

SENATE BILL No. 1434

June 27, 2008, Introduced by Senators SCOTT, BRATER, CLARKE, CLARK-COLEMAN, HUNTER and THOMAS and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 307 (MCL 257.307), as amended by 2008 PA 36.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 307. (1) If an applicant for an operator's license or
2 chauffeur's license is a citizen of the United States, the
3 applicant shall supply a photographic identity document, a birth
4 certificate, or other sufficient documents as the secretary of
5 state may require to verify the identity and citizenship of the
6 applicant. If an applicant for an operator's or chauffeur's
7 license is not a citizen of the United States, the applicant
8 shall supply a photographic identity document and other
9 sufficient documents to verify the identity of the applicant and

1 the applicant's legal presence in the United States under
2 subdivision (b). The documents required under this subsection
3 shall include the applicant's full legal name, date of birth, and
4 address and residency and demonstrate that the applicant is a
5 citizen of the United States or is legally present in the United
6 States. If the applicant's full legal name differs from the name
7 of the applicant that appears on a document presented under this
8 subsection, the applicant shall present documents to verify his
9 or her current full legal name. An application for an operator's
10 or chauffeur's license shall be made in a manner prescribed by
11 the secretary of state and shall contain all of the following:

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

20 (b) If the applicant is not a citizen of the United States,
21 the applicant shall provide documents demonstrating his or her
22 legal presence in the United States. A person legally present in
23 the United States includes, but is not limited to, a person
24 authorized by the United States government for employment in the
25 United States, a person with nonimmigrant status authorized under
26 federal law, and a person who is the beneficiary of an approved
27 immigrant visa petition or an approved labor certification. The

1 secretary of state shall adopt rules under the administrative
2 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, as are
3 necessary for the administration of this subdivision. A
4 determination by the secretary of state that an applicant is not
5 legally present in the United States may be appealed under
6 section 631 of the revised judicature act of 1961, 1961 PA 236,
7 MCL 600.631.

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

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

28 (d) For an original or renewal operator's or chauffeur's

1 license with a vehicle group designation or indorsement, the
2 names of all states where the applicant has been licensed to
3 drive any type of motor vehicle during the previous 10 years.

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

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

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

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

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

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

27 (2) An applicant for an operator's or chauffeur's license

1 may have his or her image and signature captured or reproduced
2 when the application for the license is made. The secretary of
3 state shall acquire equipment purchased or leased under this
4 section under standard purchasing procedures of the department of
5 management and budget based on standards and specifications
6 established by the secretary of state. The secretary of state
7 shall not purchase or lease equipment until an appropriation for
8 the equipment has been made by the legislature. A digital
9 photographic image and signature captured under this section
10 shall appear on the applicant's operator's license or chauffeur's
11 license. A person's digital photographic image shall be used as
12 follows:

13 (a) By a federal, state, or local governmental agency for a
14 law enforcement purpose authorized by law.

15 (b) By the secretary of state for a use specifically
16 authorized by law.

17 (c) By the secretary of state for forwarding to the
18 department of state police the images to persons required to be
19 registered under the sex offenders registration act, 1994 PA 295,
20 MCL 28.721 to 28.736, upon the department of state police
21 providing the secretary of state an updated list of the names of
22 those persons.

23 (d) As necessary to comply with a law of this state or of
24 the United States.

25 (3) An application shall contain a signature or verification
26 and certification by the applicant, as determined by the
27 secretary of state, and, **EXCEPT AS OTHERWISE PROVIDED IN THIS**

SUBSECTION, shall be accompanied by the proper fee. THE SECRETARY OF STATE SHALL NOT CHARGE A FEE IF THE PERSON IS INDIGENT. THE SECRETARY OF STATE MAY REQUIRE PROOF OF INDIGENCE. AS USED IN THIS SUBSECTION, "INDIGENT" MEANS THE INDIVIDUAL'S INCOME IS NOT GREATER THAN 125% OF THE OFFICIAL POVERTY LINE ESTABLISHED IN THE POVERTY GUIDELINES ISSUED BY THE SECRETARY OF HEALTH AND HUMAN SERVICES UNDER AUTHORITY OF SECTION 673(2) OF THE COMMUNITY SERVICES BLOCK GRANT ACT, SUBTITLE B OF TITLE VI OF THE OMNIBUS BUDGET RECONCILIATION ACT OF 1981, PUBLIC LAW 97-35, 42 USC 9902.

The secretary of state shall collect the application fee with the application. The secretary of state shall refund the application fee to the applicant if the license applied for is denied, but shall not refund the fee to an applicant who fails to complete the examination requirements of the secretary of state within 90 days after the date of application for a license.

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

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

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

(ii) Information describing the anatomical gift donor registry program under part 101 of the public health code, 1978 PA 368, MCL 333.10101 to 333.10123. The information required under this subparagraph includes the address and telephone number of Michigan's federally designated organ procurement organization

1 or its successor organization as defined in section 10102 of the
2 public health code, 1978 PA 368, MCL 333.10102.

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

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

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

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

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

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

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

26 (c) Through electronic information transmittals for
27 operator's and chauffeur's licenses processed by electronic

1 means.

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

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

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

1 designation or indorsement. For all other drivers, this request
2 must be made not earlier than 10 days before the secretary of
3 state issues the applicant a vehicle group designation or
4 indorsement. The secretary of state shall also check the
5 applicant's driving record with the national driver register and
6 the federal commercial driver license information system before
7 issuing that group designation or indorsement. If the application
8 is for the renewal of a vehicle group designation or indorsement,
9 and if the secretary of state enters on the person's historical
10 driving record maintained under section 204a a notation that the
11 request was made and the date of the request, the secretary of
12 state is required to request the applicant's complete driving
13 record from other states only once under this section.

14 (9) Except for a vehicle group designation or indorsement or
15 as provided in this subsection or section 314(5), the secretary
16 of state may issue a renewal operator's or chauffeur's license
17 for 1 additional 4-year period or until the person is no longer
18 determined to be legally present under section 307 by mail or by
19 other methods prescribed by the secretary of state. The secretary
20 of state may check the applicant's driving record through the
21 national driver register and the commercial driver license
22 information system before issuing a license under this section.
23 The secretary of state shall issue a renewal license only in
24 person if the person is a person required under section 5a of the
25 sex offenders registration act, 1994 PA 295, MCL 28.725a, to
26 maintain a valid operator's or chauffeur's license or official
27 state personal identification card. If a license is renewed by

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

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

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

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

17 (b) To carry out the purposes of section 466(a) of the
18 social security act, 42 USC 666, in connection with matters
19 relating to paternity, child support, or overdue child support.

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

23 (d) With the department of community health, for comparison
24 with vital records maintained by the department of community
25 health under part 28 of the public health code, 1978 PA 368, MCL
26 333.2801 to 333.2899.

27 (e) As otherwise required by law.

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

4 (13) A requirement under this section to include a social
5 security number on an application does not apply to an applicant
6 who demonstrates he or she is exempt under law from obtaining a
7 social security number.

8 (14) As required in section 10120 of the public health code,
9 1978 PA 368, MCL 333.10120, the secretary of state shall maintain
10 the donor registry in a manner that provides electronic access,
11 including, but not limited to, the transfer of data to this
12 state's federally designated organ procurement organization or
13 its successor organization, tissue banks, and eye banks, in a
14 manner that complies with that section.

15 (15) The secretary of state, with the approval of the state
16 administrative board created under 1921 PA 2, MCL 17.1 to 17.3,
17 may enter into agreements with the United States government to
18 verify whether an applicant for an operator's license or a
19 chauffeur's license under this section who is not a citizen of
20 the United States is authorized under federal law to be present
21 in the United States.

22 (16) The secretary of state shall not issue an operator's
23 license or a chauffeur's license to a person holding an
24 operator's license or chauffeur's license issued by another state
25 without confirmation that the person is terminating or has
26 terminated the operator's license or chauffeur's license issued
27 by the other state.

1 (17) The secretary of state shall do all of the following:

2 (a) Ensure the physical security of locations where
3 operator's licenses and chauffeur's licenses are produced and the
4 security of document materials and papers from which operator's
5 licenses and chauffeur's licenses are produced.

6 (b) Subject all persons authorized to manufacture or produce
7 operator's licenses or chauffeur's licenses and all persons who
8 have the ability to affect the identity information that appears
9 on operator's licenses or chauffeur's licenses to appropriate
10 security clearance requirements. The security requirements of
11 this subdivision and subdivision (a) may require that licenses be
12 manufactured or produced in this state.

13 (c) Provide fraudulent document recognition programs to
14 department of state employees engaged in the issuance of
15 operator's licenses and chauffeur's licenses.