

HOUSE BILL No. 4999

July 26, 1989, Introduced by Reps. Profit and DeMars and referred to the Committee on Transportation.

A bill to amend sections 307 and 310 of Act No. 300 of the Public Acts of 1949, entitled as amended

"Michigan vehicle code,"

section 307 as amended by Act No. 346 of the Public Acts of 1988 and section 310 as amended by Act No. 404 of the Public Acts of 1988, being sections 257.307 and 257.310 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 307 and 310 of Act No. 300 of the
2 Public Acts of 1949, section 307 as amended by Act No. 346 of the
3 Public Acts of 1988 and section 310 as amended by Act No. 404 of
4 the Public Acts of 1988, being sections 257.307 and 257.310 of
5 the Michigan Compiled Laws, are amended to read as follows:

1 Sec. 307. (1) An application for an operator's or
2 chauffeur's license shall be made upon a form furnished by the
3 secretary of state and shall contain ALL OF the following:

4 (a) For an operator's or chauffeur's license, full name,
5 date of birth, address of residence, ~~information required or~~
6 ~~permitted on the license pursuant to this chapter~~ HEIGHT,
7 WEIGHT, and signature of the applicant, AND OTHER INFORMATION
8 REQUIRED OR PERMITTED ON THE LICENSE PURSUANT TO THIS CHAPTER.

9 (b) For an operator's or chauffeur's license with a vehicle
10 group designation or indorsement, full name, social security
11 number, date of birth, address of residence, height, WEIGHT, sex,
12 ~~information required or permitted on the license pursuant to~~
13 ~~this chapter,~~ and signature of the applicant, AND OTHER INFORMA-
14 TION REQUIRED OR PERMITTED ON THE LICENSE PURSUANT TO THIS
15 CHAPTER.

16 (c) For an operator's or chauffeur's license with a vehicle
17 group designation or indorsement, the following certifications
18 ~~shall be~~ made by the applicant:

19 (i) That the applicant meets the applicable federal physical
20 driver qualification requirements pursuant to 49 C.F.R. part 391
21 if the applicant operates or intends to operate in interstate
22 commerce or meets the applicable physical qualifications pursuant
23 to the rules promulgated by the department of state police under
24 the motor carrier safety act of 1963, Act No. 181 of the Public
25 Acts of 1963, being sections 480.11 to 480.21 of the Michigan
26 Compiled Laws, if the applicant operates or intends to operate in
27 intrastate commerce.

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

4 (iii) That the applicant has not been convicted of an
5 offense as described in section 312f or 319b.

6 (iv) That the applicant does not have a driver's license
7 from more than 1 state.

8 (d) For an operator's or chauffeur's license with a vehicle
9 group designation or indorsement and for which the applicant
10 claims a waiver of the driving test as provided in section 312f,
11 the following additional certifications ~~shall be~~ made by the
12 applicant concerning the 2-year period immediately prior to
13 application:

14 (i) That the applicant has not had more than 1 license.

15 (ii) That the applicant has not had any license suspended,
16 revoked, or canceled.

17 (iii) That the applicant has not been convicted of any
18 offense listed in section 319b while operating a motor vehicle.

19 (iv) That the applicant has not been convicted of a moving
20 violation under state or local law relating to motor vehicle
21 traffic control arising in connection with ~~any~~ A traffic
22 accident.

23 (v) That the applicant is regularly employed in a job
24 requiring the operation of a commercial motor vehicle.

25 (vi) That the applicant qualifies under either of the
26 following:

1 (A) Has passed a behind-the-wheel driving test given by a
2 state with a classified licensing and testing system and taken in
3 a representative vehicle for that applicant's driver's license
4 classification.

5 (B) Has operated, for at least 2 years immediately preceding
6 application, a vehicle representative of the commercial motor
7 vehicle group or passenger vehicle for which he or she is
8 applying.

9 (2) An applicant for an operator's or chauffeur's license
10 may be photographed ~~simultaneously~~ at the time the application
11 for the ~~respective~~ license is made. The secretary of state
12 shall acquire by purchase or lease the equipment for taking the
13 ~~pictures~~ PHOTOGRAPHS and SHALL furnish ~~it~~ THE EQUIPMENT to
14 the local unit. Equipment purchased or leased ~~for carrying out~~
15 ~~this act~~ PURSUANT TO THIS SECTION shall be acquired under stan-
16 dard purchasing procedures of the department of management and
17 budget based on standards and specifications established by the
18 secretary of state. Equipment shall not be purchased or leased
19 until an appropriation for the equipment has been made by the
20 legislature. ~~after a budget request has been properly presented~~
21 ~~to the legislature. The~~ A photograph TAKEN PURSUANT TO THIS
22 SECTION shall appear on the applicant's ~~driver's~~ OPERATOR'S OR
23 CHAUFFEUR'S license only, and ~~a~~ THE photograph, A COPY OF THE
24 PHOTOGRAPH, or A negative of the photograph shall not be ~~kept on~~
25 ~~file~~ RETAINED by the secretary of state or any other
26 ~~enforcement~~ agency.

1 (3) An application shall be signed and certified by the
2 applicant ~~. An application~~ AND shall be accompanied by the
3 proper fee. ~~to~~ THIS FEE SHALL be collected by the examiner and
4 forwarded to the secretary of state with the application. This
5 fee shall be refunded to the applicant ~~when~~ IF the license
6 applied for is denied, but the fee shall not be refunded to an
7 applicant who fails to complete the examination requirements of
8 the secretary of state within 90 days after the date of applica-
9 tion for a license.

10 (4) If an application is received from a person previously
11 licensed in another jurisdiction, the secretary of state shall
12 request a copy of the applicant's record from the other
13 jurisdiction. When received, the driving record shall become a
14 part of the driver's record in this state with the same force and
15 effect as ~~though~~ IF IT HAD BEEN entered on the driver's record
16 in this state in the original instance. If the application is
17 for an original, renewal, or change of a vehicle group designa-
18 tion or indorsement, the secretary of state shall also check the
19 applicant's driving record with the national drivers register and
20 the United States department of transportation before issuance of
21 that group designation or indorsement.

22 (5) Except for a vehicle group designation or indorsement,
23 the secretary of state may issue a renewal operator's or
24 chauffeur's license for 1 additional 4-year period by mail. The
25 secretary of state shall not issue a renewal license by mail
26 unless the licensee has a driving record ~~which~~ THAT is free of
27 convictions and civil infraction determinations for the 48 months

1 preceding renewal. However, the secretary of state shall not
2 refuse to issue a renewal license by mail because of a conviction
3 or civil infraction determination for which fines and costs were
4 waived pursuant to section 901a or section 907. When a license
5 is renewed by mail, the secretary of state shall issue evidence
6 of renewal which shall be affixed to the previously issued
7 license to indicate the date the license expires in the future.
8 This ~~evidentiary document~~ EVIDENCE OF RENEWAL shall be manufac-
9 tured in the same manner required ~~of~~ FOR the operator's license
10 in section 310. ~~of this act.~~

11 (6) Upon request, the secretary of state shall provide an
12 information manual to an applicant explaining how to obtain a
13 vehicle group designation or indorsement. The manual shall con-
14 tain the information required pursuant to 49 C.F.R. part 383.

15 Sec. 310. (1) The secretary of state shall issue to each
16 person licensed as an operator, an operator's license, and to
17 each person licensed as a chauffeur, a chauffeur's license. An
18 applicant for a motorcycle indorsement under section 312a or a
19 vehicle group designation or indorsement shall first qualify for
20 an operator's or chauffeur's license before the indorsement or
21 vehicle group designation application is accepted and processed.

22 (2) The license shall ~~bear~~ CONTAIN the distinguishing
23 number permanently assigned to the licensee and ~~shall contain~~
24 the name, date of birth, address of residence, HEIGHT, WEIGHT, an
25 imprinted photograph, and the signature of the licensee. ~~, and~~
26 THE LICENSEE shall be manufactured in a manner to prohibit as
27 nearly as possible the ability to reproduce, alter, counterfeit,

1 forge, or duplicate the license without ready detection. In
2 addition, a license with a vehicle group designation shall con-
3 tain the information required pursuant to 49 C.F.R. part 383.

4 (3) A person who intentionally reproduces, alters, counter-
5 feits, forges, or duplicates a license photograph, the negative
6 of the photograph, a license, or a part of a license, or who uses
7 a license or photograph ~~which~~ THAT has been reproduced,
8 altered, counterfeited, forged, or duplicated shall be punished
9 as follows:

10 (a) If the intent of THE reproduction, alteration, counter-
11 feiting, forging, duplication, or use was to commit or aid in the
12 commission of an offense punishable by imprisonment for 1 or more
13 years, the person committing the reproduction, alteration, coun-
14 terfeiting, forging, duplication, or use is guilty of a misde-
15 meanor, punishable by imprisonment for a period equal to that
16 which could be imposed for the commission of the offense the
17 person had the intent to aid or commit. The court may also
18 assess a fine of not more than \$10,000.00 against the person.

19 (b) If the intent of the reproduction, alteration, counter-
20 feiting, forging, duplication, or use was to commit or aid in the
21 commission of an offense punishable by imprisonment for not more
22 than 1 year, the person committing the reproduction, alteration,
23 counterfeiting, forging, duplication, or use is guilty of a mis-
24 demeanor, punishable by imprisonment for not more than 1 year, or
25 a fine of not more than \$1,000.00, or both.

26 (4) The secretary of state, upon determining after an
27 examination that an applicant is mentally and physically

1 qualified to receive a license, may issue to that person a
2 temporary driver's permit entitling the person while having the
3 permit in his or her immediate possession to drive a motor vehi-
4 cle upon the highway for a period not exceeding 60 days before
5 issuance to the person of an operator's or chauffeur's license by
6 the secretary of state.

7 (5) An operator or chauffeur may place on the reverse side
8 of a license his or her blood type, immunization data, medication
9 data, a statement that the licensee is deaf, or a statement that
10 the licensee has made an anatomical gift pursuant to part 101 of
11 the public health code, Act No. 368 of the Public Acts of 1978,
12 being sections 333.10101 to 333.10109 of the Michigan Compiled
13 Laws.

14 (6) The phrase "See reverse side for medical data, or anat-
15 omical gift" followed by a box shall be printed on the front of
16 the license. If the licensee ~~makes an indication as~~ PLACES ON
17 THE REVERSE SIDE OF THE LICENSE ANY OF THE INFORMATION described
18 in subsection (5), an "X" shall be inserted in the box.

19 (7) If the applicant provides proof to the secretary of
20 state that he or she is a minor who has been emancipated pursuant
21 to Act No. 293 of the Public Acts of 1968, being sections 722.1
22 to 722.6 of the Michigan Compiled Laws, ~~then~~ the license on the
23 reverse side shall bear the designation of the individual's eman-
24 cipated status.