

# HOUSE BILL No. 4505

March 21, 2007, Introduced by Reps. Ward, Rocca, Wenke, LaJoy, Green and Hune and referred to the Committee on Oversight and Investigations.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 303, 307, 307a, 310, and 314 (MCL 257.303, 257.307, 257.307a, 257.310, and 257.314), sections 303, 307, 307a, and 314 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. 303. (1) The secretary of state shall not issue a  
2 license under this act to any of the following persons:
- 3           (a) A person, as an operator, who is less than 18 years of  
4 age, except as otherwise provided in this act.
- 5           (b) A person, as a chauffeur, who is less than 18 years of  
6 age, except as otherwise provided in this act.
- 7           (c) A person whose license is suspended, revoked, denied, or

1 canceled in any state. If the suspension, revocation, denial, or  
2 cancellation is not from the jurisdiction that issued the last  
3 license to the person, the secretary of state may issue a license  
4 after the expiration of 5 years from the effective date of the  
5 most recent suspension, revocation, denial, or cancellation.

6 (d) A person who in the opinion of the secretary of state is  
7 afflicted with or suffering from a physical or mental disability  
8 or disease preventing that person from exercising reasonable and  
9 ordinary control over a motor vehicle while operating the motor  
10 vehicle upon the highways.

11 (e) A person who is unable to understand highway warning or  
12 direction signs in the English language.

13 (f) A person who is unable to pass a knowledge, skill, or  
14 ability test administered by the secretary of state in connection  
15 with the issuance of an original operator's or chauffeur's  
16 license, original motorcycle indorsement, or an original or  
17 renewal of a vehicle group designation or vehicle indorsement.

18 (g) A person who has been convicted of, has received a  
19 juvenile disposition for, or has been determined responsible for  
20 2 or more moving violations under a law of this state, a local  
21 ordinance substantially corresponding to a law of this state, or  
22 a law of another state substantially corresponding to a law of  
23 this state within the preceding 3 years, if the violations  
24 occurred before issuance of an original license to the person in  
25 this state, another state, or another country.

26 (h) A nonresident, including, but not limited to, a foreign  
27 exchange student.

1           (i) A person who has failed to answer a citation or notice  
2 to appear in court or for any matter pending or fails to comply  
3 with an order or judgment of the court, including, but not  
4 limited to, paying all fines, costs, fees, and assessments, in  
5 violation of section 321a, until that person answers the citation  
6 or notice to appear in court or for any matter pending or  
7 complies with an order or judgment of the court, including, but  
8 not limited to, paying all fines, costs, fees, and assessments,  
9 as provided under section 321a.

10           (j) A person not licensed under this act who has been  
11 convicted of, has received a juvenile disposition for, or has  
12 been determined responsible for a crime or civil infraction  
13 described in section 319, 324, or 904. A person shall be denied a  
14 license under this subdivision for the length of time  
15 corresponding to the period of the licensing sanction that would  
16 have been imposed under section 319, 324, or 904 if the person  
17 had been licensed at the time of the violation.

18           (k) A person not licensed under this act who has been  
19 convicted of or received a juvenile disposition for committing a  
20 crime described in section 319e. A person shall be denied a  
21 license under this subdivision for the length of time that  
22 corresponds to the period of the licensing sanction that would  
23 have been imposed under section 319e if the person had been  
24 licensed at the time of the violation.

25           (l) A person not licensed under this act who is determined to  
26 have violated section 33b(1) of former 1933 (Ex Sess) PA 8,  
27 section 703(1) of the Michigan liquor control code of 1998, 1998

1 PA 58, MCL 436.1703, or section 624a or 624b of this act. The  
2 person shall be denied a license under this subdivision for a  
3 period of time that corresponds to the period of the licensing  
4 sanction that would have been imposed under those sections had  
5 the person been licensed at the time of the violation.

6 (m) A person whose commercial driver license application is  
7 canceled under section 324(2).

8 **(N) A PERSON WHO THE SECRETARY OF STATE DETERMINES IS IN**  
9 **THIS COUNTRY ILLEGALLY.**

10 (2) Upon receiving the appropriate records of conviction,  
11 the secretary of state shall revoke the operator's or chauffeur's  
12 license of a person and deny issuance of an operator's or  
13 chauffeur's license to a person having any of the following,  
14 whether under a law of this state, a local ordinance  
15 substantially corresponding to a law of this state, or a law of  
16 another state substantially corresponding to a law of this state:

17 (a) Any combination of 2 convictions within 7 years for  
18 reckless driving in violation of section 626.

19 (b) Any combination of 2 or more convictions within 7 years  
20 for any of the following:

21 (i) A felony in which a motor vehicle was used.

22 (ii) A violation or attempted violation of section 601b(2) or  
23 (3), section 601c(1) or (2), section 602a(4) or (5), section 617,  
24 section 653a(3) or (4), or section 904(4) or (5).

25 (iii) Negligent homicide, manslaughter, or murder resulting  
26 from the operation of a vehicle or an attempt to commit any of  
27 those crimes.

1 (iv) A violation or attempted violation of section 479a(4) or  
2 (5) of the Michigan penal code, 1931 PA 328, MCL 750.479a.

3 (c) Any combination of 2 convictions within 7 years for any  
4 of the following or a combination of 1 conviction for a violation  
5 or attempted violation of section 625(6) and 1 conviction for any  
6 of the following within 7 years:

7 (i) A violation or attempted violation of section 625, except  
8 a violation of section 625(2), or a violation of any prior  
9 enactment of section 625 in which the defendant operated a  
10 vehicle while under the influence of intoxicating or alcoholic  
11 liquor or a controlled substance, or a combination of  
12 intoxicating or alcoholic liquor and a controlled substance, or  
13 while visibly impaired, or with an unlawful bodily alcohol  
14 content.

15 (ii) A violation or attempted violation of section 625m.

16 (iii) Former section 625b.

17 (d) One conviction for a violation or attempted violation of  
18 section 315(5), section 601b(3), section 601c(2), section 602a(4)  
19 or (5), section 617, section 625(4) or (5), section 653a(4), or  
20 section 904(4) or (5).

21 (e) One conviction of negligent homicide, manslaughter, or  
22 murder resulting from the operation of a vehicle or an attempt to  
23 commit any of those crimes.

24 (f) One conviction for a violation or attempted violation of  
25 section 479a(4) or (5) of the Michigan penal code, 1931 PA 328,  
26 MCL 750.479a.

27 (g) Any combination of 3 convictions within 10 years for any

1 of the following or 1 conviction for a violation or attempted  
2 violation of section 625(6) and any combination of 2 convictions  
3 for any of the following within 10 years, if any of the  
4 convictions resulted from an arrest on or after January 1, 1992:

5 (i) A violation or attempted violation of section 625, except  
6 a violation of section 625(2), or a violation of any prior  
7 enactment of section 625 in which the defendant operated a  
8 vehicle while under the influence of intoxicating or alcoholic  
9 liquor or a controlled substance, or a combination of  
10 intoxicating or alcoholic liquor and a controlled substance, or  
11 while visibly impaired, or with an unlawful bodily alcohol  
12 content.

13 (ii) A violation or attempted violation of section 625m.

14 (iii) Former section 625b.

15 (3) The secretary of state shall revoke a license under  
16 subsection (2) notwithstanding a court order unless the court  
17 order complies with section 323.

18 (4) The secretary of state shall not issue a license under  
19 this act to a person whose license has been revoked under this  
20 act or revoked and denied under subsection (2) until all of the  
21 following occur, as applicable:

22 (a) The later of the following:

23 (i) The expiration of not less than 1 year after the license  
24 was revoked or denied.

25 (ii) The expiration of not less than 5 years after the date  
26 of a subsequent revocation or denial occurring within 7 years  
27 after the date of any prior revocation or denial.

1 (b) For a denial under subsection (2)(a), (b), (c), and (g),  
2 the person rebuts by clear and convincing evidence the  
3 presumption resulting from the prima facie evidence that he or  
4 she is a habitual offender. The convictions that resulted in the  
5 revocation and denial constitute prima facie evidence that he or  
6 she is a habitual offender.

7 (c) The person meets the requirements of the department.

8 (5) The secretary of state may deny issuance of an  
9 operator's license as follows:

10 (a) Until the age of 17, to a person not licensed under this  
11 act who was convicted of or received a juvenile disposition for  
12 violating or attempting to violate section 411a(2) of the  
13 Michigan penal code, 1931 PA 328, MCL 750.411a, involving a  
14 school when he or she was less than 14 years of age. A person not  
15 issued a license under this subdivision is not eligible to begin  
16 graduated licensing training until he or she attains 16 years of  
17 age.

18 (b) To a person less than 21 years of age not licensed under  
19 this act who was convicted of or received a juvenile disposition  
20 for violating or attempting to violate section 411a(2) of the  
21 Michigan penal code, 1931 PA 328, MCL 750.411a, involving a  
22 school when he or she was less than 14 years of age or older,  
23 until 3 years after the date of the conviction or juvenile  
24 disposition. A person not issued a license under this subdivision  
25 is not eligible to begin graduated licensing training or  
26 otherwise obtain an original operator's or chauffeur's license  
27 until 3 years after the date of the conviction or juvenile

1 disposition.

2 (6) The secretary of state shall deny issuance of a vehicle  
3 group designation to a person if the person has been disqualified  
4 by the United States secretary of transportation from operating a  
5 commercial motor vehicle.

6 (7) Multiple convictions or civil infraction determinations  
7 resulting from the same incident shall be treated as a single  
8 violation for purposes of denial or revocation of a license under  
9 this section.

10 (8) As used in this section, "felony in which a motor  
11 vehicle was used" means a felony during the commission of which  
12 the person operated a motor vehicle and while operating the  
13 vehicle presented real or potential harm to persons or property  
14 and 1 or more of the following circumstances existed:

15 (a) The vehicle was used as an instrument of the felony.

16 (b) The vehicle was used to transport a victim of the  
17 felony.

18 (c) The vehicle was used to flee the scene of the felony.

19 (d) The vehicle was necessary for the commission of the  
20 felony.

21 Sec. 307. (1) An applicant for an operator's or chauffeur's  
22 license shall supply a birth certificate attesting to his or her  
23 age or other sufficient documents or identification as the  
24 secretary of state may require. An application for an operator's  
25 or chauffeur's license shall be made in a manner prescribed by  
26 the secretary of state and shall contain all of the following:

27 (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, other information  
3 required or permitted on the license under this chapter, and, to  
4 the extent required to comply with federal law, the applicant's  
5 social security number. **IF THE APPLICANT IS A UNITED STATES**  
6 **CITIZEN, THE APPLICATION SHALL CONTAIN A STATEMENT THAT HE OR SHE**  
7 **IS A UNITED STATES CITIZEN.** 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 (c) 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 (d) For an operator's or chauffeur's license with a vehicle  
7 group designation or indorsement, the following certifications by  
8 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 (e) An applicant for an operator's or chauffeur's license  
26 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. 307a. For an operator or chauffeur license that  
13 contains a vehicle group designation, the secretary of state  
14 shall issue a license that contains the information required  
15 under this act and all of the following information:

16 (a) The name and address of residence of the licensee **AND,**  
17 **IF THE LICENSEE IS A UNITED STATES CITIZEN, A STATEMENT THAT HE**  
18 **OR SHE IS A UNITED STATES CITIZEN.**

19 (b) Date of birth.

20 (c) Height and sex.

21 (d) Information required by the United States department of  
22 transportation under 49 CFR 383.153.

23 (e) The vehicle group designation and any indorsement of a  
24 commercial motor vehicle the licensee is authorized to operate.

25 (f) The name of this state.

26 (g) The expiration date of the license.

27 Sec. 310. (1) The secretary of state shall issue an

1 operator's license to each person licensed as an operator and a  
2 chauffeur's license to each person licensed as a chauffeur. An  
3 applicant for a motorcycle indorsement under section 312a or a  
4 vehicle group designation or indorsement shall first qualify for  
5 an operator's or chauffeur's license before the indorsement or  
6 vehicle group designation application is accepted and processed.  
7 On and after July 1, 2003, an original license or the first  
8 renewal of an existing license issued to a person less than 21  
9 years of age shall be portrait or vertical in form and a license  
10 issued to a person 21 years of age or over shall be landscape or  
11 horizontal in form.

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

14 (a) The distinguishing number permanently assigned to the  
15 licensee.

16 (b) The full name, date of birth, address of residence,  
17 height, eye color, sex, image, and signature of the licensee **AND,**  
18 **IF THE LICENSEE IS A UNITED STATES CITIZEN, A STATEMENT THAT HE**  
19 **OR SHE IS A UNITED STATES CITIZEN.**

20 (c) Until January 1, 2007, a place for the licensee to  
21 indicate 1 or more of the following:

22 (i) The blood type of the licensee.

23 (ii) Immunization data of the licensee.

24 (iii) Medication data of the licensee.

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

26 (v) Until January 1, 2007, a statement that the licensee is  
27 an organ and tissue donor under part 101 of the public health

1 code, 1978 PA 368, MCL 333.10101 to 333.10109.

2 (vi) Emergency contact information of the licensee.

3 (vii) A sticker or decal as specified by the secretary of  
4 state to indicate that the licensee has designated 1 or more  
5 patient advocates in accordance with section 5506 of the estates  
6 and protected individuals code, 1998 PA 386, MCL 700.5506, or a  
7 statement that the licensee carries an emergency medical  
8 information card.

9 (d) Until January 1, 2007, if the licensee has made a  
10 statement described in subdivision (c)(v), the signature of the  
11 licensee following the indication of his or her organ and tissue  
12 donor intent identified in subdivision (c)(v), along with the  
13 signature of at least 1 witness.

14 (e) In the case of a licensee who is less than 18 years of  
15 age at the time of issuance of the license, the date on which the  
16 licensee will become 18 years of age and 21 years of age.

17 (f) In the case of a licensee who is at least 18 years of  
18 age but less than 21 years of age at the time of issuance of the  
19 license, the date on which the licensee will become 21 years of  
20 age.

21 (g) Beginning January 1, 2007, in the case of a licensee who  
22 has indicated his or her wish to participate in the organ and  
23 tissue donor registry under part 101 of the public health code,  
24 1978 PA 368, MCL 333.10101 to 333.10109, a heart insignia on the  
25 front of the license.

26 (3) Except as otherwise required under this chapter, other  
27 information required on the license pursuant to this chapter may

1 appear on the license in a form prescribed by the secretary of  
2 state.

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

5 (5) A digitized license may contain an identifier for voter  
6 registration purposes. The digitized license may contain  
7 information appearing in electronic or machine readable codes  
8 needed to conduct a transaction with the secretary of state. The  
9 information shall be limited to the person's driver license  
10 number, birth date, license expiration date, and other  
11 information necessary for use with electronic devices, machine  
12 readers, or automatic teller machines and shall not contain the  
13 person's name, address, driving record, or other personal  
14 identifier. The license shall identify the encoded information.

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

21 (7) Except as provided in subsection (11), a person who  
22 intentionally reproduces, alters, counterfeits, forges, or  
23 duplicates a license photograph, the negative of the photograph,  
24 image, license, or electronic data contained on a license or a  
25 part of a license or who uses a license, image, or photograph  
26 that has been reproduced, altered, counterfeited, forged, or  
27 duplicated is subject to 1 of the following:

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

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

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

26 (8) Except as provided in subsections (11) and (16), a  
27 person who sells, or who possesses with the intent to deliver to

1 another, a reproduced, altered, counterfeited, forged, or  
2 duplicated license photograph, negative of the photograph, image,  
3 license, or electronic data contained on a license or part of a  
4 license is guilty of a felony punishable by imprisonment for not  
5 more than 5 years or a fine of not more than \$10,000.00, or both.

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

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

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

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

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

8 (13) An operator or chauffeur may indicate on the license in  
9 a place designated by the secretary of state his or her blood  
10 type, emergency contact information, immunization data,  
11 medication data, or a statement that the licensee is deaf, or,  
12 until January 1, 2007, a statement that the licensee is an organ  
13 and tissue donor and has made an anatomical gift under part 101  
14 of the public health code, 1978 PA 368, MCL 333.10101 to  
15 333.10109.

16 (14) An operator or chauffeur may indicate on the license in  
17 a place designated by the secretary of state that he or she has  
18 designated a patient advocate in accordance with sections 5506 to  
19 ~~5513-5520~~ of the estates and protected individuals code, 1998 PA  
20 386, MCL 700.5506 to ~~700.5513-700.5520~~.

21 (15) If the applicant provides proof to the secretary of  
22 state that he or she is a minor who has been emancipated under  
23 1968 PA 293, MCL 722.1 to 722.6, the license shall bear the  
24 designation of the individual's emancipated status in a manner  
25 prescribed by the secretary of state.

26 (16) Subsections (8), (9), and (10) do not apply to a person  
27 who is in possession of 1 or more photocopies, reproductions, or



1 duplications of a license to document the identity of the  
2 licensee for a legitimate business purpose.

3 (17) The sticker or decal described in subsection (2)(c)(vii)  
4 may be provided by any person, hospital, school, medical group,  
5 or association interested in assisting in implementing the  
6 emergency medical information card, but shall meet the  
7 specifications of the secretary of state. The emergency medical  
8 information card may contain the information described in  
9 subsection (2)(c)(vi), information concerning the licensee's  
10 patient advocate designation, other emergency medical  
11 information, or an indication as to where the licensee has stored  
12 or registered emergency medical information.

13 (18) Beginning January 1, 2007, the secretary of state shall  
14 inquire of each licensee, in person or by mail, whether the  
15 licensee agrees to participate in the organ, tissue, and eye  
16 donor registry under part 101 of the public health code, 1978 PA  
17 368, MCL 333.10101 to 333.10109.

18 (19) A licensee who has agreed to participate in the organ,  
19 tissue, and eye donor registry under part 101 of the public  
20 health code, 1978 PA 368, MCL 333.10101 to 333.10109, shall not  
21 be considered to have revoked that agreement solely because the  
22 licensee's license has been revoked or suspended or has expired.  
23 Enrollment in the organ, tissue, and eye donor registry  
24 constitutes a legal agreement that remains binding and in effect  
25 after the donor's death regardless of the expressed desires of  
26 the deceased donor's next of kin who may oppose the donor's  
27 organ, tissue, or eye donation.

1           Sec. 314. (1) Except as otherwise provided in this section,  
2 operator's licenses and chauffeur's licenses expire on the  
3 birthday of the person to whom the license is issued in the  
4 fourth year following the date of the issuance of the license  
5 unless suspended or revoked before that date. A license shall not  
6 be issued for a period longer than 4 years. A person holding a  
7 license at any time 12 months before the expiration of his or her  
8 license may apply for a new license as provided for in this  
9 chapter. A knowledge test for an original group designation or  
10 indorsement may be taken at any time during this period and the  
11 results are valid for 12 months. A license renewed under this  
12 subsection shall be renewed for the time remaining on the license  
13 before its renewal combined with the 4-year renewal period.

14           (2) The first operator's license issued to a person who at  
15 the time of application is less than 20-1/2 years of age expires  
16 on the licensee's twenty-first birthday unless suspended or  
17 revoked.

18           (3) The first chauffeur's license issued to a person expires  
19 on the licensee's birthday in the fourth year following the date  
20 of issuance unless the license is suspended or revoked before  
21 that date. The chauffeur's license of a person who at the time of  
22 application is less than 20-1/2 years of age expires on the  
23 licensee's twenty-first birthday unless suspended or revoked. A  
24 subsequent chauffeur's license expires on the birthday of the  
25 person to whom the license is issued in the fourth year following  
26 the date of issuance of the license unless the license is  
27 suspended or revoked before that date.

1           (4) AN OPERATOR'S OR CHAUFFEUR'S LICENSE ISSUED TO A PERSON  
2 WHO IS AN ALIEN EXPIRES ON THE DATE HIS OR HER PRESENCE IN THE  
3 UNITED STATES BECOMES UNLAWFUL.

4           (5) ~~(4)~~—A person may apply for an extension of his or her  
5 driving privileges if he or she is out of state on the date that  
6 his or her operator's or chauffeur's license expires. The  
7 extension may extend the license for 180 days beyond the  
8 expiration date or not more than 2 weeks after the applicant  
9 returns to Michigan, whichever occurs first. **THIS SUBSECTION DOES**  
10 **NOT APPLY TO A PERSON DESCRIBED IN SUBSECTION (4).**

11           (6) ~~(5)~~—Except for an operator's or chauffeur's license with  
12 a hazardous material indorsement, the secretary of state may  
13 issue a renewal operator's or chauffeur's license to a person,  
14 **OTHER THAN A PERSON DESCRIBED IN SUBSECTION (4)**, who will be out  
15 of state for more than 180 days beyond the expiration date of his  
16 or her operator's or chauffeur's license, if the secretary of  
17 state has a digital image of the person on file. The applicant  
18 for this renewal shall submit a statement evidencing a vision  
19 examination in accordance with the rules promulgated by the  
20 secretary of state under section 309 and any other statement  
21 required by this act or federal law. A person is not eligible for  
22 consecutive renewals of a license under this subsection.

23           (7) ~~(6)~~—The secretary of state may check the applicant's  
24 driving record through the national driver register and the  
25 commercial driver license information system before issuing a  
26 renewal under this section.