

HOUSE BILL No. 4637

April 24, 2007, Introduced by Rep. Sheltroun and referred to the Committee on Tourism,
Outdoor Recreation and Natural Resources.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 307 (MCL 257.307), as amended by 2006 PA 298.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

7 (a) The applicant's full name, date of birth, residence
8 address, height, sex, eye color, signature, and, beginning
9 January 1, 2007, intent to be an organ donor, other information

1 required or permitted on the license under this chapter, and, to
2 the extent required to comply with federal law, the applicant's
3 social security number. The applicant may provide a mailing
4 address if the applicant receives mail at an address different
5 from his or her residence address.

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

12 "NOTICE: Michigan law requires that the same address
13 be used for voter registration and driver license
14 purposes. Therefore, if the residence address
15 you provide in this application differs from your
16 voter registration address as it appears on the
17 qualified voter file, the secretary of state
18 will automatically change your voter registration
19 to match the residence address on this application,
20 after which your voter registration at your former
21 address will no longer be valid for voting purposes.
22 A new voter registration card, containing the
23 information of your polling place, will be provided
24 to you by the clerk of the jurisdiction where your
25 residence address is located.".

26 (c) For an original or renewal operator's or chauffeur's
27 license with a vehicle group designation or indorsement, the

1 names of all states where the applicant has been licensed to
2 drive any type of motor vehicle during the previous 10 years.

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

6 (i) The applicant meets the applicable federal driver
7 qualification requirements under 49 CFR part 391 if the applicant
8 operates or intends to operate in interstate commerce or meets
9 the applicable qualifications of the department of state police
10 under the motor carrier safety act of 1963, 1963 PA 181, MCL
11 480.11 to 480.25, if the applicant operates or intends to operate
12 in intrastate commerce.

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

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

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

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

26 (2) Except as provided in this subsection, an applicant for
27 an operator's or chauffeur's license may have his or her image

1 and signature captured or reproduced when the application for the
2 license is made. An applicant required under section 5a of the
3 sex offenders registration act, 1994 PA 295, MCL 28.725a, to
4 maintain a valid operator's or chauffeur's license or official
5 state personal identification card shall have his or her image
6 and signature captured or reproduced when the application for the
7 license is made. The secretary of state shall acquire by purchase
8 or lease the equipment for capturing the images and signatures
9 and may furnish the equipment to a local unit authorized by the
10 secretary of state to license drivers. The secretary of state
11 shall acquire equipment purchased or leased pursuant to this
12 section under standard purchasing procedures of the department of
13 management and budget based on standards and specifications
14 established by the secretary of state. The secretary of state
15 shall not purchase or lease equipment until an appropriation for
16 the equipment has been made by the legislature. An image and
17 signature captured pursuant to this section shall appear on the
18 applicant's operator's or chauffeur's license. Except as provided
19 in this subsection, the secretary of state may retain and use a
20 person's image and signature described in this subsection only
21 for programs administered by the secretary of state. Except as
22 provided in this subsection, the secretary of state shall not use
23 a person's image or signature, or both, unless the person grants
24 written permission for that purpose to the secretary of state or
25 specific enabling legislation permitting the use is enacted into
26 law. A law enforcement agency of this state has access to
27 information retained by the secretary of state under this

1 subsection. The information may be utilized for any law
2 enforcement purpose unless otherwise prohibited by law. The
3 department of state police shall provide to the secretary of
4 state updated lists of persons required to be registered under
5 the sex offenders registration act, 1994 PA 295, MCL 28.721 to
6 28.736, and the secretary of state shall make the images of those
7 persons available to the department of state police as provided
8 in that act.

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

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

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

22 (i) Information explaining the applicant's right to make an
23 anatomical gift in the event of death in accordance with section
24 310.

25 (ii) Information describing the organ, tissue, and eye donor
26 registry program. The information required under this
27 subparagraph includes the address and telephone number of

Michigan's federally designated organ procurement organization or its successor organization.

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

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

(c) Inform the applicant that, if he or she indicates to the secretary of state under this section a willingness to have his or her name placed on the registry described in subdivision (a)(ii), the secretary of state will mark the applicant's record for the registry.

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

(E) PROVIDE THE APPLICANT WITH THE OPPORTUNITY TO HAVE A DESIGNATION AS DETERMINED BY THE SECRETARY OF STATE ON THE APPLICANT'S OPERATOR'S OR CHAUFFEUR'S LICENSE INDICATING THAT THE APPLICANT HAS BEEN ISSUED A BOATING SAFETY CERTIFICATE UNDER SECTION 80212 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.80212, IF THE APPLICANT PROVIDES THE SECRETARY OF STATE WITH A COPY OF THAT CERTIFICATE.

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

1 (a) Providing printed material enclosed with a mailed notice
2 for an operator's or chauffeur's license renewal or the issuance
3 of an operator's or chauffeur's license.

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

6 (c) Through electronic information transmittals for
7 operator's and chauffeur's licenses processed by electronic
8 means.

9 (6) Until January 1, 2007, if an applicant indicates a
10 willingness under this section to have his or her name placed on
11 the organ donor registry described in subsection (4)(a)(ii), the
12 secretary of state shall within 10 days forward the applicant's
13 name, and address, and date of birth to the organ donor registry
14 maintained by Michigan's federally designated organ procurement
15 organization or its successor organization. The secretary of
16 state may forward information under this subsection by mail or by
17 electronic means. The secretary of state shall not maintain a
18 record of the name or address of an individual who indicates a
19 willingness to have his or her name placed on the organ donor
20 registry after forwarding that information to the organ donor
21 registry under this subsection. Information about an applicant's
22 indication of a willingness to have his or her name placed on the
23 organ donor registry that is obtained by the secretary of state
24 under subsection (4) and forwarded under this subsection is
25 exempt from disclosure under section 13(1)(d) of the freedom of
26 information act, 1976 PA 442, MCL 15.243. Beginning January 1,
27 2007, the secretary of state shall maintain a record of an

1 individual who indicates a willingness to have his or her name
2 placed on the registry described in subsection (4)(a)(ii).
3 Information about an applicant's indication of a willingness to
4 have his or her name placed on the registry that is obtained by
5 the secretary of state under subsection (4) and forwarded under
6 subsection (14) is exempt from disclosure under section 13(1)(d)
7 of the freedom of information act, 1976 PA 442, MCL 15.243.

8 (7) If an application is received from a person previously
9 licensed in another jurisdiction, the secretary of state shall
10 request a copy of the applicant's driving record and other
11 available information from the national driver register. When
12 received, the driving record and other available information
13 become a part of the driver's record in this state.

14 (8) If an application is received for an original, renewal,
15 or upgrade of a vehicle group designation or indorsement, the
16 secretary of state shall request the person's complete driving
17 record from all states where the applicant was previously
18 licensed to drive any type of motor vehicle over the last 10
19 years before issuing a vehicle group designation or indorsement
20 to the applicant. If the applicant does not hold a valid
21 commercial motor vehicle driver license from a state where he or
22 she was licensed in the last 10 years, this complete driving
23 record request must be made not earlier than 24 hours before the
24 secretary of state issues the applicant a vehicle group
25 designation or indorsement. For all other drivers, this request
26 must be made not earlier than 10 days before the secretary of
27 state issues the applicant a vehicle group designation or

1 indorsement. The secretary of state shall also check the
2 applicant's driving record with the national driver register and
3 the federal commercial driver license information system before
4 issuing that group designation or indorsement. If the application
5 is for the renewal of a vehicle group designation or indorsement,
6 and if the secretary of state enters on the person's historical
7 driving record maintained under section 204a a notation that the
8 request was made and the date of the request, the secretary of
9 state is required to request the applicant's complete driving
10 record from other states only once under this section.

11 (9) Except for a vehicle group designation or indorsement or
12 as provided in this subsection or section 314(5), the secretary
13 of state may issue a renewal operator's or chauffeur's license
14 for 1 additional 4-year period by mail or by other methods
15 prescribed by the secretary of state. The secretary of state may
16 check the applicant's driving record through the national driver
17 register and the commercial driver license information system
18 before issuing a license under this section. The secretary of
19 state shall issue a renewal license only in person if the person
20 is a person required under section 5a of the sex offenders
21 registration act, 1994 PA 295, MCL 28.725a, to maintain a valid
22 operator's or chauffeur's license or official state personal
23 identification card. If a license is renewed by mail or by other
24 method, the secretary of state shall issue evidence of renewal to
25 indicate the date the license expires in the future. The
26 department of state police shall provide to the secretary of
27 state updated lists of persons required under section 5a of the

1 sex offenders registration act, 1994 PA 295, MCL 28.725a, to
2 maintain a valid operator's or chauffeur's license or official
3 state personal identification card.

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

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

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

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

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

20 (d) With the department of community health, for comparison
21 with vital records maintained by the department of community
22 health under part 28 of the public health code, 1978 PA 368, MCL
23 333.2801 to 333.2899.

24 (e) As otherwise required by law.

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

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

8 (14) Beginning January 1, 2007, the secretary of state shall
9 maintain the organ, tissue, and eye donor registry in a manner
10 that provides electronic access, including, but not limited to,
11 transfer of data to this state's federally designated organ
12 procurement organizations, their successor organizations, and
13 tissue and eye banks with limitations on the use of and access to
14 the donor registry as determined by the secretary of state.