

# HOUSE BILL No. 6421

October 3, 2018, Introduced by Rep. Kesto and referred to the Committee on Law and Justice.

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending section 307 (MCL 257.307), as amended by 2018 PA 177.

**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 to operate a noncommercial motor vehicle is a  
3 citizen of the United States, the applicant shall supply a  
4 photographic identity document, a birth certificate, or other  
5 sufficient documents as the secretary of state may require, to  
6 verify the identity and citizenship of the applicant. If an  
7 applicant for an operator's or chauffeur's license is not a citizen  
8 of the United States, the applicant shall supply a photographic  
9 identity document and other sufficient documents to verify the  
10 identity of the applicant and the applicant's legal presence in the

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

18 (a) The applicant's full legal name, date of birth, residence  
19 address, height, sex, eye color, signature, intent to make an  
20 anatomical gift, other information required or permitted on the  
21 license under this chapter, and, only to the extent required to  
22 comply with federal law, the applicant's Social Security number.  
23 The applicant may provide a mailing address if the applicant  
24 receives mail at an address different from his or her residence  
25 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. The secretary of state shall not issue an  
11 operator's license or a chauffeur's license to an applicant  
12 described in this subdivision for a term that exceeds the duration  
13 of the applicant's legal presence in the United States.

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

20 "NOTICE: Michigan law requires that the same address  
21 be used for voter registration and driver license  
22 purposes. Therefore, if the residence address  
23 you provide in this application differs from your  
24 voter registration address as it appears on the  
25 qualified voter file, the secretary of state  
26 will automatically change your voter registration  
27 to match the residence address on this application,

1 after which your voter registration at your former  
2 address will no longer be valid for voting purposes.  
3 A new voter registration card, containing the  
4 information of your polling place, will be provided  
5 to you by the clerk of the jurisdiction where your  
6 residence address is located."

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

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

14 (i) The applicant meets the applicable federal driver  
15 qualification requirements under 49 CFR parts 383 and 391 or meets  
16 the applicable qualifications of the department of state police  
17 under the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11  
18 to 480.25.

19 (ii) The vehicle in which the applicant will take the driving  
20 ~~28~~skills tests is representative of the type of vehicle the  
21 applicant operates or intends to operate.

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

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

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

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

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

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

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

26 (d) By the secretary of state for forwarding to the department  
27 of state police as provided in section 5c of 1927 PA 372, MCL

1 28.425c.

2 (E) BY THE SECRETARY OF STATE FOR FORWARDING TO THE DEPARTMENT  
3 OF LICENSING AND REGULATORY AFFAIRS THE IMAGES OF APPLICANTS FOR AN  
4 OFFICIAL STATE REGISTRY IDENTIFICATION CARD ISSUED UNDER SECTION 6  
5 OF THE MICHIGAN MEDICAL MARIHUANA ACT, 2008 IL 1, MCL 333.26426, IF  
6 A PHOTOGRAPH IS REQUIRED FOR AN OFFICIAL STATE REGISTRATION CARD BY  
7 THE DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS.

8 (F) ~~(e)~~—As necessary to comply with a law of this state or of  
9 the United States.

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

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

22 (a) If the applicant is not a participant in the anatomical  
23 gift donor registry program, specifically inquire, either orally or  
24 in writing, whether the applicant wishes to participate in the  
25 anatomical gift donor registry program under part 101 of the public  
26 health code, 1978 PA 368, MCL 333.10101 to 333.10123. If the  
27 secretary of state or an employee of the secretary of state fails

1 to inquire whether an applicant wishes to participate in the  
2 anatomical gift donor registry program as required by this  
3 subdivision, neither the secretary of state nor the employee is  
4 civilly or criminally liable for the failure to make the inquiry.

5 (b) Provide the applicant with all of the following:

6 (i) Information explaining the applicant's right to make an  
7 anatomical gift in the event of death in accordance with section  
8 310.

9 (ii) Information describing the anatomical gift donor registry  
10 program under part 101 of the public health code, 1978 PA 368, MCL  
11 333.10101 to 333.10123. The information required under this  
12 subparagraph includes the address and telephone number of  
13 Michigan's federally designated organ procurement organization as  
14 that term is defined in section 10102 of the public health code,  
15 1978 PA 368, MCL 333.10102, or its successor organization.

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

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

22 (d) Inform the applicant that, if he or she indicates to the  
23 secretary of state under this section a willingness to have his or  
24 her name placed on the donor registry described in subdivision

25 (b) (ii), the secretary of state will mark the applicant's record  
26 for the donor registry.

27 (5) The secretary of state may fulfill the requirements of

1 subsection (4) by 1 or more of the following methods:

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

5 (b) Providing printed material to an applicant who personally  
6 appears at a secretary of state branch office, or inquiring orally.

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

9 (6) The secretary of state shall maintain a record of an  
10 individual who indicates a willingness to have his or her name  
11 placed on the donor registry described in subsection (4) (b) (ii) .  
12 Information about an applicant's indication of a willingness to  
13 have his or her name placed on the donor registry that is obtained  
14 by the secretary of state under subsection (4) and forwarded under  
15 subsection (14) is exempt from disclosure under section 13(1) (d) of  
16 the freedom of information act, 1976 PA 442, MCL 15.243. The  
17 secretary of state is not required to maintain a record of an  
18 individual who does not indicate a willingness to have his or her  
19 name placed on the donor registry described in subsection  
20 (4) (b) (ii) or an individual who does not respond to an inquiry  
21 under subsection (4) (a) .

22 (7) If an application is received from a person previously  
23 licensed in another jurisdiction, the secretary of state shall  
24 request a copy of the applicant's driving record and other  
25 available information from the National Driver Register. When  
26 received, the driving record and other available information become  
27 a part of the driver's record in this state.



1 (8) If a person applies for a commercial learner's permit for  
2 an original vehicle group designation or indorsement to operate a  
3 commercial motor vehicle, the secretary of state may verify the  
4 person's identity, may require proof of Michigan domicile under 49  
5 CFR 383.5, and may verify the person's proof of United States  
6 citizenship or proof of lawful permanent residency as required  
7 under 49 CFR 383.71 and 383.73, if that information is not on the  
8 person's Michigan driving record. If a person applies for a renewal  
9 of an operator's or chauffeur's license to operate a commercial  
10 motor vehicle, the secretary of state may verify the person's  
11 identity, may require proof of Michigan domicile under 49 CFR  
12 383.5, and may verify the person's proof of citizenship or lawful  
13 permanent residency under 49 CFR 383.71 and 383.73, if that  
14 information is not on the person's Michigan driving record. If a  
15 person applies for an upgrade of a vehicle group designation or  
16 indorsement, the secretary of state may verify the person's  
17 identity, may require proof of Michigan domicile under 49 CFR  
18 383.5, and may verify the person's proof of citizenship or lawful  
19 permanent residency under 49 CFR 383.71 and 383.73, if that  
20 information is not on the person's Michigan driving record. The  
21 secretary of state shall request the person's complete driving  
22 record from all states where the applicant was previously licensed  
23 to drive any type of motor vehicle over the last 10 years before  
24 issuing a vehicle group designation or indorsement to the  
25 applicant. If the applicant does not hold a valid commercial motor  
26 vehicle driver license from a state where he or she was licensed in  
27 the last 10 years, this complete driving record request must be

1 made not earlier than 24 hours before the secretary of state issues  
2 the applicant a vehicle group designation or indorsement. For all  
3 other drivers, this request must be made not earlier than 10 days  
4 before the secretary of state issues the applicant a vehicle group  
5 designation or indorsement. If the application is for the renewal  
6 of a vehicle group designation or indorsement, and if the secretary  
7 of state enters on the person's driving record maintained under  
8 section 204a a notation that the request was made and the date of  
9 the request, the secretary of state is required to request the  
10 applicant's complete driving record from other states only once  
11 under this section. The secretary of state shall also check the  
12 applicant's driving record with the National Driver Register and  
13 the federal Commercial Driver's License Information System before  
14 issuing that group designation or indorsement.

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

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

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

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

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

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

21 (c) To check an applicant's driving record through the  
22 National Driver Register and the Commercial Driver's License  
23 Information System when issuing a license under this act.

24 (d) With the department of health and human services, for  
25 comparison with vital records maintained by the department of  
26 health and human services under part 28 of the public health code,  
27 1978 PA 368, MCL 333.2801 to 333.2899.

1 (e) As otherwise required by law.

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

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

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

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

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

1 state.

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

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

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

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

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

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