

# HOUSE BILL No. 4448

March 13, 2007, Introduced by Reps. Warren, Bauer, Melton, Meadows, Miller, Meisner, Angerer, Alma Smith, Vagnozzi, Mayes, Robert Jones, Tobocman, Leland, Valentine, Ebli, Gillard, Kathleen Law, Virgil Smith, Jackson, Condino, Bennett and Polidori and referred to the Committee on Ethics and Elections.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 307 and 315 (MCL 257.307 and 257.315), section 307 as amended by 2006 PA 298 and section 315 as amended by 1999 PA 118.

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

1           Sec. 307. (1) An applicant for an operator's or chauffeur's  
2 license shall supply a birth certificate attesting to his or her  
3 age or other sufficient documents or identification as the  
4 secretary of state may require. An application for an operator's  
5 or chauffeur's license shall be made in a manner prescribed by

1 the secretary of state and shall contain all of the following:

2 (a) The applicant's full name, date of birth, residence  
3 address, height, sex, eye color, signature, and, beginning  
4 January 1, 2007, intent to be an organ donor, other information  
5 required or permitted on the license under this chapter, and, to  
6 the extent required to comply with federal law, the applicant's  
7 social security number. The applicant may provide a mailing  
8 address if the applicant receives mail at an address different  
9 from his or her residence address.

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

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

1 ~~residence address is located."~~

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

6 (C) ~~(d)~~—For an operator's or chauffeur's license with a  
7 vehicle group designation or indorsement, the following  
8 certifications by the applicant:

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

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

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

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

25 (D) ~~(e)~~—An applicant for an operator's or chauffeur's  
26 license with a vehicle group designation and a hazardous material

1 indorsement shall provide his or her fingerprints as prescribed  
2 by state and federal law.

3 (2) Except as provided in this subsection, an applicant for  
4 an operator's or chauffeur's license may have his or her image  
5 and signature captured or reproduced when the application for the  
6 license is made. An applicant required under section 5a of the  
7 sex offenders registration act, 1994 PA 295, MCL 28.725a, to  
8 maintain a valid operator's or chauffeur's license or official  
9 state personal identification card shall have his or her image  
10 and signature captured or reproduced when the application for the  
11 license is made. The secretary of state shall acquire by purchase  
12 or lease the equipment for capturing the images and signatures  
13 and may furnish the equipment to a local unit authorized by the  
14 secretary of state to license drivers. The secretary of state  
15 shall acquire equipment purchased or leased pursuant to this  
16 section under standard purchasing procedures of the department of  
17 management and budget based on standards and specifications  
18 established by the secretary of state. The secretary of state  
19 shall not purchase or lease equipment until an appropriation for  
20 the equipment has been made by the legislature. An image and  
21 signature captured pursuant to this section shall appear on the  
22 applicant's operator's or chauffeur's license. Except as provided  
23 in this subsection, the secretary of state may retain and use a  
24 person's image and signature described in this subsection only  
25 for programs administered by the secretary of state. Except as  
26 provided in this subsection, the secretary of state shall not use  
27 a person's image or signature, or both, unless the person grants

1 written permission for that purpose to the secretary of state or  
2 specific enabling legislation permitting the use is enacted into  
3 law. A law enforcement agency of this state has access to  
4 information retained by the secretary of state under this  
5 subsection. The information may be utilized for any law  
6 enforcement purpose unless otherwise prohibited by law. The  
7 department of state police shall provide to the secretary of  
8 state updated lists of persons required to be registered under  
9 the sex offenders registration act, 1994 PA 295, MCL 28.721 to  
10 28.736, and the secretary of state shall make the images of those  
11 persons available to the department of state police as provided  
12 in that act.

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

22 (4) In conjunction with the application for or, until  
23 January 1, 2007, the issuance of an operator's or chauffeur's  
24 license, the secretary of state shall do all of the following:

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

26 (i) Information explaining the applicant's right to make an  
27 anatomical gift in the event of death in accordance with section

1 310.

2 (ii) Information describing the organ, tissue, and eye donor  
3 registry program. The information required under this  
4 subparagraph includes the address and telephone number of  
5 Michigan's federally designated organ procurement organization or  
6 its successor organization.

7 (iii) Information giving the applicant the opportunity to be  
8 placed on the registry described in subparagraph (ii).

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

13 (c) Inform the applicant that, if he or she indicates to the  
14 secretary of state under this section a willingness to have his  
15 or her name placed on the registry described in subdivision  
16 (a) (ii), the secretary of state will mark the applicant's record  
17 for the registry.

18 (d) Provide the applicant with the opportunity to make a  
19 donation of \$1.00 or more to the organ and tissue donation  
20 education fund created under section 217o. A donation made under  
21 this subdivision shall be deposited in the state treasury to the  
22 credit of the organ and tissue donation education fund.

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

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

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

3 (c) Through electronic information transmittals for  
4 operator's and chauffeur's licenses processed by electronic  
5 means.

6 (6) Until January 1, 2007, if an applicant indicates a  
7 willingness under this section to have his or her name placed on  
8 the organ donor registry described in subsection (4) (a) (ii), the  
9 secretary of state shall within 10 days forward the applicant's  
10 name, and address, and date of birth to the organ donor registry  
11 maintained by Michigan's federally designated organ procurement  
12 organization or its successor organization. The secretary of  
13 state may forward information under this subsection by mail or by  
14 electronic means. The secretary of state shall not maintain a  
15 record of the name or address of an individual who indicates a  
16 willingness to have his or her name placed on the organ donor  
17 registry after forwarding that information to the organ donor  
18 registry under this subsection. Information about an applicant's  
19 indication of a willingness to have his or her name placed on the  
20 organ donor registry that is obtained by the secretary of state  
21 under subsection (4) and forwarded under this subsection is  
22 exempt from disclosure under section 13(1)(d) of the freedom of  
23 information act, 1976 PA 442, MCL 15.243. Beginning January 1,  
24 2007, the secretary of state shall maintain a record of an  
25 individual who indicates a willingness to have his or her name  
26 placed on the registry described in subsection (4) (a) (ii).  
27 Information about an applicant's indication of a willingness to

1 have his or her name placed on the registry that is obtained by  
2 the secretary of state under subsection (4) and forwarded under  
3 subsection (14) is exempt from disclosure under section 13(1)(d)  
4 of the freedom of information act, 1976 PA 442, MCL 15.243.

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

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



1 issuing that group designation or indorsement. If the application  
2 is for the renewal of a vehicle group designation or indorsement,  
3 and if the secretary of state enters on the person's historical  
4 driving record maintained under section 204a a notation that the  
5 request was made and the date of the request, the secretary of  
6 state is required to request the applicant's complete driving  
7 record from other states only once under this section.

8 (9) Except for a vehicle group designation or indorsement or  
9 as provided in this subsection or section 314(5), the secretary  
10 of state may issue a renewal operator's or chauffeur's license  
11 for 1 additional 4-year period by mail or by other methods  
12 prescribed by the secretary of state. The secretary of state may  
13 check the applicant's driving record through the national driver  
14 register and the commercial driver license information system  
15 before issuing a license under this section. The secretary of  
16 state shall issue a renewal license only in person if the person  
17 is a person required under section 5a of the sex offenders  
18 registration act, 1994 PA 295, MCL 28.725a, to maintain a valid  
19 operator's or chauffeur's license or official state personal  
20 identification card. If a license is renewed by mail or by other  
21 method, the secretary of state shall issue evidence of renewal to  
22 indicate the date the license expires in the future. The  
23 department of state police shall provide to the secretary of  
24 state updated lists of persons required under section 5a of the  
25 sex offenders registration act, 1994 PA 295, MCL 28.725a, to  
26 maintain a valid operator's or chauffeur's license or official  
27 state personal identification card.

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

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

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

10           (b) Through the law enforcement information network, to  
11 carry out the purposes of section 466(a) of the social security  
12 act, 42 USC 666, in connection with matters relating to  
13 paternity, child support, or overdue child support.

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

17           (d) With the department of community health, for comparison  
18 with vital records maintained by the department of community  
19 health under part 28 of the public health code, 1978 PA 368, MCL  
20 333.2801 to 333.2899.

21           (e) As otherwise required by law.

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

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

1 social security number or to an applicant who for religious  
2 convictions is exempt under law from disclosure of his or her  
3 social security number under these circumstances. The secretary  
4 of state shall inform the applicant of this possible exemption.

5 (14) Beginning January 1, 2007, the secretary of state shall  
6 maintain the organ, tissue, and eye donor registry in a manner  
7 that provides electronic access, including, but not limited to,  
8 transfer of data to this state's federally designated organ  
9 procurement organizations, their successor organizations, and  
10 tissue and eye banks with limitations on the use of and access to  
11 the donor registry as determined by the secretary of state.

12 Sec. 315. (1) An operator or chauffeur who changes his or  
13 her residence before the expiration of a license granted under  
14 this chapter shall immediately notify the secretary of state of  
15 his or her new residence address. A change of address  
16 notification shall be in a manner prescribed by the secretary of  
17 state and may include notification by personally appearing at a  
18 branch office of the secretary of state or other location  
19 designated by the secretary of state, or a notification by mail,  
20 telephone, electronically, by submitting a voter registration  
21 application unless the person registers to vote in a city,  
22 village, or township that prohibits the operation of motor  
23 vehicles by law or ordinance, or by any other means prescribed by  
24 the secretary of state. ~~The secretary of state shall provide the~~  
25 ~~person changing his or her residence address the notice required~~  
26 ~~by section 307(1)(b) that, under sections 509o and 509r of the~~  
27 ~~Michigan election law, 1954 PA 116, MCL 168.509o and 168.509r,~~

1 ~~the secretary of state is required to use the residence address~~  
2 ~~provided on this change of address application as the person's~~  
3 ~~residence address on the qualified voter file for voter~~  
4 ~~registration and voting. However, a~~ **A** person may submit to the  
5 secretary of state a mailing address that is different than his  
6 or her residence address.

7 (2) Upon receiving a change of address notification, the  
8 secretary of state shall change the person's driver license  
9 record to indicate the new residence address. The secretary of  
10 state shall provide the person with a new license or a label or  
11 some other mechanism containing the new residence address. Upon  
12 receipt of the label or other mechanism, the person shall affix  
13 the label or mechanism to his or her operator's or chauffeur's  
14 license as prescribed by the secretary of state. If the secretary  
15 of state furnished the person with a new license, the person  
16 shall destroy his or her old license and replace it with the new  
17 license.

18 (3) If a person fails to report a change of his or her  
19 residence address as required under this section and subsequently  
20 there is no response to a notice mailed to the residence address  
21 shown by the record of the secretary of state or if the person  
22 has provided the secretary of state a mailing address different  
23 from his or her residence address and there is no response to a  
24 notice mailed to that mailing address, the secretary of state may  
25 immediately suspend or revoke his or her license. A person who  
26 fails to report a change of his or her residence address is  
27 responsible for a civil infraction.

1           (4) A person shall not knowingly report a change of address  
2 to the secretary of state for himself or herself that is not his  
3 or her residence address. A person shall not knowingly report a  
4 change of address to the secretary of state for another person  
5 without the consent of the other person. A person who is  
6 convicted of a violation of this subsection is guilty of a  
7 misdemeanor punishable by imprisonment for not more than 93 days  
8 or a fine of \$1,000.00, or both. Upon receiving the abstract of a  
9 conviction under this subsection, the secretary of state may  
10 suspend the person's operator's or chauffeur's license for 6  
11 months. The secretary of state shall not issue a restricted  
12 license to the person during the suspension.

13           (5) Upon a second or subsequent conviction under subsection  
14 (4), a person is guilty of a misdemeanor punishable by  
15 imprisonment for not more than 93 days or a fine of \$5,000.00, or  
16 both. Upon receiving the abstract of a second or subsequent  
17 conviction under subsection (4), the secretary of state shall  
18 revoke the person's operator's or chauffeur's license.

19           (6) The suspension or revocation of an operator's or  
20 chauffeur's license under subsection (4) or (5) is not appealable  
21 under section 323.