

SENATE BILL No. 954

April 19, 2018, Introduced by Senator JONES and referred to the Committee on Judiciary.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 40b, 310, and 314 (MCL 257.40b, 257.310, and
257.314), section 40b as amended by 2012 PA 498, section 310 as
amended by 2016 PA 219, and section 314 as amended by 2011 PA 159,
and by adding section 310f.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 40b. (1) "Personal information" means information that
2 identifies an individual, including the individual's photograph or
3 image, name, address (but not the zip code), driver license number,
4 ~~social security~~ **SOCIAL SECURITY** number, telephone number, digitized
5 signature, and medical and disability information. Personal
6 information does not include information on driving and equipment-
7 related violations or civil infractions, driver or vehicle

1 registration status, vehicular accidents, or other behaviorally-
2 related information.

3 (2) "Highly restricted personal information" means an
4 individual's photograph or image, ~~social security~~ **SOCIAL SECURITY**
5 number, digitized signature, medical and disability information,
6 and source documents presented by an applicant to obtain an
7 operator's or chauffeur's license under section 307(1). Highly
8 restricted personal information also includes **THE CONFIDENTIAL**
9 **ADDRESS OF AN INDIVIDUAL ENROLLED IN THE ADDRESS CONFIDENTIALITY**
10 **PROGRAM UNDER THE ADDRESS CONFIDENTIALITY PROGRAM ACT AND THE**
11 emergency contact information under section 310(13). **AS USED IN**
12 **THIS SUBSECTION, "CONFIDENTIAL ADDRESS" MEANS THAT TERM AS DEFINED**
13 **IN THE ADDRESS CONFIDENTIALITY PROGRAM ACT.**

14 Sec. 310. (1) The secretary of state shall issue an operator's
15 license to each person licensed as an operator and a chauffeur's
16 license to each person licensed as a chauffeur. An applicant for a
17 motorcycle indorsement under section 312a or a vehicle group
18 designation or indorsement shall first qualify for an operator's or
19 chauffeur's license before the indorsement or vehicle group
20 designation application is accepted and processed. An original
21 license or the first renewal of an existing license issued to a
22 person less than 21 years of age shall be portrait or vertical in
23 form and a license issued to a person 21 years of age or over shall
24 be landscape or horizontal in form.

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

27 (a) The distinguishing number permanently assigned to the

1 licensee.

2 (b) ~~The~~ **EXCEPT AS PROVIDED IN SECTION 310F, THE** full legal
3 name, date of birth, address of residence, height, eye color, sex,
4 digital photographic image, expiration date, and signature of the
5 licensee.

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

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

13 (e) If requested by an individual who is a veteran of the
14 armed forces of this state, another state, or the United States, a
15 designation that the individual is a veteran. The designation shall
16 be in a style and format considered appropriate by the secretary of
17 state. The secretary of state shall require proof of discharge or
18 separation of service from the armed forces of this state, another
19 state, or the United States, and the nature of that discharge, for
20 the purposes of verifying an individual's status as a veteran under
21 this subdivision. The secretary of state shall consult with the
22 department of military and veterans affairs in determining the
23 proof that shall be required to identify an individual's status as
24 a veteran for the purposes of this subsection. The secretary of
25 state may provide the department of military and veterans affairs
26 and agencies of the counties of this state that provide veteran
27 services with information provided by an applicant under this

1 subsection for the purpose of veterans' benefits eligibility
2 referral. As used in this subdivision, "veteran" means that term as
3 defined in section 1 of 1965 PA 190, MCL 35.61.

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

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

10 (5) A digitized license may contain an identifier for voter
11 registration purposes. The digitized license may contain
12 information appearing in electronic or machine readable codes
13 needed to conduct a transaction with the secretary of state. The
14 information shall be limited to the information described in
15 subsection (2)(a) and (b) except for the person's digital
16 photographic image and signature, state of issuance, license
17 expiration date, and other information necessary for use with
18 electronic devices, machine readers, or automatic teller machines
19 and shall not contain the driving record or other personal
20 identifier. The license shall identify the encoded information.

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

26 (7) Except as provided in subsection (11), a person who
27 intentionally reproduces, alters, counterfeits, forges, or

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

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

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

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

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

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

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

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

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

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

9 (13) An operator or chauffeur may indicate on the license in a
10 place designated by the secretary of state his or her blood type,
11 emergency contact information, immunization data, medication data,
12 or a statement that the licensee is deaf. The secretary of state
13 shall not require an applicant for an original or renewal
14 operator's or chauffeur's license to provide emergency contact
15 information as a condition of obtaining a license. However, the
16 secretary of state may inquire whether an operator or chauffeur
17 would like to provide emergency contact information. Emergency
18 contact information obtained under this subsection shall be
19 disclosed only to a state or federal law enforcement agency for law
20 enforcement purposes or to the extent necessary for a medical
21 emergency. No later than January 1, 2017, the secretary of state
22 shall develop and shall, in conjunction with the department of
23 state police, implement a process using the L.E.I.N. or any other
24 appropriate system that limits access to law enforcement that would
25 allow law enforcement agencies of this state to access emergency
26 contact information that the holder of an operator's license has
27 voluntarily provided to the secretary of state. As used in this

1 subsection, "emergency contact information" means the name,
2 telephone number, or address of an individual that is used for the
3 sole purpose of contacting that individual when the holder of an
4 operator's license has been involved in an emergency.

5 (14) An operator or chauffeur may indicate on the license in a
6 place designated by the secretary of state that he or she has
7 designated a patient advocate in accordance with sections 5506 to
8 5515 of the estates and protected individuals code, 1998 PA 386,
9 MCL 700.5506 to 700.5515.

10 (15) If the applicant provides proof to the secretary of state
11 that he or she is a minor who has been emancipated under 1968 PA
12 293, MCL 722.1 to 722.6, the license shall bear the designation of
13 the individual's emancipated status in a manner prescribed by the
14 secretary of state.

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

19 (17) A sticker or decal may be provided by any person,
20 hospital, school, medical group, or association interested in
21 assisting in implementing an emergency medical information card,
22 but shall meet the specifications of the secretary of state. An
23 emergency medical information card may contain information
24 concerning the licensee's patient advocate designation, other
25 emergency medical information, or an indication as to where the
26 licensee has stored or registered emergency medical information.

27 (18) The secretary of state shall inquire of each licensee, in

1 person or by mail, whether the licensee agrees to participate in
2 the anatomical gift donor registry under part 101 of the public
3 health code, 1978 PA 368, MCL 333.10101 to 333.10123.

4 (19) A licensee who has agreed to participate in the
5 anatomical gift donor registry under part 101 of the public health
6 code, 1978 PA 368, MCL 333.10101 to 333.10123, shall not be
7 considered to have revoked that agreement solely because the
8 licensee's license has been revoked or suspended or has expired.
9 Enrollment in the donor registry constitutes a legal agreement that
10 remains binding and in effect after the donor's death regardless of
11 the expressed desires of the deceased donor's next of kin who may
12 oppose the donor's anatomical gift.

13 **SEC. 310F. (1) UPON RECEIPT OF A NOTICE FROM THE DEPARTMENT OF**
14 **THE ATTORNEY GENERAL THAT AN INDIVIDUAL WHO HAS BEEN ISSUED AN**
15 **OPERATOR'S OR CHAUFFEUR'S LICENSE UNDER THIS ACT HAS BEEN CERTIFIED**
16 **AS A PARTICIPANT IN THE ADDRESS CONFIDENTIALITY PROGRAM, THE**
17 **SECRETARY OF STATE SHALL ISSUE A CORRECTED OPERATOR'S OR**
18 **CHAUFFEUR'S LICENSE TO THAT INDIVIDUAL BY MAILING THE LICENSE TO**
19 **HIS OR HER DESIGNATED ADDRESS. THE OPERATOR'S OR CHAUFFEUR'S**
20 **LICENSE SHALL DISPLAY THE INDIVIDUAL'S DESIGNATED ADDRESS AND SHALL**
21 **NOT DISPLAY THE INDIVIDUAL'S RESIDENCE ADDRESS.**

22 (2) AN INDIVIDUAL WHO IS ISSUED A CORRECTED LICENSE UNDER THIS
23 SECTION SHALL DESTROY HIS OR HER OLD LICENSE AND REPLACE IT WITH
24 THE CORRECTED LICENSE.

25 (3) AN INDIVIDUAL WHOSE CERTIFICATION AS A PARTICIPANT IN THE
26 ADDRESS CONFIDENTIALITY PROGRAM IS RENEWED UNDER SECTION 5(8) OF
27 THE ADDRESS CONFIDENTIALITY PROGRAM ACT MAY RENEW A LICENSE ISSUED

1 UNDER THIS SECTION UPON PAYMENT OF THE RENEWAL FEE UNDER SECTION
2 811.

3 (4) AS USED IN THIS SECTION:

4 (A) "ADDRESS CONFIDENTIALITY PROGRAM" MEANS A PROGRAM AS THAT
5 TERM IS DEFINED IN SECTION 3 OF THE ADDRESS CONFIDENTIALITY PROGRAM
6 ACT.

7 (B) "DESIGNATED ADDRESS" MEANS THAT TERM AS DEFINED IN SECTION
8 3 OF THE ADDRESS CONFIDENTIALITY PROGRAM ACT.

9 Sec. 314. (1) Except as otherwise provided in this section **AND**
10 **SECTION 310F**, operator's licenses and chauffeur's licenses expire
11 on the birthday of the person to whom the license is issued in the
12 fourth year following the date of the issuance of the license or on
13 the date the person is no longer considered to be legally present
14 in the United States under section 307, whichever is earlier,
15 unless suspended or revoked before that date. A license shall not
16 be issued for a period longer than 4 years. A person holding a
17 license at any time 12 months before the expiration of his or her
18 license may apply for a new license as provided for in this
19 chapter. A knowledge test for an original group designation or
20 indorsement may be taken at any time during this period and the
21 results are valid for 12 months. A license renewed under this
22 subsection shall be renewed for the time remaining on the license
23 before its renewal combined with the 4-year renewal period.

24 (2) ~~The~~ **EXCEPT AS PROVIDED IN SECTION 310F, THE** first
25 operator's license issued to a person who at the time of
26 application is less than 20-1/2 years of age expires on the
27 licensee's twenty-first birthday or on the date the person is no

1 longer considered to be legally present in the United States under
2 section 307, whichever is earlier, unless suspended or revoked.

3 (3) ~~The~~ **EXCEPT AS PROVIDED IN SECTION 310F, THE** first
4 chauffeur's license issued to a person expires on the licensee's
5 birthday in the fourth year following the date of issuance or on
6 the date the person is no longer considered to be legally present
7 in the United States under section 307, whichever is earlier,
8 unless the license is suspended or revoked before that date. ~~The~~
9 **EXCEPT AS PROVIDED IN SECTION 310F, THE** chauffeur's license of a
10 person who at the time of application is less than 20-1/2 years of
11 age expires on the licensee's twenty-first birthday or on the date
12 the person is no longer considered to be legally present in the
13 United States under section 307, whichever is earlier, unless
14 suspended or revoked. A subsequent chauffeur's license expires on
15 the birthday of the person to whom the license is issued in the
16 fourth year following the date of issuance of the license or on the
17 date the person is no longer considered to be legally present in
18 the United States under section 307, whichever is earlier, unless
19 the license is suspended or revoked before that date.

20 (4) A person may apply for an extension of his or her driving
21 privileges if he or she is out of state on the date that his or her
22 operator's or chauffeur's license expires. The extension may extend
23 the license for 180 days beyond the expiration date or not more
24 than 2 weeks after the applicant returns to Michigan, whichever
25 occurs first. This subsection does not apply to a person who fails
26 to meet the requirements of 49 CFR parts 383 and 391 with regard to
27 medical certification documentation requirements.

1 (5) The secretary of state may issue a renewal operator's or
2 chauffeur's license to a person who will be out of state for more
3 than 180 days beyond the expiration date of his or her operator's
4 or chauffeur's license, if the secretary of state has a digital
5 image of the person on file. The applicant for this renewal shall
6 submit a statement evidencing a vision examination in accordance
7 with the rules promulgated by the secretary of state under section
8 309 and any other statement required by this act or federal law. A
9 person is not eligible for consecutive renewals of a license under
10 this subsection. This subsection does not apply to a person who
11 fails to meet the requirements of 49 CFR parts 383 and 391 with
12 regard to medical certification documentation requirements, or a
13 person with a hazardous material indorsement on his or her
14 operator's or chauffeur's license.

15 (6) The secretary of state may check the applicant's driving
16 record through the national driver register and the commercial
17 driver license information system before issuing a renewal under
18 this section.

19 Enacting section 1. This amendatory act takes effect 180 days
20 after the date it is enacted into law.

21 Enacting section 2. This amendatory act does not take effect
22 unless Senate Bill No. 655 of the 99th Legislature is enacted into
23 law.