

Act No. 205
Public Acts of 1996
Approved by the Governor
May 16, 1996
Filed with the Secretary of State
May 17, 1996

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1996**

Introduced by Reps. Dolan, Brackenridge, Bobier, McManus, Brewer, Jellema, DeHart, Dobb, Dalman, Ciaramitaro, Hammerstrom, Bodem, Brater, Hill and McNutt

ENROLLED HOUSE BILL No. 4285

AN ACT to amend sections 307 and 310 of Act No. 300 of the Public Acts of 1949, entitled as amended "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," section 307 as amended by Act No. 181 of the Public Acts of 1990 and section 310 as amended by Act No. 286 of the Public Acts of 1989, being sections 257.307 and 257.310 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Sections 307 and 310 of Act No. 300 of the Public Acts of 1949, section 307 as amended by Act No. 181 of the Public Acts of 1990 and section 310 as amended by Act No. 286 of the Public Acts of 1989, being sections 257.307 and 257.310 of the Michigan Compiled Laws, are amended to read as follows:

Sec. 307. (1) An application for an operator's or chauffeur's license shall be made in a manner prescribed by the secretary of state and shall contain all of the following:

(a) For an operator's or chauffeur's license, full name, date of birth, address of residence, height, sex, eye color, and signature of the applicant, and other information required or permitted on the license pursuant to this chapter.

(b) For an operator's or chauffeur's license with a vehicle group designation or indorsement, full name, social security number, date of birth, address of residence, height, sex, and signature of the applicant, and other information required or permitted on the license pursuant to this chapter.

(c) For an operator's or chauffeur's license with a vehicle group designation or indorsement, the following certifications made by the applicant:

(i) That the applicant meets the applicable federal physical driver qualification requirements pursuant to 49 C.F.R. part 391 if the applicant operates or intends to operate in interstate commerce or meets the applicable physical qualifications pursuant to the rules promulgated by the department of state police under the motor carrier safety act of

1963, Act No. 181 of the Public Acts of 1963, being sections 480.11 to 480.21 of the Michigan Compiled Laws, if the applicant operates or intends to operate in intrastate commerce.

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

(iii) That the applicant has not been convicted of an offense as described in section 312f or 319b.

(iv) That the applicant does not have a driver's license from more than 1 state.

(d) For an operator's or chauffeur's license with a vehicle group designation or indorsement and for which the applicant claims a waiver of the driving test as provided in section 312f, the following additional certifications made by the applicant concerning the 2-year period immediately before application:

(i) That the applicant has not had more than 1 license.

(ii) That the applicant has not had any license suspended, revoked, or canceled.

(iii) That the applicant has not been convicted of any offense described in section 319b while operating a motor vehicle.

(iv) That the applicant has not been convicted of a moving violation under state or local law relating to motor vehicle traffic control arising in connection with a traffic accident.

(v) That the applicant is regularly employed in a job requiring the operation of a commercial motor vehicle.

(vi) That the applicant qualifies under either of the following:

(A) Has passed a behind-the-wheel driving test given by a state with a commercial motor vehicle driver licensing and testing system and taken in a representative vehicle for that applicant's driver's license vehicle group designation.

(B) Has operated, for at least 2 years immediately preceding application, a vehicle representative of the commercial motor vehicle group or passenger vehicle for which he or she is applying. Evidence shall be provided by the applicant's employer or by the applicant if self-employed.

(2) An applicant for an operator's or chauffeur's license may have his or her image captured or reproduced at the time the application for the license is made. The secretary of state shall acquire by purchase or lease the equipment for capturing the images and may furnish the equipment to a local unit authorized by the secretary of state to license drivers. The secretary of state shall acquire equipment purchased or leased pursuant to this section under standard purchasing procedures of the department of management and budget based on standards and specifications established by the secretary of state. The secretary of state shall not purchase or lease equipment until an appropriation for the equipment has been made by the legislature. An image captured pursuant to this section shall appear on the applicant's operator's or chauffeur's license. The secretary of state may retain and use a person's image described in this subsection only for programs administered by the secretary of state. Except as provided in this subsection, the secretary of state shall not use a person's image unless written permission for that purpose is granted by the person to the secretary of state or specific enabling legislation permitting the use is enacted into law. A law enforcement agency of this state shall have access to any information retained by the secretary of state under this subsection. The information may be utilized for any law enforcement purpose unless otherwise prohibited by law.

(3) An application shall contain a signature and certification by the applicant and shall be accompanied by the proper fee. The examiner shall collect the application fee and shall forward the fee to the secretary of state with the application. The secretary of state shall refund the application fee to the applicant if the license applied for is denied, but shall not refund the fee to an applicant who fails to complete the examination requirements of the secretary of state within 90 days after the date of application for a license. Until January 1, 2002, a service fee of \$1.00 shall be added to each fee collected for an original, renewal, duplicate, or corrected operator's or chauffeur's license. The service fee received and collected under this subsection shall be deposited in the state treasury to the credit of the general fund. The service fee shall be used to defray the expenses of the secretary of state. Appropriations from the Michigan transportation fund shall not be used to compensate the secretary of state for costs incurred and services performed under this section.

(4) If an application is received from a person previously licensed in another jurisdiction, the secretary of state shall request a copy of the applicant's driving record and other available information from the other jurisdiction. When received, the driving record and other available information from the other jurisdiction becomes a part of the driver's record in this state with the same force and effect as if it had been entered on the driver's record in this state in the original instance. If the application is for an original, renewal, or change of a vehicle group designation or indorsement, the secretary of state shall also check the applicant's driving record with the national drivers register and the United States department of transportation before issuance of that group designation or indorsement.

(5) Except for a vehicle group designation or indorsement, the secretary of state may issue a renewal operator's or chauffeur's license for 1 additional 4-year period by mail or by other methods prescribed by the secretary of state. The secretary of state shall issue a renewal license only in person when the licensee has a driving record with a conviction or civil infraction determination obtained in the 48 months preceding renewal. However, the secretary of state shall not refuse to issue a renewal license by mail or by other method because of a conviction or civil infraction determination for

which fines and costs were waived pursuant to section 901a or section 907. If a license is renewed by mail or by other method, the secretary of state shall issue evidence of renewal to indicate the date the license expires in the future.

(6) Upon request, the secretary of state shall provide an information manual to an applicant explaining how to obtain a vehicle group designation or indorsement. The manual shall contain the information required pursuant to 49 C.F.R. part 383.

Sec. 310. (1) The secretary of state shall issue to each person licensed as an operator, an operator's license, and to each person licensed as a chauffeur, a chauffeur's license. 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.

(2) The license shall contain the following information:

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

(b) The full name, date of birth, address of residence, height, eye color, sex, an image, and the signature of the licensee.

(c) An indication that the license contains 1 or more of the following:

(i) The blood type of the licensee.

(ii) Immunization data of the licensee.

(iii) Medication data of the licensee.

(iv) A statement that the licensee is deaf.

(v) A statement that the licensee has made an anatomical gift.

(vi) Emergency contact information of the licensee.

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

(4) The license shall 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 shall be limited to the person's driver license number, birth date, license expiration date, and other information necessary for use with electronic devices, machine readers, or automatic teller machines and shall not contain the person's name, address, driving record, or other personal identifier. The license shall identify the encoded information.

(6) The license shall 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 shall contain the information required pursuant to 49 C.F.R. part 383.

(7) A person who intentionally reproduces, alters, counterfeits, forges, or duplicates a license photograph, the negative of the photograph, an image, a license, the electronic data contained on a license or a part of a license, or who uses a license, an 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 was to commit or aid in the commission of an offense punishable by imprisonment for 1 or more years, the person committing the reproduction, alteration, counterfeiting, forging, duplication, or use is guilty of a misdemeanor, punishable by imprisonment for a period equal to the imprisonment that could be imposed for the commission of the offense the person had the intent to aid or commit. The court may also assess a fine of not more than \$10,000.00 against the person.

(b) If the intent of the reproduction, alteration, counterfeiting, forging, duplication, or use was to commit or aid in the commission of an offense punishable by imprisonment for not more than 1 year, 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 \$1,000.00, or both.

(8) The secretary of state, upon determining after an examination that an applicant is mentally and physically qualified to receive a license, may issue to that person a temporary driver's permit entitling the person while having the permit in his or her immediate possession to drive a motor vehicle upon the highway for a period not exceeding 60 days before issuance to the person of an operator's or chauffeur's license by the secretary of state.

(9) 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, a statement that the licensee is deaf, or a statement that the licensee has made an anatomical gift pursuant to part 101 of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.10101 to 333.10109 of the Michigan Compiled Laws.

(10) If the applicant provides proof to the secretary of state that he or she is a minor who has been emancipated pursuant to Act No. 293 of the Public Acts of 1968, being sections 722.1 to 722.6 of the Michigan Compiled Laws, the license shall bear the designation of the individual's emancipated status in a manner prescribed by the secretary of state.

Section 2. This amendatory act shall take effect January 1, 1997.

Section 3. This amendatory act shall not take effect unless House Bill No. 4541 of the 88th Legislature is enacted into law.

This act is ordered to take immediate effect.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.