

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4620**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 307 (MCL 257.307), as amended by 1996 PA
205.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 307. (1) An application for an operator's or
2 chauffeur's license shall be made in a manner prescribed 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, sex, eye color, and
6 signature of the applicant, and other information required or
7 permitted 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

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1 number, date of birth, address of residence, height, sex, and
2 signature of the applicant, and other information required or
3 permitted on the license pursuant to this chapter.

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

7 (i) That the applicant meets the applicable federal physical
8 driver qualification requirements pursuant to 49 C.F.R. part 391
9 if the applicant operates or intends to operate in interstate
10 commerce or meets the applicable physical qualifications pursuant
11 to the rules promulgated by the department of state police under
12 the motor carrier safety act of 1963, ~~Act No. 181 of the Public~~
13 ~~Acts of 1963, being sections 480.11 to 480.21 of the Michigan~~
14 ~~Compiled Laws~~ 1963 PA 181, MCL 480.11 TO 480.22, if the appli-
15 cant operates or intends to operate in intrastate commerce.

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

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

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

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

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

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

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

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

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

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

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

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

23 (2) An applicant for an operator's or chauffeur's license
24 may have his or her image captured or reproduced at the time the
25 application for the license is made. The secretary of state
26 shall acquire by purchase or lease the equipment for capturing
27 the images and may furnish the equipment to a local unit

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1 authorized by the secretary of state to license drivers. The
2 secretary of state shall acquire equipment purchased or leased
3 pursuant to this section under standard purchasing procedures of
4 the department of management and budget based on standards and
5 specifications established by the secretary of state. The secre-
6 tary of state shall not purchase or lease equipment until an
7 appropriation for the equipment has been made by the
8 legislature. An image captured pursuant to this section shall
9 appear on the applicant's operator's or chauffeur's license. The
10 secretary of state may retain and use a person's image described
11 in this subsection only for programs administered by the secre-
12 tary of state. Except as provided in this subsection, the secre-
13 tary of state shall not use a person's image unless written per-
14 mission for that purpose is granted by the person to the secre-
15 tary of state or specific enabling legislation permitting the use
16 is enacted into law. A law enforcement agency of this state
17 ~~shall have~~ HAS access to ~~any~~ information retained by the sec-
18 retary of state under this subsection. The information may be
19 utilized for any law enforcement purpose unless otherwise prohib-
20 ited by law.

21 (3) An application shall contain a signature and certifica-
22 tion by the applicant and shall be accompanied by the proper
23 fee. The examiner shall collect the application fee and shall
24 forward the fee to the secretary of state with the application.
25 The secretary of state shall refund the application fee to the
26 applicant if the license applied for is denied, but shall not
27 refund the fee to an applicant who fails to complete the

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

12 (4) IN CONJUNCTION WITH THE ISSUANCE OF AN OPERATOR'S OR
13 CHAUFFEUR'S LICENSE, THE SECRETARY OF STATE SHALL DO ALL OF THE
14 FOLLOWING:

15 (A) PROVIDE THE APPLICANT WITH ALL OF THE FOLLOWING:

16 (i) WRITTEN INFORMATION EXPLAINING THE APPLICANT'S RIGHT TO
17 MAKE AN ANATOMICAL GIFT IN THE EVENT OF DEATH IN ACCORDANCE WITH
18 SECTION 310.

19 (ii) WRITTEN INFORMATION DESCRIBING THE ORGAN DONATION REG-
20 ISTRY PROGRAM MAINTAINED BY MICHIGAN'S FEDERALLY DESIGNATED ORGAN
21 PROCUREMENT ORGANIZATION OR ITS SUCCESSOR ORGANIZATION. THE
22 WRITTEN INFORMATION REQUIRED UNDER THIS SUBPARAGRAPH SHALL
23 INCLUDE, IN A TYPE SIZE AND FORMAT THAT IS CONSPICUOUS IN RELA-
24 TION TO THE SURROUNDING MATERIAL, THE ADDRESS AND TELEPHONE
25 NUMBER OF MICHIGAN'S FEDERALLY DESIGNATED ORGAN PROCUREMENT
26 ORGANIZATION OR ITS SUCCESSOR ORGANIZATION, ALONG WITH AN
27 ADVISORY TO CALL MICHIGAN'S FEDERALLY DESIGNATED ORGAN

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1 PROCUREMENT ORGANIZATION OR ITS SUCCESSOR ORGANIZATION WITH
2 QUESTIONS ABOUT THE ORGAN DONOR REGISTRY PROGRAM.

3 (*iii*) WRITTEN INFORMATION GIVING THE APPLICANT THE OPPORTU-
4 NITY TO BE PLACED ON THE ORGAN DONATION REGISTRY DESCRIBED IN
5 SUBPARAGRAPH (*ii*).

6 (B) PROVIDE THE APPLICANT WITH THE OPPORTUNITY TO SPECIFY ON
7 HIS OR HER OPERATOR'S OR CHAUFFEUR'S LICENSE THAT HE OR SHE IS
8 WILLING TO MAKE AN ANATOMICAL GIFT IN THE EVENT OF DEATH IN
9 ACCORDANCE WITH SECTION 310.

10 (C) INFORM THE APPLICANT IN WRITING THAT, IF HE OR SHE INDI-
11 CATES TO THE SECRETARY OF STATE UNDER THIS SECTION A WILLINGNESS
12 TO HAVE HIS OR HER NAME PLACED ON THE ORGAN DONOR REGISTRY
13 DESCRIBED IN SUBDIVISION (A)(*ii*), THE SECRETARY OF STATE WILL
14 FORWARD THE APPLICANT'S NAME AND ADDRESS TO THE ORGAN DONATION
15 REGISTRY MAINTAINED BY MICHIGAN'S FEDERALLY DESIGNATED ORGAN PRO-
16 CUREMENT ORGANIZATION OR ITS SUCCESSOR ORGANIZATION, PURSUANT TO
17 SUBSECTION (6).

18 (5) THE SECRETARY OF STATE MAY FULFILL THE REQUIREMENTS OF
19 SUBSECTION (4) BY 1 OR MORE OF THE FOLLOWING METHODS:

20 (A) PROVIDING PRINTED MATERIAL ENCLOSED WITH A MAILED NOTICE
21 FOR AN OPERATOR'S OR CHAUFFEUR'S LICENSE RENEWAL OR THE ISSUANCE
22 OF AN OPERATOR'S OR CHAUFFEUR'S LICENSE.

23 (B) PROVIDING PRINTED MATERIAL TO AN APPLICANT WHO PERSON-
24 ALLY APPEARS AT A SECRETARY OF STATE BRANCH OFFICE.

25 (C) THROUGH ELECTRONIC INFORMATION TRANSMITTALS FOR
26 OPERATOR'S AND CHAUFFEUR'S LICENSES PROCESSED BY ELECTRONIC
27 MEANS.

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1 (6) IF AN APPLICANT INDICATES A WILLINGNESS UNDER THIS
2 SECTION TO HAVE HIS OR HER NAME PLACED ON THE ORGAN DONOR REGIS-
3 TRY DESCRIBED IN SUBSECTION (4)(A)(*ii*), THE SECRETARY OF STATE
4 SHALL WITHIN 10 DAYS FORWARD THE APPLICANT'S NAME AND ADDRESS TO
5 THE ORGAN DONOR REGISTRY MAINTAINED BY MICHIGAN'S FEDERALLY DES-
6 IGNATED ORGAN PROCUREMENT ORGANIZATION OR ITS SUCCESSOR
7 ORGANIZATION. THE SECRETARY OF STATE MAY FORWARD INFORMATION
8 UNDER THIS SUBSECTION BY MAIL OR BY ELECTRONIC MEANS. THE SECRE-
9 TARY OF STATE SHALL NOT MAINTAIN A RECORD OF THE NAME OR ADDRESS
10 OF AN INDIVIDUAL WHO INDICATES A WILLINGNESS TO HAVE HIS OR HER
11 NAME PLACED ON THE ORGAN DONOR REGISTRY AFTER FORWARDING THAT
12 INFORMATION TO THE ORGAN DONOR REGISTRY UNDER THIS SUBSECTION.
13 INFORMATION ABOUT AN APPLICANT'S INDICATION OF A WILLINGNESS TO
14 HAVE HIS OR HER NAME PLACED ON THE ORGAN DONOR REGISTRY THAT IS
15 OBTAINED BY THE SECRETARY OF STATE UNDER SUBSECTION (4) AND FOR-
16 WARDED UNDER THIS SUBSECTION IS EXEMPT FROM DISCLOSURE UNDER THE
17 FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246,
18 PURSUANT TO SECTION 13(1)(D) OF THE FREEDOM OF INFORMATION ACT,
19 1976 PA 442, MCL 15.243.

20 (7) ~~(4)~~ If an application is received from a person previ-
21 ously licensed in another jurisdiction, the secretary of state
22 shall request a copy of the applicant's driving record and other
23 available information from the other jurisdiction. When
24 received, the driving record and other available information from
25 the other jurisdiction becomes a part of the driver's record in
26 this state with the same force and effect as if it had been
27 entered on the driver's record in this state in the original

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1 instance. If the application is for an original, renewal, or
2 change of a vehicle group designation or indorsement, the secre-
3 tary of state shall also check the applicant's driving record
4 with the national drivers register and the United States depart-
5 ment of transportation before issuance of that group designation
6 or indorsement.

7 (8) ~~-(5)-~~ Except for a vehicle group designation or indorse-
8 ment, the secretary of state may issue a renewal operator's or
9 chauffeur's license for 1 additional 4-year period by mail or by
10 other methods prescribed by the secretary of state. The secre-
11 tary of state shall issue a renewal license only in person when
12 the licensee has a driving record with a conviction or civil
13 infraction determination obtained in the 48 months preceding
14 renewal. However, the secretary of state shall not refuse to
15 issue a renewal license by mail or by other method because of a
16 conviction or civil infraction determination for which fines and
17 costs were waived pursuant to section 901a or section 907. If a
18 license is renewed by mail or by other method, the secretary of
19 state shall issue evidence of renewal to indicate the date the
20 license expires in the future.

21 (9) ~~-(6)-~~ Upon request, the secretary of state shall provide
22 an information manual to an applicant explaining how to obtain a
23 vehicle group designation or indorsement. The manual shall con-
24 tain the information required pursuant to 49 C.F.R. part 383.

25 Enacting section 1. This amendatory act does not take
26 effect unless all of the following bills of the 89th Legislature
27 are enacted into law:

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- 1 (a) Senate Bill No. 458.
- 2 (b) House Bill No. 4031.