

SENATE BILL NO. 1111

September 15, 2020, Introduced by Senators JOHNSON, SANTANA, RUNESTAD, NESBITT, BARRETT, WOJNO, LASATA, ALEXANDER, VANDERWALL and HOLLIER and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 307, 314, and 811 (MCL 257.307, 257.314, and 257.811), section 307 as amended by 2018 PA 604, section 314 as amended by 2020 PA 127, and section 811 as amended by 2006 PA 589.

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~~**must** 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:

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 shall provide his or her fingerprints as prescribed by state and
10 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)~~ (15) is exempt from disclosure under section
26 13(1) (d) of the freedom of information act, 1976 PA 442, MCL
27 15.243. The secretary of state is not required to maintain a record
28 of an individual who does not indicate a willingness to have his or
29 her name placed on the donor registry described in subsection

1 (4) (b) (ii) 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~~**Until December 31, 2021, and subject to subsection**
25 **(10), except** for a vehicle group designation or indorsement or as
26 provided in this subsection or section 314(5), the secretary of
27 state may issue a renewal operator's or chauffeur's license for 1
28 additional 4-year period or until the ~~person~~**individual** is no
29 longer determined to be legally present under this section by mail

1 or by other methods prescribed by the secretary of state. **Beginning**
2 **on January 1, 2022, except for a vehicle group designation or**
3 **indorsement or as provided in this subsection or section 314(5),**
4 **the secretary of state may issue a renewal operator's or**
5 **chauffeur's license for 1 additional 5-year period or until the**
6 **individual is no longer determined to be legally present under this**
7 **section by mail or by other methods prescribed by the secretary of**
8 **state.** The secretary of state may check the applicant's driving
9 record through the National Driver Register and the Commercial
10 Driver's License Information System before issuing a license under
11 this section. The secretary of state shall issue a renewal license
12 only in person if the ~~person~~**individual** is a ~~person~~**an individual**
13 required under section 5a of the sex offenders registration act,
14 1994 PA 295, MCL 28.725a, to maintain a valid operator's or
15 chauffeur's license or official state personal identification card.
16 If a license is renewed by mail or by other method, the secretary
17 of state shall issue evidence of renewal to indicate the date the
18 license expires in the future. The department of state police shall
19 provide to the secretary of state updated lists of ~~persons~~
20 **individuals** required under section 5a of the sex offenders
21 registration act, 1994 PA 295, MCL 28.725a, to maintain a valid
22 operator's or chauffeur's license or official state personal
23 identification card.

24 **(10) Until December 31, 2021, except for a vehicle group**
25 **designation or indorsement or as provided in this subsection or**
26 **section 314(5), the secretary of state may issue a renewal**
27 **operator's or chauffeur's license to an individual who has already**
28 **received the 1 additional 4-year renewal period under subsection**
29 **(9) for an additional 1-year period or until the individual is no**

1 longer determined to be legally present under this section by mail
2 or by other methods prescribed by the secretary of state. The
3 secretary of state shall issue a renewal license only in person if
4 the individual is an individual 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.

8 (11) ~~(10)~~—Upon request, the secretary of state shall provide
9 an information manual to an applicant explaining how to obtain a
10 vehicle group designation or indorsement. The manual must contain
11 the information required under 49 CFR part 383.

12 (12) ~~(11)~~—The secretary of state shall not disclose a Social
13 Security number obtained under subsection (1) to another person
14 except for use for 1 or more of the following purposes:

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

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

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

23 (d) With the department of health and human services, for
24 comparison with vital records maintained by the department of
25 health and human services under part 28 of the public health code,
26 1978 PA 368, MCL 333.2801 to 333.2899.

27 (e) As otherwise required by law.

28 (13) ~~(12)~~—The secretary of state shall not display ~~a person's~~
29 **an individual's** Social Security number on the ~~person's individual's~~

1 operator's or chauffeur's license.

2 (14) ~~(13)~~—A requirement under this section to include a Social
3 Security number on an application does not apply to an applicant
4 who demonstrates that he or she is exempt under law from obtaining
5 a Social Security number.

6 (15) ~~(14)~~—As required in section 10120 of the public health
7 code, 1978 PA 368, MCL 333.10120, the secretary of state shall
8 maintain the donor registry in a manner that provides electronic
9 access, including, but not limited to, the transfer of data to this
10 state's federally designated organ procurement organization or its
11 successor organization, tissue banks, and eye banks, in a manner
12 that complies with that section.

13 (16) ~~(15)~~—The secretary of state, with the approval of the
14 state administrative board created under 1921 PA 2, MCL 17.1 to
15 17.3, may enter into agreements with the United States government
16 to verify whether an applicant for an operator's license or a
17 chauffeur's license under this section who is not a citizen of the
18 United States is authorized under federal law to be present in the
19 United States.

20 (17) ~~(16)~~—The secretary of state shall not issue an operator's
21 license or a chauffeur's license to ~~a person~~ **an individual** holding
22 an operator's license or chauffeur's license issued by another
23 state without confirmation that the ~~person~~ **individual** is
24 terminating or has terminated the operator's license or chauffeur's
25 license issued by the other state.

26 (18) ~~(17)~~—The secretary of state shall do all of the
27 following:

28 (a) Ensure the physical security of locations where operator's
29 licenses and chauffeur's licenses are produced and the security of

1 document materials and papers from which operator's licenses and
2 chauffeur's licenses are produced.

3 (b) Subject all persons authorized to manufacture or produce
4 operator's licenses or chauffeur's licenses and all persons who
5 have the ability to affect the identity information that appears on
6 operator's licenses or chauffeur's licenses to appropriate security
7 clearance requirements. The security requirements of this
8 subdivision and subdivision (a) may require that licenses be
9 manufactured or produced in this state.

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

13 **(19)** ~~(18)~~—The secretary of state shall have electronic access
14 to prisoner information maintained by the department of corrections
15 for the purpose of verifying the identity of a prisoner who applies
16 for an operator's or chauffeur's license under subsection (1).

17 Sec. 314. (1) ~~Except~~ **Until December 31, 2021, and except** as
18 otherwise provided in this section **and section 307(10)**, an
19 operator's license and chauffeur's license expire on the birthday
20 of the individual to whom the license is issued in the fourth year
21 following the date of the issuance of the license or on the date
22 the individual is no longer considered to be legally present in the
23 United States under section 307, whichever is earlier, unless
24 suspended or revoked before that date. ~~A~~ **Beginning on January 1,**
25 **2022, and except as otherwise provided in this section, an**
26 **operator's license and chauffeur's license expire on the birthday**
27 **of the individual to whom the license is issued in the fifth year**
28 **following the date of the issuance of the license or on the date**
29 **the individual is no longer considered to be legally present in the**

1 **United States under section 307, whichever is earlier, unless**
2 **suspended or revoked before that date. Until December 31, 2021, a**
3 license must not be issued for a period longer than 4 years.
4 **Beginning on January 1, 2022, a license must not be issued for a**
5 **period longer than 5 years.** An individual holding a license at any
6 time 12 months before the expiration of his or her license may
7 apply for a new license as provided for in this chapter. A
8 knowledge test for an original group designation or indorsement may
9 be taken at any time during this period and the results are valid
10 for 12 months. ~~A~~ **Until December 31, 2021, and except as otherwise**
11 **provided in section 307(10), a** license renewed under this
12 subsection must be renewed for the time remaining on the license
13 before its renewal combined with the 4-year renewal period.
14 **Beginning on January 1, 2022, a license renewed under this**
15 **subsection must be renewed for the time remaining on the license**
16 **before its renewal combined with the 5-year renewal period.**

17 (2) The first operator's license issued to an individual who
18 at the time of application is less than 20-1/2 years of age expires
19 on the licensee's twenty-first birthday or on the date the
20 individual is no longer considered to be legally present in the
21 United States under section 307, whichever is earlier, unless
22 suspended or revoked.

23 (3) ~~The~~ **Until December 31, 2021, the** first chauffeur's license
24 issued to an individual expires on the licensee's birthday in the
25 fourth year following the date of issuance or on the date the
26 individual is no longer considered to be legally present in the
27 United States under section 307, whichever is earlier, unless the
28 license is suspended or revoked before that date. **Beginning on**
29 **January 1, 2022, the first chauffeur's license issued to an**

1 individual expires on the licensee's birthday in the fifth year
2 following the date of issuance or on the date the individual is no
3 longer considered to be legally present in the United States under
4 section 307, whichever is earlier, unless the license is suspended
5 or revoked before that date. The chauffeur's license of an
6 individual who at the time of application is less than 20-1/2 years
7 of age expires on the licensee's twenty-first birthday or on the
8 date the individual is no longer considered to be legally present
9 in the United States under section 307, whichever is earlier,
10 unless suspended or revoked. ~~A-Until December 31, 2021, and except~~
11 ~~as otherwise provided in section 307(10),~~ a subsequent chauffeur's
12 license expires on the birthday of the individual to whom the
13 license is issued in the fourth year following the date of issuance
14 of the license or on the date the individual is no longer
15 considered to be legally present in the United States under section
16 307, whichever is earlier, unless the license is suspended or
17 revoked before that date. **Beginning on January 1, 2022, a**
18 **subsequent chauffeur's license expires on the birthday of the**
19 **individual to whom the license is issued in the fifth year**
20 **following the date of issuance of the license or on the date the**
21 **individual is no longer considered to be legally present in the**
22 **United States under section 307, whichever is earlier, unless the**
23 **license is suspended or revoked before that date.**

24 (4) An individual may apply for an extension of his or her
25 driving privileges if he or she is out of state on the date that
26 his or her operator's or chauffeur's license expires. The extension
27 may extend the license for 180 days beyond the expiration date or
28 not more than 2 weeks after the applicant returns to Michigan,
29 whichever occurs first. This subsection does not apply to an

1 individual who fails to meet the requirements of 49 CFR parts 383
2 and 391 with regard to medical certification documentation
3 requirements.

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

18 (6) The secretary of state may check the applicant's driving
19 record through the National Driver Register and the Commercial
20 Driver's License Information System before issuing a renewal under
21 this section.

22 (7) Notwithstanding the provisions of this section, an
23 operator's or chauffeur's license that expires on or after March 1,
24 2020 is valid until September 30, 2020.

25 Sec. 811. (1) An application for an original operator's or an
26 original or renewal chauffeur's license as provided in sections 307
27 and 312 and an application for an original minor's restricted
28 license as provided in section 312 ~~shall~~**must** be accompanied by the
29 following fees:

1 (a) Until December 31, 2021, as follows:

2	Operator's license.....	\$	25.00
3	Chauffeur's license.....		35.00
4	Minor's restricted license.....		25.00

5 (b) Beginning January 1, 2022, as follows:

6	Operator's license.....	\$	31.25
7	Chauffeur's license.....		43.75
8	Minor's restricted license.....		25.00

9 (2) The renewal fee for an operator's license renewed under
10 this section is \$18.00 until December 31, 2021. Beginning January
11 1, 2022, the renewal fee for an operator's license renewed under
12 this section is \$22.50. However, if an operator's license is
13 expired at the time of the renewal, the fee is the same as the
14 original fee, except as provided in subsection ~~(4)~~-(5). The date
15 of an application for a renewal of an operator's license under this
16 section that is delivered to the secretary of state by regular mail
17 is the postmark date in determining the fee to be assessed.

18 (3) ~~(2)~~The secretary of state shall deposit the money
19 received and collected under ~~subsection~~subsections (1) and (2) in
20 the state treasury to the credit of the general fund. The secretary
21 of state shall refund out of the fees collected to each county or
22 municipality acting as an examining officer or examining bureau
23 \$2.50 for each applicant examined for an original license, \$1.00
24 for each applicant examined for an original chauffeur's license,
25 and \$1.00 for every other applicant examined, if the application is
26 not denied and the money refunded is paid to the county or local
27 treasurer and is appropriated to the county, municipality, or
28 officer or bureau receiving the money for the purpose of carrying
29 out this act. The state treasurer shall deposit the sum of \$4.00 in

1 the traffic law enforcement and safety fund created in section 819a
 2 for each person examined for an original license, a renewal
 3 operator's license, an original chauffeur's license, or a renewal
 4 chauffeur's license, except that the sum deposited for each 2-year
 5 operator's or 2-year chauffeur's license shall be \$2.00.

6 (4) ~~(3)~~ Notwithstanding sections 306 and 308, an operator's
 7 license ~~shall~~ **must** not be issued to ~~a person~~ **an individual** under 18
 8 years of age unless that ~~person~~ **individual** successfully passes a
 9 driver education course and examination given by a ~~school licensed~~
 10 ~~under the driver education and training schools act, 1974 PA 369,~~
 11 ~~MCL 256.601 to 256.612.~~ A ~~person~~ **driver education provider that has**
 12 **been certified to provide teen driver training under the driver**
 13 **education provider and instructor act, 2006 PA 384, MCL 256.621 to**
 14 **256.705.** An **individual** who has been a holder of a motor vehicle
 15 operator's license issued by any other state, territory, or
 16 possession of the United States, or any other sovereignty for 1
 17 year immediately before application for an operator's license under
 18 this act is not required to comply with this subsection. Restricted
 19 licenses may be issued ~~pursuant to~~ **under** section 312 without
 20 compliance with this subsection. **As used in this subsection,**
 21 **"driver education course", "driver education provider", and "teen**
 22 **driver training" mean those terms as defined in the driver**
 23 **education provider and instructor act, 2006 PA 384, MCL 256.621 to**
 24 **256.705.**

25 (5) ~~(4)~~ A person who is on active military service at the time
 26 his or her operator's license expires shall be charged the renewal
 27 rate for renewing his or her operator's license under this section
 28 if all of the following apply:

29 (a) He or she applies for renewal within 30 days of returning

1 to this state from active duty.

2 (b) He or she held a valid, unexpired operator's license from
3 this state immediately prior to leaving this state for active
4 military service.

5 (c) He or she presents such documentation as the secretary of
6 state requires to establish eligibility under this subsection.

7 Enacting section 1. This amendatory act does not take effect
8 unless Senate Bill No. 1112 of the 100th Legislature is enacted
9 into law.