

SENATE BILL No. 82

January 24, 2013, Introduced by Senators BOOHER, ROBERTSON, COLBECK, MOOLENAAR, PROOS, ANDERSON, GREEN, JONES, MARLEAU, HOPGOOD and HUNE and referred to the Committee on Veterans, Military Affairs and Homeland Security.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 310 (MCL 257.310), as amended by 2008 PA 36.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

SENATE BILL No. 82

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
11 be landscape or horizontal in form.

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

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

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

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

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

15 **(E) IF REQUESTED BY AN INDIVIDUAL WHO IS A VETERAN OF THE**
16 **ARMED FORCES OF THIS STATE, ANOTHER STATE, OR THE UNITED STATES, A**
17 **DESIGNATION THAT THE INDIVIDUAL IS A VETERAN. THE DESIGNATION SHALL**
18 **BE IN A STYLE AND FORMAT CONSIDERED APPROPRIATE BY THE SECRETARY OF**
19 **STATE AND MAY DESIGNATE THE MILITARY BRANCH OF WHICH THE INDIVIDUAL**
20 **WAS A MEMBER. THE SECRETARY OF STATE SHALL REQUIRE PROOF OF THE**
21 **INDIVIDUAL'S STATUS AS A VETERAN BEFORE PROVIDING THE DESIGNATION**
22 **REQUIRED UNDER THIS SUBSECTION. ALL OF THE FOLLOWING CONSTITUTE**
23 **PROOF OF THE INDIVIDUAL'S STATUS AS A VETERAN UNDER THIS**
24 **SUBDIVISION:**

25 **(i) FOR DISCHARGE FROM MILITARY SERVICE IN 1950 OR AFTER, A**
26 **UNITED STATES DEFENSE DEPARTMENT FORM 214, CERTIFICATE OF RELEASE**
27 **OR DISCHARGE FROM ACTIVE DUTY (DD 214), OR A CORRECTION TO DD 214**

1 FORM (DD 215).

2 (ii) FOR DISCHARGE FROM MILITARY SERVICE BEFORE 1950, A
3 SEPARATION DOCUMENT OR FORM ISSUED BY A BRANCH OR DEPARTMENT OF THE
4 UNITED STATES ARMED SERVICES.

5 (3) Except as otherwise required under this chapter, other
6 information required on the license ~~pursuant to~~ UNDER this chapter
7 may appear on the license in a form prescribed by the secretary of
8 state.

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

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

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

27 (7) Except as provided in subsection (11), a person who

1 intentionally reproduces, alters, counterfeits, forges, or
2 duplicates a license photograph, the negative of the photograph,
3 image, license, or electronic data contained on a license or a part
4 of a license or who uses a license, image, or photograph that has
5 been reproduced, altered, counterfeited, forged, or duplicated is
6 subject to 1 of the following:

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

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

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

1 more than 1 year or a fine of not more than \$2,000.00, or both.

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

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

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

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

25 (12) The secretary of state, upon determining after an
26 examination that an applicant is mentally and physically qualified
27 to receive a license, may issue the applicant a temporary driver's

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

10 (13) An operator or chauffeur may indicate on the license in a
11 place designated by the secretary of state his or her blood type,
12 emergency contact information, immunization data, medication data,
13 or a statement that the licensee is deaf.

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

19 (15) If the applicant provides proof to the secretary of state
20 that he or she is a minor who has been emancipated under 1968 PA
21 293, MCL 722.1 to 722.6, the license shall bear the designation of
22 the individual's emancipated status in a manner prescribed by the
23 secretary of state.

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

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

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

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