

HOUSE BILL No. 5546

May 6, 2014, Introduced by Rep. Knezek and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 310 (MCL 257.310), as amended by 2013 PA 27.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 310. (1) The secretary of state shall issue an operator's
2 license to each person licensed as an operator and a chauffeur's
3 license to each person licensed as a chauffeur. An applicant for a
4 motorcycle indorsement under section 312a or a vehicle group
5 designation or indorsement shall first qualify for an operator's or
6 chauffeur's license before the indorsement or vehicle group
7 designation application is accepted and processed. An original
8 license or the first renewal of an existing license issued to a
9 person less than 21 years of age shall be portrait or vertical in
10 form and a license issued to a person 21 years of age or over shall

1 be landscape or horizontal in form.

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

4 (a) The distinguishing number permanently assigned to the
5 licensee.

6 (b) The full legal name, date of birth, address of residence,
7 height, eye color, sex, digital photographic image, expiration
8 date, and signature of the licensee.

9 (c) In the case of a licensee who has indicated his or her
10 wish to participate in the anatomical gift donor registry under
11 part 101 of the public health code, 1978 PA 368, MCL 333.10101 to
12 333.10123, a heart insignia on the front of the license.

13 (d) Physical security features designed to prevent tampering,
14 counterfeiting, or duplication of the license for fraudulent
15 purposes.

16 (e) If requested by an individual who is a veteran of the
17 armed forces of this state, another state, or the United States,
18 other than an individual who was dishonorably discharged from the
19 armed forces of this state, another state, or the United States, a
20 designation that the individual is a veteran. The designation shall
21 be in a style and format considered appropriate by the secretary of
22 state. The secretary of state shall require proof of discharge or
23 separation of service from the armed forces of this state, another
24 state, or the United States, and the nature of that discharge, for
25 the purposes of verifying an individual's status as a veteran under
26 this subdivision. The secretary of state shall consult with the
27 department of military and veterans affairs in determining the

1 proof that shall be required to identify an individual's status as
2 a veteran for the purposes of this subsection. The secretary of
3 state may provide the department of military and veterans affairs
4 and agencies of the counties of this state that provide veteran
5 services with information provided by an applicant under this
6 subsection for the purpose of veterans' benefits eligibility
7 referral.

8 (F) IF REQUESTED BY AN INDIVIDUAL WHO IS A VETERAN OF THE
9 ARMED FORCES OF THIS STATE, ANOTHER STATE, OR THE UNITED STATES,
10 OTHER THAN AN INDIVIDUAL WHO WAS DISHONORABLY DISCHARGED FROM THE
11 ARMED FORCES OF THIS STATE, ANOTHER STATE, OR THE UNITED STATES, A
12 DESIGNATION THAT THE INDIVIDUAL HAS EMBEDDED METAL IN HIS OR HER
13 BODY FROM AN INJURY HE OR SHE RECEIVED WHILE ON ACTIVE DUTY WITH
14 THE ARMED FORCES OF THIS STATE, ANOTHER STATE, OR THE UNITED
15 STATES. THE DESIGNATION SHALL BE IN A STYLE AND FORMAT CONSIDERED
16 APPROPRIATE BY THE SECRETARY OF STATE. THE SECRETARY OF STATE SHALL
17 REQUIRE PROOF THAT THE INDIVIDUAL HAS EMBEDDED METAL IN HIS OR HER
18 BODY FROM AN INJURY HE OR SHE RECEIVED WHILE ON ACTIVE DUTY WITH
19 THE ARMED FORCES OF THIS STATE, ANOTHER STATE, OR THE UNITED
20 STATES. THE SECRETARY OF STATE SHALL CONSULT WITH THE DEPARTMENT OF
21 MILITARY AND VETERANS AFFAIRS IN DETERMINING THE PROOF THAT SHALL
22 BE REQUIRED TO IDENTIFY AN INDIVIDUAL AS HAVING EMBEDDED METAL IN
23 HIS OR HER BODY FROM AN INJURY HE OR SHE RECEIVED WHILE ON ACTIVE
24 DUTY WITH THE ARMED FORCES OF THIS STATE, ANOTHER STATE, OR THE
25 UNITED STATES.

26 (3) Except as otherwise required under this chapter, other
27 information required on the license pursuant to this chapter may

1 appear on the license in a form prescribed by the secretary of
2 state.

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

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

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

21 (7) Except as provided in subsection (11), a person who
22 intentionally reproduces, alters, counterfeits, forges, or
23 duplicates a license photograph, the negative of the photograph,
24 image, license, or electronic data contained on a license or a part
25 of a license or who uses a license, image, or photograph that has
26 been reproduced, altered, counterfeited, forged, or duplicated is
27 subject to 1 of the following:

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

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

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

23 (8) Except as provided in subsections (11) and (16), a person
24 who sells, or who possesses with the intent to deliver to another,
25 a reproduced, altered, counterfeited, forged, or duplicated license
26 photograph, negative of the photograph, image, license, or
27 electronic data contained on a license or part of a license is

1 guilty of a felony punishable by imprisonment for not more than 5
2 years or a fine of not more than \$10,000.00, or both.

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

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

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

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

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

4 (13) An operator or chauffeur may indicate on the license in a
5 place designated by the secretary of state his or her blood type,
6 emergency contact information, immunization data, medication data,
7 or a statement that the licensee is deaf. The secretary of state
8 shall not require an applicant for an original or renewal
9 operator's or chauffeur's license to provide emergency contact
10 information as a condition of obtaining a license. However, the
11 secretary of state may inquire whether an operator or chauffeur
12 would like to provide emergency contact information. Emergency
13 contact information obtained under this subsection shall be
14 disclosed only to a state or federal law enforcement agency for law
15 enforcement purposes or to the extent necessary for a medical
16 emergency.

17 (14) An operator or chauffeur may indicate on the license in a
18 place designated by the secretary of state that he or she has
19 designated a patient advocate in accordance with sections 5506 to
20 5515 of the estates and protected individuals code, 1998 PA 386,
21 MCL 700.5506 to 700.5515.

22 (15) If the applicant provides proof to the secretary of state
23 that he or she is a minor who has been emancipated under 1968 PA
24 293, MCL 722.1 to 722.6, the license shall bear the designation of
25 the individual's emancipated status in a manner prescribed by the
26 secretary of state.

27 (16) Subsections (8), (9), and (10) do not apply to a person

1 who is in possession of 1 or more photocopies, reproductions, or
2 duplications of a license to document the identity of the licensee
3 for a legitimate business purpose.

4 (17) A sticker or decal may be provided by any person,
5 hospital, school, medical group, or association interested in
6 assisting in implementing an emergency medical information card,
7 but shall meet the specifications of the secretary of state. An
8 emergency medical information card may contain information
9 concerning the licensee's patient advocate designation, other
10 emergency medical information, or an indication as to where the
11 licensee has stored or registered emergency medical information.

12 (18) The secretary of state shall inquire of each licensee, in
13 person or by mail, whether the licensee agrees to participate in
14 the anatomical gift donor registry under part 101 of the public
15 health code, 1978 PA 368, MCL 333.10101 to 333.10123.

16 (19) A licensee who has agreed to participate in the
17 anatomical gift donor registry under part 101 of the public health
18 code, 1978 PA 368, MCL 333.10101 to 333.10123, shall not be
19 considered to have revoked that agreement solely because the
20 licensee's license has been revoked or suspended or has expired.
21 Enrollment in the donor registry constitutes a legal agreement that
22 remains binding and in effect after the donor's death regardless of
23 the expressed desires of the deceased donor's next of kin who may
24 oppose the donor's anatomical gift.