

HOUSE BILL No. 4698

June 9, 2015, Introduced by Reps. Banks, Irwin, Hoadley, Zemke, Gay-Dagnogo, Wittenberg, Greig, Dillon, Sarah Roberts, Townsend and Singh and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 307 (MCL 257.307), as amended by 2012 PA 55.

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
10 the applicant's legal presence in the United States under

1 subdivision (b). The documents required under this subsection
2 shall include the applicant's full legal name, date of birth, and
3 address and residency and demonstrate that the applicant is a
4 citizen of the United States or is legally present in the United
5 States. If the applicant's full legal name differs from the name
6 of the applicant that appears on a document presented under this
7 subsection, the applicant shall present documents to verify his
8 or her current full legal name. The secretary of state shall
9 accept as 1 of the required identification documents an
10 identification card issued by the department of corrections to
11 prisoners who are placed on parole or released from a
12 correctional facility, containing the prisoner's legal name,
13 photograph, and other information identifying the prisoner as
14 provided in section 37(4) of the corrections code of 1953, 1953
15 PA 232, MCL 791.237. An application for an operator's or
16 chauffeur's license shall be made in a manner prescribed by the
17 secretary of state and shall contain all of the following:

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

26 (b) If the applicant is not a citizen of the United States,
27 the applicant shall provide, and the department shall verify,

1 documents demonstrating his or her legal presence in the United
2 States. Nothing in this act shall obligate or be construed to
3 obligate this state to comply with title II of the real ID act of
4 2005, Public Law 109-13. The secretary of state may adopt rules
5 under the administrative procedures act of 1969, 1969 PA 306, MCL
6 24.201 to 24.328, as are necessary for the administration of this
7 subdivision. A determination by the secretary of state that an
8 applicant is not legally present in the United States may be
9 appealed under section 631 of the revised judicature act of 1961,
10 1961 PA 236, MCL 600.631.

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

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

1 information of your polling place, will be provided
2 to you by the clerk of the jurisdiction where your
3 residence address is located.".

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

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

11 (i) The applicant meets the applicable federal driver
12 qualification requirements under 49 CFR parts 383 and 391 if the
13 applicant operates or intends to operate in interstate commerce
14 or meets the applicable qualifications of the department of state
15 police under the motor carrier safety act of 1963, 1963 PA 181,
16 MCL 480.11 to 480.25, if the applicant operates or intends to
17 operate in intrastate commerce.

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

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

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

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

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

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

22 (c) By the secretary of state for forwarding to the
23 department of state police the images of persons required to be
24 registered under the sex offenders registration act, 1994 PA 295,
25 MCL 28.721 to 28.736, upon the department of state police
26 providing the secretary of state an updated list of the names of
27 those persons.

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

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

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

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

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

19 (ii) Information describing the anatomical gift donor
20 registry program under part 101 of the public health code, 1978
21 PA 368, MCL 333.10101 to 333.10123. The information required
22 under this subparagraph includes the address and telephone number
23 of Michigan's federally designated organ procurement organization
24 or its successor organization as defined in section 10102 of the
25 public health code, 1978 PA 368, MCL 333.10102.

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

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

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

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

12 (a) Providing printed material enclosed with a mailed notice
13 for an operator's or chauffeur's license renewal or the issuance
14 of an operator's or chauffeur's license.

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

17 (c) Through electronic information transmittals for
18 operator's and chauffeur's licenses processed by electronic
19 means.

20 (6) The secretary of state shall maintain a record of an
21 individual who indicates a willingness to have his or her name
22 placed on the donor registry described in subsection (4)(a)(ii).
23 Information about an applicant's indication of a willingness to
24 have his or her name placed on the donor registry that is
25 obtained by the secretary of state under subsection (4) and
26 forwarded under subsection (14) is exempt from disclosure under
27 section 13(1)(d) of the freedom of information act, 1976 PA 442,

1 MCL 15.243.

2 (7) If an application is received from a person previously
3 licensed in another jurisdiction, the secretary of state shall
4 request a copy of the applicant's driving record and other
5 available information from the national driver register. When
6 received, the driving record and other available information
7 become a part of the driver's record in this state.

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

1 driving record maintained under section 204a a notation that the
2 request was made and the date of the request, the secretary of
3 state is required to request the applicant's complete driving
4 record from other states only once under this section.

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

26 (10) Upon request, the secretary of state shall provide an
27 information manual to an applicant explaining how to obtain a

1 vehicle group designation or indorsement. The manual shall
2 contain the information required under 49 CFR part 383.

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

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

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

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

14 (d) With the department of community health, for comparison
15 with vital records maintained by the department of community
16 health under part 28 of the public health code, 1978 PA 368, MCL
17 333.2801 to 333.2899.

18 (e) As otherwise required by law.

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

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

26 (14) As required in section 10120 of the public health code,
27 1978 PA 368, MCL 333.10120, the secretary of state shall maintain

1 the donor registry in a manner that provides electronic access,
2 including, but not limited to, the transfer of data to this
3 state's federally designated organ procurement organization or
4 its successor organization, tissue banks, and eye banks, in a
5 manner that complies with that section.

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

13 (16) The secretary of state shall not issue an operator's
14 license or a chauffeur's license to a person holding an
15 operator's license or chauffeur's license issued by another state
16 without confirmation that the person is terminating or has
17 terminated the operator's license or chauffeur's license issued
18 by the other state.

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

20 (a) Ensure the physical security of locations where
21 operator's licenses and chauffeur's licenses are produced and the
22 security of document materials and papers from which operator's
23 licenses and chauffeur's licenses are produced.

24 (b) Subject all persons authorized to manufacture or produce
25 operator's licenses or chauffeur's licenses and all persons who
26 have the ability to affect the identity information that appears
27 on operator's licenses or chauffeur's licenses to appropriate

1 security clearance requirements. The security requirements of
2 this subdivision and subdivision (a) may require that licenses be
3 manufactured or produced in this state.

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

7 (18) The secretary of state shall have electronic access to
8 prisoner information maintained by the department of corrections
9 for the purpose of verifying the identity of a prisoner who
10 applies for an operator's or chauffeur's license under subsection
11 (1).

12 (19) IF A PERSON WHO HOLDS AN OPERATOR'S OR CHAUFFEUR'S
13 LICENSE WISHES TO CHANGE HIS OR HER GENDER IDENTIFICATION ON THAT
14 LICENSE, THE SECRETARY OF STATE SHALL CHANGE THE PERSON'S GENDER
15 IDENTIFICATION ON THE LICENSE IF THE PERSON PRESENTS 1 OR MORE OF
16 THE FOLLOWING FORMS OF EVIDENCE:

17 (A) A UNITED STATES PASSPORT SHOWING THE CORRECT GENDER.

18 (B) A BIRTH CERTIFICATE SHOWING THE CORRECT GENDER.

19 (C) A COURT ORDER RECOGNIZING THE CORRECT GENDER.

20 (D) A SIGNED LETTER FROM A HEALTH CARE PROVIDER STATING THAT
21 THE INDIVIDUAL HAS UNDERGONE CLINICALLY APPROPRIATE TREATMENT
22 BASED ON CONTEMPORARY MEDICAL STANDARDS FOR THE PURPOSE OF GENDER
23 TRANSITION OR THAT THE INDIVIDUAL HAS AN INTERSEX CONDITION OR
24 GENDER DYSPHORIA.

25 Enacting section 1. This amendatory act takes effect 90 days
26 after the date it is enacted into law.