

**SUBSTITUTE FOR
SENATE BILL NO. 962**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 40b, 51a, 208c, 303, 307, 310, 312a, 314,
321b, 810b, 811, and 812 (MCL 257.40b, 257.51a, 257.208c,
257.303, 257.307, 257.310, 257.312a, 257.314, 257.321b, 257.810b,
257.811, and 257.812), section 40b as added by 1997 PA 100,
section 208c as amended by 2004 PA 362, sections 303, 307, and
314 as amended by 2006 PA 298, section 310 as amended by 2005 PA
141, section 321b as amended by 2002 PA 534, section 810b as
amended by 2006 PA 549, section 811 as amended by 2006 PA 589,
and section 812 as amended by 2005 PA 142, and by adding sections
30c, 78b, 310f, and 310g.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 30C. "DEFINED MINIMUM DATA ELEMENTS" MEANS EXPIRATION**
2 **DATE, FULL LEGAL NAME, DATE OF TRANSACTION, DATE OF BIRTH,**

1 GENDER, ADDRESS, THE DISTINGUISHING NUMBER PERMANENTLY ASSIGNED
 2 TO THE LICENSEE, CARD DESIGN REVISION DATE, INVENTORY CONTROL
 3 NUMBER OF THE PHYSICAL DOCUMENT, STATE OF ISSUANCE, AND, IF
 4 APPLICABLE, A NOTATION INDICATING THAT THE OPERATOR'S OR
 5 CHAUFFEUR'S LICENSE IS A LIMITED-TERM LICENSE.

6 Sec. 40b. (1) "Personal information" means information that
 7 identifies an individual, including the individual's photograph
 8 or image, name, address (but not the zip code), driver license
 9 number, social security number, telephone number, digitized
 10 signature, and medical and disability information. Personal
 11 information does not include information on driving and
 12 equipment-related violations or civil infractions, driver or
 13 vehicle registration status, vehicular accidents, or other
 14 behaviorally-related information.

15 (2) "Highly restricted personal information" means an
 16 individual's photograph or image, social security number,
 17 digitized signature, and medical and disability information **AND**
 18 **SOURCE DOCUMENTS PRESENTED BY AN APPLICANT TO OBTAIN AN**
 19 **OPERATOR'S OR CHAUFFEUR'S LICENSE UNDER SECTION 307(1).**

20 Sec. 51a. "Resident" means every person who resides ~~in a~~
 21 ~~settled or permanent home or domicile with the intention of~~
 22 ~~remaining in this state~~ **AND ESTABLISHES THAT HE OR SHE IS LEGALLY**
 23 **PRESENT IN THE UNITED STATES.** ~~A person who obtains employment in~~
 24 ~~this state is presumed to have the intention of remaining in this~~
 25 ~~state. This definition shall apply to the provisions of this act~~
 26 ~~only.~~

27 **SEC. 78B. "VERIFY" MEANS TO FOLLOW PROCEDURES ESTABLISHED BY**

1 THE SECRETARY OF STATE TO AUTHENTICATE DOCUMENTS BY DETERMINING
2 WHETHER THE SOURCE DOCUMENT IS GENUINE AND HAS NOT BEEN ALTERED
3 AND DETERMINING WHETHER THE IDENTITY DATA CONTAINED ON THE
4 DOCUMENT ARE VALID.

5 Sec. 208c. (1) Except as provided in this section and in
6 section 232, personal information in a record maintained under
7 this act shall not be disclosed, unless the person requesting the
8 information furnishes proof of identity satisfactory to the
9 secretary of state and certifies that the personal information
10 requested will be used for a permissible purpose identified in
11 this section or in section 232. However, highly restricted
12 personal information shall be used and disclosed only as
13 expressly permitted in section 307 or as otherwise expressly
14 provided by law.

15 (2) Personal information in a record maintained under this
16 act shall be disclosed by the secretary of state if required to
17 carry out the purposes of federal law or federal regulations.

18 (3) Personal information in a record maintained under this
19 act may be disclosed by the secretary of state as follows:

20 (a) For use by a federal, state, or local governmental
21 agency, including a court or law enforcement agency, in carrying
22 out the agency's functions, or by a private person or entity
23 acting on behalf of a governmental agency in carrying out the
24 agency's functions.

25 (b) For use in connection with matters of motor vehicle and
26 driver safety or auto theft; motor vehicle emissions; motor
27 vehicle product alterations, recalls, or advisories; performance

1 monitoring of motor vehicles; motor vehicle market research
2 activities, including survey research; and the removal of
3 nonowner records from the original records of motor vehicle
4 manufacturers.

5 (c) For use in the normal course of business by a legitimate
6 business, including the agents, employees, and contractors of the
7 business, but only to verify the accuracy of personal information
8 submitted by an individual to the business or its agents,
9 employees, or contractors, and if the information as so submitted
10 is no longer correct, to obtain the correct information, for the
11 sole purpose of preventing fraud by pursuing legal remedies
12 against, or recovering on a debt against, the individual.

13 (d) For use in connection with a civil, criminal,
14 administrative, or arbitration proceeding in a federal, state, or
15 local court or governmental agency or before a self-regulatory
16 body, including use for service of process, investigation in
17 anticipation of litigation, and the execution or enforcement of
18 judgments and orders, or pursuant to an order of a federal,
19 state, or local court, an administrative agency, or a self-
20 regulatory body.

21 (e) For use in legitimate research activities and in
22 preparing statistical reports for commercial, scholarly, or
23 academic purposes by a bona fide research organization, if the
24 personal information is not published, redisclosed, or used to
25 contact individuals.

26 (f) For use by an insurer or insurance support organization,
27 or by a self-insured entity, or its agents, employees, or

1 contractors, in connection with claims investigating activity,
2 antifraud activity, rating, or underwriting.

3 (g) For use in providing notice to the owner of an
4 abandoned, towed, or impounded vehicle.

5 (h) For use either by a private detective or private
6 investigator licensed under the private detective license act,
7 1965 PA 285, MCL 338.821 to 338.851, or by a private security
8 guard agency or alarm system contractor licensed under the
9 private security business and security alarm act, 1968 PA 330,
10 MCL 338.1051 to 338.1083, only for a purpose permitted under this
11 section.

12 (i) For use by an employer, or the employer's agent or
13 insurer, to obtain or verify information relating either to the
14 holder of a commercial driver license that is required under
15 federal law or to the holder of a chauffeur's license that is
16 required under chapter 3.

17 (j) For use by a car rental business, or its employees,
18 agents, contractors, or service firms, for the purpose of making
19 rental decisions.

20 (k) For use in connection with the operation of private toll
21 transportation facilities.

22 (l) For use by a news medium in the preparation and
23 dissemination of a report related in part or in whole to the
24 operation of a motor vehicle or public safety. "News medium"
25 includes a newspaper, a magazine or periodical published at
26 regular intervals, a news service, a broadcast network, a
27 television station, a radio station, a cablecaster, or an entity

1 employed by any of the foregoing.

2 (m) For any use by an individual requesting information
3 pertaining to himself or herself or requesting in writing that
4 the secretary of state provide information pertaining to himself
5 or herself to the individual's designee. A request for disclosure
6 to a designee, however, may be submitted only by the individual.

7 (4) Medical and disability information in a record
8 maintained under this act may be used and disclosed for purposes
9 of subsection (3)(a), (d), or (m).

10 **(5) COPIES OR IMAGES OF SOURCE DOCUMENTS RETAINED BY THE**
11 **SECRETARY OF STATE UNDER SECTION 310F MAY BE USED AND DISCLOSED**
12 **FOR PURPOSES OF SUBSECTION (3)(A) OR (M).**

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

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

17 (b) A person, as a chauffeur, who is less than 18 years of
18 age, except as otherwise provided in this act.

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

25 (d) A person who in the opinion of the secretary of state is
26 afflicted with or suffering from a physical or mental disability
27 or disease preventing that person from exercising reasonable and

1 ordinary control over a motor vehicle while operating the motor
2 vehicle upon the highways.

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

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

10 (g) A person who has been convicted of, has received a
11 juvenile disposition for, or has been determined responsible for
12 2 or more moving violations under a law of this state, a local
13 ordinance substantially corresponding to a law of this state, or
14 a law of another state substantially corresponding to a law of
15 this state within the preceding 3 years, if the violations
16 occurred before issuance of an original license to the person in
17 this state, another state, or another country.

18 (h) ~~A~~**UNLESS OTHERWISE ELIGIBLE UNDER SECTION 310F, A**
19 nonresident, including, but not limited to, a foreign exchange
20 student.

21 (i) A person who has failed to answer a citation or notice
22 to appear in court or for any matter pending or fails to comply
23 with an order or judgment of the court, including, but not
24 limited to, paying all fines, costs, fees, and assessments, in
25 violation of section 321a, until that person answers the citation
26 or notice to appear in court or for any matter pending or
27 complies with an order or judgment of the court, including, but

1 not limited to, paying all fines, costs, fees, and assessments,
2 as provided under section 321a.

3 (j) A person not licensed under this act who has been
4 convicted of, has received a juvenile disposition for, or has
5 been determined responsible for a crime or civil infraction
6 described in section 319, 324, or 904. A person shall be denied a
7 license under this subdivision for the length of time
8 corresponding to the period of the licensing sanction that would
9 have been imposed under section 319, 324, or 904 if the person
10 had been licensed at the time of the violation.

11 (k) A person not licensed under this act who has been
12 convicted of or received a juvenile disposition for committing a
13 crime described in section 319e. A person shall be denied a
14 license under this subdivision for the length of time that
15 corresponds to the period of the licensing sanction that would
16 have been imposed under section 319e if the person had been
17 licensed at the time of the violation.

18 (l) A person not licensed under this act who is determined to
19 have violated section 33b(1) of former 1933 (Ex Sess) PA 8,
20 section 703(1) of the Michigan liquor control code of 1998, 1998
21 PA 58, MCL 436.1703, or section 624a or 624b of this act. The
22 person shall be denied a license under this subdivision for a
23 period of time that corresponds to the period of the licensing
24 sanction that would have been imposed under those sections had
25 the person been licensed at the time of the violation.

26 (m) A person whose commercial driver license application is
27 canceled under section 324(2).

1 (N) UNLESS OTHERWISE ELIGIBLE UNDER SECTION 310F, A PERSON
2 WHO IS NOT A CITIZEN OF THE UNITED STATES.

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

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

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

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

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

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

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

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

27 (i) A violation or attempted violation of section 625, except

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

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

9 (iii) Former section 625b.

10 (d) One conviction for a violation or attempted violation of
11 section 315(5), section 601b(3), section 601c(2), section 602a(4)
12 or (5), section 617, section 625(4) or (5), section 653a(4), or
13 section 904(4) or (5).

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

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

20 (g) Any combination of 3 convictions within 10 years for any
21 of the following or 1 conviction for a violation or attempted
22 violation of section 625(6) and any combination of 2 convictions
23 for any of the following within 10 years, if any of the
24 convictions resulted from an arrest on or after January 1, 1992:

25 (i) A violation or attempted violation of section 625, except
26 a violation of section 625(2), or a violation of any prior
27 enactment of section 625 in which the defendant operated a

1 vehicle while under the influence of intoxicating or alcoholic
2 liquor or a controlled substance, or a combination of
3 intoxicating or alcoholic liquor and a controlled substance, or
4 while visibly impaired, or with an unlawful bodily alcohol
5 content.

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

7 (iii) Former section 625b.

8 (3) The secretary of state shall revoke a license under
9 subsection (2) notwithstanding a court order unless the court
10 order complies with section 323.

11 (4) The secretary of state shall not issue a license under
12 this act to a person whose license has been revoked under this
13 act or revoked and denied under subsection (2) until all of the
14 following occur, as applicable:

15 (a) The later of the following:

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

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

21 (b) For a denial under subsection (2)(a), (b), (c), and (g),
22 the person rebuts by clear and convincing evidence the
23 presumption resulting from the prima facie evidence that he or
24 she is a habitual offender. The convictions that resulted in the
25 revocation and denial constitute prima facie evidence that he or
26 she is a habitual offender.

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

1 (5) The secretary of state may deny issuance of an
2 operator's license as follows:

3 (a) Until the age of 17, to a person not licensed under this
4 act who was convicted of or received a juvenile disposition for
5 violating or attempting to violate section 411a(2) of the
6 Michigan penal code, 1931 PA 328, MCL 750.411a, involving a
7 school when he or she was less than 14 years of age. A person not
8 issued a license under this subdivision is not eligible to begin
9 graduated licensing training until he or she attains 16 years of
10 age.

11 (b) To a person less than 21 years of age not licensed under
12 this act who was convicted of or received a juvenile disposition
13 for violating or attempting to violate section 411a(2) of the
14 Michigan penal code, 1931 PA 328, MCL 750.411a, involving a
15 school when he or she was less than 14 years of age or older,
16 until 3 years after the date of the conviction or juvenile
17 disposition. A person not issued a license under this subdivision
18 is not eligible to begin graduated licensing training or
19 otherwise obtain an original operator's or chauffeur's license
20 until 3 years after the date of the conviction or juvenile
21 disposition.

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

26 (7) Multiple convictions or civil infraction determinations
27 resulting from the same incident shall be treated as a single

1 violation for purposes of denial or revocation of a license under
2 this section.

3 (8) As used in this section, "felony in which a motor
4 vehicle was used" means a felony during the commission of which
5 the person operated a motor vehicle and while operating the
6 vehicle presented real or potential harm to persons or property
7 and 1 or more of the following circumstances existed:

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

9 (b) The vehicle was used to transport a victim of the
10 felony.

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

12 (d) The vehicle was necessary for the commission of the
13 felony.

14 Sec. 307. (1) An applicant for an operator's or chauffeur's
15 license shall supply a **PHOTOGRAPHIC IDENTITY DOCUMENT, A** birth
16 certificate ~~attesting to his or her age or~~ **OTHER NONPHOTOGRAPHIC**
17 **IDENTITY DOCUMENT, AND** other sufficient documents or
18 identification as the secretary of state may require. **THESE**
19 **DOCUMENTS SHALL PROVIDE THE APPLICANT'S FULL LEGAL NAME, DATE OF**
20 **BIRTH, AND ADDRESS AND RESIDENCY AND DEMONSTRATE THAT THE**
21 **APPLICANT IS A CITIZEN OF THE UNITED STATES, IS AN ALIEN LAWFULLY**
22 **ADMITTED FOR PERMANENT OR TEMPORARY RESIDENCE IN THE UNITED**
23 **STATES, OR HAS CONDITIONAL PERMANENT RESIDENT STATUS IN THE**
24 **UNITED STATES. IF THE APPLICANT'S FULL LEGAL NAME DIFFERS FROM**
25 **THE NAME THAT APPEARS ON AN IDENTITY DOCUMENT PRESENTED UNDER**
26 **THIS SECTION, THE APPLICANT SHALL PRESENT DOCUMENTS ISSUED BY A**
27 **COURT, GOVERNMENT AGENCY, OR OTHER ENTITY AS DETERMINED BY THE**

1 **SECRETARY OF STATE AS EVIDENCE OF HIS OR HER NAME CHANGE.** An
2 application for an operator's or chauffeur's license shall be
3 made in a manner prescribed by the secretary of state and shall
4 contain all of the following:

5 (a) The applicant's full **LEGAL** name, date of birth,
6 residence address, height, sex, eye color, signature, and ~~7~~
7 ~~beginning January 1, 2007,~~ intent to be an organ donor, other
8 information required or permitted on the license under this
9 chapter, and, to the extent required to comply with federal law,
10 the applicant's social security number. The applicant may provide
11 a mailing address if the applicant receives mail at an address
12 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
28 address will no longer be valid for voting purposes.

1 A new voter registration card, containing the
2 information of your polling place, will be provided
3 to you by the clerk of the jurisdiction where your
4 residence address is located.".

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

9 (d) 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 CFR part 391 if the applicant
14 operates or intends to operate in interstate commerce or meets
15 the applicable qualifications of the department of state police
16 under the motor carrier safety act of 1963, 1963 PA 181, MCL
17 480.11 to 480.25, if the applicant operates or intends to operate
18 in intrastate commerce.

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

22 (iii) The applicant is not subject to disqualification by the
23 United States secretary of transportation, or a suspension,
24 revocation, or cancellation under any state law for conviction of
25 an offense described in section 312f or 319b.

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

1 (e) An applicant for an operator's or chauffeur's license
2 with a vehicle group designation and a hazardous material
3 indorsement shall provide his or her fingerprints as prescribed
4 by state and federal law.

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

~~subsection only for programs administered by the secretary of state. Except as provided in this subsection, the secretary of state shall not use a person's image or signature, or both, unless the person grants written permission for that purpose to the secretary of state or specific enabling legislation permitting the use is enacted into law. A law enforcement agency of this state has access to information retained by the secretary of state under this subsection. The information may be utilized for any law enforcement purpose unless otherwise prohibited by law. The department of state police shall provide to the secretary of state updated lists of persons required to be registered under the sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.736, and the secretary of state shall make the images of those persons available to the department of state police as provided in that act.~~ A PERSON'S DIGITAL PHOTOGRAPHIC IMAGE OR SIGNATURE SHALL ONLY BE USED AS FOLLOWS:

(A) BY A FEDERAL, STATE, OR LOCAL GOVERNMENTAL AGENCY FOR A LAW ENFORCEMENT PURPOSE.

(B) BY THE SECRETARY OF STATE FOR A PROGRAM ADMINISTERED BY THE SECRETARY OF STATE.

(C) BY THE SECRETARY OF STATE FOR A PURPOSE OTHER THAN A PURPOSE DESCRIBED IN SUBDIVISION (B), IF THE PERSON GIVES WRITTEN PERMISSION.

(D) THE SECRETARY OF STATE SHALL FORWARD TO THE DEPARTMENT OF STATE POLICE THE IMAGES OF PERSONS REQUIRED TO BE REGISTERED UNDER THE SEX OFFENDERS REGISTRATION ACT, 1994 PA 295, MCL 28.721 TO 28.736, UPON THE DEPARTMENT OF STATE POLICE PROVIDING THE

1 SECRETARY OF STATE AN UPDATED LIST OF THOSE PERSONS.

2 (E) AS NECESSARY TO COMPLY WITH A LAW OF THIS STATE OR THE
3 UNITED STATES.

4 (3) An application shall contain a signature or verification
5 and certification by the applicant, as determined by the
6 secretary of state, and shall be accompanied by the proper fee.
7 The secretary of state shall collect the application fee with the
8 application. The secretary of state shall refund the application
9 fee to the applicant if the license applied for is denied, but
10 shall not refund the fee to an applicant who fails to complete
11 the examination requirements of the secretary of state within 90
12 days after the date of application for a license.

13 (4) In conjunction with the application for or, until
14 January 1, 2007, the issuance of an operator's or chauffeur's
15 license, the secretary of state shall do all of the following:

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

17 (i) Information explaining the applicant's right to make an
18 anatomical gift in the event of death in accordance with section
19 310.

20 (ii) Information describing the organ, tissue, and eye donor
21 registry program. The information required under this
22 subparagraph includes the address and telephone number of
23 Michigan's federally designated organ procurement organization or
24 its successor organization.

25 (iii) Information giving the applicant the opportunity to be
26 placed on the registry described in subparagraph (ii).

27 (b) Provide the applicant with the opportunity to specify on

1 his or her operator's or chauffeur's license that he or she is
2 willing to make an anatomical gift in the event of death in
3 accordance with section 310.

4 (c) Inform the applicant that, if he or she indicates to the
5 secretary of state under this section a willingness to have his
6 or her name placed on the registry described in subdivision

7 (a)(ii), the secretary of state will mark the applicant's record
8 for the registry.

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

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

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

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

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

24 (6) Until January 1, 2007, if an applicant indicates a
25 willingness under this section to have his or her name placed on
26 the organ donor registry described in subsection (4)(a)(ii), the
27 secretary of state shall within 10 days forward the applicant's

1 name, and address, and date of birth to the organ donor registry
2 maintained by Michigan's federally designated organ procurement
3 organization or its successor organization. The secretary of
4 state may forward information under this subsection by mail or by
5 electronic means. The secretary of state shall not maintain a
6 record of the name or address of an individual who indicates a
7 willingness to have his or her name placed on the organ donor
8 registry after forwarding that information to the organ donor
9 registry under this subsection. Information about an applicant's
10 indication of a willingness to have his or her name placed on the
11 organ donor registry that is obtained by the secretary of state
12 under subsection (4) and forwarded under this subsection is
13 exempt from disclosure under section 13(1)(d) of the freedom of
14 information act, 1976 PA 442, MCL 15.243. Beginning January 1,
15 2007, the secretary of state shall maintain a record of an
16 individual who indicates a willingness to have his or her name
17 placed on the registry described in subsection (4)(a)(ii).
18 Information about an applicant's indication of a willingness to
19 have his or her name placed on the registry that is obtained by
20 the secretary of state under subsection (4) and forwarded under
21 subsection (14) is exempt from disclosure under section 13(1)(d)
22 of the freedom 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.

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

26 (9) Except for **A LIMITED-TERM OPERATOR'S OR CHAUFFEUR'S**
27 **LICENSE OR** a vehicle group designation or indorsement or as

1 provided in this subsection or section 314(5), the secretary of
2 state may issue a renewal operator's or chauffeur's license for 1
3 additional 4-year period by mail or by other methods prescribed
4 by the secretary of state. **UNTIL DECEMBER 1, 2013, THE SECRETARY**
5 **OF STATE MAY ALLOW A PERSON BORN ON OR BEFORE DECEMBER 1, 1964 TO**
6 **RENEW HIS OR HER OPERATOR'S LICENSE OR CHAUFFEUR'S LICENSE BY**
7 **MAIL FOR AN ADDITIONAL 4-YEAR PERIOD.** The secretary of state may
8 check the applicant's driving record through the national driver
9 register and the commercial driver license information system
10 before issuing a license under this section. The secretary of
11 state shall issue a renewal license only in person if the person
12 is a person required under section 5a of the sex offenders
13 registration act, 1994 PA 295, MCL 28.725a, to maintain a valid
14 operator's or chauffeur's license or official state personal
15 identification card. If a license is renewed by mail or by other
16 method, the secretary of state shall issue evidence of renewal to
17 indicate the date the license expires in the future. The
18 department of state police shall provide to the secretary of
19 state updated lists of persons required under section 5a of the
20 sex offenders registration act, 1994 PA 295, MCL 28.725a, to
21 maintain a valid operator's or chauffeur's license or official
22 state personal identification card.

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

27 (11) The secretary of state shall not disclose a social

1 security number obtained under subsection (1) to another person
2 except for use for 1 or more of the following purposes:

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

5 (b) ~~Through the law enforcement information network, to~~ TO
6 carry out the purposes of section 466(a) of the social security
7 act, 42 USC 666, in connection with matters relating to
8 paternity, child support, or overdue child support.

9 (c) To check an applicant's driving record through the
10 national driver register and the commercial driver license
11 information system when issuing a license under this act.

12 (d) With the department of community health, for comparison
13 with vital records maintained by the department of community
14 health under part 28 of the public health code, 1978 PA 368, MCL
15 333.2801 to 333.2899.

16 (e) As otherwise required by law.

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

20 (13) A requirement under this section to include a social
21 security number on an application does not apply to an applicant
22 who demonstrates he or she is exempt under law from obtaining a
23 social security number. ~~or to an applicant who for religious~~
24 ~~convictions is exempt under law from disclosure of his or her~~
25 ~~social security number under these circumstances. The secretary~~
26 ~~of state shall inform the applicant of this possible exemption.~~

27 (14) ~~Beginning January 1, 2007, the~~ THE secretary of state

1 shall maintain the organ, tissue, and eye donor registry in a
2 manner that provides electronic access, including, but not
3 limited to, transfer of data to this state's federally designated
4 organ procurement organizations, their successor organizations,
5 and tissue and eye banks with limitations on the use of and
6 access to the donor registry as determined by the secretary of
7 state.

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

20 (2) The license issued under subsection (1) shall contain
21 all of the following: ~~information.~~

22 (a) The distinguishing number permanently assigned to the
23 licensee.

24 (b) The full **LEGAL** name, date of birth, address of
25 residence, height, eye color, sex, **DIGITAL PHOTOGRAPHIC** image,
26 and signature of the licensee, **DATE OF TRANSACTION, EXPIRATION**
27 **DATE, AND AN INDICATION THAT THE LICENSE WAS ISSUED IN COMPLIANCE**

1 WITH THE AMENDATORY ACT THAT ADDED SECTION 30C.

2 ~~—— (c) Until January 1, 2007, a place for the licensee to~~
3 ~~indicate 1 or more of the following:~~

4 ~~—— (i) The blood type of the licensee.~~

5 ~~—— (ii) Immunization data of the licensee.~~

6 ~~—— (iii) Medication data of the licensee.~~

7 ~~—— (iv) A statement that the licensee is deaf.~~

8 ~~—— (v) Until January 1, 2007, a statement that the licensee is~~
9 ~~an organ and tissue donor under part 101 of the public health~~
10 ~~code, 1978 PA 368, MCL 333.10101 to 333.10109.~~

11 ~~—— (vi) Emergency contact information of the licensee.~~

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

18 ~~—— (d) Until January 1, 2007, if the licensee has made a~~
19 ~~statement described in subdivision (c) (v), the signature of the~~
20 ~~licensee following the indication of his or her organ and tissue~~
21 ~~donor intent identified in subdivision (c) (v), along with the~~
22 ~~signature of at least 1 witness.~~

23 ~~—— (e) In the case of a licensee who is less than 18 years of~~
24 ~~age at the time of issuance of the license, the date on which the~~
25 ~~licensee will become 18 years of age and 21 years of age.~~

26 ~~—— (f) In the case of a licensee who is at least 18 years of~~
27 ~~age but less than 21 years of age at the time of issuance of the~~

1 ~~license, the date on which the licensee will become 21 years of~~
2 ~~age.~~

3 (C) ~~(g) Beginning January 1, 2007, in~~ IN the case of a
4 licensee who has indicated his or her wish to participate in the
5 organ and tissue donor registry under part 101 of the public
6 health code, 1978 PA 368, MCL 333.10101 to 333.10109, a heart
7 insignia on the front of the license.

8 (D) PHYSICAL SECURITY FEATURES DESIGNED TO PREVENT
9 TAMPERING, COUNTERFEITING, OR DUPLICATION OF THE LICENSE FOR
10 FRAUDULENT PURPOSES.

11 (3) Except as otherwise required under this chapter, other
12 information required on the license ~~pursuant to~~ UNDER this
13 chapter may appear on the license in a form prescribed by the
14 secretary of state.

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

17 (5) A digitized license may contain an identifier for voter
18 registration purposes. ~~The digitized license may contain~~
19 ~~information appearing in electronic or machine readable codes~~
20 ~~needed to conduct a transaction with the secretary of state. The~~
21 ~~information shall be limited to the person's driver license~~
22 ~~number, birth date, license expiration date, and other~~
23 ~~information necessary for use with electronic devices, machine~~
24 ~~readers, or automatic teller machines and shall not contain the~~
25 ~~person's name, address, driving record, or other personal~~
26 ~~identifier. The license shall identify the encoded information.~~

27 (6) A DIGITIZED LICENSE SHALL CONTAIN INFORMATION APPEARING

1 IN A 2-DIMENSIONAL BAR CODE WITH DEFINED MINIMUM DATA ELEMENTS.

2 (7) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (8), A PERSON
3 SHALL NOT ACCESS, USE, COMPILE, OR MAINTAIN A DATABASE OF
4 ELECTRONICALLY READABLE INFORMATION FROM THE 2-DIMENSIONAL BAR
5 CODE. A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A
6 FELONY.

7 (8) SUBSECTION (7) DOES NOT APPLY TO ANY OF THE FOLLOWING:

8 (A) A PERSON WHO ACCESSES, USES, COMPILES, OR MAINTAINS A
9 DATABASE OF ELECTRONICALLY READABLE INFORMATION FROM THE 2-
10 DIMENSIONAL BAR CODE FOR USE BY A FEDERAL, STATE, OR LOCAL
11 GOVERNMENT AGENCY IN CARRYING OUT THE AGENCY'S FUNCTIONS.

12 (B) A PERSON WHO ACCESSES OR USES ELECTRONICALLY READABLE
13 INFORMATION FROM THE 2-DIMENSIONAL BAR CODE ONLY FOR PURPOSES OF
14 CONFIRMING THE LICENSEE'S IDENTITY OR DATE OF BIRTH AT THE POINT
15 OF SALE. HOWEVER, ACCESS OR USE UNDER THIS SUBDIVISION DOES NOT
16 PERMIT COMPILATION OR MAINTENANCE OF A DATABASE OF ELECTRONICALLY
17 READABLE INFORMATION FROM THE 2-DIMENSIONAL BAR CODE.

18 (9) ~~(6)~~—The license shall be manufactured in a manner to
19 prohibit as nearly as possible the ability to reproduce, alter,
20 counterfeit, forge, or duplicate the license without ready
21 detection. In addition, a license with a vehicle group
22 designation shall contain the information required under 49 CFR
23 part 383.

24 (10) ~~(7)~~—Except as provided in subsection ~~(11)~~—(14), a
25 person who intentionally reproduces, alters, counterfeits,
26 forges, or duplicates a license photograph, the negative of the
27 photograph, image, license, or electronic data contained on a

1 license or a part of a license or who uses a license, image, or
2 photograph that has been reproduced, altered, counterfeited,
3 forged, or duplicated is subject to 1 of the following:

4 (a) If the intent of the reproduction, alteration,
5 counterfeiting, forging, duplication, or use is to commit or aid
6 in the commission of an offense that is a felony punishable by
7 imprisonment for 10 or more years, the person committing the
8 reproduction, alteration, counterfeiting, forging, duplication,
9 or use is guilty of a felony, punishable by imprisonment for not
10 more than 10 years or a fine of not more than \$20,000.00, or
11 both.

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

21 (c) If the intent of the reproduction, alteration,
22 counterfeiting, forging, duplication, or use is to commit or aid
23 in the commission of an offense that is a misdemeanor punishable
24 by imprisonment for less than 6 months, the person committing the
25 reproduction, alteration, counterfeiting, forging, duplication,
26 or use is guilty of a misdemeanor punishable by imprisonment for
27 not more than 1 year or a fine of not more than \$2,000.00, or

1 both.

2 (11) ~~(8)~~—Except as provided in subsections ~~(11)~~—(14) and
3 ~~(16)~~ (19), a person who sells, or who possesses with the intent
4 to deliver to another, a reproduced, altered, counterfeited,
5 forged, or duplicated license photograph, negative of the
6 photograph, image, license, or electronic data contained on a
7 license or part of a license is guilty of a felony punishable by
8 imprisonment for not more than 5 years or a fine of not more than
9 \$10,000.00, or both.

10 (12) ~~(9)~~—Except as provided in subsections ~~(11)~~—(14) and
11 ~~(16)~~ (19), a person who is in possession of 2 or more reproduced,
12 altered, counterfeited, forged, or duplicated license
13 photographs, negatives of the photograph, images, licenses, or
14 electronic data contained on a license or part of a license is
15 guilty of a felony punishable by imprisonment for not more than 5
16 years or a fine of not more than \$10,000.00, or both.

17 (13) ~~(10)~~—Except as provided in subsection ~~(16)~~—(19), a
18 person who is in possession of a reproduced, altered,
19 counterfeited, forged, or duplicated license photograph, negative
20 of the photograph, image, license, or electronic data contained
21 on a license or part of a license is guilty of a misdemeanor
22 punishable by imprisonment for not more than 1 year or a fine of
23 not more than \$2,000.00, or both.

24 (14) ~~(11)~~—Subsections ~~(7) (a) and (b), (8), and (9)~~—(10) (A)
25 AND (B), (11), AND (12) do not apply to a minor whose intent is
26 to violate section 703 of the Michigan liquor control code of
27 1998, 1998 PA 58, MCL 436.1703.

1 (15) ~~(12)~~—The secretary of state, upon determining after an
 2 examination that an applicant is mentally and physically
 3 qualified to receive a license, may issue the applicant a
 4 temporary driver's permit. The temporary driver's permit entitles
 5 the applicant, while having the permit in his or her immediate
 6 possession, to drive a motor vehicle upon the highway for a
 7 period not exceeding 60 days before the secretary of state has
 8 issued the applicant an operator's or chauffeur's license. The
 9 secretary of state may establish a longer duration for the
 10 validity of a temporary driver's permit if necessary to
 11 accommodate the process of obtaining a background check that is
 12 required for an applicant by federal law.

13 (16) ~~(13)~~—An operator or chauffeur may indicate on the
 14 license in a place designated by the secretary of state his or
 15 her blood type, emergency contact information, immunization data,
 16 medication data, or a statement that the licensee is deaf. ~~, or,~~
 17 ~~until January 1, 2007, a statement that the licensee is an organ~~
 18 ~~and tissue donor and has made an anatomical gift under part 101~~
 19 ~~of the public health code, 1978 PA 368, MCL 333.10101 to~~
 20 ~~333.10109.~~

21 (17) ~~(14)~~—An operator or chauffeur may indicate on the
 22 license in a place designated by the secretary of state that he
 23 or she has designated a patient advocate in accordance with
 24 sections 5506 to ~~5513~~ **5515** of the estates and protected
 25 individuals code, 1998 PA 386, MCL 700.5506 to ~~700.5513~~ **700.5515**.

26 (18) ~~(15)~~—If the applicant provides proof to the secretary
 27 of state that he or she is a minor who has been emancipated under

1 1968 PA 293, MCL 722.1 to 722.6, the license shall bear the
2 designation of the individual's emancipated status in a manner
3 prescribed by the secretary of state.

4 (19) ~~(16)~~ Subsections ~~(8)~~, ~~(9)~~, and ~~(10)~~ **(11)**, **(12)**, AND
5 **(13)** do not apply to a person who is in possession of 1 or more
6 photocopies, reproductions, or duplications of a license to
7 document the identity of the licensee for a legitimate business
8 purpose.

9 (20) ~~(17)~~ The sticker or decal described in subsection
10 (2) (c) (vii) may be provided by any person, hospital, school,
11 medical group, or association interested in assisting in
12 implementing the emergency medical information card, but shall
13 meet the specifications of the secretary of state. The emergency
14 medical information card may contain the information described in
15 subsection (2) (c) (vi), information concerning the licensee's
16 patient advocate designation, other emergency medical
17 information, or an indication as to where the licensee has stored
18 or registered emergency medical information.

19 (21) ~~(18)~~ Beginning January 1, 2007, the **THE** secretary of
20 state shall inquire of each licensee, in person or by mail,
21 whether the licensee agrees to participate in the organ, tissue,
22 and eye donor registry under part 101 of the public health code,
23 1978 PA 368, MCL 333.10101 to 333.10109.

24 (22) ~~(19)~~ A licensee who has agreed to participate in the
25 organ, tissue, and eye donor registry under part 101 of the
26 public health code, 1978 PA 368, MCL 333.10101 to 333.10109,
27 shall not be considered to have revoked that agreement solely

1 because the licensee's license has been revoked or suspended or
2 has expired. Enrollment in the organ, tissue, and eye donor
3 registry constitutes a legal agreement that remains binding and
4 in effect after the donor's death regardless of the expressed
5 desires of the deceased donor's next of kin who may oppose the
6 donor's organ, tissue, or eye donation.

7 SEC. 310F. (1) BEFORE ISSUING AN OPERATOR'S LICENSE OR A
8 CHAUFFEUR'S LICENSE TO AN APPLICANT, THE SECRETARY OF STATE SHALL
9 REQUIRE AND THE APPLICANT SHALL PRODUCE DOCUMENTARY EVIDENCE AS
10 DETERMINED BY THE SECRETARY OF STATE SHOWING THAT THE APPLICANT
11 IS A RESIDENT OF THIS STATE AND THAT 1 OR MORE OF THE FOLLOWING
12 APPLY TO 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 AN APPROVED APPLICATION FOR ASYLUM IN
21 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 OR CHAUFFEUR'S LICENSE UNDER SECTION
7 307, BUT MAY ISSUE A LIMITED-TERM OPERATOR'S LICENSE OR
8 CHAUFFEUR'S LICENSE TO THE APPLICANT. A LIMITED-TERM OPERATOR'S
9 LICENSE OR CHAUFFEUR'S LICENSE ISSUED UNDER THIS SUBSECTION IS
10 VALID ONLY DURING THE PERIOD OF TIME THAT THE APPLICANT IS
11 AUTHORIZED TO STAY IN THE UNITED STATES OR, IF THERE IS NO
12 DEFINITE END TO THE PERIOD OF AUTHORIZED STAY, FOR 1 YEAR.

13 (3) A LIMITED-TERM OPERATOR'S LICENSE OR CHAUFFEUR'S LICENSE
14 ISSUED UNDER THIS SECTION SHALL INDICATE THAT IT IS VALID FOR A
15 LIMITED TERM AND SHALL STATE THE DATE ON WHICH IT EXPIRES.

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

22 (5) THE SECRETARY OF STATE SHALL USE ELECTRONIC SYSTEMS TO
23 VERIFY SOURCE DOCUMENTS, IDENTITY INFORMATION, AND LEGAL PRESENCE
24 IN THE UNITED STATES AS THOSE SYSTEMS BECOME AVAILABLE, AND
25 PRESCRIBE AND USE ANY OTHER METHODS TO VERIFY SOURCE DOCUMENTS,
26 IDENTITY INFORMATION, AND LEGAL PRESENCE IN THE UNITED STATES.
27 THE SECRETARY OF STATE SHALL NOT ACCEPT A FOREIGN DOCUMENT, OTHER

1 THAN AN OFFICIAL PASSPORT, TO SATISFY THE APPLICATION
2 REQUIREMENTS UNDER THIS CHAPTER.

3 (6) THE SECRETARY OF STATE SHALL USE TECHNOLOGY TO CAPTURE
4 DIGITAL IMAGES OF IDENTITY SOURCE DOCUMENTS SO THAT THE IMAGES
5 ARE CAPABLE OF BEING RETAINED IN ELECTRONIC STORAGE IN A
6 TRANSFERABLE FORMAT.

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

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

15 (9) THE SECRETARY OF STATE SHALL VERIFY WITH THE SOCIAL
16 SECURITY ADMINISTRATION A SOCIAL SECURITY ACCOUNT NUMBER
17 PRESENTED BY A PERSON USING THE FULL SOCIAL SECURITY ACCOUNT
18 NUMBER OR CONFIRM THE APPLICANT'S INELIGIBILITY FOR ISSUANCE OF A
19 SOCIAL SECURITY NUMBER.

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

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

27 (A) ENSURE THE PHYSICAL SECURITY OF LOCATIONS WHERE

1 OPERATOR'S LICENSES AND CHAUFFEUR'S LICENSES ARE PRODUCED AND THE
2 SECURITY OF DOCUMENT MATERIALS AND PAPERS FROM WHICH OPERATOR'S
3 LICENSES AND CHAUFFEUR'S LICENSES ARE PRODUCED.

4 (B) SUBJECT ALL PERSONS AUTHORIZED TO MANUFACTURE OR PRODUCE
5 OPERATOR'S LICENSES OR CHAUFFEUR'S LICENSES AND ALL PERSONS WHO
6 HAVE THE ABILITY TO AFFECT THE IDENTITY INFORMATION THAT APPEARS
7 ON OPERATOR'S LICENSES OR CHAUFFEUR'S LICENSES TO APPROPRIATE
8 SECURITY CLEARANCE REQUIREMENTS.

9 (C) ESTABLISH FRAUDULENT DOCUMENT RECOGNITION TRAINING
10 PROGRAMS FOR APPROPRIATE EMPLOYEES ENGAGED IN THE ISSUANCE OF
11 OPERATOR'S LICENSES AND CHAUFFEUR'S LICENSES.

12 (12) AN APPLICANT WHO SEEKS TO OBTAIN A RENEWAL, DUPLICATE,
13 OR REISSUED OPERATOR'S OR CHAUFFEUR'S LICENSE SHALL PERSONALLY
14 APPEAR AT A BRANCH OFFICE OF THE SECRETARY OF STATE IF ANY OF THE
15 FOLLOWING APPLY:

16 (A) THERE HAS BEEN A MATERIAL CHANGE IN THE APPLICANT'S
17 PERSONAL INFORMATION SINCE ISSUANCE OF THE MOST RECENTLY ISSUED
18 LICENSE. ALL MATERIAL CHANGES MUST BE ESTABLISHED THROUGH
19 PRESENTATION OF AN ORIGINAL SOURCE DOCUMENT AS PRESCRIBED BY THE
20 SECRETARY OF STATE. AS USED IN THIS SUBSECTION, "MATERIAL CHANGE"
21 MEANS ANY CHANGE TO THE PERSONAL INFORMATION OF THE APPLICANT. A
22 CHANGE OF ADDRESS OF PRINCIPAL RESIDENCE DOES NOT CONSTITUTE A
23 MATERIAL CHANGE.

24 (B) THE APPLICANT POSSESSES A LIMITED-TERM OPERATOR'S OR
25 CHAUFFEUR'S LICENSE.

26 (13) A PERSON BORN AFTER DECEMBER 1, 1964 SHALL OBTAIN AN
27 ORIGINAL OPERATOR'S OR CHAUFFEUR'S LICENSE ISSUED UNDER THE

1 AMENDATORY ACT THAT ADDED THIS SECTION ON OR BEFORE DECEMBER 1,
2 2014.

3 (14) A PERSON BORN ON OR BEFORE DECEMBER 1, 1964 SHALL
4 OBTAIN AN ORIGINAL OPERATOR'S OR CHAUFFEUR'S LICENSE ISSUED UNDER
5 THE AMENDATORY ACT THAT ADDED THIS SECTION ON OR BEFORE DECEMBER
6 1, 2017.

7 SEC. 310G. (1) THIS STATE SHALL ENTER INTO A MEMORANDUM OF
8 UNDERSTANDING WITH THE UNITED STATES SECRETARY OF HOMELAND
9 SECURITY TO ROUTINELY UTILIZE THE AUTOMATED SYSTEM KNOWN AS
10 SYSTEMATIC ALIEN VERIFICATION FOR ENTITLEMENTS, AS PROVIDED BY
11 SECTION 404 OF THE ILLEGAL IMMIGRATION REFORM AND IMMIGRANT
12 RESPONSIBILITY ACT OF 1996, 110 STAT. 3009-664, TO VERIFY THE
13 LEGAL PRESENCE STATUS OF A PERSON, OTHER THAN A UNITED STATES
14 CITIZEN, APPLYING FOR AN OPERATOR'S LICENSE OR CHAUFFEUR'S
15 LICENSE.

16 (2) THIS STATE MAY ENTER INTO AND PARTICIPATE IN THE
17 INTERSTATE COMPACT KNOWN AS THE "DRIVER LICENSE AGREEMENT".

18 Sec. 312a. (1) A person, before operating a motorcycle upon
19 a public street or highway in this state, shall procure a
20 motorcycle indorsement on the operator's or chauffeur's license.
21 The license shall be issued, suspended, revoked, canceled, or
22 renewed in accordance with and governed by this act.

23 ~~—— (2) A person, before operating a moped upon a highway shall~~
24 ~~procure a special restricted license to operate a moped unless~~
25 ~~the person has a valid operator's or chauffeur's license. A~~
26 ~~special restricted license to operate a moped may be issued to a~~
27 ~~person 15 years of age or older if the person satisfies the~~

~~secretary of state that he is competent to operate a moped with safety. The secretary of state shall not require a road test before issuance of a special restricted license to operate a moped.~~

~~—— (3) A special restricted license to operate a moped shall expire on the birthday of the person to whom it is issued in the fourth year following the date of issuance. A license shall not be issued for a period longer than 4 years. A person issued a license to operate a moped shall pay \$7.50 for an original license and \$6.00 for a renewal license. The money received and collected under this subsection shall be deposited in the state treasury to the credit of the general fund. The secretary of state shall refund out of the fees collected to each county or municipality, acting as an examining officer, \$2.50 for each applicant examined for an original license and \$1.00 for a renewal license.~~

(2) A PERSON WHO IS NOT LESS THAN 15 YEARS OF AGE MAY OPERATE A MOPED IF THE PERSON PROVIDES ANY OF THE FOLLOWING:

(A) A VALID OPERATOR'S LICENSE.

(B) A VALID CHAUFFEUR'S LICENSE.

(C) A VALID LEVEL 1 GRADUATED DRIVER LICENSE.

(D) VALID PROOF THAT THE PERSON HAS SUCCESSFULLY COMPLETED A MOPED TRAINING CLASS APPROVED BY THE SECRETARY OF STATE.

Sec. 314. (1) Except as otherwise provided in this section **CHAPTER**, operator's licenses and chauffeur's licenses expire on the birthday of the person to whom the license is issued in the fourth year following the date of the issuance of the license

1 unless suspended or revoked before that date. A license shall not
2 be issued for a period longer than 4 years. A person holding a
3 license at any time 12 months before the expiration of his or her
4 license may apply for a new license as provided for in this
5 chapter. A knowledge test for an original group designation or
6 indorsement may be taken at any time during this period and the
7 results are valid for 12 months. A license renewed under this
8 subsection shall be renewed for the time remaining on the license
9 before its renewal combined with the 4-year renewal period.

10 (2) The first operator's license issued to a person who at
11 the time of application is less than 20-1/2 years of age expires
12 on the licensee's twenty-first birthday unless suspended or
13 revoked.

14 (3) The first chauffeur's license issued to a person expires
15 on the licensee's birthday in the fourth year following the date
16 of issuance unless the license is suspended or revoked before
17 that date. The chauffeur's license of a person who at the time of
18 application is less than 20-1/2 years of age expires on the
19 licensee's twenty-first birthday unless suspended or revoked. A
20 subsequent chauffeur's license expires on the birthday of the
21 person to whom the license is issued in the fourth year following
22 the date of issuance of the license unless the license is
23 suspended or revoked before that date.

24 (4) A person may apply for an extension of his or her
25 driving privileges if he or she is out of state on the date that
26 his or her operator's or chauffeur's license expires. The
27 extension may extend the license for 180 days beyond the

1 expiration date or not more than 2 weeks after the applicant
2 returns to Michigan, whichever occurs first.

3 (5) Except for an operator's or chauffeur's license with a
4 hazardous material indorsement, the secretary of state may issue
5 a renewal operator's or chauffeur's license to a person who will
6 be out of state for more than 180 days beyond the expiration date
7 of his or her operator's or chauffeur's license, if the secretary
8 of state has a digital image of the person on file. The applicant
9 for this renewal shall submit a statement evidencing a vision
10 examination in accordance with the rules promulgated by the
11 secretary of state under section 309 and any other statement
12 required by this act or federal law. A person is not eligible for
13 consecutive renewals of a license under this subsection.

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

18 Sec. 321b. Any policeman, law enforcing agent, or judicial
19 officer who is informed by an official communication from the
20 secretary of state that the secretary of state has suspended or
21 revoked an operator's ~~, moped,~~ **LICENSE** or chauffeur's license
22 under ~~the provisions of this act~~ ~~, shall~~ obtain and destroy the
23 suspended or revoked license.

24 Sec. 810b. (1) The transportation administration collection
25 fund is created within the state treasury.

26 (2) The state treasurer may receive money from the
27 collections authorized under this act for deposit into the fund.

1 The state treasurer shall direct the investment of the fund. The
2 state treasurer shall credit to the fund interest and earnings
3 from fund investments.

4 (3) Money in the fund at the close of the fiscal year shall
5 not lapse into the Michigan transportation fund.

6 (4) Except as provided in subsection (6), upon
7 appropriation, the department of state shall expend money from
8 the fund that is credited to the fund from revenue collected
9 under sections 801 to 810 only to pay the necessary collection
10 expenses incurred by the department of state in the
11 administration and enforcement of sections 801 to 810.

12 (5) The department of treasury shall expend money in the
13 fund, upon appropriation, only to defray the costs of collecting
14 motor fuel taxes.

15 (6) The department of state shall expend money as
16 appropriated from the fund that is credited to the fund on or
17 after October 1, 2005 under each of the following sections of law
18 to pay either the necessary collection of expenses incurred by
19 the department of state in the administration and enforcement of
20 sections 801 to 810 or other necessary expenses:

21 (a) Sections 208b, ~~and 232,~~ **811, AND 812.**

22 (b) ~~Section~~ **SECTIONS 2 AND 7** of 1972 PA 222, MCL **28.292 AND**
23 **28.297.**

24 (c) Sections 80130, 80315, 81114, and 82156 of the natural
25 resources and environmental protection act, 1949 PA 451, MCL
26 324.80130, 324.80315, 324.81114, and 324.82156.

27 Sec. 811. (1) An application for an original operator's or

1 an original or renewal chauffeur's license as provided in
 2 sections 307 and 312 and an application for an original minor's
 3 restricted license as provided in section 312 shall be
 4 accompanied by the following fees:

5 Operator's license.....~~\$ 25.00~~ **NOT MORE THAN \$35.00**
 6 Chauffeur's license..... ~~35.00~~ **NOT MORE THAN \$45.00**
 7 Minor's restricted license..... ~~25.00~~ **NOT MORE THAN \$35.00**

8 The renewal fee for an operator's license renewed under this
 9 section ~~is \$18.00~~ **SHALL NOT BE MORE THAN \$30.00**. However, if an
 10 operator's license is expired at the time of the renewal, the fee
 11 is the same as the original fee, except as provided in subsection
 12 (4). The date of an application for a renewal of an operator's
 13 license under this section that is delivered to the secretary of
 14 state by regular mail is the postmark date in determining the fee
 15 to be assessed.

16 (2) ~~The~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE**
 17 secretary of state shall deposit the money received and collected
 18 under subsection (1) in the state treasury to the credit of the
 19 general fund. The secretary of state shall refund out of the fees
 20 collected to each county or municipality acting as an examining
 21 officer or examining bureau \$2.50 for each applicant examined for
 22 an original license, \$1.00 for each applicant examined for an
 23 original chauffeur's license, and \$1.00 for every other applicant
 24 examined, if the application is not denied and the money refunded
 25 is paid to the county or local treasurer and is appropriated to
 26 the county, municipality, or officer or bureau receiving the

1 money for the purpose of carrying out this act. The state
2 treasurer shall deposit the sum of \$4.00 in the traffic law
3 enforcement and safety fund created in section 819a for each
4 person examined for an original license, a renewal operator's
5 license, an original chauffeur's license, or a renewal
6 chauffeur's license. ~~, except that the sum deposited for each 2-~~
7 ~~year operator's or 2 year chauffeur's license shall be \$2.00.~~

8 (3) Notwithstanding sections 306 and 308, an operator's
9 license shall not be issued to a person under 18 years of age
10 unless that person successfully passes a driver education course
11 and examination given by a school licensed under the driver
12 education and training schools act, 1974 PA 369, MCL 256.601 to
13 256.612. A person who has been a holder of a motor vehicle
14 operator's license issued by any other state, territory, or
15 possession of the United States, or any other sovereignty for 1
16 year immediately before application for an operator's license
17 under this act is not required to comply with this subsection.
18 Restricted licenses may be issued pursuant to section 312 without
19 compliance with this subsection.

20 (4) A person who is on active military service at the time
21 his or her operator's license expires shall be charged the
22 renewal rate for renewing his or her operator's license under
23 this section if all of the following apply:

24 (a) He or she applies for renewal within 30 days of
25 returning to this state from active duty.

26 (b) He or she held a valid, unexpired operator's license
27 from this state immediately prior to leaving this state for

1 active military service.

2 (c) He or she presents such documentation as the secretary
3 of state requires to establish eligibility under this subsection.

4 (5) THE REVENUE FROM THE INCREASE IN FEES UNDER THIS SECTION
5 THAT IS AUTHORIZED BY THE AMENDATORY ACT THAT ADDED THIS
6 SUBSECTION SHALL BE DEPOSITED TO THE TRANSPORTATION
7 ADMINISTRATION COLLECTION FUND ESTABLISHED IN SECTION 810B TO BE
8 USED BY THE SECRETARY OF STATE TO PAY THE NECESSARY EXPENSES
9 INCURRED BY THE SECRETARY OF STATE IN THE ADMINISTRATION AND
10 ENFORCEMENT OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.

11 Sec. 812. (1) Except as otherwise provided in subsection
12 (2), for each duplicate license as provided in section 313, and
13 for each correction of a license, a person may apply for renewal
14 of the license and pay the renewal fee prescribed in this act or
15 the person may, at his or her option and upon payment of the fee
16 prescribed in this section, apply for a duplicate license which
17 expires on the same date as the license which was lost,
18 destroyed, mutilated, or became illegible. The secretary of state
19 may check the applicant's driving record through the national
20 driver register and the commercial driver license information
21 system before issuing a license under this section. The fee for a
22 duplicate chauffeur's license is ~~\$18.00~~ **NOT MORE THAN \$25.00**. The
23 fee for a duplicate operator's license is ~~\$9.00~~ **NOT MORE THAN**
24 **\$15.00**. A renewal fee shall not be charged for a change of
25 address, a correction required to correct a department error, or,
26 beginning January 1, 2007, to add or remove a heart insignia
27 described in section 310.

1 (2) Except with regard to a person who is less than 21 years
2 of age or a person with a license containing a hazardous material
3 indorsement, for each duplicate license as provided in section
4 313, and for each correction of a license, a person shall apply
5 for renewal of the license and pay the renewal fee prescribed in
6 this act if the license was due to expire within the next 12
7 months. Except as otherwise provided in this act, a license
8 renewed under this subsection shall be renewed for the combined
9 period of the time remaining on the license before its renewal
10 and the 4-year renewal period.

11 **(3) THE REVENUE FROM THE INCREASE IN FEES UNDER THIS SECTION**
12 **THAT IS AUTHORIZED BY THE AMENDATORY ACT THAT ADDED THIS**
13 **SUBSECTION SHALL BE DEPOSITED TO THE TRANSPORTATION**
14 **ADMINISTRATION COLLECTION FUND ESTABLISHED IN SECTION 810B TO BE**
15 **USED BY THE SECRETARY OF STATE TO PAY THE NECESSARY EXPENSES**
16 **INCURRED BY THE SECRETARY OF STATE IN THE ADMINISTRATION AND**
17 **ENFORCEMENT OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.**

18 Enacting section 1. (1) Except as provided in subsection
19 (2), this amendatory act takes effect January 1, 2009.

20 (2) Sections 51a and 307 of the Michigan vehicle code, 1949
21 PA 300, MCL 257.51a and 257.307, as amended by this amendatory
22 act, take effect on the date this amendatory act is enacted into
23 law.

24 Enacting section 2. This amendatory act does not take effect
25 unless all of the following bills of the 94th Legislature are
26 enacted into law:

27 (a) Senate Bill No. 963.

1 (b) Senate Bill No. 1075.