

MICHIGAN VEHICLE CODE (EXCERPT)
Act 300 of 1949

***** 257.310.amended THIS AMENDED SECTION IS EFFECTIVE DECEMBER 1, 2021 *****

257.310.amended Operator's or chauffeur's license; issuance; applicant for motorcycle indorsement or vehicle group designation or indorsement; contents of license; fingerprint or finger image; digitized license; information; manufacture; unlawful acts; penalties; temporary driver's permit; medical data; emergency contact information; designation of patient advocate or emancipated status; duplicates of license; emergency medical information card; participation in anatomical gift donor registry; communication impediment designation; revocation; definitions.

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

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

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

(b) Except as provided in section 310f, the full legal name, date of birth, address of residence, height, eye color, sex, digital photographic image, expiration date, and signature of the licensee.

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

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

(e) If requested by an individual who is a veteran of the armed forces of this state, another state, or the United States, a designation that the individual is a veteran. The designation must be in a style and format considered appropriate by the secretary of state. The secretary of state shall require proof of discharge or separation of service from the armed forces of this state, another state, or the United States, and the nature of that discharge, for the purposes of verifying an individual's status as a veteran under this subdivision. The secretary of state shall consult with the department of military and veterans affairs in determining the proof that must be required to identify an individual's status as a veteran for the purposes of this subsection. The secretary of state may provide the department of military and veterans affairs and agencies of the counties of this state that provide veteran services with information provided by an applicant under this subsection for the purpose of veterans' benefits eligibility referral.

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

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

(5) A digitized license may contain an identifier for voter registration purposes. The digitized license may contain information appearing in electronic or machine-readable codes needed to conduct a transaction with the secretary of state. The information must be limited to the information described in subsection (2)(a) and (b) except for the person's digital photographic image and signature, state of issuance, license expiration date, and other information necessary for use with electronic devices, machine readers, or automatic teller machines and must not contain the driving record or other personal identifier. The license must identify the encoded information.

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

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

(a) If the intent of the reproduction, alteration, counterfeiting, forging, duplication, or use is to commit or aid in the commission of an offense that is a felony punishable by imprisonment for 10 or more years, the person committing the reproduction, alteration, counterfeiting, forging, duplication, or use is guilty of a

felony, punishable by imprisonment for not more than 10 years or a fine of not more than \$20,000.00, or both.

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

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

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

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

(10) Except as provided in subsection (16), a person who is in possession of a reproduced, altered, counterfeited, forged, or duplicated license photograph, negative of the photograph, image, license, or electronic data contained on a license or part of a license is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$2,000.00, or both.

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

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

(13) An operator or chauffeur may indicate on the license in a place designated by the secretary of state his or her blood type, emergency contact information, immunization data, medication data, or a statement that the licensee is deaf. The secretary of state shall not require an applicant for an original or renewal operator's or chauffeur's license to provide emergency contact information as a condition of obtaining a license. However, the secretary of state may inquire whether an operator or chauffeur would like to provide emergency contact information and, beginning July 1, 2021, shall allow an operator or chauffeur that meets the requirements of subsection (21) to elect a communication impediment designation. Emergency contact information obtained under this subsection must be disclosed only to a state or federal law enforcement agency for law enforcement purposes or to the extent necessary for a medical emergency. The secretary of state shall develop and shall, in conjunction with the department of state police, implement a process using the L.E.I.N. or any other appropriate system that limits access to law enforcement that would allow law enforcement agencies of this state to access emergency contact information and, beginning July 1, 2021, to view a communication impediment designation that the holder of an operator's license has voluntarily provided to the secretary of state.

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

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

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

(17) A sticker or decal may be provided by any person, hospital, school, medical group, or association interested in assisting in implementing an emergency medical information card, but must meet the specifications of the secretary of state. An emergency medical information card may contain information

concerning the licensee's patient advocate designation, other emergency medical information, or an indication as to where the licensee has stored or registered emergency medical information.

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

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

(20) If an operator's or chauffeur's license is issued to an individual described in section 307(1)(b) who has temporary lawful status, the license must be issued in compliance with 6 CFR 37.21 or in compliance with the process established to comply with 6 CFR 37.71 by the secretary of state.

(21) An operator or chauffeur seeking an election for a communication impediment designation under subsection (13) shall provide to the secretary of state a certification that meets all of the following:

(a) Is signed by a physician, physician assistant, certified nurse practitioner, audiologist, speech-language pathologist, psychologist, or physical therapist licensed to practice in this state.

(b) Identifies the individual for whom the communication impediment designation is being elected.

(c) Attests to the nature of the communication impediment.

(22) A person who intentionally makes a false statement of material fact or commits or attempts to commit a deception or fraud on a statement described under subsection (21) is guilty of a misdemeanor punishable by imprisonment for not more than 30 days or a fine of not more than \$500.00, or both.

(23) Subject to subsection (24), the secretary of state may cancel or revoke a communication impediment designation elected and maintained under this section if either of the following circumstances applies:

(a) The secretary of state determines that a communication impediment designation was fraudulently or erroneously elected.

(b) The secretary of state determines the communication impediment designation was abused during a traffic stop.

(24) The secretary of state shall provide the operator or chauffeur notice and an opportunity to be heard before canceling or revoking a communication impediment designation under subsection (23).

(25) As used in this section:

(a) "Communication impediment" means the operator or chauffeur has a health condition that may impede communication with a police officer during a traffic stop, including, but not limited to, any of the following:

(i) Deafness or hearing loss.

(ii) An autism spectrum disorder.

(b) "Emergency contact information" means the name, telephone number, or address of an individual that is used for the sole purpose of contacting that individual when the holder of an operator's license has been involved in an emergency.

(c) "Temporary lawful status" means that term as defined in 6 CFR 37.3.

(d) "Veteran" means that term as defined in section 1 of 1965 PA 190, MCL 35.61.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1953, Act 144, Eff. Oct. 2, 1953;—Am. 1957, Act 164, Eff. Sept. 27, 1957;—Am. 1958, Act 217, Eff. Sept. 13, 1958;—Am. 1966, Act 206, Eff. Aug. 1, 1966;—Am. 1967, Act 212, Eff. Nov. 2, 1967;—Am. 1972, Act 357, Imd. Eff. Jan. 9, 1973;—Am. 1976, Act 358, Imd. Eff. Dec. 23, 1976;—Am. 1977, Act 259, Eff. Mar. 30, 1978;—Am. 1978, Act 139, Eff. May 1, 1979;—Am. 1980, Act 174, Imd. Eff. June 23, 1980;—Am. 1985, Act 219, Imd. Eff. Jan. 10, 1986;—Am. 1988, Act 346, Eff. Jan. 1, 1990;—Am. 1988, Act 404, Eff. Mar. 30, 1989;—Am. 1989, Act 286, Imd. Eff. Dec. 26, 1989;—Am. 1996, Act 205, Eff. Jan. 1, 1997;—Am. 1998, Act 226, Imd. Eff. July 3, 1998;—Am. 2001, Act 216, Imd. Eff. Dec. 28, 2001;—Am. 2002, Act 126, Eff. Apr. 22, 2002;—Am. 2002, Act 554, Eff. Oct. 1, 2002;—Am. 2002, Act 652, Eff. Jan. 1, 2003;—Am. 2003, Act 152, Eff. Oct. 1, 2003;—Am. 2004, Act 495, Eff. Jan. 31, 2005;—Am. 2005, Act 141, Imd. Eff. Sept. 29, 2005;—Am. 2008, Act 7, Imd. Eff. Feb. 15, 2008;—Am. 2008, Act 36, Imd. Eff. Mar. 17, 2008;—Am. 2012, Act 498, Eff. Mar. 28, 2013;—Am. 2013, Act 27, Eff. May 1, 2014;—Am. 2016, Act 4, Imd. Eff. Feb. 2, 2016;—Am. 2016, Act 219, Eff. Sept. 20, 2016;—Am. 2018, Act 177, Eff. Sept. 9, 2018;—Am. 2020, Act 93, Eff. July 1, 2021;—Am. 2020, Act 304, Imd. Eff. Dec. 29, 2020;—Am. 2021, Act 104, Eff. Dec. 1, 2021.

Compiler's note: Section 2 of Act 346 of 1988 provides:

"(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

"(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

"(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act."

Section 2 of Act 173 of 1989 provides:

"(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301,

257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

“(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed.”