23 additional 4-year period or until the person is no longer
24 determined to be legally present under this section by mail or by
25 other methods prescribed by the secretary of state. The secretary
26 of state may check the applicant's driving record through the
27 National Driver Register and the Commercial Driver's License

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

14 (10) Upon request, the secretary of state shall provide an
15 information manual to an applicant explaining how to obtain a
16 vehicle group designation or indorsement. The manual ~~shall~~**MUST**
17 contain the information required under 49 CFR part 383.

18 (11) The secretary of state shall not disclose a Social
19 Security number obtained under subsection (1) to another person
20 except for use for 1 or more of the following purposes:

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

23 (b) To carry out the purposes of section 466(a) of the social
24 security act, 42 USC 666, in connection with matters relating to
25 paternity, child support, or overdue child support.

26 (c) To check an applicant's driving record through the
27 National Driver Register and the Commercial Driver's License

1 Information System when issuing a license under this act.

2 (d) With the department of health and human services, for
3 comparison with vital records maintained by the department of
4 health and human services under part 28 of the public health code,
5 1978 PA 368, MCL 333.2801 to 333.2899.

6 (e) As otherwise required by law.

7 (12) The secretary of state shall not display a person's
8 Social Security number on the person's operator's or chauffeur's
9 license.

10 (13) A requirement under this section to include a Social
11 Security number on an application does not apply to an applicant
12 who demonstrates that he or she is exempt under law from obtaining
13 a Social Security number.

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

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

1 (16) The secretary of state shall not issue an operator's
2 license or a chauffeur's license to a person holding an operator's
3 license or chauffeur's license issued by another state without
4 confirmation that the person is terminating or has terminated the
5 operator's license or chauffeur's license issued by the other
6 state.

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

8 (a) Ensure the physical security of locations where operator's
9 licenses and chauffeur's licenses are produced and the security of
10 document materials and papers from which operator's licenses and
11 chauffeur's licenses are produced.

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

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

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

26 Enacting section 1. This amendatory act does not take effect
27 unless Senate Bill No. 1238

1 of the 99th Legislature is enacted into law.