

SENATE BILL No. 817

October 30, 2003, Introduced by Senators TOY, BIRKHOLZ, CROPSEY, LELAND, GILBERT, JELINEK, KUIPERS, GOSCHKA, PRUSI and SCOTT and referred to the Committee on Health Policy.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 307 (MCL 257.307), as amended by 2002 PA 534,
and by adding section 217o.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 217o. (1) The organ and tissue donation education fund
2 is created within the state treasury.

3 (2) The state treasurer may receive money or other assets
4 from any source for deposit into the fund. The state treasurer
5 shall direct the investment of the fund. The state treasurer
6 shall credit to the fund interest and earnings from fund
7 investments.

8 (3) Money in the fund at the close of the fiscal year shall
9 remain in the fund and shall not lapse to the general fund.

10 (4) The secretary of state shall expend money from the fund

1 only on programs and initiatives to encourage residents of this
2 state to place their names on the organ donor registry.

3 (5) As used in this section, "fund" means the organ and
4 tissue donation education fund created in subsection (1).

5 Sec. 307. (1) An applicant for an operator's or chauffeur's
6 license shall supply a birth certificate attesting to his or her
7 age or other sufficient documents or identification as the
8 secretary of state may require. An application for an operator's
9 or chauffeur's license shall be made in a manner prescribed by
10 the secretary of state and shall contain all of the following:

11 (a) The applicant's full name, date of birth, residence
12 address, height, sex, eye color, signature, other information
13 required or permitted on the license under this chapter, and, to
14 the extent required to comply with federal law, the applicant's
15 social security number. The applicant may provide a mailing
16 address if the applicant receives mail at an address different
17 from his or her residence address.

18 (b) The following notice shall be included to inform the
19 applicant that under sections 509o and 509r of the Michigan
20 election law, 1954 PA 116, MCL 168.509o and 168.509r, the
21 secretary of state is required to use the residence address
22 provided on this application as the applicant's residence address
23 on the qualified voter file for voter registration and voting:

24 "NOTICE: Michigan law requires that the same address be used
25 for voter registration and driver license purposes. Therefore,
26 if the residence address you provide in this application
27 differs from your voter registration address as it appears on

1 the qualified voter file, the secretary of state will
2 automatically change your voter registration to match the
3 residence address on this application, after which your voter
4 registration at your former address will no longer be valid for
5 voting purposes. A new voter registration card, containing the
6 information of your polling place, will be provided to you by
7 the clerk of the jurisdiction where your residence address is
8 located.".

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

12 (i) The applicant meets the applicable federal driver
13 qualification requirements under 49 C.F.R. part 391 if the
14 applicant operates or intends to operate in interstate commerce
15 or meets the applicable qualifications under the rules
16 promulgated by the department of state police under the motor
17 carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.22, if
18 the applicant operates or intends to operate in intrastate
19 commerce.

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

23 (iii) The applicant is not subject to disqualification,
24 suspension, revocation, or cancellation for conviction of an
25 offense described in section 312f or 319b.

26 (iv) The applicant does not have a driver's license from more
27 than 1 state.

(d) An applicant for an operator's or chauffeur's license with a vehicle group designation and a hazardous material indorsement (H vehicle indorsement) shall provide his or her fingerprints which shall have been taken by a law enforcement official or a designated representative for investigation as required by the uniting and strengthening America by providing appropriate tools required to intercept and obstruct terrorism (USA PATRIOT ACT) Act of 2001, Public Law 107-56, 115 Stat. 272.

(2) Except as provided in this subsection, an applicant for an operator's or chauffeur's license may have his or her image captured or reproduced when the application for the license is made. An applicant required under section 5a of the sex offenders registration act, 1994 PA 295, MCL 28.725a, to maintain a valid operator's or chauffeur's license or official state personal identification card shall have his or her image and signature captured or reproduced when the application for the license is made. The secretary of state shall acquire by purchase or lease the equipment for capturing the images and signatures 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 and signature captured pursuant to this

1 section shall appear on the applicant's operator's or chauffeur's
2 license. Except as provided in this subsection, the secretary of
3 state may retain and use a person's image described in this
4 subsection only for programs administered by the secretary of
5 state. Except as provided in this subsection, the secretary of
6 state shall not use a person's image unless the person grants
7 written permission for that purpose to the secretary of state or
8 specific enabling legislation permitting the use is enacted into
9 law. A law enforcement agency of this state has access to
10 information retained by the secretary of state under this
11 subsection. The information may be utilized for any law
12 enforcement purpose unless otherwise prohibited by law. The
13 department of state police shall provide to the secretary of
14 state updated lists of persons required to be registered under
15 the sex offenders registration act, 1994 PA 295, MCL 28.721 to
16 28.732, and the secretary of state shall make the images of those
17 persons available to the department of state police as provided
18 in that act.

19 (3) An application shall contain a signature and
20 certification by the applicant and shall be accompanied by the
21 proper fee. The examiner shall collect the application fee and
22 shall forward the fee to the secretary of state with the
23 application. The secretary of state shall refund the application
24 fee to the applicant if the license applied for is denied, but
25 shall not refund the fee to an applicant who fails to complete
26 the examination requirements of the secretary of state within 90
27 days after the date of application for a license. A service fee

1 of \$1.00 shall be added to each fee collected for an original,
2 renewal, duplicate, or corrected operator's or chauffeur's
3 license. The service fee received and collected under this
4 subsection shall be deposited in the state treasury to the credit
5 of the general fund. The service fee shall be used to defray the
6 expenses of the secretary of state. Appropriations from the
7 Michigan transportation fund shall not be used to compensate the
8 secretary of state for costs incurred and services performed
9 under this section.

10 (4) In conjunction with the issuance of an operator's or
11 chauffeur's license, the secretary of state shall do all of the
12 following:

13 (a) Provide the applicant with all of the following:

14 (i) Written information explaining the applicant's right to
15 make an anatomical gift in the event of death in accordance with
16 section 310.

17 (ii) Written information describing the organ donation
18 registry program maintained by Michigan's federally designated
19 organ procurement organization or its successor organization.
20 The written information required under this subparagraph shall
21 include, in a type size and format that is conspicuous in
22 relation to the surrounding material, the address and telephone
23 number of Michigan's federally designated organ procurement
24 organization or its successor organization, along with an
25 advisory to call Michigan's federally designated organ
26 procurement organization or its successor organization with
27 questions about the organ donor registry program.

1 (iii) Written information giving the applicant the
2 opportunity to be placed on the organ donation registry described
3 in subparagraph (ii).

4 (b) Provide the applicant with the opportunity to specify on
5 his or her operator's or chauffeur's license that he or she is
6 willing to make an anatomical gift in the event of death in
7 accordance with section 310.

8 (c) Inform the applicant in writing that, if he or she
9 indicates to the secretary of state under this section a
10 willingness to have his or her name placed on the organ donor
11 registry described in subdivision (a)(ii), the secretary of state
12 will forward the applicant's name and address to the organ
13 donation registry maintained by Michigan's federally designated
14 organ procurement organization or its successor organization, as
15 required by subsection (6).

16 (d) **Provide the applicant with the opportunity to make a**
17 **donation of \$1.00 or more to the organ and tissue donation**
18 **education fund created under section 217o. A donation made under**
19 **this provision shall be deposited in the state treasury to the**
20 **credit of the organ and tissue donation education fund.**

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

23 (a) Providing printed material enclosed with a mailed notice
24 for an operator's or chauffeur's license renewal or the issuance
25 of an operator's or chauffeur's license.

26 (b) Providing printed material to an applicant who personally
27 appears at a secretary of state branch office.

1 (c) Through electronic information transmittals for
2 operator's and chauffeur's licenses processed by electronic
3 means.

4 (6) If an applicant indicates a willingness under this
5 section to have his or her name placed on the organ donor
6 registry described in subsection (4) (a) (ii), the secretary of
7 state shall within 10 days forward the applicant's name and
8 address to the organ donor registry maintained by Michigan's
9 federally designated organ procurement organization or its
10 successor organization. The secretary of state may forward
11 information under this subsection by mail or by electronic
12 means. The secretary of state shall not maintain a record of the
13 name or address of an individual who indicates a willingness to
14 have his or her name placed on the organ donor registry after
15 forwarding that information to the organ donor registry under
16 this subsection. Information about an applicant's indication of
17 a willingness to have his or her name placed on the organ donor
18 registry that is obtained by the secretary of state under
19 subsection (4) and forwarded under this subsection is exempt from
20 disclosure under the freedom of information act, 1976 PA 442,
21 MCL 15.231 to 15.246, pursuant to section 13(1)(d) of the freedom
22 of information act, 1976 PA 442, MCL 15.243.

23 (7) If an application is received from a person previously
24 licensed in another jurisdiction, the secretary of state shall
25 request a copy of the applicant's driving record and other
26 available information from the national driver register. When
27 received, the driving record and other available information

1 become a part of the driver's record in this state. If the
2 application is for an original, renewal, or upgrade of a vehicle
3 group designation or indorsement, the secretary of state shall
4 check the applicant's driving record with the national driver
5 register and the federal commercial driver license information
6 system before issuing that group designation or indorsement.

7 (8) Except for a vehicle group designation or indorsement or
8 as provided in this subsection, the secretary of state may issue
9 a renewal operator's or chauffeur's license for 1 additional
10 4-year period by mail or by other methods prescribed by the
11 secretary of state. The secretary of state shall issue a renewal
12 license only in person if the person is a person required under
13 section 5a of the sex offenders registration act, 1994 PA 295,
14 MCL 28.725a, to maintain a valid operator's or chauffeur's
15 license or official state personal identification card. If a
16 license is renewed by mail or by other method, the secretary of
17 state shall issue evidence of renewal to indicate the date the
18 license expires in the future. The department of state police
19 shall provide to the secretary of state updated lists of persons
20 required under section 5a of the sex offenders registration act,
21 1994 PA 295, MCL 28.725a, to maintain a valid operator's or
22 chauffeur's license or official state personal identification
23 card.

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

1 (10) The secretary of state shall not disclose a social
2 security number obtained under subsection (1) to another person
3 except for use for 1 or more of the following purposes:

4 (a) Compliance with chapter 313 of title 49 of the United
5 States Code, 49 U.S.C. 31301 to 31317, and regulations and state
6 law and rules related to this chapter.

7 (b) Through the law enforcement information network, to carry
8 out the purposes of section 466(a) of part D of title IV of the
9 social security act, 42 U.S.C. 666, in connection with matters
10 relating to paternity, child support, or overdue child support.

11 (c) As otherwise required by law.

12 (11) The secretary of state shall not display a person's
13 social security number on the person's operator's or chauffeur's
14 license.

15 (12) A requirement under this section to include a social
16 security number on an application does not apply to an applicant
17 who demonstrates he or she is exempt under law from obtaining a
18 social security number or to an applicant who for religious
19 convictions is exempt under law from disclosure of his or her
20 social security number under these circumstances. The secretary
21 of state shall inform the applicant of this possible exemption.