

HOUSE BILL NO. 5381

October 07, 2021, Introduced by Reps. Brann, Aiyash, Wozniak, Brabec, Eisen, Puri, Carra, LaFave, Howell, Sneller, Brixie, Scott, Neeley, Young, Cynthia Johnson and Rabhi and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 307 (MCL 257.307), as amended by 2020 PA 376.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 307. (1) ~~If~~**Except as otherwise provided in subsection**
2 **(19), if** an applicant for an operator's license or chauffeur's
3 license to operate a noncommercial motor vehicle is a citizen of
4 the United States, the applicant shall supply a photographic
5 identity document, a birth certificate, or other sufficient

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

24 (a) The applicant's full legal name, date of birth, residence
25 address, height, ~~sex,~~ **gender**, eye color, signature, intent to make
26 an 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 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:

24 "NOTICE: Michigan law requires that the same address
25 be used for voter registration and driver license
26 purposes. Therefore, if the residence address
27 you provide in this application differs from your
28 voter registration address as it appears on the
29 qualified voter file, the secretary of state

1 will automatically change your voter registration
2 to match the residence address on this application,
3 after which your voter registration at your former
4 address will no longer be valid for voting purposes.
5 A new voter registration card, containing the
6 information of your polling place, will be provided
7 to you by the clerk of the jurisdiction where your
8 residence address is located."

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

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

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

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

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

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

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

5 (g) For automatic voter registration purposes under section
6 493a of the Michigan election law, 1954 PA 116, MCL 168.493a, a
7 space for the applicant to indicate on the application or change of
8 address application whether he or she is a citizen of the United
9 States.

10 (h) A space to allow the applicant to indicate that the
11 applicant declines to use the application as a voter registration
12 application.

13 (i) Beginning ~~180 days after the effective date of the~~
14 ~~amendatory act that added this subdivision,~~ **June 27, 2021**, an
15 applicant for an operator's or chauffeur's license who is a program
16 participant in the address confidentiality program under the
17 address confidentiality program act, **2020 PA 301, MCL 780.851 to**
18 **780.873**, shall present to the secretary of state his or her
19 participation card issued under the address confidentiality program
20 act, **2020 PA 301, MCL 780.851 to 780.873**.

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

1 image and signature captured under this section must appear on the
2 applicant's operator's license or chauffeur's license. An
3 individual's digital photographic image and signature ~~shall~~**must** be
4 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~~, **28.730**, upon the department of state police providing
13 the secretary of state an updated list of the names of those
14 persons.

15 (d) By the secretary of state for forwarding to the department
16 of state police as provided in section 5c of 1927 PA 372, MCL
17 28.425c.

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

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

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

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

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

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

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

21 (i) Information explaining the applicant's right to make an
22 anatomical gift in the event of death in accordance with section
23 310.

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

1 1978 PA 368, MCL 333.10102, or its successor organization.

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

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

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

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

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

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

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

22 (6) The secretary of state shall maintain a record of an
23 individual who indicates a willingness to have his or her name
24 placed on the donor registry described in subsection (4) (b) (ii).
25 Information about an applicant's indication of a willingness to
26 have his or her name placed on the donor registry that is obtained
27 by the secretary of state under subsection (4) and forwarded under
28 subsection (14) is exempt from disclosure under section 13(1) (d) of
29 the freedom of information act, 1976 PA 442, MCL 15.243. The

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

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

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

1 of citizenship or lawful permanent residency under 49 CFR 383.71
2 and 383.73, if that information is not on the individual's Michigan
3 driving record. The secretary of state shall request the
4 individual's complete driving record from all states where the
5 applicant was previously licensed to drive any type of motor
6 vehicle over the last 10 years before issuing a vehicle group
7 designation or indorsement to the applicant. If the applicant does
8 not hold a valid commercial motor vehicle driver license from a
9 state where he or she was licensed in the last 10 years, this
10 complete driving record request must be made not earlier than 24
11 hours before the secretary of state issues the applicant a vehicle
12 group designation or indorsement. For all other drivers, this
13 request must be made not earlier than 10 days before the secretary
14 of state issues the applicant a vehicle group designation or
15 indorsement. If the application is for the renewal of a vehicle
16 group designation or indorsement, and if the secretary of state
17 enters on the individual's driving record maintained under section
18 204a a notation that the request was made and the date of the
19 request, the secretary of state is required to request the
20 applicant's complete driving record from other states only once
21 under this section. The secretary of state shall also check the
22 applicant's driving record with the National Driver Register and
23 the federal Commercial Driver's License Information System before
24 issuing that group designation or indorsement.

25 (9) The secretary of state may issue a renewal operator's or
26 chauffeur's license for 1 additional 4-year period or beginning on
27 July 1, 2021, for 2 additional 4-year periods, or until the
28 individual is no longer determined to be legally present under this
29 section by mail or by other methods prescribed by the secretary of

1 state. The secretary of state may check the applicant's driving
2 record through the National Driver Register and the Commercial
3 Driver's License Information System before issuing a license under
4 this section. The secretary of state shall issue a renewal license
5 only in person if the individual is 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 individuals required under
13 section 5a of the sex offenders registration act, 1994 PA 295, MCL
14 28.725a, to maintain a valid operator's or chauffeur's license or
15 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 an individual's
8 Social Security number on the individual's operator's or
9 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 an individual holding an

1 operator's license or chauffeur's license issued by another state
2 without confirmation that the individual is terminating or has
3 terminated the operator's license or chauffeur's license issued by
4 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 **(19) Beginning October 1, 2022, on receipt of application**
25 **documents required under subsection (1), a prisoner's photograph,**
26 **and information on the projected date a prisoner will be released**
27 **on parole from the department of corrections as provided under**
28 **section 34c of the corrections code of 1953, 1953 PA 232, MCL**
29 **791.234c, the secretary of state shall, to the extent possible,**

1 issue an operator's license to the prisoner, if the prisoner is
2 eligible to be issued an operator's license under this act. The
3 secretary of state shall do any of the following:

4 (a) Deliver the operator's license issued pursuant to this
5 section to the department of corrections before the projected date
6 the prisoner issued the operator's license is scheduled to be
7 released on parole.

8 (b) Mail the operator's license issued pursuant to this
9 section as soon as possible to the department of corrections. This
10 subdivision applies if both of the following conditions are met:

11 (i) The secretary could not comply with subdivision (a).

12 (ii) The prisoner is already released on parole.

13 Enacting section 1. This amendatory act takes effect October
14 1, 2021.

15 Enacting section 2. This amendatory act does not take effect
16 unless all of the following bills of the 101st Legislature are
17 enacted into law:

18 (a) Senate Bill No. ____ or House Bill No. 5382 (request no.
19 00807'21).

20 (b) Senate Bill No. ____ or House Bill No. 5380 (request no.
21 02476'21).