

HOUSE BILL NO. 5775

February 22, 2022, Introduced by Reps. Brann, Aiyash, Brabec, Young, Sowerby, Neeley, Cynthia Johnson, Puri, Roth, Eisen, Howell, LaGrand, Pohutsky and Sneller 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, 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 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,~~
11 **endorsement**, the names of all states where the applicant has been
12 licensed to drive any type of motor vehicle during the previous 10
13 years.

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

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

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

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

29 (iv) The applicant does not have a driver's license from more

1 than 1 state or jurisdiction.

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

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

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

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

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. An
4 individual's digital photographic image and signature ~~shall~~**must** be
5 used as follows:

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

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

10 (c) By the secretary of state for forwarding to the department
11 of state police the images of persons required to be registered
12 under the sex offenders registration act, 1994 PA 295, MCL 28.721
13 to ~~28.736~~, **28.730**, upon the department of state police providing
14 the secretary of state an updated list of the names of those
15 persons.

16 (d) By the secretary of state for forwarding to the department
17 of state police as provided in section 5c of 1927 PA 372, MCL
18 28.425c.

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

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

28 (3) An application must contain a signature or verification
29 and certification by the applicant, as determined by the secretary

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

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

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

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

22 (i) Information explaining the applicant's right to make an
23 anatomical gift in the event of death in accordance with section
24 310.

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

1 that term is defined in section 10102 of the public health code,
2 1978 PA 368, MCL 333.10102, or its successor organization.

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

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

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

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

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

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

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

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

1 the freedom of information act, 1976 PA 442, MCL 15.243. The
2 secretary of state is not required to maintain a record of an
3 individual who does not indicate a willingness to have his or her
4 name placed on the donor registry described in subsection (4) (b) (ii)
5 or an individual who does not respond to an inquiry under
6 subsection (4) (a).

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

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

1 individual's identity, may require proof of Michigan domicile under
2 49 CFR 383.5, and may verify the individual's proof of citizenship
3 or lawful permanent residency under 49 CFR 383.71 and 383.73, if
4 that information is not on the individual's Michigan driving
5 record. The secretary of state shall request the individual's
6 complete driving record from all states where the applicant was
7 previously licensed to drive any type of motor vehicle over the
8 last 10 years before issuing a vehicle group designation or
9 ~~indorsement~~**endorsement** to the applicant. If the applicant does not
10 hold a valid commercial motor vehicle driver license from a state
11 where he or she was licensed in the last 10 years, this complete
12 driving record request must be made not earlier than 24 hours
13 before the secretary of state issues the applicant a vehicle group
14 designation or ~~indorsement~~**endorsement**. For all other drivers,
15 this request must be made not earlier than 10 days before the
16 secretary of state issues the applicant a vehicle group designation
17 or ~~indorsement~~**endorsement**. If the application is for the renewal
18 of a vehicle group designation or ~~indorsement~~**endorsement**, and if
19 the secretary of state enters on the individual's driving record
20 maintained under section 204a a notation that the request was made
21 and the date of the request, the secretary of state is required to
22 request the applicant's complete driving record from other states
23 only once under this section. The secretary of state shall also
24 check the applicant's driving record with the National Driver
25 Register and the federal Commercial Driver's License Information
26 System before issuing that group designation or ~~indorsement~~
27 **endorsement**.

28 (9) The secretary of state may issue a renewal operator's or
29 chauffeur's license for 1 additional 4-year period or beginning on

1 July 1, 2021, for 2 additional 4-year periods, or until the
2 individual is no longer determined to be legally present under this
3 section by mail or by other methods prescribed by the secretary of
4 state. The secretary of state may check the applicant's driving
5 record through the National Driver Register and the Commercial
6 Driver's License Information System before issuing a license under
7 this section. The secretary of state shall issue a renewal license
8 only in person if the individual is an individual required under
9 section 5a of the sex offenders registration act, 1994 PA 295, MCL
10 28.725a, to maintain a valid operator's or chauffeur's license or
11 official state personal identification card. If a license is
12 renewed by mail or by other method, the secretary of state shall
13 issue evidence of renewal to indicate the date the license expires
14 in the future. The department of state police shall provide to the
15 secretary of state updated lists of individuals required under
16 section 5a of the sex offenders registration act, 1994 PA 295, MCL
17 28.725a, to maintain a valid operator's or chauffeur's license or
18 official state personal identification card.

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

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

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

28 (b) To carry out the purposes of section 466(a) of the social
29 security act, 42 USC 666, in connection with matters relating to

1 paternity, child support, or overdue child support.

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

5 (d) With the department of health and human services, for
6 comparison with vital records maintained by the department of
7 health and human services under part 28 of the public health code,
8 1978 PA 368, MCL 333.2801 to 333.2899.

9 (e) As otherwise required by law.

10 (12) The secretary of state shall not display an individual's
11 Social Security number on the individual's operator's or
12 chauffeur's license.

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

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

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

1 States.

2 (16) The secretary of state shall not issue an operator's
3 license or a chauffeur's license to an individual holding an
4 operator's license or chauffeur's license issued by another state
5 without confirmation that the individual is terminating or has
6 terminated the operator's license or chauffeur's license issued by
7 the other state.

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

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

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

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

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

27 **(19) Beginning October 1, 2022, on receipt of application**
28 **documents required under subsection (1), a prisoner's photograph,**
29 **and information on the projected date a prisoner will be released**

1 on parole or discharged upon completion of his or her maximum
2 sentence from the department of corrections as provided under
3 section 34c of the corrections code of 1953, 1953 PA 232, MCL
4 791.234c, the secretary of state shall, to the extent possible,
5 issue an operator's license to the prisoner, if the prisoner is
6 eligible to be issued an operator's license under this act. The
7 secretary of state shall do any of the following:

8 (a) Deliver the operator's license issued pursuant to this
9 section to the department of corrections before the projected date
10 the prisoner issued the operator's license is scheduled to be
11 released on parole or discharged upon the completion of his or her
12 maximum sentence.

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

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

17 (ii) The prisoner is already released on parole or discharged
18 upon the completion of his or her maximum sentence.

19 Enacting section 1. This amendatory act does not take effect
20 unless all of the following bills of the 101st Legislature are
21 enacted into law:

22 (a) House Bill No. 5382.

23 (b) Senate Bill No. ____ or House Bill No. 5774 (request no.
24 05621'22).