

**HOUSE SUBSTITUTE FOR
SENATE BILL NO. 73**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 40b, 307, and 310 (MCL 257.40b, 257.307, and
257.310), section 40b as amended by 2012 PA 498, section 307 as
amended by 2018 PA 604, and section 310 as amended by 2020 PA 93,
and by adding section 310f.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 40b. (1) "Personal information" means information that
2 identifies an individual, including the individual's photograph or
3 image, name, address (but not the zip code), driver license number,
4 ~~social security~~ **Social Security** number, telephone number, digitized
5 signature, and medical and disability information. Personal
6 information does not include information on driving and equipment-



1 related violations or civil infractions, driver or vehicle
2 registration status, vehicular accidents, or other behaviorally-
3 related information.

4 (2) "Highly restricted personal information" means an
5 individual's photograph or image, ~~social security~~ **Social Security**
6 number, digitized signature, medical and disability information,
7 and source documents presented by an applicant to obtain an
8 operator's or chauffeur's license under section 307(1). Highly
9 restricted personal information also includes **the confidential**
10 **address of an individual certified as a program participant in the**
11 **address confidentiality program under the address confidentiality**
12 **program act and the** emergency contact information under section
13 310(13). **As used in this subsection, "confidential address" means**
14 **that term as defined in section 3 of the address confidentiality**
15 **program act.**

16 Sec. 307. (1) If an applicant for an operator's license or
17 chauffeur's license to operate a noncommercial motor vehicle is a
18 citizen of the United States, the applicant shall supply a
19 photographic identity document, a birth certificate, or other
20 sufficient documents as the secretary of state may require, to
21 verify the identity and citizenship of the applicant. If an
22 applicant for an operator's or chauffeur's license is not a citizen
23 of the United States, the applicant shall supply a photographic
24 identity document and other sufficient documents to verify the
25 identity of the applicant and the applicant's legal presence in the
26 United States under subdivision (b). The documents required under
27 this subsection must include the applicant's full legal name, date
28 of birth, and address and residency and demonstrate that the
29 applicant is a citizen of the United States or is legally present



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

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

22 (b) If the applicant is not a citizen of the United States,
23 the applicant shall provide, and the department shall verify,
24 documents demonstrating his or her legal presence in the United
25 States. Nothing in this act shall obligate or be construed to
26 obligate this state to comply with title II of the real ID act of
27 2005, Public Law 109-13. The secretary of state may adopt rules
28 under the administrative procedures act of 1969, 1969 PA 306, MCL
29 24.201 to 24.328, as are necessary for the administration of this



1 subdivision. A determination by the secretary of state that an
2 applicant is not legally present in the United States may be
3 appealed under section 631 of the revised judicature act of 1961,
4 1961 PA 236, MCL 600.631. The secretary of state shall not issue an
5 operator's license or a chauffeur's license to an applicant
6 described in this subdivision for a term that exceeds the duration
7 of the applicant's legal presence in the United States.

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

14 "NOTICE: Michigan law requires that the same address
15 be used for voter registration and driver license
16 purposes. Therefore, if the residence address
17 you provide in this application differs from your
18 voter registration address as it appears on the
19 qualified voter file, the secretary of state
20 will automatically change your voter registration
21 to match the residence address on this application,
22 after which your voter registration at your former
23 address will no longer be valid for voting purposes.
24 A new voter registration card, containing the
25 information of your polling place, will be provided
26 to you by the clerk of the jurisdiction where your
27 residence address is located."

28 (d) For an original or renewal operator's or chauffeur's
29 license with a vehicle group designation or indorsement, the names



1 of all states where the applicant has been licensed to drive any
2 type of motor vehicle during the previous 10 years.

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

6 (i) The applicant meets the applicable federal driver
7 qualification requirements under 49 CFR parts 383 and 391 or meets
8 the applicable qualifications of the department of state police
9 under the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11
10 to 480.25.

11 (ii) The vehicle in which the applicant will take the driving
12 skills tests is representative of the type of vehicle the applicant
13 operates or intends to operate.

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

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

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

24 (g) For automatic voter registration purposes under section
25 493a of the Michigan election law, 1954 PA 116, MCL 168.493a, a
26 space for the applicant to indicate on the application or change of
27 address application whether he or she is a citizen of the United
28 States.

29 (h) A space to allow the applicant to indicate that the



1 applicant declines to use the application as a voter registration
2 application.

3 (i) An applicant for an operator's or chauffeur's license who
4 is a program participant in the address confidentiality program
5 under the address confidentiality program act shall present to the
6 secretary of state his or her participation card issued under the
7 address confidentiality program act.

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

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

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

24 (c) By the secretary of state for forwarding to the department
25 of state police the images of persons required to be registered
26 under the sex offenders registration act, 1994 PA 295, MCL 28.721
27 to 28.736, upon the department of state police providing the
28 secretary of state an updated list of the names of those persons.

29 (d) By the secretary of state for forwarding to the department



1 of state police as provided in section 5c of 1927 PA 372, MCL
2 28.425c.

3 (e) By the secretary of state for forwarding to the department
4 of licensing and regulatory affairs the images of applicants for an
5 official state registry identification card issued under section 6
6 of the Michigan ~~medical marihuana act~~, **Medical Marihuana Act**, 2008
7 IL 1, MCL 333.26426, if the department of licensing and regulatory
8 affairs promulgates rules requiring a photograph as a design
9 element for an official state registry identification card.

10 (f) As necessary to comply with a law of this state or of the
11 United States.

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

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

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

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

29 (a) Providing printed material enclosed with a mailed notice



1 for an operator's or chauffeur's license renewal or the issuance of
2 an operator's or chauffeur's license.

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

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

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

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

26 (8) If a person applies for a commercial learner's permit for
27 an original vehicle group designation or indorsement to operate a
28 commercial motor vehicle, the secretary of state may verify the
29 person's identity, may require proof of Michigan domicile under 49



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



1 of state enters on the person's driving record maintained under
2 section 204a a notation that the request was made and the date of
3 the request, the secretary of state is required to request the
4 applicant's complete driving record from other states only once
5 under this section. The secretary of state shall also check the
6 applicant's driving record with the National Driver Register and
7 the federal Commercial Driver's License Information System before
8 issuing that group designation or indorsement.

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



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

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

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

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

13 (c) To check an applicant's driving record through the
14 National Driver Register and the Commercial Driver's License
15 Information System when issuing a license under this act.

16 (d) With the department of health and human services, for
17 comparison with vital records maintained by the department of
18 health and human services under part 28 of the public health code,
19 1978 PA 368, MCL 333.2801 to 333.2899.

20 (e) As otherwise required by law.

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

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

28 (14) As required in section 10120 of the public health code,
29 1978 PA 368, MCL 333.10120, the secretary of state shall maintain



1 the donor registry in a manner that provides electronic access,
2 including, but not limited to, the transfer of data to this state's
3 federally designated organ procurement organization or its
4 successor organization, tissue banks, and eye banks, in a manner
5 that complies with that section.

6 (15) The secretary of state, with the approval of the state
7 administrative board created under 1921 PA 2, MCL 17.1 to 17.3, may
8 enter into agreements with the United States government to verify
9 whether an applicant for an operator's license or a chauffeur's
10 license under this section who is not a citizen of the United
11 States is authorized under federal law to be present in the United
12 States.

13 (16) The secretary of state shall not issue an operator's
14 license or a chauffeur's license to a person holding an operator's
15 license or chauffeur's license issued by another state without
16 confirmation that the person is terminating or has terminated the
17 operator's license or chauffeur's license issued by the other
18 state.

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

20 (a) Ensure the physical security of locations where operator's
21 licenses and chauffeur's licenses are produced and the security of
22 document materials and papers from which operator's licenses and
23 chauffeur's licenses are produced.

24 (b) Subject all persons authorized to manufacture or produce
25 operator's licenses or chauffeur's licenses and all persons who
26 have the ability to affect the identity information that appears on
27 operator's licenses or chauffeur's licenses to appropriate security
28 clearance requirements. The security requirements of this
29 subdivision and subdivision (a) may require that licenses be



1 manufactured or produced in this state.

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

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

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

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

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

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

28 (c) In the case of a licensee who has indicated his or her
29 wish to participate in the anatomical gift donor registry under



1 part 101 of the public health code, 1978 PA 368, MCL 333.10101 to
2 333.10123, a heart insignia on the front of the license.

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

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

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

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

28 (5) A digitized license may contain an identifier for voter
29 registration purposes. The digitized license may contain



1 information appearing in electronic or ~~machine-readable~~ **machine-**
 2 **readable** codes needed to conduct a transaction with the secretary
 3 of state. The information must be limited to the information
 4 described in subsection (2) (a) and (b) except for the person's
 5 digital photographic image and signature, state of issuance,
 6 license expiration date, and other information necessary for use
 7 with electronic devices, machine readers, or automatic teller
 8 machines and must not contain the driving record or other personal
 9 identifier. The license must identify the encoded information.

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

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

22 (a) 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 10 or more years, the person committing the
 26 reproduction, alteration, counterfeiting, forging, duplication, or
 27 use is guilty of a felony, punishable by imprisonment for not more
 28 than 10 years or a fine of not more than \$20,000.00, or both.

29 (b) If the intent of the reproduction, alteration,



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

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

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

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

29 (10) Except as provided in subsection (16), a person who is in



1 possession of a reproduced, altered, counterfeited, forged, or
2 duplicated license photograph, negative of the photograph, image,
3 license, or electronic data contained on a license or part of a
4 license is guilty of a misdemeanor punishable by imprisonment for
5 not more than 1 year or a fine of not more than \$2,000.00, or both.

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

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

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



1 **July 1, 2021**, shall allow an operator or chauffeur that meets the
 2 requirements of subsection (21) to elect a communication impediment
 3 designation. Emergency contact information obtained under this
 4 subsection must be disclosed only to a state or federal law
 5 enforcement agency for law enforcement purposes or to the extent
 6 necessary for a medical emergency. ~~No later than January 1, 2017,~~
 7 ~~the~~**The** secretary of state shall develop and shall, in conjunction
 8 with the department of state police, implement a process using the
 9 L.E.I.N. or any other appropriate system that limits access to law
 10 enforcement that would allow law enforcement agencies of this state
 11 to access emergency contact information and, **beginning July 1,**
 12 **2021**, to view a communication impediment designation that the
 13 holder of an operator's license has voluntarily provided to the
 14 secretary of state.

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

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

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

29 (17) A sticker or decal may be provided by any person,



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

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

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

21 (20) If an operator's or chauffeur's license is issued to an
 22 individual described in section 307(1)(b) who has temporary lawful
 23 status, the license must be issued in compliance with 6 CFR 37.21
 24 or in compliance with the process established to comply with 6 CFR
 25 37.71 by the secretary of state.

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



1 (a) Is signed by a physician, physician assistant, certified
2 nurse practitioner, or physical therapist licensed to practice in
3 this state.

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

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

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

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

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

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

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

24 (25) As used in this section:

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

29 (i) Deafness or hearing loss.



1 (ii) An autism spectrum disorder.

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

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

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

10 **Sec. 310f. (1) Beginning on March 16, 2021, upon receipt of a**
11 **notice from the department of the attorney general that an**
12 **individual who has been issued an operator's or chauffeur's license**
13 **under this act has been certified as a program participant in the**
14 **address confidentiality program, the secretary of state shall issue**
15 **a corrected operator's or chauffeur's license to that individual by**
16 **mailing the license to his or her designated address. An operator's**
17 **or chauffeur's license issued under this section or section 310 to**
18 **a program participant must display the individual's designated**
19 **address and must not display the individual's residence address.**

20 (2) An individual who is issued a corrected license under this
21 section shall destroy his or her old license and replace it with
22 the corrected license.

23 (3) An individual whose certification as a program participant
24 in the address confidentiality program is renewed under the address
25 confidentiality program act may renew a license issued under this
26 section upon payment of the renewal fee under section 811.

27 (4) As used in this section:

28 (a) "Address confidentiality program" means a program as that
29 term is defined in section 3 of the address confidentiality program



1 act.

2 (b) "Designated address" means that term as defined in section
3 3 of the address confidentiality program act.

4 (c) "Program participant" means that term as defined in
5 section 3 of the address confidentiality program act.

6 Enacting section 1. This amendatory act takes effect 180 days
7 after the date it is enacted into law.

8 Enacting section 2. This amendatory act does not take effect
9 unless Senate Bill No. 70 of the 100th Legislature is enacted into
10 law.

