



# HOUSE BILL No. 6110

September 19, 1996, Introduced by Rep. McManus and referred to the Committee on Transportation.

A bill to amend section 307 of Act No. 300 of the Public Acts of 1949, entitled as amended "Michigan vehicle code," as amended by Act No. 205 of the Public Acts of 1996, being section 257.307 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 307 of Act No. 300 of the Public Acts of  
2 1949, as amended by Act No. 205 of the Public Acts of 1996, being  
3 section 257.307 of the Michigan Compiled Laws, is amended to read  
4 as follows:

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

8 (a) For an operator's or chauffeur's license, full name,  
9 date of birth, address of residence, height, sex, eye color, and

1 signature of the applicant, and other information required or  
2 permitted on the license pursuant to this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1       (2) An applicant for an operator's or chauffeur's license  
2 may have his or her image captured or reproduced at the time the  
3 application for the license is made. The secretary of state  
4 shall acquire by purchase or lease the equipment for capturing  
5 the images and may furnish the equipment to a local unit autho-  
6 rized by the secretary of state to license drivers. The secre-  
7 tary of state shall acquire equipment purchased or leased pursu-  
8 ant to this section under standard purchasing procedures of the  
9 department of management and budget based on standards and speci-  
10 fications established by the secretary of state. The secretary  
11 of state shall not purchase or lease equipment until an appropri-  
12 ation for the equipment has been made by the legislature. An  
13 image captured pursuant to this section shall appear on the  
14 applicant's operator's or chauffeur's license. The secretary of  
15 state may retain and use a person's image described in this sub-  
16 section only for programs administered by the secretary of  
17 state. Except as provided in this subsection, the secretary of  
18 state shall not use a person's image unless written permission  
19 for that purpose is granted by the person to the secretary of  
20 state or specific enabling legislation permitting the use is  
21 enacted into law. A law enforcement agency of this state shall  
22 have access to any information retained by the secretary of state  
23 under this subsection. The information may be utilized for any  
24 law enforcement purpose unless otherwise prohibited by law.

25       (3) An application shall contain a signature and certifica-  
26 tion by the applicant and shall be accompanied by the proper  
27 fee. The examiner shall collect the application fee and shall

1 forward the fee to the secretary of state with the application.  
2 The secretary of state shall refund the application fee to the  
3 applicant if the license applied for is denied, but shall not  
4 refund the fee to an applicant who fails to complete the examina-  
5 tion requirements of the secretary of state within 90 days after  
6 the date of application for a license. Until January 1, 2002, a  
7 service fee of \$1.00 shall be added to each fee collected for an  
8 original, renewal, duplicate, or corrected operator's or  
9 chauffeur's license. The service fee received and collected  
10 under this subsection shall be deposited in the state treasury to  
11 the credit of the general fund. The service fee shall be used to  
12 defray the expenses of the secretary of state. Appropriations  
13 from the Michigan transportation fund shall not be used to com-  
14 pensate the secretary of state for costs incurred and services  
15 performed under this section.

16 (4) BEGINNING JANUARY 1, 1997, BEFORE OR AT THE TIME A  
17 PERSON APPLIES FOR AN OPERATOR'S OR CHAUFFEUR'S LICENSE, THE SEC-  
18 RETARY OF STATE SHALL PROVIDE THE APPLICANT AN OPPORTUNITY TO  
19 ENROLL IN THE ORGAN DONATION REGISTRY MAINTAINED BY THE TRANS-  
20 PLANT SOCIETY OF MICHIGAN. THE SECRETARY OF STATE SHALL PROVIDE  
21 THE APPLICANT WITH A WRITTEN PAMPHLET DESCRIBING THE ORGAN TRANS-  
22 PLANT REGISTRY PROGRAM SUPPORTED BY THE NATIONAL KIDNEY  
23 FOUNDATION. THE PAMPHLET SHALL CONTAIN A POSTAGE PAID RETURN  
24 ENVELOPE IN WHICH THE APPLICANT MAY ENROLL IN THE PROGRAM.

25 (5) ~~(4)~~ If an application is received from a person previ-  
26 ously licensed in another jurisdiction, the secretary of state  
27 shall request a copy of the applicant's driving record and other

1 available information from the other jurisdiction. When  
2 received, the driving record and other available information from  
3 the other jurisdiction becomes a part of the driver's record in  
4 this state with the same force and effect as if it had been  
5 entered on the driver's record in this state in the original  
6 instance. If the application is for an original, renewal, or  
7 change of a vehicle group designation or indorsement, the secre-  
8 tary of state shall also check the applicant's driving record  
9 with the national drivers register and the United States depart-  
10 ment of transportation before issuance of that group designation  
11 or indorsement.

12       (6) ~~-(5)-~~ Except for a vehicle group designation or indorse-  
13 ment, the secretary of state may issue a renewal operator's or  
14 chauffeur's license for 1 additional 4-year period by mail or by  
15 other methods prescribed by the secretary of state. The secre-  
16 tary of state shall issue a renewal license only in person when  
17 the licensee has a driving record with a conviction or civil  
18 infraction determination obtained in the 48 months preceding  
19 renewal. However, the secretary of state shall not refuse to  
20 issue a renewal license by mail or by other method because of a  
21 conviction or civil infraction determination for which fines and  
22 costs were waived pursuant to section 901a or section 907. If a  
23 license is renewed by mail or by other method, the secretary of  
24 state shall issue evidence of renewal to indicate the date the  
25 license expires in the future.

26       (7) ~~-(6)-~~ Upon request, the secretary of state shall provide  
27 an information manual to an applicant explaining how to obtain a

1 vehicle group designation or indorsement. The manual shall  
2 contain the information required pursuant to 49 C.F.R. part 383.