

# SENATE BILL NO. 461

July 20, 2023, Introduced by Senator ANTHONY and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 25, 307, 310, 312, and 314 (MCL 257.25, 257.307, 257.310, 257.312, and 257.314), section 25 as amended by 2015 PA 11, section 307 as amended by 2020 PA 376, section 310 as amended by 2021 PA 104, section 312 as amended by 2000 PA 456, and section 314 as amended by 2021 PA 71, and by adding sections 310a and 811c.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

**1** Sec. 25. "License" means any driving privileges, license, a

1 **mobile operator's or chauffeur's license**, temporary instruction  
2 permit, commercial learner's permit, or temporary license issued  
3 under the laws of this state pertaining to the licensing of persons  
4 to operate motor vehicles.

5       Sec. 307. (1) If an applicant for an operator's license or  
6 chauffeur's license to operate a noncommercial motor vehicle is a  
7 citizen of the United States, the applicant shall supply a  
8 photographic identity document, a birth certificate, or other  
9 sufficient documents as the secretary of state may require, to  
10 verify the identity and citizenship of the applicant. If an  
11 applicant for an operator's or chauffeur's license is not a citizen  
12 of the United States, the applicant shall supply a photographic  
13 identity document and other sufficient documents to verify the  
14 identity of the applicant and the applicant's legal presence in the  
15 United States under subdivision (b). The documents required under  
16 this subsection must include the applicant's full legal name, date  
17 of birth, and address and residency and demonstrate that the  
18 applicant is a citizen of the United States or is legally present  
19 in the United States. If the applicant's full legal name differs  
20 from the name of the applicant that appears on a document presented  
21 under this subsection, the applicant shall present documents to  
22 verify ~~his or her~~ **the applicant's** current full legal name. The  
23 secretary of state shall accept as 1 of the required identification  
24 documents an identification card issued by the department of  
25 corrections to prisoners who are placed on parole or released from  
26 a correctional facility, containing the prisoner's legal name,  
27 photograph, and other information identifying the prisoner as  
28 provided in section 37(4) of the corrections code of 1953, 1953 PA  
29 232, MCL 791.237. An application for an operator's or chauffeur's

1 license must be made in a manner prescribed by the secretary of  
2 state and must contain all of the following:

3 (a) The applicant's full legal name, date of birth, residence  
4 address, height, sex, eye color, signature, intent to make an  
5 anatomical gift, other information required or permitted on the  
6 license under this chapter, and, only to the extent required to  
7 comply with federal law, the applicant's Social Security number.  
8 The applicant may provide a mailing address if the applicant  
9 receives mail at an address different from ~~his or her~~ **the**  
10 **applicant's** residence address.

11 (b) If the applicant is not a citizen of the United States,  
12 the applicant shall provide, and the department shall verify,  
13 documents demonstrating ~~his or her~~ **the applicant's** legal presence  
14 in the United States. Nothing in this act must obligate or be  
15 construed to obligate this state to comply with title II of the  
16 real ID act of 2005, Public Law 109-13. The secretary of state may  
17 adopt rules under the administrative procedures act of 1969, 1969  
18 PA 306, MCL 24.201 to 24.328, as are necessary for the  
19 administration of this subdivision. A determination by the  
20 secretary of state that an applicant is not legally present in the  
21 United States may be appealed under section 631 of the revised  
22 judicature act of 1961, 1961 PA 236, MCL 600.631. The secretary of  
23 state shall not issue an operator's license or a chauffeur's  
24 license to an applicant described in this subdivision for a term  
25 that exceeds the duration of the applicant's legal presence in the  
26 United States.

27 (c) The following notice must be included to inform the  
28 applicant that under sections 509o and 509r of the Michigan  
29 election law, 1954 PA 116, MCL 168.509o and 168.509r, the secretary

1 of state is required to use the residence address provided on this  
2 application as the applicant's residence address on the qualified  
3 voter file for voter registration and voting:

4 "NOTICE: Michigan law requires that the same address be  
5 used for voter registration and driver license purposes.  
6 Therefore, if the residence address you provide in this  
7 application differs from your voter registration address  
8 as it appears on the qualified voter file, the secretary  
9 of state will automatically change your voter registration  
10 to match the residence address on this application, after  
11 which your voter registration at your former address will  
12 no longer be valid for voting purposes. A new voter  
13 registration card, containing the information of your  
14 polling place, will be provided to you by the clerk of the  
15 jurisdiction where your residence address is located."

16 (d) For an original or renewal operator's or chauffeur's  
17 license with a vehicle group designation or ~~indorsement,~~  
18 **endorsement**, the names of all states where the applicant has been  
19 licensed to drive any type of motor vehicle during the previous 10  
20 years.

21 (e) For an operator's or chauffeur's license with a vehicle  
22 group designation or ~~indorsement,~~ **endorsement**, the following  
23 certifications by the applicant:

24 (i) The applicant meets the applicable federal driver  
25 qualification requirements under 49 CFR parts 383 and 391 or meets  
26 the applicable qualifications of the department of state police  
27 under the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11  
28 to 480.25.

29 (ii) The vehicle in which the applicant will take the driving

1 skills tests is representative of the type of vehicle the applicant  
2 operates or intends to operate.

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

7 (iv) The applicant does not have a ~~driver's~~**driver** license from  
8 more than 1 state or jurisdiction.

9 (f) An applicant for an operator's or chauffeur's license with  
10 a vehicle group designation and a hazardous material ~~indorsement~~  
11 **endorsement** shall provide ~~his or her~~**the applicant's** fingerprints  
12 as prescribed by state and federal law.

13 (g) For automatic voter registration purposes under section  
14 493a of the Michigan election law, 1954 PA 116, MCL 168.493a, a  
15 space for the applicant to indicate on the application or change of  
16 address application whether ~~he or she~~**the applicant** is a citizen of  
17 the United States.

18 (h) A space to allow the applicant to indicate that the  
19 applicant declines to use the application as a voter registration  
20 application.

21 (i) Beginning ~~180 days after the effective date of the~~  
22 ~~amendatory act that added this subdivision,~~**June 27, 2021**, an  
23 applicant for an operator's or chauffeur's license who is a program  
24 participant in the address confidentiality program under the  
25 address confidentiality program act, **2020 PA 301, MCL 780.851 to**  
26 **780.873**, shall present to the secretary of state ~~his or her~~**the**  
27 **applicant's** participation card issued under the address  
28 confidentiality program act, **2020 PA 301, MCL 780.851 to 780.873**.

29 (2) An applicant for an operator's or chauffeur's license may

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

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

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

17 (c) By the secretary of state for forwarding to the department  
18 of state police the images of persons required to be registered  
19 under the sex offenders registration act, 1994 PA 295, MCL 28.721  
20 to ~~28.736~~, **28.730**, upon the department of state police providing  
21 the secretary of state an updated list of the names of those  
22 persons.

23 (d) By the secretary of state for forwarding to the department  
24 of state police as provided in section 5c of 1927 PA 372, MCL  
25 28.425c.

26 (e) By the secretary of state for forwarding to the department  
27 of licensing and regulatory affairs the images of applicants for an  
28 official state registry identification card issued under section 6  
29 of the Michigan Medical Marihuana Act, 2008 IL 1, MCL 333.26426, if

1 the department of licensing and regulatory affairs promulgates  
2 rules requiring a photograph as a design element for an official  
3 state registry identification card.

4 (f) As necessary to comply with a law of this state or of the  
5 United States.

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

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

18 (a) If the applicant is not a participant in the anatomical  
19 gift donor registry program, specifically inquire, either orally or  
20 in writing, whether the applicant wishes to participate in the  
21 anatomical gift donor registry program under part 101 of the public  
22 health code, 1978 PA 368, MCL 333.10101 to 333.10123. If the  
23 secretary of state or an employee of the secretary of state fails  
24 to inquire whether an applicant wishes to participate in the  
25 anatomical gift donor registry program as required by this  
26 subdivision, neither the secretary of state nor the employee is  
27 civilly or criminally liable for the failure to make the inquiry.

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

29 (i) Information explaining the applicant's right to make an

1 anatomical gift in the event of death in accordance with section  
2 310.

3 (ii) Information describing the anatomical gift donor registry  
4 program under part 101 of the public health code, 1978 PA 368, MCL  
5 333.10101 to 333.10123. The information required under this  
6 subparagraph includes the address and telephone number of  
7 Michigan's federally designated organ procurement organization as  
8 that term is defined in section 10102 of the public health code,  
9 1978 PA 368, MCL 333.10102, or its successor organization.

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

12 (c) Provide the applicant with the opportunity to specify on  
13 ~~his or her~~ **the applicant's** operator's or chauffeur's license that  
14 ~~he or she~~ **the applicant** is willing to make an anatomical gift in  
15 the event of death in accordance with section 310.

16 (d) Inform the applicant that, if ~~he or she~~ **the applicant**  
17 indicates to the secretary of state under this section a  
18 willingness to have ~~his or her~~ **the applicant's** name placed on the  
19 donor registry described in subdivision (b) (ii), the secretary of  
20 state will mark the applicant's record for the donor registry.

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

23 (a) Providing printed material enclosed with a mailed notice  
24 for an operator's or chauffeur's license renewal or the issuance of  
25 an operator's or chauffeur's license.

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

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



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

15           (7) If an application is received from an individual  
16 previously licensed in another jurisdiction, the secretary of state  
17 shall request a copy of the applicant's driving record and other  
18 available information from the National Driver Register. When  
19 received, the driving record and other available information become  
20 a part of the driver's record in this state.

21           (8) If an individual applies for a commercial learner's permit  
22 for an original vehicle group designation or ~~indorsement~~  
23 **endorsement** to operate a commercial motor vehicle, the secretary of  
24 state may verify the individual's identity, may require proof of  
25 Michigan domicile under 49 CFR 383.5, and may verify the  
26 individual's proof of United States citizenship or proof of lawful  
27 permanent residency as required under 49 CFR 383.71 and 383.73, if  
28 that information is not on the individual's Michigan driving  
29 record. If an individual applies for a renewal of an operator's or

1 chauffeur's license to operate a commercial motor vehicle, the  
2 secretary of state may verify the individual's identity, may  
3 require proof of Michigan domicile under 49 CFR 383.5, and may  
4 verify the individual's proof of citizenship or lawful permanent  
5 residency under 49 CFR 383.71 and 383.73, if that information is  
6 not on the individual's Michigan driving record. If an individual  
7 applies for an upgrade of a vehicle group designation or  
8 ~~indorsement,~~ **endorsement**, the secretary of state may verify the  
9 individual's identity, may require proof of Michigan domicile under  
10 49 CFR 383.5, and may verify the individual's proof of citizenship  
11 or lawful permanent residency under 49 CFR 383.71 and 383.73, if  
12 that information is not on the individual's Michigan driving  
13 record. The secretary of state shall request the individual's  
14 complete driving record from all states where the applicant was  
15 previously licensed to drive any type of motor vehicle over the  
16 last 10 years before issuing a vehicle group designation or  
17 ~~indorsement~~ **endorsement** to the applicant. If the applicant does not  
18 hold a valid commercial motor vehicle driver license from a state  
19 where ~~he or she~~ **the applicant** was licensed in the last 10 years,  
20 this complete driving record request must be made not earlier than  
21 24 hours before the secretary of state issues the applicant a  
22 vehicle group designation or ~~indorsement.~~ **endorsement**. For all  
23 other drivers, this request must be made not earlier than 10 days  
24 before the secretary of state issues the applicant a vehicle group  
25 designation or ~~indorsement.~~ **endorsement**. If the application is for  
26 the renewal of a vehicle group designation or ~~indorsement,~~  
27 **endorsement**, and if the secretary of state enters on the  
28 individual's driving record maintained under section 204a a  
29 notation that the request was made and the date of the request, the

1 secretary of state is required to request the applicant's complete  
2 driving record from other states only once under this section. The  
3 secretary of state shall also check the applicant's driving record  
4 with the National Driver Register and the federal Commercial  
5 Driver's License Information System before issuing that group  
6 designation or ~~indorsement~~.**endorsement.**

7 (9) The secretary of state may issue a renewal operator's or  
8 chauffeur's license **or renewal mobile operator's or chauffeur's**  
9 **license** for 1 additional 4-year period or beginning on July 1,  
10 2021, for 2 additional 4-year periods, or until the individual is  
11 no longer determined to be legally present under this section by  
12 mail or by other methods prescribed by the secretary of state. The  
13 secretary of state may check the applicant's driving record through  
14 the National Driver Register and the Commercial Driver's License  
15 Information System before issuing a license under this section. The  
16 secretary of state shall issue a renewal license only in person if  
17 the individual is an individual required under section 5a of the  
18 sex offenders registration act, 1994 PA 295, MCL 28.725a, to  
19 maintain a valid operator's or chauffeur's license or official  
20 state personal identification card. If a license is renewed by mail  
21 or by other method, the secretary of state shall issue evidence of  
22 renewal to indicate the date the license expires in the future. The  
23 department of state police shall provide to the secretary of state  
24 updated lists of individuals required under section 5a of the sex  
25 offenders registration act, 1994 PA 295, MCL 28.725a, to maintain a  
26 valid operator's or chauffeur's license or official state personal  
27 identification card.

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

1 vehicle group designation or ~~indorsement.~~**endorsement.** The manual  
2 must 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 and  
7 state law and rules related to this chapter.

8 (b) To carry out the purposes of section 466(a) of the social  
9 security act, 42 USC 666, in connection with matters relating to  
10 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's License  
13 Information System when issuing a license under this act.

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

18 (e) As otherwise required by law.

19 (12) The secretary of state shall not display an individual's  
20 Social Security number on the individual's operator's or  
21 chauffeur's 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 that ~~he or she~~**the applicant** is exempt under law  
25 from obtaining a 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  
28 the donor registry in a manner that provides electronic access,  
29 including, but not limited to, the transfer of data to this state's

1 federally designated organ procurement organization or its  
2 successor organization, tissue banks, and eye banks, in a manner  
3 that complies with that section.

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

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

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

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

22 (b) Subject all persons authorized to manufacture or produce  
23 operator's licenses or chauffeur's licenses and all persons who  
24 have the ability to affect the identity information that appears on  
25 operator's licenses or chauffeur's licenses to appropriate security  
26 clearance requirements. The security requirements of this  
27 subdivision and subdivision (a) may require that licenses be  
28 manufactured or produced in this state.

29 (c) Provide fraudulent document recognition programs to

1 department of state employees engaged in the issuance of operator's  
2 licenses and chauffeur's licenses.

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

7 Sec. 310. (1) The secretary of state shall issue an operator's  
8 license to each person licensed as an operator and a chauffeur's  
9 license to each person licensed as a chauffeur. An applicant for a  
10 motorcycle ~~indorsement~~**endorsement** under section 312a or a vehicle  
11 group designation or ~~indorsement~~**endorsement** shall first qualify  
12 for an operator's or chauffeur's license before the ~~indorsement~~  
13 **endorsement** or vehicle group designation application is accepted  
14 and processed. ~~An~~**Except for a mobile operator's or chauffeur's**  
15 **license issued or renewed under section 310a, an** original license  
16 or the first renewal of an existing license issued to a person less  
17 than 21 years of age must be portrait or vertical in form and a  
18 license issued to a person 21 years of age or over must be  
19 landscape or horizontal in form.

20 (2) The license issued under subsection (1) must contain all  
21 of the following:

22 (a) The distinguishing number permanently assigned to the  
23 licensee.

24 (b) Except as provided in section 310f, the full legal name,  
25 date of birth, address of residence, height, eye color, sex,  
26 digital photographic image, expiration date, and signature of the  
27 licensee.

28 (c) ~~In~~**Except as otherwise provided in this subdivision, in**  
29 the case of a licensee who has indicated ~~his or her~~**the licensee's**

1 wish to participate in the anatomical gift donor registry under  
2 part 101 of the public health code, 1978 PA 368, MCL 333.10101 to  
3 333.10123, a heart insignia on the front of the **physical operator's**  
4 **or chauffeur's license issued under this act or the enhanced driver**  
5 **license issued under the enhanced driver license and enhanced**  
6 **official state personal identification card act, 2008 PA 23, MCL**  
7 **28.301 to 28.308. A mobile operator's or chauffeur's license issued**  
8 **under section 310a or an enhanced driver license issued under**  
9 **section 4 of the enhanced driver license and enhanced official**  
10 **state personal identification card act, 2008 PA 23, MCL 28.304, may**  
11 **not contain a heart insignia.**

12 (d) ~~Physical security~~ **Security** features designed to prevent  
13 tampering, counterfeiting, or duplication of the license for  
14 fraudulent 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 must  
18 be in a style and format considered appropriate by the secretary of  
19 state. The secretary of state shall require proof of discharge or  
20 separation of service from the armed forces of this state, another  
21 state, or the United States, and the nature of that discharge, for  
22 the purposes of verifying an individual's status as a veteran under  
23 this subdivision. The secretary of state shall consult with the  
24 department of military and veterans affairs in determining the  
25 proof that must be required to identify an individual's status as a  
26 veteran for the purposes of this subsection. The secretary of state  
27 may provide the department of military and veterans affairs and  
28 agencies of the counties of this state that provide veteran  
29 services with information provided by an applicant under this

1 subsection for the purpose of veterans' benefits eligibility  
2 referral.

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

6 (4) The license must not contain a fingerprint or finger image  
7 of the licensee.

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

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

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



1 subject to 1 of the following:

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

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

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

24 (8) Except as provided in subsections (11) and (16), a person  
25 who sells, or who possesses with the intent to deliver to another,  
26 a reproduced, altered, counterfeited, forged, or duplicated license  
27 photograph, negative of the photograph, image, license, or  
28 electronic data contained on a license or part of a license is  
29 guilty of a felony punishable by imprisonment for not more than 5

1 years or a fine of not more than \$10,000.00, or both.

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

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

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

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

1           (13) An operator or chauffeur may indicate on the license in a  
2 place designated by the secretary of state ~~his or her~~ **the**  
3 **operator's or chauffeur's** blood type, emergency contact  
4 information, immunization data, medication data, or a statement  
5 that the licensee is deaf. The secretary of state shall not require  
6 an applicant for an original or renewal operator's or chauffeur's  
7 license to provide emergency contact information as a condition of  
8 obtaining a license. However, the secretary of state may inquire  
9 whether an operator or chauffeur would like to provide emergency  
10 contact information and, beginning July 1, 2021, shall allow an  
11 operator or chauffeur that meets the requirements of subsection  
12 (21) to elect a communication impediment designation. Emergency  
13 contact information obtained under this subsection must 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. The secretary of state shall develop and shall, in  
17 conjunction with the department of state police, implement a  
18 process using the L.E.I.N. or any other appropriate system that  
19 limits access to law enforcement that would allow law enforcement  
20 agencies of this state to access emergency contact information and,  
21 beginning July 1, 2021, to view a communication impediment  
22 designation that the holder of an operator's license has  
23 voluntarily provided to the secretary of state.

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

29           (15) If the applicant provides proof to the secretary of state

1 that ~~he or she~~ **the applicant** is a minor who has been emancipated  
2 under 1968 PA 293, MCL 722.1 to 722.6, the license must bear the  
3 designation of the individual's emancipated status in a manner  
4 prescribed by the secretary of state.

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

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

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

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

1           (20) If an operator's or chauffeur's license is issued to an  
2 individual described in section 307(1)(b) who has temporary lawful  
3 status, the license must be issued in compliance with 6 CFR 37.21  
4 or in compliance with the process established to comply with 6 CFR  
5 37.71 by the secretary of state.

6           (21) An operator or chauffeur seeking an election for a  
7 communication impediment designation under subsection (13) shall  
8 provide to the secretary of state a certification that meets all of  
9 the following:

10           (a) Is signed by a physician, physician assistant, certified  
11 nurse practitioner, audiologist, speech-language pathologist,  
12 psychologist, or physical therapist licensed to practice in this  
13 state.

14           (b) Identifies the individual for whom the communication  
15 impediment designation is being elected.

16           (c) Attests to the nature of the communication impediment.

17           (22) A person who intentionally makes a false statement of  
18 material fact or commits or attempts to commit a deception or fraud  
19 on a statement described under subsection (21) is guilty of a  
20 misdemeanor punishable by imprisonment for not more than 30 days or  
21 a fine of not more than \$500.00, or both.

22           (23) Subject to subsection (24), the secretary of state may  
23 cancel or revoke a communication impediment designation elected and  
24 maintained under this section if either of the following  
25 circumstances applies:

26           (a) The secretary of state determines that a communication  
27 impediment designation was fraudulently or erroneously elected.

28           (b) The secretary of state determines the communication  
29 impediment designation was abused during a traffic stop.

1           (24) The secretary of state shall provide the operator or  
2 chauffeur notice and an opportunity to be heard before canceling or  
3 revoking a communication impediment designation under subsection  
4 (23).

5           (25) As used in this section:

6           (a) "Communication impediment" means the operator or chauffeur  
7 has a health condition that may impede communication with a police  
8 officer during a traffic stop, including, but not limited to, any  
9 of the following:

10           (i) Deafness or hearing loss.

11           (ii) An autism spectrum disorder.

12           (b) "Emergency contact information" means the name, telephone  
13 number, or address of an individual that is used for the sole  
14 purpose of contacting that individual when the holder of an  
15 operator's license has been involved in an emergency.

16           (c) "Temporary lawful status" means that term as defined in 6  
17 CFR 37.3.

18           (d) "Veteran" means that term as defined in section 1 of 1965  
19 PA 190, MCL 35.61.

20           **Sec. 310a. (1) Beginning on the effective date of the**  
21 **amendatory act that added this section, on request of an individual**  
22 **issued an operator's license or chauffeur's license under section**  
23 **307(1), the secretary of state may issue a mobile operator's or**  
24 **chauffeur's license to the individual. The secretary of state shall**  
25 **ensure that any data elements in the mobile operator's or**  
26 **chauffeur's license issued under this subsection are identical to**  
27 **the data contained in the individual's current secretary of state's**  
28 **record. The secretary of state shall not issue or renew a mobile**  
29 **operator's or chauffeur's license to an individual who does not**

1 hold a valid operator's license or chauffeur's license. The  
2 secretary of state may load an individual's mobile operator's or  
3 chauffeur's license to multiple electronic devices through the  
4 mobile license system developed under this section.

5 (2) An individual issued a mobile operator's or chauffeur's  
6 license under subsection (1) is required to have the physical  
7 operator's or chauffeur's license in the individual's immediate  
8 possession while operating a motor vehicle.

9 (3) Beginning on the effective date of the amendatory act that  
10 added this section, a requirement under this act to surrender,  
11 destroy, or confiscate a license does not apply to the electronic  
12 device on which a mobile operator's or chauffeur's license, or a  
13 mobile enhanced driver license issued under section 4 of the  
14 enhanced driver license and enhanced official state personal  
15 identification card act, 2008 PA 23, MCL 28.304, is loaded.  
16 Notwithstanding this subsection and on request of a police officer  
17 or relying party, an individual may transmit the individual's  
18 mobile operator's or chauffeur's license, or a mobile enhanced  
19 driver license issued under section 4 of the enhanced driver  
20 license and enhanced official state personal identification card  
21 act, 2008 PA 23, MCL 28.304, from the electronic device on which a  
22 mobile license described under this subsection is loaded.

23 (4) Within 1 year after the effective date of the amendatory  
24 act that added this section, the secretary of state shall develop  
25 or enter into a contract with a vendor to develop a mobile license  
26 system. The mobile license system developed under this section must  
27 be a digitized system that meets all of the following requirements:

28 (a) Is designed to comply with standard 18013-5 of the  
29 International Organization for Standardization.

1           (b) Is designed to not require a holder of a mobile operator's  
2 or chauffeur's license, or a mobile enhanced driver license issued  
3 under section 4 of the enhanced driver license and enhanced  
4 official state personal identification card act, 2008 PA 23, MCL  
5 28.304, to relinquish possession of the mobile device on which the  
6 mobile operator's or chauffeur's license, or a mobile enhanced  
7 driver license issued under section 4 of the enhanced driver  
8 license and enhanced official state personal identification card  
9 act, 2008 PA 23, MCL 28.304, is loaded to a relying party for the  
10 acceptance of the mobile driver or chauffeur's license.

11           (c) Includes all of the following:

12           (i) A method for loading a mobile operator's or chauffeur's  
13 license, a mobile official state personal identification card  
14 issued under section 2 of 1972 PA 222, MCL 28.292, or a mobile  
15 enhanced driver license or enhanced official state personal  
16 identification card issued under section 4 of the enhanced driver  
17 license and enhanced official state personal identification card  
18 act, 2008 PA 23, MCL 28.304, to an applicant's mobile device.

19           (ii) A method for validating, processing, and verifying  
20 requests from relying parties.

21           (iii) Cryptographic authentication, interoperability, and system  
22 updates.

23           (iv) A method for performing tasks to maintain the system.

24           (d) Protects the privacy of the holder of a mobile operator's  
25 or chauffeur's license issued under section 310(5), a mobile  
26 official state personal identification card issued under section 2  
27 of 1972 PA 222, MCL 28.292, or a mobile enhanced driver license or  
28 enhanced official state personal identification card issued under  
29 section 4 of the enhanced driver license and enhanced official



1 state personal identification card act, 2008 PA 23, MCL 28.304,  
2 through data minimization and privacy-enhancing technologies.

3 (5) The secretary of state may promulgate rules to regulate  
4 relying parties. Rules promulgated under this subsection must  
5 include, but are not limited to, a requirement that a relying party  
6 must do both of the following:

7 (a) Only requests data elements from a mobile operator's or  
8 chauffeur's license issued under subsection (1), a mobile official  
9 state personal identification card issued under section 2 of 1972  
10 PA 222, MCL 28.292, or a mobile enhanced driver license or enhanced  
11 official state personal identification card issued under section 4  
12 of the enhanced driver license and enhanced official state personal  
13 identification card act, 2008 PA 23, MCL 28.304, that are necessary  
14 to complete the transaction for which the data is being requested.

15 (b) Only retains data elements from a mobile operator's or  
16 chauffeur's license issued under subsection (1), a mobile official  
17 state personal identification card issued under section 2 of 1972  
18 PA 222, MCL 28.292, or a mobile enhanced driver license or enhanced  
19 official state personal identification card issued under section 4  
20 of the enhanced driver license and enhanced official state personal  
21 identification card act, 2008 PA 23, MCL 28.304, that the holder of  
22 a mobile license described under this subsection consents to after  
23 the relying party informs the holder of the use and retention of  
24 the data elements.

25 (6) The secretary of state shall do both of the following:

26 (a) Regularly update an individual's information contained in  
27 a mobile operator's or chauffeur's license.

28 (b) Set the validity period of a mobile operator's or  
29 chauffeur's license issued under this section. As used in this

1 subdivision, "validity period" means the duration of time that data  
2 transmitted to a mobile device remains valid, as determined by the  
3 secretary of state.

4 (7) As used in this section:

5 (a) "Cryptographic" means a method of storing or transmitting  
6 data in a format that only the intended recipient can access, read,  
7 or process the data.

8 (b) "Relying party" means a person that is presented with and  
9 expected to rely on a mobile operator's or chauffeur's license  
10 issued under section 310(5), a mobile official state personal  
11 identification card issued under section 2 of 1972 PA 222, MCL  
12 28.292, or a mobile enhanced driver license or enhanced official  
13 state personal identification card issued under section 4 of the  
14 enhanced driver license and enhanced official state personal  
15 identification card act, 2008 PA 23, MCL 28.304.

16 Sec. 312. (1) Upon proper showing of extenuating circumstances  
17 and special reasons, or need by an applicant who meets the age  
18 qualifications and when accompanied by the fee as provided in this  
19 act, the secretary of state may recommend a restricted operator's  
20 or chauffeur's license containing conditions and restrictions  
21 applicable to the licensee, the type of special mechanical control  
22 devices required in a motor vehicle operated by the licensee, and  
23 the area, time, or other condition that the secretary of state  
24 considers necessary to assure the safe operation of a vehicle by  
25 the licensee and under which the licensee may operate a motor  
26 vehicle. A license issued to ~~a person~~ **an individual** who is at least  
27 14 years of age and under 16 years of age ~~shall~~ **must** contain only  
28 the conditions determining the hours during which the licensee may  
29 drive a motor vehicle and the purpose for which it is to be driven.

1 A license issued to a minor who is at least 14 years of age and  
 2 under 16 years of age ~~shall~~**must** be revoked by the secretary of  
 3 state on the written request of a parent, guardian, or person  
 4 standing in loco parentis.

5 (2) An operator's license **or a mobile operator's or**  
 6 **chauffeur's license** issued to ~~a person~~**an individual** who is at  
 7 least 14 years of age and under 16 years of age expires on the  
 8 birthday following issuance of the license or if that birthday is  
 9 within 6 months after the date of issuance of the license, then 1  
 10 year after the date of that birthday.

11 (3) Upon receiving satisfactory evidence of a violation of the  
 12 restrictions of the license, the secretary of state may suspend or  
 13 revoke the license.

14 (4) ~~A person~~**An individual** who violates a restriction imposed  
 15 in a restricted license issued to that ~~person~~**individual** is guilty  
 16 of a misdemeanor. This subsection does not apply to ~~a person~~**an**  
 17 **individual** who is at least 14 years of age and under 16 years of  
 18 age.

19 (5) If a motor vehicle is being driven by ~~a person~~**an**  
 20 **individual** who is at least 14 years of age and under 16 years of  
 21 age, and that ~~person~~**individual** is accompanied by a parent,  
 22 guardian, or person standing in loco parentis, the conditions,  
 23 limitations, and restrictions set forth in this section do not  
 24 apply.

25 Sec. 314. (1) Except as otherwise provided in this section, an  
 26 operator's license, ~~and a~~ chauffeur's license, **a mobile operator's**  
 27 **license, and a mobile chauffeur's license** expire on the birthday of  
 28 the individual to whom the license is issued in the fourth year  
 29 following the date of the issuance of the license or on the date

1 the individual is no longer considered to be legally present in the  
2 United States under section 307, whichever is earlier, unless  
3 suspended or revoked before that date. A license must not be issued  
4 for a period longer than 4 years. An individual holding a license  
5 at any time 12 months before the expiration of ~~his or her~~ **the**  
6 **individual's** license may apply for a new license as provided for in  
7 this chapter. A knowledge test for an original group designation or  
8 indorsement may be taken at any time during this period and the  
9 results are valid for 12 months. A license renewed under this  
10 subsection must be renewed for the time remaining on the license  
11 before its renewal combined with the 4-year renewal period.

12 (2) The first operator's license **or mobile operator's license**  
13 issued to an individual who at the time of application is less than  
14 20-1/2 years of age expires on the licensee's twenty-first birthday  
15 or on the date the individual is no longer considered to be legally  
16 present in the United States under section 307, whichever is  
17 earlier, unless suspended or revoked.

18 (3) The first chauffeur's license **or mobile chauffeur's**  
19 **license** issued to an individual expires on the licensee's birthday  
20 in the fourth year following the date of issuance or on the date  
21 the individual is no longer considered to be legally present in the  
22 United States under section 307, whichever is earlier, unless the  
23 license is suspended or revoked before that date. The chauffeur's  
24 license **or mobile chauffeur's license** of an individual who at the  
25 time of application is less than 20-1/2 years of age expires on the  
26 licensee's twenty-first birthday or on the date the individual is  
27 no longer considered to be legally present in the United States  
28 under section 307, whichever is earlier, unless suspended or  
29 revoked. A subsequent chauffeur's license **or mobile chauffeur's**

1 **license** expires on the birthday of the individual to whom the  
2 license is issued in the fourth year following the date of issuance  
3 of the license or on the date the individual is no longer  
4 considered to be legally present in the United States under section  
5 307, whichever is earlier, unless the license is suspended or  
6 revoked before that date.

7 (4) An individual may apply for an extension of ~~his or her~~ **the**  
8 **individual's** driving privileges if ~~he or she~~ **the individual** is out  
9 of state on the date that ~~his or her~~ **the individual's** operator's or  
10 chauffeur's license **or mobile operator's or chauffeur's license**  
11 expires. The extension may extend the license for 180 days beyond  
12 the expiration date or not more than 2 weeks after the applicant  
13 returns to Michigan, whichever occurs first. This subsection does  
14 not apply to an individual who fails to meet the requirements of 49  
15 CFR parts 383 and 391 with regard to medical certification  
16 documentation requirements.

17 (5) The secretary of state may issue a renewal operator's or  
18 chauffeur's license **or mobile operator's or chauffeur's license** to  
19 an individual who will be out of state for more than 180 days  
20 beyond the expiration date of ~~his or her~~ **the individual's**  
21 operator's or chauffeur's license **or mobile operator's or**  
22 **chauffeur's license**, if the secretary of state has a digital image  
23 of the individual on file. The applicant for this renewal shall  
24 submit a statement evidencing a vision examination in accordance  
25 with the rules promulgated by the secretary of state under section  
26 309 and any other statement required by this act or federal law. An  
27 individual is not eligible for consecutive renewals of a license  
28 under this subsection. This subsection does not apply to an  
29 individual who fails to meet the requirements of 49 CFR parts 383

1 and 391 with regard to medical certification documentation  
2 requirements, or an individual with a hazardous material  
3 endorsement on ~~his or her operator's or chauffeur's~~ **the**  
4 **individual's** license.

5 (6) The secretary of state may check the applicant's driving  
6 record through the National Driver Register and the Commercial  
7 Driver's License Information System before issuing a renewal under  
8 this section.

9 (7) Notwithstanding the provisions of this section, an  
10 operator's or chauffeur's license that expires on or after March 1,  
11 2020 is valid until March 31, 2021. Notwithstanding the provisions  
12 of this section, an operator's or chauffeur's license that expires  
13 after March 31, 2021 but before August 1, 2021 is valid until 120  
14 days after the date of the expiration.

15 **Sec. 811c. (1) The fee for an original or renewal mobile**  
16 **operator's or chauffeur's license issued under section 310(5) is**  
17 **\$4.00. The secretary of state shall deposit the money received and**  
18 **collected under this subsection in the fund created under**  
19 **subsection (2).**

20 (2) The mobile license fund is created within the state  
21 treasury. The state treasurer may receive money or other assets  
22 from any source for deposit into the fund. The state treasurer  
23 shall direct the investment of the fund. The state treasurer shall  
24 credit to the fund interest and earnings from fund investments.  
25 Money in the fund at the close of the fiscal year must remain in  
26 the fund and must not lapse to the general fund. The secretary of  
27 state shall be the administrator of the fund for auditing purposes.  
28 The secretary of state shall expend money from the fund, on  
29 appropriation, to cover necessary administrative and implementation

1 costs incurred in providing mobile operator's or chauffeur's  
2 licenses under section 310(5), mobile official state personal  
3 identification cards under section 2 of 1972 PA 222, MCL 28.292,  
4 and mobile enhanced driver licenses or enhanced official state  
5 personal identification cards under section 4 of the enhanced  
6 driver license and enhanced official state personal identification  
7 card act, 2008 PA 23, MCL 28.304.

8 Enacting section 1. This amendatory act does not take effect  
9 unless all of the following bills of the 102nd Legislature are  
10 enacted into law:

11 (a) Senate Bill No. 459.

12

13 (b) Senate Bill No. 460.

14