

HOUSE BILL No. 4942

June 19, 2007, Introduced by Reps. Clack, Alma Smith, Bieda, Byrnes, Green, Tobocman, Miller, Leland, Angerer, Donigan, Condino and Dean and referred to the Committee on Health Policy.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 307 and 310 (MCL 257.307 and 257.310), section 307 as amended by 2006 PA 298 and section 310 as amended by 2005 PA 141.

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
- 6 the secretary of state and shall contain all of the following:
- 7 (a) The applicant's full name, date of birth, residence

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

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

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

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

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

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

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

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

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

24 (e) An applicant for an operator's or chauffeur's license
25 with a vehicle group designation and a hazardous material
26 indorsement shall provide his or her fingerprints as prescribed
27 by state and federal law.

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

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

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

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

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

24 (i) Information explaining the applicant's right to make an
25 anatomical gift in the event of death in accordance with section
26 310.

27 (ii) Information describing the ~~organ, tissue, and eye~~

1 **ANATOMICAL GIFT** donor registry program **UNDER PART 101 OF THE**
2 **PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.10101 TO 333.10123.** The
3 information required under this subparagraph includes the address
4 and telephone number of Michigan's federally designated organ
5 procurement organization or its successor organization **AS DEFINED**
6 **IN SECTION 10102 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL**
7 **333.10102.**

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

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

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

19 (d) Provide the applicant with the opportunity to make a
20 donation of \$1.00 or more to the organ and tissue donation
21 education fund created under section 2170. A donation made under
22 this subdivision shall be deposited in the state treasury to the
23 credit of the organ and tissue donation education fund.

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

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

1 of an operator's or chauffeur's license.

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

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

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

1 Information about an applicant's indication of a willingness to
2 have his or her name placed on the **DONOR** registry that is
3 obtained by the secretary of state under subsection (4) and
4 forwarded under subsection (14) is exempt from disclosure under
5 section 13(1)(d) of the freedom of information act, 1976 PA 442,
6 MCL 15.243.

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

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

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

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

1 maintain a valid operator's or chauffeur's license or official
2 state personal identification card.

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

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

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

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

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

19 (d) With the department of community health, for comparison
20 with vital records maintained by the department of community
21 health under part 28 of the public health code, 1978 PA 368, MCL
22 333.2801 to 333.2899.

23 (e) As otherwise required by law.

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

27 (13) A requirement under this section to include a social

1 security number on an application does not apply to an applicant
2 who demonstrates he or she is exempt under law from obtaining a
3 social security number or to an applicant who for religious
4 convictions is exempt under law from disclosure of his or her
5 social security number under these circumstances. The secretary
6 of state shall inform the applicant of this possible exemption.

7 (14) ~~Beginning January 1, 2007,~~ **AS REQUIRED IN SECTION 10120**
8 **OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.10120,** the
9 secretary of state shall maintain the ~~organ, tissue, and eye~~
10 donor registry in a manner that provides electronic access,
11 including, but not limited to, **THE** transfer of data to this
12 state's federally designated organ procurement ~~organizations,~~
13 ~~their~~ **ORGANIZATION OR ITS** successor ~~organizations,~~ and
14 **ORGANIZATION,** tissue **BANKS,** and eye banks, ~~with limitations on~~
15 ~~the use of and access to the donor registry as determined by the~~
16 ~~secretary of state~~ **IN A MANNER THAT COMPLIES WITH THAT SECTION.**

17 Sec. 310. (1) The secretary of state shall issue an
18 operator's license to each person licensed as an operator and a
19 chauffeur's license to each person licensed as a chauffeur. An
20 applicant for a motorcycle indorsement under section 312a or a
21 vehicle group designation or indorsement shall first qualify for
22 an operator's or chauffeur's license before the indorsement or
23 vehicle group designation application is accepted and processed.
24 On and after July 1, 2003, an original license or the first
25 renewal of an existing license issued to a person less than 21
26 years of age shall be portrait or vertical in form and a license
27 issued to a person 21 years of age or over shall be landscape or

1 horizontal in form.

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

4 (a) The distinguishing number permanently assigned to the
5 licensee.

6 (b) The full name, date of birth, address of residence,
7 height, eye color, sex, image, and signature of the licensee.

8 (c) ~~Until January 1, 2007, a~~ **A** place for the licensee to
9 indicate 1 or more of the following:

10 (i) The blood type of the licensee.

11 (ii) Immunization data of the licensee.

12 (iii) Medication data of the licensee.

13 (iv) A statement that the licensee is deaf.

14 ~~(v) Until January 1, 2007, a statement that the licensee is~~
15 ~~an organ and tissue donor under part 101 of the public health~~
16 ~~code, 1978 PA 368, MCL 333.10101 to 333.10109.~~

17 (v) ~~(vi)~~ Emergency contact information of the licensee.

18 (vi) ~~(vii)~~ A sticker or decal as specified by the secretary of
19 state to indicate that the licensee has designated 1 or more
20 patient advocates in accordance with section 5506 of the estates
21 and protected individuals code, 1998 PA 386, MCL 700.5506, or a
22 statement that the licensee carries an emergency medical
23 information card.

24 ~~(d) Until January 1, 2007, if the licensee has made a~~
25 ~~statement described in subdivision (c) (v), the signature of the~~
26 ~~licensee following the indication of his or her organ and tissue~~
27 ~~donor intent identified in subdivision (c) (v), along with the~~

1 ~~signature of at least 1 witness.~~

2 (D) ~~(e)~~—In the case of a licensee who is less than 18 years
3 of age at the time of issuance of the license, the date on which
4 the licensee will become 18 years of age and 21 years of age.

5 (E) ~~(f)~~—In the case of a licensee who is at least 18 years
6 of age but less than 21 years of age at the time of issuance of
7 the license, the date on which the licensee will become 21 years
8 of age.

9 (F) ~~(g)~~ ~~Beginning January 1, 2007, in~~ ~~IN~~ the case of a
10 licensee who has indicated his or her wish to participate in the
11 ~~organ and tissue~~ **ANATOMICAL GIFT** donor registry under part 101 of
12 the public health code, 1978 PA 368, MCL 333.10101 to ~~333.10109~~
13 **333.10123**, a heart insignia on the front of the license.

14 (3) Except as otherwise required under this chapter, other
15 information required on the license pursuant to this chapter may
16 appear on the license in a form prescribed by the secretary of
17 state.

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

20 (5) A digitized license may contain an identifier for voter
21 registration purposes. The digitized license may contain
22 information appearing in electronic or machine readable codes
23 needed to conduct a transaction with the secretary of state. The
24 information shall be limited to the person's driver license
25 number, birth date, license expiration date, and other
26 information necessary for use with electronic devices, machine
27 readers, or automatic teller machines and shall not contain the

1 person's name, address, driving record, or other personal
2 identifier. The license shall identify the encoded information.

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

9 (7) Except as provided in subsection (11), a person who
10 intentionally reproduces, alters, counterfeits, forges, or
11 duplicates a license photograph, the negative of the photograph,
12 image, license, or electronic data contained on a license or a
13 part of a license or who uses a license, image, or photograph
14 that has been reproduced, altered, counterfeited, forged, or
15 duplicated is subject to 1 of the following:

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

24 (b) If the intent of the reproduction, alteration,
25 counterfeiting, forging, duplication, or use is to commit or aid
26 in the commission of an offense that is a felony punishable by
27 imprisonment for less than 10 years or a misdemeanor punishable

1 by imprisonment for 6 months or more, the person committing the
2 reproduction, alteration, counterfeiting, forging, duplication,
3 or use is guilty of a felony, punishable by imprisonment for not
4 more than 5 years, or a fine of not more than \$10,000.00, or
5 both.

6 (c) If the intent of the reproduction, alteration,
7 counterfeiting, forging, duplication, or use is to commit or aid
8 in the commission of an offense that is a misdemeanor punishable
9 by imprisonment for less than 6 months, the person committing the
10 reproduction, alteration, counterfeiting, forging, duplication,
11 or use is guilty of a misdemeanor punishable by imprisonment for
12 not more than 1 year or a fine of not more than \$2,000.00, or
13 both.

14 (8) Except as provided in subsections (11) and (16), a
15 person who sells, or who possesses with the intent to deliver to
16 another, 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 felony punishable by imprisonment for not
20 more than 5 years or a fine of not more than \$10,000.00, or both.

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

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

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

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

23 (13) An operator or chauffeur may indicate on the license in
24 a place designated by the secretary of state his or her blood
25 type, emergency contact information, immunization data,
26 medication data, or a statement that the licensee is deaf. ~~, or,~~
27 ~~until January 1, 2007, a statement that the licensee is an organ~~

1 and tissue donor and has made an anatomical gift under part 101
2 of the public health code, 1978 PA 368, MCL 333.10101 to
3 333.10109.

4 (14) An operator or chauffeur may indicate on the license in
5 a place designated by the secretary of state that he or she has
6 designated a patient advocate in accordance with sections 5506 to
7 ~~5513~~ **5515** of the estates and protected individuals code, 1998 PA
8 386, MCL 700.5506 to ~~700.5513~~ **700.5515**.

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

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

18 (17) The sticker or decal described in subsection ~~(2)(e)(vii)~~
19 **(2)(C)(vi)** may be provided by any person, hospital, school,
20 medical group, or association interested in assisting in
21 implementing the emergency medical information card, but shall
22 meet the specifications of the secretary of state. The emergency
23 medical information card may contain the information described in
24 subsection ~~(2)(e)(vi)~~ **(2)(C)(v)**, information concerning the
25 licensee's patient advocate designation, other emergency medical
26 information, or an indication as to where the licensee has stored
27 or registered emergency medical information.

1 (18) ~~Beginning January 1, 2007, the~~ **THE** secretary of state
2 shall inquire of each licensee, in person or by mail, whether the
3 licensee agrees to participate in the ~~organ, tissue, and eye~~
4 **ANATOMICAL GIFT** donor registry under part 101 of the public
5 health code, 1978 PA 368, MCL 333.10101 to ~~333.10109~~ **333.10123**.

6 (19) A licensee who has agreed to participate in the ~~organ,~~
7 ~~tissue, and eye~~ **ANATOMICAL GIFT** donor registry under part 101 of
8 the public health code, 1978 PA 368, MCL 333.10101 to ~~333.10109~~
9 **333.10123**, shall not be considered to have revoked that agreement
10 solely because the licensee's license has been revoked or
11 suspended or has expired. Enrollment in the ~~organ, tissue, and~~
12 ~~eye~~ donor registry constitutes a legal agreement that remains
13 binding and in effect after the donor's death regardless of the
14 expressed desires of the deceased donor's next of kin who may
15 oppose the donor's ~~organ, tissue, or eye donation~~ **ANATOMICAL**
16 **GIFT**.

17 Enacting section 1. This amendatory act does not take effect
18 unless Senate Bill No. _____ or House Bill No. 4940 (request no.
19 01547'07) of the 94th Legislature is enacted into law.