

HOUSE BILL No. 4869

June 7, 2005, Introduced by Reps. Baxter, Taub, Gosselin, Sheltroun, Hoogendyk, Murphy, Marleau, Schuitmaker, Bieda and Nitz and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 303, 307, 310, and 314 (MCL 257.303, 257.307, 257.310, and 257.314), sections 303 and 314 as amended by 2004 PA 362, section 307 as amended by 2004 PA 502, and section 310 as amended by 2004 PA 495, and by adding sections 310f and 310g.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 303. (1) The secretary of state shall not issue a
2 license under this act to any of the following persons:

3 (a) A person, as an operator, who is less than 18 years of
4 age, except as otherwise provided in this act.

5 (b) A person, as a chauffeur, who is less than 18 years of

1 age, except as otherwise provided in this act.

2 (c) A person whose license is suspended, revoked, denied, or
3 canceled in any state. If the suspension, revocation, denial, or
4 cancellation is not from the jurisdiction that issued the last
5 license to the person, the secretary of state may issue a license
6 after the expiration of 5 years from the effective date of the
7 most recent suspension, revocation, denial, or cancellation.

8 (d) A person who in the opinion of the secretary of state is
9 afflicted with or suffering from a physical or mental disability
10 or disease preventing that person from exercising reasonable and
11 ordinary control over a motor vehicle while operating the motor
12 vehicle upon the highways.

13 (e) A person who is unable to understand highway warning or
14 direction signs in the English language.

15 (f) A person who is unable to pass a knowledge, skill, or
16 ability test administered by the secretary of state in connection
17 with the issuance of an original operator's or chauffeur's
18 license, original motorcycle indorsement, or an original or
19 renewal of a vehicle group designation or vehicle indorsement.

20 (g) A person who has been convicted of, has received a
21 juvenile disposition for, or has been determined responsible for
22 2 or more moving violations under a law of this state, a local
23 ordinance substantially corresponding to a law of this state, or
24 a law of another state substantially corresponding to a law of
25 this state within the preceding 3 years, if the violations
26 occurred before issuance of an original license to the person in
27 this or another state.

1 (h) A nonresident including a foreign exchange student,
2 **SUBJECT TO SECTION 310F.**

3 (i) A person who has failed to answer a citation or notice
4 to appear in court or for any matter pending or fails to comply
5 with an order or judgment of the court, including, but not
6 limited to, paying all fines, costs, fees, and assessments, in
7 violation of section 321a, until that person answers the citation
8 or notice to appear in court or for any matter pending or
9 complies with an order or judgment of the court, including, but
10 not limited to, paying all fines, costs, fees, and assessments,
11 as provided under section 321a.

12 (j) A person not licensed under this act who has been
13 convicted of, has received a juvenile disposition for, or has
14 been determined responsible for a crime or civil infraction
15 described in section 319, 324, or 904. A person shall be denied a
16 license under this subdivision for the length of time
17 corresponding to the period of the licensing sanction that would
18 have been imposed under section 319, 324, or 904 if the person
19 had been licensed at the time of the violation.

20 (k) A person not licensed under this act who has been
21 convicted of or received a juvenile disposition for committing a
22 crime described in section 319e. A person shall be denied a
23 license under this subdivision for the length of time that
24 corresponds to the period of the licensing sanction that would
25 have been imposed under section 319e if the person had been
26 licensed at the time of the violation.

27 (l) A person not licensed under this act who is determined to

1 have violated section 33b(1) of former 1933 (Ex Sess) PA 8,
2 section 703(1) of the Michigan liquor control code of 1998, 1998
3 PA 58, MCL 436.1703, or section 624a or 624b of this act. The
4 person shall be denied a license under this subdivision for a
5 period of time that corresponds to the period of the licensing
6 sanction that would have been imposed under those sections had
7 the person been licensed at the time of the violation.

8 **(M) A PERSON WHO IS NOT A CITIZEN OF THE UNITED STATES,**
9 **SUBJECT TO SECTION 310F.**

10 (2) The secretary of state may deny issuance of an
11 operator's license until the age of 17 to a person not licensed
12 under this act who was convicted of or received a juvenile
13 disposition for violating or attempting to violate section
14 411a(2) of the Michigan penal code, 1931 PA 328, MCL 750.411a,
15 involving a school when he or she was less than 14 years of age.
16 A person not issued a license under this ~~subdivision~~ **SUBSECTION**
17 is not eligible to begin graduated licensing training until he or
18 she attains 16 years of age.

19 (3) The secretary of state may deny issuance of an
20 operator's license to a person less than 21 years of age not
21 licensed under this act who was convicted of or has received a
22 juvenile disposition for violating or attempting to violate
23 section 411a(2) of the Michigan penal code, 1931 PA 328, MCL
24 750.411a, involving a school when he or she was 14 years of age
25 or older, until 3 years after the date of the conviction or
26 juvenile disposition. A person not issued a license under this
27 ~~subdivision~~ **SUBSECTION** is not eligible to begin graduated

1 licensing training or otherwise obtain an original operator's or
2 chauffeur's license until 3 years after the date of the
3 conviction or juvenile disposition.

4 (4) The secretary of state shall deny issuance of a vehicle
5 group designation to a person if the person has been disqualified
6 by the United States secretary of transportation from operating a
7 commercial motor vehicle.

8 (5) Upon receiving the appropriate records of conviction,
9 the secretary of state shall revoke the operator's or chauffeur's
10 license of a person and deny issuance of an operator's or
11 chauffeur's license to a person having any of the following,
12 whether under a law of this state, a local ordinance
13 substantially corresponding to a law of this state, or a law of
14 another state substantially corresponding to a law of this state:

15 (a) Any combination of 2 convictions within 7 years for
16 reckless driving in violation of section 626.

17 (b) Any combination of 2 or more convictions within 7 years
18 for any of the following:

19 (i) A felony in which a motor vehicle was used.

20 (ii) A violation or attempted violation of section 601b(2) or
21 (3), section 601c(1) or (2), section 602a(4) or (5), section 617,
22 section 653a(3) or (4), or section 904(4) or (5).

23 (iii) Negligent homicide, manslaughter, or murder resulting
24 from the operation of a vehicle or an attempt to commit any of
25 those crimes.

26 (iv) A violation or attempted violation of section 479a(4) or
27 (5) of the Michigan penal code, 1931 PA 328, MCL 750.479a.

1 (c) Any combination of 2 convictions within 7 years for any
2 of the following or a combination of 1 conviction for a violation
3 or attempted violation of section 625(6) and 1 conviction for any
4 of the following within 7 years:

5 (i) A violation or attempted violation of section 625, except
6 a violation of section 625(2), or a violation of any prior
7 enactment of section 625 in which the defendant operated a
8 vehicle while under the influence of intoxicating or alcoholic
9 liquor or a controlled substance, or a combination of
10 intoxicating or alcoholic liquor and a controlled substance, or
11 while visibly impaired, or with an unlawful bodily alcohol
12 content.

13 (ii) A violation or attempted violation of section 625m.

14 (iii) Former section 625b.

15 (d) One conviction for a violation or attempted violation of
16 section 315(5), section 601b(3), section 601c(2), section 602a(4)
17 or (5), section 617, section 625(4) or (5), section 653a(4), or
18 section 904(4) or (5).

19 (e) One conviction of negligent homicide, manslaughter, or
20 murder resulting from the operation of a vehicle or an attempt to
21 commit any of those crimes.

22 (f) One conviction for a violation or attempted violation of
23 section 479a(4) or (5) of the Michigan penal code, 1931 PA 328,
24 MCL 750.479a.

25 (g) Any combination of 3 convictions within 10 years for any
26 of the following or 1 conviction for a violation or attempted
27 violation of section 625(6) and any combination of 2 convictions

1 for any of the following within 10 years, if any of the
2 convictions resulted from an arrest on or after January 1, 1992:

3 (i) A violation or attempted violation of section 625, except
4 a violation of section 625(2), or a violation of any prior
5 enactment of section 625 in which the defendant operated a
6 vehicle while under the influence of intoxicating or alcoholic
7 liquor or a controlled substance, or a combination of
8 intoxicating or alcoholic liquor and a controlled substance, or
9 while visibly impaired, or with an unlawful bodily alcohol
10 content.

11 (ii) A violation or attempted violation of section 625m.

12 (iii) Former section 625b.

13 (6) The secretary of state shall revoke a license under
14 subsection (5) notwithstanding a court order unless the court
15 order complies with section 323.

16 (7) The secretary of state shall not issue a license under
17 this act to a person whose license has been revoked under this
18 act or revoked and denied under subsection (5) until all of the
19 following occur, as applicable:

20 (a) The later of the following:

21 (i) The expiration of not less than 1 year after the license
22 was revoked or denied.

23 (ii) The expiration of not less than 5 years after the date
24 of a subsequent revocation or denial occurring within 7 years
25 after the date of any prior revocation or denial.

26 (b) For a denial under subsection (5)(a), (b), (c), and (g),
27 the person rebuts by clear and convincing evidence the

1 presumption resulting from the prima facie evidence that he or
2 she is a habitual offender. The convictions that resulted in the
3 revocation and denial constitute prima facie evidence that he or
4 she is a habitual offender.

5 (c) The person meets the requirements of the department.

6 (8) Multiple convictions or civil infraction determinations
7 resulting from the same incident shall be treated as a single
8 violation for purposes of denial or revocation of a license under
9 this section.

10 (9) As used in this section, "felony in which a motor
11 vehicle was used" means a felony during the commission of which
12 the person operated a motor vehicle and while operating the
13 vehicle presented real or potential harm to persons or property
14 and 1 or more of the following circumstances existed:

15 (a) The vehicle was used as an instrument of the felony.

16 (b) The vehicle was used to transport a victim of the
17 felony.

18 (c) The vehicle was used to flee the scene of the felony.

19 (d) The vehicle was necessary for the commission of the
20 felony.

21 Sec. 307. (1) An applicant for an operator's or chauffeur's
22 license shall supply a birth certificate attesting to his or her
23 ~~age or~~ **NAME AND DATE OF BIRTH AND** other sufficient documents or
24 identification as the secretary of state may require
25 **DEMONSTRATING HIS OR HER ADDRESS AND RESIDENCY AND THAT THE**
26 **APPLICANT IS A CITIZEN OF THE UNITED STATES, IS AN ALIEN LAWFULLY**
27 **ADMITTED FOR PERMANENT OR TEMPORARY RESIDENCE IN THE UNITED**

1 **STATES, OR HAS CONDITIONAL PERMANENT RESIDENT STATUS IN THE**
2 **UNITED STATES.** An application for an operator's or chauffeur's
3 license shall be made in a manner prescribed by the secretary of
4 state and shall contain all of the following:

5 (a) The applicant's full name, date of birth, residence
6 address, height, sex, eye color, signature, other information
7 required or permitted on the license under this chapter, and, to
8 the extent required to comply with federal law, the applicant's
9 social security number **OR VERIFICATION THAT THE PERSON IS**
10 **INELIGIBLE FOR A SOCIAL SECURITY NUMBER.** The applicant may
11 provide a mailing address if the applicant receives mail at an
12 address different from his or her residence address.

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

19 "NOTICE: Michigan law requires that the same address
20 be used for voter registration and driver license
21 purposes. Therefore, if the residence address
22 you provide in this application differs from your
23 voter registration address as it appears on the
24 qualified voter file, the secretary of state
25 will automatically change your voter registration
26 to match the residence address on this application,
27 after which your voter registration at your former

1 address will no longer be valid for voting purposes.
2 A new voter registration card, containing the
3 information of your polling place, will be provided
4 to you by the clerk of the jurisdiction where your
5 residence address is located.".

6 (c) For an original or renewal operator's or chauffeur's
7 license with a vehicle group designation or indorsement, the
8 names of all states where the applicant has been licensed to
9 drive any type of motor vehicle during the previous 10 years.

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

13 (i) The applicant meets the applicable federal driver
14 qualification requirements under 49 CFR part 391 if the applicant
15 operates or intends to operate in interstate commerce or meets
16 the applicable qualifications under the rules promulgated by the
17 department of state police under the motor carrier safety act of
18 1963, 1963 PA 181, MCL 480.11 to 480.22, if the applicant
19 operates or intends to operate in intrastate 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 by the
24 United States secretary of transportation, or a suspension,
25 revocation, or cancellation under any state law for conviction of
26 an offense described in section 312f or 319b.

27 (iv) The applicant does not have a driver's license from more

1 than 1 state or jurisdiction.

2 (e) An applicant for an operator's or chauffeur's license
3 with a vehicle group designation and a hazardous material
4 indorsement (H vehicle indorsement) shall provide his or her
5 fingerprints that were taken by a law enforcement official or a
6 designated representative for investigation as required by the
7 uniting and strengthening America by providing appropriate tools
8 required to intercept and obstruct terrorism (USA PATRIOT ACT)
9 Act of 2001, Public Law 107-56.

10 (2) Except as provided in this subsection, an applicant for
11 an operator's or chauffeur's license ~~may~~ **SHALL** have **A DIGITAL**
12 **PHOTOGRAPH OF** his or her image and signature captured or
13 reproduced when the application for the license is made. ~~An~~
14 ~~applicant required under section 5a of the sex offenders~~
15 ~~registration act, 1994 PA 295, MCL 28.725a, to maintain a valid~~
16 ~~operator's or chauffeur's license or official state personal~~
17 ~~identification card shall have his or her image and signature~~
18 ~~captured or reproduced when the application for the license is~~
19 ~~made.~~— The secretary of state shall acquire by purchase or lease
20 the equipment for capturing the images and signatures and may
21 furnish the equipment to a local unit authorized by the secretary
22 of state to license drivers. The secretary of state shall acquire
23 equipment purchased or leased pursuant to this section under
24 standard purchasing procedures of the department of management
25 and budget based on standards and specifications established by
26 the secretary of state. The secretary of state shall not purchase
27 or lease equipment until an appropriation for the equipment has

1 been made by the legislature. ~~An~~ **A DIGITAL PHOTOGRAPHIC** image
2 and signature captured ~~pursuant to~~ **UNDER** this section shall
3 appear on the applicant's operator's or chauffeur's license.
4 Except as provided in this subsection, the secretary of state may
5 retain and use a person's **DIGITAL PHOTOGRAPHIC** image and
6 signature described in this subsection only for programs
7 administered by the secretary of state. Except as provided in
8 this subsection, the secretary of state shall not use a person's
9 **DIGITAL PHOTOGRAPHIC** image or signature, or both, unless the
10 person grants written permission for that purpose to the
11 secretary of state or specific enabling legislation permitting
12 the use is enacted into law. A law enforcement agency of this
13 state has access to information retained by the secretary of
14 state under this subsection. The information may be utilized for
15 any law enforcement purpose unless otherwise prohibited by law.
16 The department of state police shall provide to the secretary of
17 state updated lists of persons required to be registered under
18 the sex offenders registration act, 1994 PA 295, MCL 28.721 to
19 28.732, and the secretary of state shall make the **DIGITAL**
20 **PHOTOGRAPHIC** images of those persons available to the department
21 of state police as provided in that act.

22 (3) An application shall contain a signature or verification
23 and certification by the applicant, as determined by the
24 secretary of state, and shall be accompanied by the proper fee.
25 The secretary of state shall collect the application fee with the
26 application. The secretary of state shall refund the application
27 fee to the applicant if the license applied for is denied, but

1 shall not refund the fee to an applicant who fails to complete
2 the examination requirements of the secretary of state within 90
3 days after the date of application for a license.

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

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

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

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

22 (iii) Written information giving the applicant the opportunity
23 to be placed on the organ donation registry described in
24 subparagraph (ii).

25 (b) Provide the applicant with the opportunity to specify on
26 his or her operator's or chauffeur's license that he or she is
27 willing to make an anatomical gift in the event of death in

1 accordance with section 310.

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

10 (d) Provide the applicant with the opportunity to make a
11 donation of \$1.00 or more to the organ and tissue donation
12 education fund created under section 217o. A donation made under
13 this ~~provision~~ **SUBDIVISION** shall be deposited in the state
14 treasury to the credit of the organ and tissue donation education
15 fund.

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

18 (a) Providing printed material enclosed with a mailed notice
19 for an operator's or chauffeur's license renewal or the issuance
20 of an operator's or chauffeur's license.

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

23 (c) Through electronic information transmittals for
24 operator's and chauffeur's licenses processed by electronic
25 means.

26 (6) If an applicant indicates a willingness under this
27 section to have his or her name placed on the organ donor

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

18 (7) If an application is received from a person previously
19 licensed in another jurisdiction, the secretary of state shall
20 request a copy of the applicant's driving record and other
21 available information from the national driver register. When
22 received, the driving record and other available information
23 become a part of the driver's record in this state.

24 (8) If an application is received for an original, renewal,
25 or upgrade of a vehicle group designation or indorsement, the
26 secretary of state shall request the person's complete driving
27 record from all states where the applicant was previously

1 licensed to drive any type of motor vehicle over the last 10
2 years before issuing a vehicle group designation or indorsement
3 to the applicant. If the applicant does not hold a valid
4 commercial motor vehicle driver license from a state where he or
5 she was licensed in the last 10 years, this complete driving
6 record request must be made not earlier than 24 hours before the
7 secretary of state issues the applicant a vehicle group
8 designation or indorsement. For all other drivers, this request
9 must be made not earlier than 10 days before the secretary of
10 state issues the applicant a vehicle group designation or
11 indorsement. The secretary of state shall also check the
12 applicant's driving record with the national driver register and
13 the federal commercial driver license information system before
14 issuing that group designation or indorsement. If the application
15 is for the renewal of a vehicle group designation or indorsement,
16 and if the secretary of state enters on the person's historical
17 driving record maintained under section 204a a notation that the
18 request was made and the date of the request, the secretary of
19 state is required to request the applicant's complete driving
20 record from other states only once under this section.

21 (9) Except for a vehicle group designation or indorsement or
22 as provided in this subsection, the secretary of state may issue
23 a renewal operator's or chauffeur's license for 1 additional 4-
24 year period by mail or by other methods prescribed by the
25 secretary of state. The secretary of state may check the
26 applicant's driving record through the national driver register
27 and the commercial driver license information system before

1 issuing a license under this section. The secretary of state
2 shall issue a renewal license only in person if the person is a
3 person required under section 5a of the sex offenders
4 registration act, 1994 PA 295, MCL 28.725a, to maintain a valid
5 operator's or chauffeur's license or official state personal
6 identification card. If a license is renewed by mail or by other
7 method, the secretary of state shall issue evidence of renewal to
8 indicate the date the license expires in the future. The
9 department of state police shall provide to the secretary of
10 state updated lists of persons required under section 5a of the
11 sex offenders registration act, 1994 PA 295, MCL 28.725a, to
12 maintain a valid operator's or chauffeur's license or official
13 state personal identification card.

14 (10) Upon request, the secretary of state shall provide an
15 information manual to an applicant explaining how to obtain a
16 vehicle group designation or indorsement. The manual shall
17 contain the information required under 49 CFR part 383.

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

21 (a) Compliance with 49 USC 31301 to 31317 and regulations
22 and state law and rules related to this chapter.

23 (b) Through the law enforcement information network, to
24 carry out the purposes of section 466(a) of the social security
25 act, 42 USC 666, in connection with matters relating to
26 paternity, child support, or overdue child support.

27 (c) To check an applicant's driving record through the

1 national driver register and the commercial driver license
2 information system when issuing a license under this act.

3 (d) As otherwise required by law.

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

7 (13) A requirement under this section to include a social
8 security number on an application does not apply to an applicant
9 who demonstrates he or she is exempt under law from obtaining a
10 social security number or to an applicant who for religious
11 convictions is exempt under law from disclosure of his or her
12 social security number under these circumstances. The secretary
13 of state shall inform the applicant of this possible exemption.

14 Sec. 310. (1) The secretary of state shall issue an
15 operator's license to each person licensed as an operator and a
16 chauffeur's license to each person licensed as a chauffeur. An
17 applicant for a motorcycle indorsement under section 312a or a
18 vehicle group designation or indorsement shall first qualify for
19 an operator's or chauffeur's license before the indorsement or
20 vehicle group designation application is accepted and processed.
21 On and after July 1, 2003, an original license or the first
22 renewal of an existing license issued to a person less than 21
23 years of age shall be portrait or vertical in form and a license
24 issued to a person 21 years of age or over shall be landscape or
25 horizontal in form.

26 (2) The license issued under subsection (1) shall contain
27 all of the following information:

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

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

5 (c) A place for the licensee to indicate 1 or more of the
6 following:

7 (i) The blood type of the licensee.

8 (ii) Immunization data of the licensee.

9 (iii) Medication data of the licensee.

10 (iv) A statement that the licensee is deaf.

11 (v) A statement that the licensee is an organ and tissue
12 donor under part 101 of the public health code, 1978 PA 368, MCL
13 333.10101 to 333.10109.

14 (vi) Emergency contact information of the licensee.

15 (vii) A sticker or decal as specified by the secretary of
16 state to indicate that the licensee has designated 1 or more
17 patient advocates in accordance with section 5506 of the estates
18 and protected individuals code, 1998 PA 386, MCL 700.5506, or a
19 statement that the licensee carries an emergency medical
20 information card.

21 (d) If the licensee has made a statement described in
22 subdivision (c)(v), the signature of the licensee following the
23 indication of his or her organ and tissue donor intent identified
24 in subdivision (c)(v), along with the signature of at least 1
25 witness.

26 ~~—— (e) The sticker or decal described in subdivision (c)(vii)~~
27 ~~may be provided by any person, hospital, school, medical group,~~

1 ~~or association interested in assisting in implementing the~~
2 ~~emergency medical information card, but shall meet the~~
3 ~~specifications of the secretary of state. The emergency medical~~
4 ~~information card may contain the information described in~~
5 ~~subdivision (c)(vi), information concerning the licensee's patient~~
6 ~~advocate designation, other emergency medical information, or an~~
7 ~~indication as to where the licensee has stored or registered~~
8 ~~emergency medical information.~~

9 (E) ~~-(f)-~~ Beginning July 1, 2003, in the case of a licensee
10 who is less than 18 years of age at the time of issuance of the
11 license, the date on which the licensee will become 18 years of
12 age and 21 years of age.

13 (F) **PHYSICAL SECURITY FEATURES DESIGNED TO PREVENT**
14 **TAMPERING, COUNTERFEITING, OR DUPLICATION OF THE LICENSE FOR**
15 **FRAUDULENT PURPOSES.**

16 (G) **A COMMON MACHINE-READABLE TECHNOLOGY, WITH DEFINED**
17 **MINIMUM DATA ELEMENTS.**

18 (H) ~~-(g)-~~ Beginning July 1, 2003, in the case of a licensee
19 who is at least 18 years of age but less than 21 years of age at
20 the time of issuance of the license, the date on which the
21 licensee will become 21 years of age.

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

26 (4) The license shall not contain a fingerprint or finger
27 image of the licensee.

1 (5) A digitized license may contain an identifier for voter
2 registration purposes. The digitized license may contain
3 information appearing in electronic or machine readable codes
4 needed to conduct a transaction with the secretary of state. The
5 information shall be limited to the person's driver license
6 number, birth date, license expiration date, and other
7 information necessary for use with electronic devices, machine
8 readers, or automatic teller machines and shall not contain the
9 person's name, address, driving record, or other personal
10 identifier. The license shall identify the encoded information.

11 (6) The license shall be manufactured in a manner to
12 prohibit as nearly as possible the ability to reproduce, alter,
13 counterfeit, forge, or duplicate the license without ready
14 detection. In addition, a license with a vehicle group
15 designation shall contain the information required under 49 CFR
16 part 383.

17 (7) A person who intentionally reproduces, alters,
18 counterfeits, forges, or duplicates a license photograph, the
19 negative of the photograph, image, license, or electronic data
20 contained on a license or a part of a license or who uses a
21 license, image, or photograph that has been reproduced, altered,
22 counterfeited, forged, or duplicated is subject to 1 of the
23 following:

24 (a) If the intent of the reproduction, alteration,
25 counterfeiting, forging, duplication, or use is to commit or aid
26 in the commission of an offense that is a felony punishable by
27 imprisonment for 10 or more years, the person committing the

1 reproduction, alteration, counterfeiting, forging, duplication,
2 or use is guilty of a felony, punishable by imprisonment for not
3 more than 10 years or a fine of not more than \$20,000.00, or
4 both.

5 (b) If the intent of the reproduction, alteration,
6 counterfeiting, forging, duplication, or use is to commit or aid
7 in the commission of an offense that is a felony punishable by
8 imprisonment for less than 10 years or a misdemeanor punishable
9 by imprisonment for 6 months or more, the person committing the
10 reproduction, alteration, counterfeiting, forging, duplication,
11 or use is guilty of a felony, punishable by imprisonment for not
12 more than 5 years, or a fine of not more than \$10,000.00, or
13 both.

14 (c) If the intent of the reproduction, alteration,
15 counterfeiting, forging, duplication, or use is to commit or aid
16 in the commission of an offense that is a misdemeanor punishable
17 by imprisonment for less than 6 months, the person committing the
18 reproduction, alteration, counterfeiting, forging, duplication,
19 or use is guilty of a misdemeanor punishable by imprisonment for
20 not more than 1 year or a fine of not more than \$2,000.00, or
21 both.

22 (8) Except as provided in subsection (16), a person who
23 sells, or who possesses with the intent to deliver to another, a
24 reproduced, altered, counterfeited, forged, or duplicated license
25 photograph, negative of the photograph, image, license, or
26 electronic data contained on a license or part of a license is
27 guilty of a felony punishable by imprisonment for not more than 5

1 years or a fine of not more than \$10,000.00, or both.

2 (9) Except as provided in subsection (16), a person who is
3 in possession of 2 or more reproduced, altered, counterfeited,
4 forged, or duplicated license photographs, negatives of the
5 photograph, images, licenses, or electronic data contained on a
6 license or part of a license is guilty of a felony punishable by
7 imprisonment for not more than 5 years or a fine of not more than
8 \$10,000.00, or both.

9 (10) Except as provided in subsection (16), a person who is
10 in possession of a reproduced, altered, counterfeited, forged, or
11 duplicated license photograph, negative of the photograph, image,
12 license, or electronic data contained on a license or part of a
13 license is guilty of a misdemeanor punishable by imprisonment for
14 not more than 1 year or a fine of not more than \$2,000.00, or
15 both.

16 (11) Subsections (7)(a) and (b), (8), and (9) do not apply
17 to a minor whose intent is to violate section 703 of the Michigan
18 liquor control code of 1998, 1998 PA 58, MCL 436.1703.

19 (12) The secretary of state, upon determining after an
20 examination that an applicant is mentally and physically
21 qualified to receive a license, may issue the applicant a
22 temporary driver's permit. The temporary driver's permit
23 entitles the applicant, while having the permit in his or her
24 immediate possession, to drive a motor vehicle upon the highway
25 for a period not exceeding 60 days before the secretary of state
26 has issued the applicant an operator's or chauffeur's license.
27 The secretary of state may establish a longer duration for the

1 validity of a temporary driver's permit if necessary to
2 accommodate the process of obtaining a background check that is
3 required for an applicant by federal law.

4 (13) An operator or chauffeur may indicate on the license in
5 a place designated by the secretary of state his or her blood
6 type, emergency contact information, immunization data,
7 medication data, or a statement that the licensee is deaf, or a
8 statement that the licensee is an organ and tissue donor and has
9 made an anatomical gift ~~pursuant to~~ **UNDER** part 101 of the
10 public health code, 1978 PA 368, MCL 333.10101 to 333.10109.

11 (14) An operator or chauffeur may indicate on the license in
12 a place designated by the secretary of state that he or she has
13 designated a patient advocate in accordance with sections 5506 to
14 5513 of the estates and protected individuals code, 1998 PA 386,
15 MCL 700.5506 to 700.5513.

16 (15) If the applicant provides proof to the secretary of
17 state that he or she is a minor who has been emancipated
18 ~~pursuant to~~ **UNDER** 1968 PA 293, MCL 722.1 to 722.6, the license
19 shall bear the designation of the individual's emancipated status
20 in a manner prescribed by the secretary of state.

21 (16) Subsections (8), (9), and (10) do not apply to a person
22 who is in possession of 1 or more photocopies, reproductions, or
23 duplications of a license to document the identity of the
24 licensee for a legitimate business purpose.

25 **(17) THE STICKER OR DECAL DESCRIBED IN SUBSECTION (2)(C)(vii)**
26 **MAY BE PROVIDED BY ANY PERSON, HOSPITAL, SCHOOL, MEDICAL GROUP,**
27 **OR ASSOCIATION INTERESTED IN ASSISTING IN IMPLEMENTING THE**

1 EMERGENCY MEDICAL INFORMATION CARD, BUT SHALL MEET THE
2 SPECIFICATIONS OF THE SECRETARY OF STATE. THE EMERGENCY MEDICAL
3 INFORMATION CARD MAY CONTAIN THE INFORMATION DESCRIBED IN
4 SUBSECTION (2)(C)(vii), INFORMATION CONCERNING THE LICENSEE'S
5 PATIENT ADVOCATE DESIGNATION, OTHER EMERGENCY MEDICAL
6 INFORMATION, OR AN INDICATION AS TO WHERE THE LICENSEE HAS STORED
7 OR REGISTERED EMERGENCY MEDICAL INFORMATION.

8 SEC. 310F. (1) BEFORE ISSUING AN OPERATOR'S LICENSE TO AN
9 APPLICANT, THE SECRETARY OF STATE SHALL DEMAND AND THE APPLICANT
10 SHALL PRODUCE DOCUMENTARY EVIDENCE AS THE SECRETARY OF STATE
11 SHALL REQUIRE SHOWING THAT 1 OR MORE OF THE FOLLOWING APPLIES TO
12 THE APPLICANT:

13 (A) THE APPLICANT IS A CITIZEN OF THE UNITED STATES.

14 (B) THE APPLICANT IS AN ALIEN LAWFULLY ADMITTED FOR
15 PERMANENT OR TEMPORARY RESIDENCE IN THE UNITED STATES.

16 (C) THE APPLICANT HAS CONDITIONAL PERMANENT RESIDENCE STATUS
17 IN THE UNITED STATES.

18 (D) THE APPLICANT HAS A VALID, UNEXPIRED NONIMMIGRANT VISA
19 OR NONIMMIGRANT VISA STATUS FOR ENTRY INTO THE UNITED STATES.

20 (E) THE APPLICANT HAS A PENDING OR APPROVED APPLICATION FOR
21 ASYLUM IN THE UNITED STATES.

22 (F) THE APPLICANT HAS ENTERED INTO THE UNITED STATES IN
23 REFUGEE STATUS.

24 (G) THE APPLICANT HAS A PENDING OR APPROVED APPLICATION FOR
25 TEMPORARY PROTECTED STATUS IN THE UNITED STATES.

26 (H) THE APPLICANT HAS APPROVED DEFERRED ACTION STATUS.

27 (I) THE APPLICANT HAS A PENDING APPLICATION FOR ADJUSTMENT

1 OF STATUS TO THAT OF AN ALIEN LAWFULLY ADMITTED FOR PERMANENT
2 RESIDENCE IN THE UNITED STATES OR CONDITIONAL PERMANENT RESIDENCE
3 STATUS IN THE UNITED STATES.

4 (2) IF AN APPLICANT PRESENTS EVIDENCE DESCRIBED IN
5 SUBSECTION (1)(D) THROUGH (I), THE SECRETARY OF STATE SHALL NOT
6 ISSUE AN OPERATOR'S LICENSE UNDER SECTION 307, BUT MAY ISSUE A
7 TEMPORARY OPERATOR'S LICENSE TO THE APPLICANT. A TEMPORARY
8 OPERATOR'S LICENSE ISSUED UNDER THIS SUBSECTION IS VALID ONLY
9 DURING THE PERIOD OF TIME THAT THE APPLICANT IS AUTHORIZED TO
10 STAY IN THE UNITED STATES OR, IF THERE IS NO DEFINITE END TO THE
11 PERIOD OF AUTHORIZED STAY, FOR A PERIOD OF 1 YEAR.

12 (3) A TEMPORARY OPERATOR'S LICENSE ISSUED UNDER THIS SECTION
13 SHALL CLEARLY INDICATE THAT IT IS TEMPORARY AND SHALL STATE THE
14 DATE ON WHICH IT EXPIRES.

15 (4) A TEMPORARY OPERATOR'S LICENSE ISSUED UNDER THIS SECTION
16 MAY BE RENEWED ONLY UPON PRESENTATION OF VALID DOCUMENTARY
17 EVIDENCE THAT THE STATUS BY WHICH THE APPLICANT QUALIFIED FOR THE
18 TEMPORARY OPERATOR'S LICENSE OR TEMPORARY IDENTIFICATION CARD HAS
19 BEEN EXTENDED BY THE UNITED STATES SECRETARY OF HOMELAND
20 SECURITY.

21 (5) THE SECRETARY OF STATE SHALL VERIFY WITH THE ISSUING
22 AGENCY THE VALIDITY AND COMPLETENESS OF EACH DOCUMENT PRESENTED
23 BY AN APPLICANT FOR AN OPERATOR'S LICENSE UNDER THIS CHAPTER.
24 THE SECRETARY OF STATE SHALL NOT ACCEPT A FOREIGN DOCUMENT, OTHER
25 THAN AN OFFICIAL PASSPORT, TO SATISFY THE APPLICATION
26 REQUIREMENTS UNDER THIS CHAPTER.

27 (6) THE SECRETARY OF STATE SHALL USE TECHNOLOGY TO CAPTURE

1 DIGITAL IMAGES OF IDENTITY SOURCE DOCUMENTS SO THAT THE IMAGES
2 ARE CAPABLE OF BEING RETAINED IN ELECTRONIC STORAGE IN A
3 TRANSFERABLE FORMAT.

4 (7) THE SECRETARY OF STATE SHALL RETAIN PAPER COPIES OF
5 SOURCE DOCUMENTS PRESENTED BY AN APPLICANT TO OBTAIN AN
6 OPERATOR'S LICENSE UNDER THIS CHAPTER FOR NOT LESS THAN 7 YEARS
7 OR IMAGES OF THOSE SOURCE DOCUMENTS FOR NOT LESS THAN 10 YEARS.

8 (8) THE SECRETARY OF STATE SHALL ESTABLISH AN EFFECTIVE
9 PROCEDURE TO CONFIRM OR VERIFY A RENEWING APPLICANT'S
10 INFORMATION.

11 (9) THE SECRETARY OF STATE SHALL CONFIRM WITH THE SOCIAL
12 SECURITY ADMINISTRATION A SOCIAL SECURITY ACCOUNT NUMBER
13 PRESENTED BY A PERSON USING THE FULL SOCIAL SECURITY ACCOUNT
14 NUMBER. IF A SOCIAL SECURITY ACCOUNT NUMBER IS ALREADY
15 REGISTERED TO OR ASSOCIATED WITH ANOTHER PERSON TO WHICH THIS
16 STATE OR ANY OTHER STATE HAS ISSUED AN OPERATOR'S LICENSE, THE
17 STATE SHALL RESOLVE THE DISCREPANCY AND TAKE APPROPRIATE ACTION.

18 (10) THE SECRETARY OF STATE SHALL REFUSE TO ISSUE AN
19 OPERATOR'S LICENSE TO A PERSON HOLDING AN OPERATOR'S LICENSE
20 ISSUED BY ANOTHER STATE WITHOUT CONFIRMATION THAT THE PERSON IS
21 TERMINATING OR HAS TERMINATED THE OPERATOR'S LICENSE ISSUED BY
22 THE OTHER STATE.

23 (11) THE SECRETARY OF STATE SHALL DO ALL OF THE FOLLOWING:

24 (A) ENSURE THE PHYSICAL SECURITY OF LOCATIONS WHERE
25 OPERATOR'S LICENSES ARE PRODUCED AND THE SECURITY OF DOCUMENT
26 MATERIALS AND PAPERS FROM WHICH OPERATOR'S LICENSES ARE PRODUCED.

27 (B) SUBJECT ALL PERSONS AUTHORIZED TO MANUFACTURE OR PRODUCE

1 OPERATOR'S LICENSES TO APPROPRIATE SECURITY CLEARANCE
2 REQUIREMENTS.

3 (C) ESTABLISH FRAUDULENT DOCUMENT RECOGNITION TRAINING
4 PROGRAMS FOR APPROPRIATE EMPLOYEES ENGAGED IN THE ISSUANCE OF
5 OPERATOR'S LICENSES.

6 (12) FOR PURPOSES OF THIS CHAPTER, THE SECRETARY OF STATE
7 SHALL PRESUME THAT AN OPERATOR'S LICENSE FOR WHICH AN APPLICATION
8 HAS BEEN MADE FOR RENEWAL, DUPLICATION, OR REISSUANCE WAS ISSUED
9 IN ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER IF AT THE TIME
10 THE APPLICATION IS MADE THE OPERATOR'S LICENSE IS NOT EXPIRED,
11 CANCELED, SUSPENDED, OR REVOKED. THE PRESUMPTION CREATED UNDER
12 THIS SUBSECTION DOES NOT APPLY IF THE SECRETARY OF STATE IS
13 NOTIFIED BY A LOCAL, STATE, OR FEDERAL GOVERNMENTAL AGENCY THAT
14 THE PERSON SEEKING A RENEWAL, DUPLICATION, OR REISSUANCE IS
15 EITHER OF THE FOLLOWING:

16 (A) NOT A CITIZEN OF THE UNITED STATES.

17 (B) NOT LEGALLY IN THE UNITED STATES.

18 SEC. 310G. (1) NOT LATER THAN SEPTEMBER 11, 2005, THE STATE
19 SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE UNITED
20 STATES SECRETARY OF HOMELAND SECURITY TO ROUTINELY UTILIZE THE
21 AUTOMATED SYSTEM KNOWN AS SYSTEMATIC ALIEN VERIFICATION FOR
22 ENTITLEMENTS, AS PROVIDED BY SECTION 404 OF THE ILLEGAL
23 IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996, 110
24 STAT. 3009-664, TO VERIFY THE LEGAL PRESENCE STATUS OF A PERSON,
25 OTHER THAN A UNITED STATES CITIZEN, APPLYING FOR AN OPERATOR'S
26 LICENSE.

27 (2) THIS STATE SHALL ENTER INTO AND PARTICIPATE IN THE

1 INTERSTATE COMPACT REGARDING SHARING OF DRIVER LICENSE DATA,
2 KNOWN AS THE "DRIVER LICENSE AGREEMENT", IN ORDER TO PROVIDE
3 ELECTRONIC ACCESS BY A STATE TO INFORMATION CONTAINED IN THE
4 MOTOR VEHICLE DATABASES OF ALL OTHER STATES. THE SECRETARY OF
5 STATE SHALL ESTABLISH AND MAINTAIN A MOTOR VEHICLE DATABASE
6 CONTAINING THE INFORMATION REQUIRED UNDER THE DRIVER LICENSE
7 AGREEMENT.

8 Sec. 314. (1) Except as otherwise provided in this ~~section~~
9 CHAPTER, an operator's license ~~shall expire~~ **EXPIRES** on the
10 birthday of the person to whom the license is issued in the
11 fourth year following the date of the issuance of the license
12 unless suspended or revoked before that date. A license shall not
13 be issued for a period longer than 4 years. A person holding a
14 license at any time within 45 days before the expiration of his
15 or her license may ~~make application~~ **APPLY** for a new license as
16 provided for in this chapter. However, a knowledge test for an
17 original group designation or indorsement may be taken at any
18 time during this period and the results ~~shall be~~ **ARE** valid for
19 12 months. However, if the licensee will be out of the state
20 during the 45 days immediately preceding expiration of the
21 license or for other good cause shown cannot apply for a license
22 within the 45-day period, ~~application~~ **THE LICENSEE MAY APPLY**
23 for a new license ~~may be made~~ not more than 6 months before
24 expiration of the license. ~~This~~ **IF IT IS ISSUED, THIS** new
25 license ~~when granted shall expire~~ **EXPIRES** as provided for in
26 this chapter.

27 (2) The first operator's license issued to a person who at

1 the time of application is less than 20-1/2 years of age ~~shall~~
2 ~~expire~~ **EXPIRES** on the licensee's twenty-first birthday unless
3 suspended or revoked. Until July 1, 2003, the secretary of state
4 shall code the license in a manner ~~which~~ **THAT** clearly
5 identifies the licensee as being less than 21 years of age.

6 (3) The first chauffeur's license issued to a person ~~shall~~
7 ~~expire~~ **EXPIRES** on the licensee's birthday in the fourth year
8 following the date of issuance unless the license is suspended or
9 revoked before that date. The chauffeur's license of a person who
10 at the time of application is less than 20-1/2 years of age
11 ~~shall expire~~ **EXPIRES** on the licensee's twenty-first birthday
12 unless suspended or revoked. Until July 1, 2003, the secretary of
13 state shall code the license in a manner which clearly identifies
14 the licensee as being less than 21 years of age. A subsequent
15 chauffeur's license ~~shall expire~~ **EXPIRES** on the birthday of the
16 person to whom the license is issued in the fourth year following
17 the date of issuance of the license unless the license is
18 suspended or revoked before that date.

19 (4) A person may apply for an extension of his or her
20 driving privileges if he or she is out of state on the date that
21 his or her operator's or chauffeur's license expires. The
22 extension may extend the license for 180 days beyond the
23 expiration date or within 2 weeks after the applicant returns to
24 Michigan, whichever occurs first.

25 (5) A person who will be out of state for more than 90 days
26 beyond the expiration date of his or her operator's license may
27 apply for a 4-year renewal of his or her driving privileges. The

1 applicant for this renewal shall submit a statement evidencing a
2 vision examination in accordance with the rules promulgated by
3 the secretary of state under section 309.

4 (6) The secretary of state may check the applicant's driving
5 record through the national driver register and the commercial
6 driver license information system before issuing a renewal under
7 this section.