



HOUSE BILL No. 5696

March 19, 1996, Introduced by Reps. Brewer, LaForge, Pitoniak, Gubow, Hanley, Cherry, DeMars, Griffin, Baird, Hill and Scott and referred to the Committee on Health Policy.

A bill to amend sections 307 and 310 of Act No. 300 of the Public Acts of 1949, entitled as amended "Michigan vehicle code," 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:

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

1 Sec. 307. (1) An application for an operator's or
2 chauffeur's license shall be made upon a form furnished by the
3 secretary of state and shall contain all of the following:

4 (a) For an operator's or chauffeur's license, full name,
5 date of birth, address of residence, height, eye color, and sig-
6 nature of the applicant, and other information required or per-
7 mitted on the license pursuant to this chapter.

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

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

16 (i) That the applicant meets the applicable federal physical
17 driver qualification requirements pursuant to 49 C.F.R. part 391
18 if the applicant operates or intends to operate in interstate
19 commerce or meets the applicable physical qualifications pursuant
20 to the rules promulgated by the department of state police under
21 the motor carrier safety act of 1963, Act No. 181 of the Public
22 Acts of 1963, being sections 480.11 to 480.21 of the Michigan
23 Compiled Laws, if the applicant operates or intends to operate in
24 intrastate commerce.

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

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

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

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

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

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

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

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

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

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

22 (A) Has passed a behind-the-wheel driving test given by a
23 state with a classified licensing and testing system and taken in
24 a representative vehicle for that applicant's driver's license
25 classification.

26 (B) Has operated, for at least 2 years immediately preceding
27 application, a vehicle representative of the commercial motor

1 vehicle group or passenger vehicle for which he or she is
2 applying. Evidence shall be provided by the applicant's employer
3 or by the applicant if self-employed.

4 (2) An applicant for an operator's or chauffeur's license
5 may be photographed at the time the application for the license
6 is made. The secretary of state shall acquire by purchase or
7 lease the equipment for taking the photographs and shall furnish
8 the equipment to the local unit. Equipment purchased or leased
9 pursuant to this section shall be acquired under standard pur-
10 chasing procedures of the department of management and budget
11 based on standards and specifications established by the secre-
12 tary of state. Equipment shall not be purchased or leased until
13 an appropriation for the equipment has been made by the
14 legislature. A photograph taken pursuant to this section shall
15 appear on the applicant's operator's or chauffeur's license only,
16 and the photograph, a copy of the photograph, or a negative of
17 the photograph shall not be retained by the secretary of state or
18 any other agency.

19 (3) An application shall be signed and certified by the
20 applicant and shall be accompanied by the proper fee. This fee
21 shall be collected by the examiner and forwarded to the secretary
22 of state with the application. This fee shall be refunded to the
23 applicant if the license applied for is denied, but the fee shall
24 not be refunded to an applicant who fails to complete the exami-
25 nation requirements of the secretary of state within 90 days
26 after the date of application for a license.

1 (4) BEFORE OR AT THE TIME A PERSON APPLIES FOR AN OPERATOR'S
2 OR CHAUFFEUR'S LICENSE, THE SECRETARY OF STATE SHALL DO BOTH OF
3 THE FOLLOWING:

4 (A) PROVIDE THE APPLICANT WITH A WRITTEN EXPLANATION OF THE
5 APPLICANT'S RIGHT TO MAKE AN ANATOMICAL GIFT IN THE EVENT OF
6 DEATH IN ACCORDANCE WITH SECTION 310.

7 (B) EXCEPT FOR A LICENSE RENEWED BY MAIL, REQUIRE AN APPLI-
8 CANT 18 YEARS OF AGE OR OLDER TO SPECIFY ON HIS OR HER LICENSE
9 APPLICATION WHETHER HE OR SHE WISHES TO MAKE AN ANATOMICAL GIFT
10 IN THE EVENT OF DEATH IN ACCORDANCE WITH SECTION 310.

11 (5) ~~-(4)-~~ If an application is received from a person previ-
12 ously licensed in another jurisdiction, the secretary of state
13 shall request a copy of the applicant's record from the other
14 jurisdiction. When received, the driving record shall become a
15 part of the driver's record in this state with the same force and
16 effect as if it had been entered on the driver's record in this
17 state in the original instance. If the application is for an
18 original, renewal, or change of a vehicle group designation or
19 indorsement, the secretary of state shall also check the
20 applicant's driving record with the national drivers register and
21 the United States department of transportation before issuance of
22 that group designation or indorsement.

23 (6) ~~-(5)-~~ Except for a vehicle group designation or indorse-
24 ment, the secretary of state may issue a renewal operator's or
25 chauffeur's license for 1 additional 4-year period by mail. The
26 secretary of state shall not issue a renewal license by mail
27 unless the licensee has a driving record that is free of

1 convictions and civil infraction determinations for the 48 months
 2 preceding renewal. However, the secretary of state shall not
 3 refuse to issue a renewal license by mail because of a conviction
 4 or civil infraction determination for which fines and costs were
 5 waived pursuant to section 901a or section 907. When a license
 6 is renewed by mail, the secretary of state shall issue evidence
 7 of renewal which shall be affixed to the previously issued
 8 license to indicate the date the license expires in the future.
 9 This evidence of renewal shall be manufactured in the same manner
 10 required for the operator's license in section 310.

11 (7) ~~-(6)-~~ Upon request, the secretary of state shall provide
 12 an information manual to an applicant explaining how to obtain a
 13 vehicle group designation or indorsement. The manual shall con-
 14 tain the information required pursuant to 49 C.F.R. part 383.

15 Sec. 310. (1) The secretary of state shall issue AN
 16 OPERATOR'S LICENSE to each person licensed as an operator, ~~an~~
 17 ~~operator's license,~~ and A CHAUFFEUR'S LICENSE to each person
 18 licensed as a chauffeur. ~~, a chauffeur's license.~~ An applicant
 19 for a motorcycle indorsement under section 312a or a vehicle
 20 group designation or indorsement shall first qualify for an
 21 operator's or chauffeur's license before the indorsement or vehi-
 22 cle group designation application is accepted and processed.

23 (2) The license shall contain ~~the~~ EACH OF THE FOLLOWING:

24 (A) THE distinguishing number permanently assigned to the
 25 licensee. ~~and the~~

26 (B) THE name, date of birth, address of residence, AND
 27 height ~~, an~~ OF THE LICENSEE.

1 (C) AN imprinted photograph ~~and the~~ OF THE LICENSEE.

2 (D) IF THE LICENSEE HAS EXPRESSED ON HIS OR HER LICENSE
3 APPLICATION AN INTENT TO DONATE ORGANS AND TISSUE IN THE EVENT OF
4 DEATH, AN INDICATION ON THE FACE OF THE LICENSE THAT THE LICENSEE
5 IS AN ORGAN AND TISSUE DONOR.

6 (E) THE signature of the licensee FOLLOWING THE INDICATION
7 OF HIS OR HER ORGAN AND TISSUE DONOR STATUS IDENTIFIED IN
8 SUBDIVISION (D).

9 (3) AT THE TIME A LICENSE IS ISSUED UNDER THIS ACT, THE SEC-
10 RETARY OF STATE SHALL PROVIDE THE LICENSEE WITH A STICKER THAT
11 THE LICENSEE MAY ATTACH TO THE REVERSE SIDE OF THE ISSUED
12 LICENSE, AND UPON WHICH THE LICENSEE MAY DESIGNATE A DONATION OR
13 GIFT OF SPECIFIC ORGANS AND TISSUE, OR THE DONATION OF HIS OR HER
14 ENTIRE BODY, PURSUANT TO PART 101 OF THE PUBLIC HEALTH CODE, ACT
15 NO. 368 OF THE PUBLIC ACTS OF 1978, BEING SECTIONS 333.10101 TO
16 333.10109 OF THE MICHIGAN COMPILED LAWS.

17 (4) A TERM ON A STICKER DESCRIBED IN SUBSECTION (3) THAT IS
18 INCONSISTENT WITH A TERM ON THE FACE OF A LICENSE ISSUED TO A
19 PERSON UNDER THIS ACT SUPERSEDES THE INCONSISTENT TERM APPEARING
20 ON THE FACE OF THE LICENSE.

21 (5) The license shall be manufactured in a manner to pro-
22 hibit as nearly as possible the ability to reproduce, alter,
23 counterfeit, forge, or duplicate the license without ready
24 detection. In addition, a license with a vehicle group designa-
25 tion shall contain the information required pursuant to
26 49 C.F.R. part 383.

1 (6) ~~(3)~~ A person who intentionally reproduces, alters,
2 counterfeits, forges, or duplicates a license photograph, the
3 negative of the photograph, a license, or a part of a license, or
4 who uses a license or photograph that has been reproduced,
5 altered, counterfeited, forged, or duplicated shall be punished
6 as follows:

7 (a) If the intent of the reproduction, alteration, counter-
8 feiting, forging, duplication, or use was to commit or aid in the
9 commission of an offense punishable by imprisonment for 1 or more
10 years, the person committing the reproduction, alteration, coun-
11 terfeiting, forging, duplication, or use is guilty of a misde-
12 meanor, punishable by imprisonment for a period equal to that
13 which could be imposed for the commission of the offense the
14 person had the intent to aid or commit. The court may also
15 assess a fine of not more than \$10,000.00 against the person.

16 (b) If the intent of the reproduction, alteration, counter-
17 feiting, forging, duplication, or use was to commit or aid in the
18 commission of an offense punishable by imprisonment for not more
19 than 1 year, the person committing the reproduction, alteration,
20 counterfeiting, forging, duplication, or use is guilty of a mis-
21 demeanor, punishable by imprisonment for not more than 1 year, or
22 a fine of not more than \$1,000.00, or both.

23 (7) ~~(4) The secretary of state,~~ BEFORE ISSUING AN
24 OPERATOR'S OR CHAUFFEUR'S LICENSE TO AN APPLICANT, AND upon
25 determining after an examination that ~~an~~ THE applicant is men-
26 tally and physically qualified to receive a license, THE
27 SECRETARY OF STATE may issue ~~to that person~~ a temporary

1 driver's permit entitling ~~the person while having the permit in~~
 2 ~~his or her immediate possession~~ THE APPLICANT to drive a motor
 3 vehicle upon the highway, WHILE THAT APPLICANT HAS THE PERMIT IN
 4 HIS OR HER IMMEDIATE POSSESSION, for a period not exceeding 60
 5 days. ~~before issuance to the person of an operator's or~~
 6 ~~chauffeur's license by the secretary of state.~~

7 (8) ~~(5)~~ An operator or chauffeur may place on the reverse
 8 side of a license his or her blood type, immunization data, medi-
 9 cation data, OR a statement that the licensee is deaf. ~~, or a~~
 10 ~~statement that the licensee has made an anatomical gift pursuant~~
 11 ~~to part 101 of the public health code, Act No. 368 of the Public~~
 12 ~~Acts of 1978, being sections 333.10101 to 333.10109 of the~~
 13 ~~Michigan Compiled Laws.~~

14 (9) ~~(6)~~ The phrase "See reverse side for medical data" ~~or~~
 15 ~~or anatomical gift"~~ followed by a box shall be printed on the
 16 front of the license. If the licensee places on the reverse side
 17 of the license any of the information described in subsection
 18 ~~(5)~~ (8), an "X" shall be inserted in the box.

19 (10) ~~(7)~~ If the applicant provides proof to the secretary
 20 of state that he or she is a minor who has been emancipated pur-
 21 suant to Act No. 293 of the Public Acts of 1968, being sections
 22 722.1 to 722.6 of the Michigan Compiled Laws, THE REVERSE SIDE OF
 23 the license ~~on the reverse side~~ ISSUED TO THAT APPLICANT shall
 24 bear the designation of the individual's emancipated status.

25 Section 2. This amendatory act shall take effect January 1,
 26 1997.

1 Section 3. This amendatory act shall not take effect unless
2 all of the following bills of the 88th Legislature are enacted
3 into law:

4 (a) Senate Bill No. _____ or House Bill No. 5697 (request
5 no. 06240'95).

6 (b) Senate Bill No. _____ or House Bill No. 5698 (request
7 no. 06240'95 b).