

HOUSE BILL NO. 4273

February 28, 2019, Introduced by Reps. Coleman, Lasinski, Cambensy, Elder, Shannon, Hertel, Pagan, Kennedy, Brenda Carter, Garza and Sneller and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 307 and 314 (MCL 257.307 and 257.314), section
307 as amended by 2018 PA 604 and section 314 as amended by 2011 PA
159.

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



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

24 (a) The applicant's full legal name, date of birth, residence
25 address, height, sex, eye color, signature, intent to make an
26 anatomical gift, other information required or permitted on the
27 license under this chapter, and, only to the extent required to
28 comply with federal law, the applicant's Social Security number.
29 The applicant may provide a mailing address if the applicant



1 receives mail at an address different from his or her residence
2 address.

3 (b) If the applicant is not a citizen of the United States,
4 the applicant shall provide, and the department shall verify,
5 documents demonstrating his or her legal presence in the United
6 States. Nothing in this act shall obligate or be construed to
7 obligate this state to comply with title II of the real ID act of
8 2005, Public Law 109-13. The secretary of state may adopt rules
9 under the administrative procedures act of 1969, 1969 PA 306, MCL
10 24.201 to 24.328, as are necessary for the administration of this
11 subdivision. A determination by the secretary of state that an
12 applicant is not legally present in the United States may be
13 appealed under section 631 of the revised judicature act of 1961,
14 1961 PA 236, MCL 600.631. The secretary of state shall not issue an
15 operator's license or a chauffeur's license to an applicant
16 described in this subdivision for a term that exceeds the duration
17 of the applicant's legal presence in the United States.

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

24 "NOTICE: Michigan law requires that the same
25 address

26
27 be used for voter registration and driver license
purposes. Therefore, if the residence address



1 you provide in this application differs from your
2
3 voter registration address as it appears on the
4
5 qualified voter file, the secretary of state
6
7 will automatically change your voter registration
8
9 to match the residence address on this application,
10
11 after which your voter registration at your former
12
13 address will no longer be valid for voting
14
15 purposes.

16 A new voter registration card, containing the
17
18 information of your polling place, will be provided
19
20 to you by the clerk of the jurisdiction where your
21
22 residence address is located.".

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

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

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



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

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

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

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

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

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

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



1 equipment has been made by the legislature. A digital photographic
2 image and signature captured under this section must appear on the
3 applicant's operator's license or chauffeur's license. A person's
4 digital photographic image and signature shall be used as follows:

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

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

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

14 (d) By the secretary of state for forwarding to the department
15 of state police as provided in section 5c of 1927 PA 372, MCL
16 28.425c.

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

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

26 (3) An application must contain a signature or verification
27 and certification by the applicant, as determined by the secretary
28 of state, and must be accompanied by the proper fee. The secretary
29 of state shall collect the application fee with the application.



1 The secretary of state shall refund the application fee to the
2 applicant if the license applied for is denied, but shall not
3 refund the fee to an applicant who fails to complete the
4 examination requirements of the secretary of state within 90 days
5 after the date of application for a license.

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

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

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

20 (i) Information explaining the applicant's right to make an
21 anatomical gift in the event of death in accordance with section
22 310.

23 (ii) Information describing the anatomical gift donor registry
24 program under part 101 of the public health code, 1978 PA 368, MCL
25 333.10101 to 333.10123. The information required under this
26 subparagraph includes the address and telephone number of
27 Michigan's federally designated organ procurement organization as
28 that term is defined in section 10102 of the public health code,
29 1978 PA 368, MCL 333.10102, or its successor organization.



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

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

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

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

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

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

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

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



1 individual who does not indicate a willingness to have his or her
2 name placed on the donor registry described in subsection (4) (b) (ii)
3 or an individual who does not respond to an inquiry under
4 subsection (4) (a).

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 become
10 a part of the driver's record in this state.

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



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

23 (9) Except for a vehicle group designation or indorsement or
24 as provided in this subsection or section 314(5), the secretary of
25 state may issue a renewal operator's or chauffeur's license for 1
26 additional ~~4-year~~ **8-year** period or until the person is no longer
27 determined to be legally present under this section by mail or by
28 other methods prescribed by the secretary of state. The secretary
29 of state may check the applicant's driving record through the

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

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

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

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

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

27 (c) To check an applicant's driving record through the
28 National Driver Register and the Commercial Driver's License
29 Information System when issuing a license under this act.



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

5 (e) As otherwise required by law.

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

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

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

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

27 (16) The secretary of state shall not issue an operator's
28 license or a chauffeur's license to a person holding an operator's
29 license or chauffeur's license issued by another state without



1 confirmation that the person is terminating or has terminated the
2 operator's license or chauffeur's license issued by the other
3 state.

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

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

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

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

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

23 Sec. 314. (1) Except as otherwise provided in this section,
24 operator's licenses and chauffeur's licenses expire on the birthday
25 of the person to whom the license is issued in the ~~fourth~~**eighth**
26 year following the date of the issuance of the license or on the
27 date the person is no longer considered to be legally present in
28 the United States under section 307, whichever is earlier, unless
29 suspended or revoked before that date. A license ~~shall~~**must** not be



1 issued for a period longer than ~~4-8~~ years. A person holding a
2 license at any time 12 months before the expiration of his or her
3 license may apply for a new license as provided for in this
4 chapter. A knowledge test for an original group designation or
5 indorsement may be taken at any time during this period and the
6 results are valid for 12 months. A license renewed under this
7 subsection ~~shall~~**must** be renewed for the time remaining on the
8 license before its renewal combined with the ~~4-year~~**8-year** renewal
9 period.

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

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

1 is suspended or revoked before that date.

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

10 (5) The secretary of state may issue a renewal operator's or
11 chauffeur's license to a person who will be out of state for more
12 than 180 days beyond the expiration date of his or her operator's
13 or chauffeur's license, if the secretary of state has a digital
14 image of the person on file. The applicant for this renewal shall
15 submit a statement evidencing a vision examination in accordance
16 with the rules promulgated by the secretary of state under section
17 309 and any other statement required by this act or federal law. A
18 person is not eligible for consecutive renewals of a license under
19 this subsection. This subsection does not apply to a person who
20 fails to meet the requirements of 49 CFR parts 383 and 391 with
21 regard to medical certification documentation requirements, or a
22 person with a hazardous material indorsement on his or her
23 operator's or chauffeur's license.

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

28 Enacting section 1. This amendatory act takes effect 90 days
29 after the date it is enacted into law.

