

**SUBSTITUTE FOR
SENATE BILL NO. 1111**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 307 (MCL 257.307), as amended by 2018 PA 604.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 307. (1) If an applicant for an operator's license or
2 chauffeur's license to operate a noncommercial motor vehicle is a
3 citizen of the United States, the applicant shall supply a
4 photographic identity document, a birth certificate, or other
5 sufficient documents as the secretary of state may require, to
6 verify the identity and citizenship of the applicant. If an
7 applicant for an operator's or chauffeur's license is not a citizen
8 of the United States, the applicant shall supply a photographic
9 identity document and other sufficient documents to verify the

1 identity of the applicant and the applicant's legal presence in the
2 United States under subdivision (b). The documents required under
3 this subsection must include the applicant's full legal name, date
4 of birth, and address and residency and demonstrate that the
5 applicant is a citizen of the United States or is legally present
6 in the United States. If the applicant's full legal name differs
7 from the name of the applicant that appears on a document presented
8 under this subsection, the applicant shall present documents to
9 verify his or her current full legal name. The secretary of state
10 shall accept as 1 of the required identification documents an
11 identification card issued by the department of corrections to
12 prisoners who are placed on parole or released from a correctional
13 facility, containing the prisoner's legal name, photograph, and
14 other information identifying the prisoner as provided in section
15 37(4) of the corrections code of 1953, 1953 PA 232, MCL 791.237. An
16 application for an operator's or chauffeur's license must be made
17 in a manner prescribed by the secretary of state and must contain
18 all of the following:

19 (a) The applicant's full legal name, date of birth, residence
20 address, height, sex, eye color, signature, intent to make an
21 anatomical gift, other information required or permitted on the
22 license under this chapter, and, only to the extent required to
23 comply with federal law, the applicant's Social Security number.
24 The applicant may provide a mailing address if the applicant
25 receives mail at an address different from his or her residence
26 address.

27 (b) If the applicant is not a citizen of the United States,
28 the applicant shall provide, and the department shall verify,
29 documents demonstrating his or her legal presence in the United

1 States. Nothing in this act ~~shall~~**must** obligate or be construed to
2 obligate this state to comply with title II of the real ID act of
3 2005, Public Law 109-13. The secretary of state may adopt rules
4 under the administrative procedures act of 1969, 1969 PA 306, MCL
5 24.201 to 24.328, as are necessary for the administration of this
6 subdivision. A determination by the secretary of state that an
7 applicant is not legally present in the United States may be
8 appealed under section 631 of the revised judicature act of 1961,
9 1961 PA 236, MCL 600.631. The secretary of state shall not issue an
10 operator's license or a chauffeur's license to an applicant
11 described in this subdivision for a term that exceeds the duration
12 of the applicant's legal presence in the United States.

13 (c) The following notice must be included to inform the
14 applicant that under sections 509o and 509r of the Michigan
15 election law, 1954 PA 116, MCL 168.509o and 168.509r, the secretary
16 of state is required to use the residence address provided on this
17 application as the applicant's residence address on the qualified
18 voter file for voter registration and voting:

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

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

19 (e) For an operator's or chauffeur's license with a vehicle
20 group designation or indorsement, the following certifications by
21 the applicant:

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

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

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

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

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

11 (g) For automatic voter registration purposes under section
12 493a of the Michigan election law, 1954 PA 116, MCL 168.493a, a
13 space for the applicant to indicate on the application or change of
14 address application whether he or she is a citizen of the United
15 States.

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

19 (2) An applicant for an operator's or chauffeur's license may
20 have his or her image and signature captured or reproduced when the
21 application for the license is made. The secretary of state shall
22 acquire equipment purchased or leased under this section under
23 standard purchasing procedures of the department of technology,
24 management, and budget based on standards and specifications
25 established by the secretary of state. The secretary of state shall
26 not purchase or lease equipment until an appropriation for the
27 equipment has been made by the legislature. A digital photographic
28 image and signature captured under this section must appear on the
29 applicant's operator's license or chauffeur's license. ~~A person's~~

1 **An individual's** digital photographic image and signature shall be
2 used as follows:

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

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

7 (c) By the secretary of state for forwarding to the department
8 of state police the images of persons required to be registered
9 under the sex offenders registration act, 1994 PA 295, MCL 28.721
10 to 28.736, upon the department of state police providing the
11 secretary of state an updated list of the names of those persons.

12 (d) By the secretary of state for forwarding to the department
13 of state police as provided in section 5c of 1927 PA 372, MCL
14 28.425c.

15 (e) By the secretary of state for forwarding to the department
16 of licensing and regulatory affairs the images of applicants for an
17 official state registry identification card issued under section 6
18 of the Michigan ~~medical marihuana act~~, **Medical Marihuana Act**, 2008
19 IL 1, MCL 333.26426, if the department of licensing and regulatory
20 affairs promulgates rules requiring a photograph as a design
21 element for an official state registry identification card.

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

24 (3) An application must contain a signature or verification
25 and certification by the applicant, as determined by the secretary
26 of state, and must be accompanied by the proper fee. The secretary
27 of state shall collect the application fee with the application.
28 The secretary of state shall refund the application fee to the
29 applicant if the license applied for is denied, but shall not

1 refund the fee to an applicant who fails to complete the
2 examination requirements of the secretary of state within 90 days
3 after the date of application for a license.

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

7 (a) If the applicant is not a participant in the anatomical
8 gift donor registry program, specifically inquire, either orally or
9 in writing, whether the applicant wishes to participate in the
10 anatomical gift donor registry program under part 101 of the public
11 health code, 1978 PA 368, MCL 333.10101 to 333.10123. If the
12 secretary of state or an employee of the secretary of state fails
13 to inquire whether an applicant wishes to participate in the
14 anatomical gift donor registry program as required by this
15 subdivision, neither the secretary of state nor the employee is
16 civilly or criminally liable for the failure to make the inquiry.

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

18 (i) Information explaining the applicant's right to make an
19 anatomical gift in the event of death in accordance with section
20 310.

21 (ii) Information describing the anatomical gift donor registry
22 program under part 101 of the public health code, 1978 PA 368, MCL
23 333.10101 to 333.10123. The information required under this
24 subparagraph includes the address and telephone number of
25 Michigan's federally designated organ procurement organization as
26 that term is defined in section 10102 of the public health code,
27 1978 PA 368, MCL 333.10102, or its successor organization.

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

1 (c) Provide the applicant with the opportunity to specify on
2 his or her operator's or chauffeur's license that he or she is
3 willing to make an anatomical gift in the event of death in
4 accordance with section 310.

5 (d) Inform the applicant that, if he or she indicates to the
6 secretary of state under this section a willingness to have his or
7 her name placed on the donor registry described in subdivision
8 (b) (ii), the secretary of state will mark the applicant's record for
9 the donor registry.

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

12 (a) Providing printed material enclosed with a mailed notice
13 for an operator's or chauffeur's license renewal or the issuance of
14 an operator's or chauffeur's license.

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

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

19 (6) The secretary of state shall maintain a record of an
20 individual who indicates a willingness to have his or her name
21 placed on the donor registry described in subsection (4) (b) (ii).
22 Information about an applicant's indication of a willingness to
23 have his or her name placed on the donor registry that is obtained
24 by the secretary of state under subsection (4) and forwarded under
25 subsection (14) is exempt from disclosure under section 13(1) (d) of
26 the freedom of information act, 1976 PA 442, MCL 15.243. The
27 secretary of state is not required to maintain a record of an
28 individual who does not indicate a willingness to have his or her
29 name placed on the donor registry described in subsection (4) (b) (ii)

1 or an individual who does not respond to an inquiry under
2 subsection (4) (a).

3 (7) If an application is received from ~~a person~~**an individual**
4 previously licensed in another jurisdiction, the secretary of state
5 shall request a copy of the applicant's driving record and other
6 available information from the National Driver Register. When
7 received, the driving record and other available information become
8 a part of the driver's record in this state.

9 (8) If ~~a person~~**an individual** applies for a commercial
10 learner's permit for an original vehicle group designation or
11 indorsement to operate a commercial motor vehicle, the secretary of
12 state may verify the ~~person's~~**individual's** identity, may require
13 proof of Michigan domicile under 49 CFR 383.5, and may verify the
14 ~~person's~~**individual's** proof of United States citizenship or proof
15 of lawful permanent residency as required under 49 CFR 383.71 and
16 383.73, if that information is not on the ~~person's~~**individual's**
17 Michigan driving record. If ~~a person~~**an individual** applies for a
18 renewal of an operator's or chauffeur's license to operate a
19 commercial motor vehicle, the secretary of state may verify the
20 ~~person's~~**individual's** identity, may require proof of Michigan
21 domicile under 49 CFR 383.5, and may verify the ~~person's~~
22 **individual's** proof of citizenship or lawful permanent residency
23 under 49 CFR 383.71 and 383.73, if that information is not on the
24 ~~person's~~**individual's** Michigan driving record. If ~~a person~~**an**
25 **individual** applies for an upgrade of a vehicle group designation or
26 indorsement, the secretary of state may verify the ~~person's~~
27 **individual's** identity, may require proof of Michigan domicile under
28 49 CFR 383.5, and may verify the ~~person's~~**individual's** proof of
29 citizenship or lawful permanent residency under 49 CFR 383.71 and

1 383.73, if that information is not on the ~~person's~~**individual's**
2 Michigan driving record. The secretary of state shall request the
3 ~~person's~~**individual's** complete driving record from all states where
4 the applicant was previously licensed to drive any type of motor
5 vehicle over the last 10 years before issuing a vehicle group
6 designation or indorsement to the applicant. If the applicant does
7 not hold a valid commercial motor vehicle driver license from a
8 state where he or she was licensed in the last 10 years, this
9 complete driving record request must be made not earlier than 24
10 hours before the secretary of state issues the applicant a vehicle
11 group designation or indorsement. For all other drivers, this
12 request must be made not earlier than 10 days before the secretary
13 of state issues the applicant a vehicle group designation or
14 indorsement. If the application is for the renewal of a vehicle
15 group designation or indorsement, and if the secretary of state
16 enters on the ~~person's~~**individual's** driving record maintained under
17 section 204a a notation that the request was made and the date of
18 the request, the secretary of state is required to request the
19 applicant's complete driving record from other states only once
20 under this section. The secretary of state shall also check the
21 applicant's driving record with the National Driver Register and
22 the federal Commercial Driver's License Information System before
23 issuing that group designation or indorsement.

24 (9) Except for a vehicle group designation or indorsement or
25 as provided in this subsection or section 314(5), the secretary of
26 state may issue a renewal operator's or chauffeur's license for ~~1-2~~
27 additional 4-year ~~period~~**periods** or until the ~~person~~**individual** is
28 no longer determined to be legally present under this section by
29 mail or by other methods prescribed by the secretary of state. The

1 secretary of state may check the applicant's driving record through
2 the National Driver Register and the Commercial Driver's License
3 Information System before issuing a license under this section. The
4 secretary of state shall issue a renewal license only in person if
5 the ~~person~~**individual** is a ~~person~~**an individual** required under
6 section 5a of the sex offenders registration act, 1994 PA 295, MCL
7 28.725a, to maintain a valid operator's or chauffeur's license or
8 official state personal identification card. If a license is
9 renewed by mail or by other method, the secretary of state shall
10 issue evidence of renewal to indicate the date the license expires
11 in the future. The department of state police shall provide to the
12 secretary of state updated lists of ~~persons~~**individuals** required
13 under section 5a of the sex offenders registration act, 1994 PA
14 295, MCL 28.725a, to maintain a valid operator's or chauffeur's
15 license or official state personal identification card.

16 (10) Upon request, the secretary of state shall provide an
17 information manual to an applicant explaining how to obtain a
18 vehicle group designation or indorsement. The manual must contain
19 the information required under 49 CFR part 383.

20 (11) The secretary of state shall not disclose a Social
21 Security number obtained under subsection (1) to another person
22 except for use for 1 or more of the following purposes:

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

25 (b) To carry out the purposes of section 466(a) of the social
26 security act, 42 USC 666, in connection with matters relating to
27 paternity, child support, or overdue child support.

28 (c) To check an applicant's driving record through the
29 National Driver Register and the Commercial Driver's License

1 Information System when issuing a license under this act.

2 (d) With the department of health and human services, for
3 comparison with vital records maintained by the department of
4 health and human services under part 28 of the public health code,
5 1978 PA 368, MCL 333.2801 to 333.2899.

6 (e) As otherwise required by law.

7 (12) The secretary of state shall not display ~~a person's~~**an**
8 **individual's** Social Security number on the ~~person's~~**individual's**
9 operator's or chauffeur's license.

10 (13) A requirement under this section to include a Social
11 Security number on an application does not apply to an applicant
12 who demonstrates that he or she is exempt under law from obtaining
13 a Social Security number.

14 (14) As required in section 10120 of the public health code,
15 1978 PA 368, MCL 333.10120, the secretary of state shall maintain
16 the donor registry in a manner that provides electronic access,
17 including, but not limited to, the transfer of data to this state's
18 federally designated organ procurement organization or its
19 successor organization, tissue banks, and eye banks, in a manner
20 that complies with that section.

21 (15) The secretary of state, with the approval of the state
22 administrative board created under 1921 PA 2, MCL 17.1 to 17.3, may
23 enter into agreements with the United States government to verify
24 whether an applicant for an operator's license or a chauffeur's
25 license under this section who is not a citizen of the United
26 States is authorized under federal law to be present in the United
27 States.

28 (16) The secretary of state shall not issue an operator's
29 license or a chauffeur's license to ~~a person~~**an individual** holding

1 an operator's license or chauffeur's license issued by another
2 state without confirmation that the ~~person~~**individual** is
3 terminating or has terminated the operator's license or chauffeur's
4 license issued by the other state.

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

6 (a) Ensure the physical security of locations where operator's
7 licenses and chauffeur's licenses are produced and the security of
8 document materials and papers from which operator's licenses and
9 chauffeur's licenses are produced.

10 (b) Subject all persons authorized to manufacture or produce
11 operator's licenses or chauffeur's licenses and all persons who
12 have the ability to affect the identity information that appears on
13 operator's licenses or chauffeur's licenses to appropriate security
14 clearance requirements. The security requirements of this
15 subdivision and subdivision (a) may require that licenses be
16 manufactured or produced in this state.

17 (c) Provide fraudulent document recognition programs to
18 department of state employees engaged in the issuance of operator's
19 licenses and chauffeur's licenses.

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

24 Enacting section 1. This amendatory act takes effect July 1,
25 2021.

26 Enacting section 2. This amendatory act does not take effect
27 unless Senate Bill No. 1112 of the 100th Legislature is enacted
28 into law.