

HOUSE BILL No. 6134

September 8, 2004, Introduced by Reps. Stahl, Caul, Kooiman, DeRoche, Casperson, Sheen, Mortimer, Pappageorge, Wenke, Vander Veen, Voorhees, Brandenburg, Drolet and Palmer and referred to the Committee on Regulatory Reform.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 310 (MCL 257.310), as amended by 2002 PA
652.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 310. (1) The secretary of state shall issue an
2 operator's license to each person licensed as an operator and a
3 chauffeur's license to each person licensed as a chauffeur. An
4 applicant for a motorcycle indorsement under section 312a or a
5 vehicle group designation or indorsement shall first qualify for
6 an operator's or chauffeur's license before the indorsement or
7 vehicle group designation application is accepted and processed.
8 Beginning on and after July 1, 2003, an original license or the
9 first renewal of an existing license issued to a person less than
10 21 years of age shall be portrait or vertical in form and an

1 original license or the first renewal of an existing license
2 issued to a person 21 years of age or over shall be landscape or
3 horizontal in form.

4 (2) The license issued under subsection (1) shall contain all
5 of the following information:

6 (a) The distinguishing number permanently assigned to the
7 licensee.

8 (b) The full name, date of birth, address of residence,
9 height, eye color, sex, an image, and the signature of the
10 licensee.

11 (c) An indication that the license contains 1 or more of the
12 following:

13 (i) The blood type of the licensee.

14 (ii) Immunization data of the licensee.

15 (iii) Medication data of the licensee.

16 (iv) A statement that the licensee is deaf.

17 (v) A statement that the licensee is an organ and tissue
18 donor pursuant to part 101 of the public health code, 1978
19 PA 368, MCL 333.10101 to 333.10109.

20 (vi) Emergency contact information of the licensee.

21 (vii) A sticker or decal as specified by the secretary of
22 state to indicate that the licensee has designated 1 or more
23 patient advocates in accordance with section 5506 of the estates
24 and protected individuals code, 1998 PA 386, MCL 700.5506, or a
25 statement that the licensee carries an emergency medical
26 information card.

27 (d) If the licensee has made a statement described in

1 subdivision (c)(v), the signature of the licensee following the
2 indication of his or her organ and tissue donor intent identified
3 in subdivision (c)(v), along with the signature of at least 1
4 witness.

5 (e) The sticker or decal described in subdivision (c)(vii)
6 may be provided by any person, hospital, school, medical group,
7 or association interested in assisting in implementing the
8 emergency medical information card, but shall meet the
9 specifications of the secretary of state. The emergency medical
10 information card may contain the information described in
11 subdivision (c)(vi), information concerning the licensee's
12 patient advocate designation, other emergency medical
13 information, or an indication as to where the licensee has stored
14 or registered emergency medical information.

15 (f) Beginning July 1, 2003, in the case of a licensee who is
16 less than 18 years of age at the time of issuance of the license,
17 the date on which the licensee will become 18 years of age and 21
18 years of age.

19 (g) Beginning July 1, 2003, in the case of a licensee who is
20 at least 18 years of age but less than 21 years of age at the
21 time of issuance of the license, the date on which the licensee
22 will become 21 years of age.

23 (3) Except as otherwise required in this chapter, other
24 information required on the license pursuant to this chapter may
25 appear on the license in a form prescribed by the secretary of
26 state.

27 (4) The license shall not contain a fingerprint or finger

1 image of the licensee.

2 (5) A digitized license may contain an identifier for voter
3 registration purposes. The digitized license may contain
4 information appearing in electronic or machine readable codes
5 needed to conduct a transaction with the secretary of state. The
6 information shall be limited to the person's driver license
7 number, birth date, license expiration date, and other
8 information necessary for use with electronic devices, machine
9 readers, or automatic teller machines and shall not contain the
10 person's name, address, driving record, or other personal
11 identifier. The license shall identify the encoded information.

12 (6) The license shall be manufactured in a manner to prohibit
13 as nearly as possible the ability to reproduce, alter,
14 counterfeit, forge, or duplicate the license without ready
15 detection. In addition, a license with a vehicle group
16 designation shall contain the information required pursuant to
17 49 C.F.R. part 383.

18 (7) A person who intentionally reproduces, alters,
19 counterfeits, forges, or duplicates a license photograph, the
20 negative of the photograph, an image, a license, or the
21 electronic data contained on a license or a part of a license or
22 who uses a license, an image, or photograph that has been
23 reproduced, altered, counterfeited, forged, or duplicated is
24 subject to 1 of the following:

25 (a) If the intent of the reproduction, alteration,
26 counterfeiting, forging, duplication, or use was to commit or aid
27 in the commission of an offense that is a felony punishable by

1 imprisonment for 10 or more years, the person committing the
2 reproduction, alteration, counterfeiting, forging, duplication,
3 or use is guilty of a felony, punishable by imprisonment for not
4 more than 10 years or a fine of not more than \$20,000.00, or
5 both.

6 (b) If the intent of the reproduction, alteration,
7 counterfeiting, forging, duplication, or use was to commit or aid
8 in the commission of an offense that is a felony punishable by
9 imprisonment for less than 10 years or a misdemeanor punishable
10 by imprisonment for 6 months or more, the person committing the
11 reproduction, alteration, counterfeiting, forging, duplication,
12 or use is guilty of a felony, punishable by imprisonment for not
13 more than 5 years, or a fine of not more than \$10,000.00, or
14 both.

15 (c) If the intent of the reproduction, alteration,
16 counterfeiting, forging, duplication, or use was to commit or aid
17 in the commission of an offense that is a misdemeanor punishable
18 by imprisonment for less than 6 months, the person committing the
19 reproduction, alteration, counterfeiting, forging, duplication,
20 or use is guilty of a misdemeanor punishable by imprisonment for
21 not more than 1 year or a fine of not more than \$2,000.00, or
22 both.

23 (8) Except as provided in subsection (16), a person who
24 sells, or who possesses with the intent to deliver to another, a
25 reproduced, altered, counterfeited, forged, or duplicated license
26 photograph, negative of the photograph, image, license, or
27 electronic data contained on a license or part of a license is

1 guilty of a felony punishable by imprisonment for not more than 5
2 years or a fine of not more than \$10,000.00, or both.

3 (9) Except as provided in subsection (16), a person who is in
4 possession of 2 or more reproduced, altered, counterfeited,
5 forged, or duplicated license photographs, negatives of the
6 photograph, images, licenses, or electronic data contained on a
7 license or part of a license is guilty of a felony punishable by
8 imprisonment for not more than 5 years or a fine of not more than
9 \$10,000.00, or both.

10 (10) Except as provided in subsection (16), a person who is
11 in possession of a reproduced, altered, counterfeited, forged, or
12 duplicated license photograph, negative of the photograph, image,
13 license, or electronic data contained on a license or part of a
14 license is guilty of a misdemeanor punishable by imprisonment for
15 not more than 1 year or a fine of not more than \$2,000.00, or
16 both.

17 (11) Subsections (7)(a) and (b), (8), and (9) do not apply to
18 a minor whose intent is to violate section 703 of the Michigan
19 liquor control code of 1998, 1998 PA 58, MCL 436.1703.

20 (12) The secretary of state, upon determining after an
21 examination that an applicant is mentally and physically
22 qualified to receive a license, may issue to that person a
23 temporary driver's permit entitling the person while having the
24 permit in his or her immediate possession to drive a motor
25 vehicle upon the highway for a period not exceeding 60 days
26 before issuance to the person of an operator's or chauffeur's
27 license by the secretary of state.

1 (13) An operator or chauffeur may indicate on the license in
2 a place designated by the secretary of state his or her blood
3 type, emergency contact information, immunization data,
4 medication data, or a statement that the licensee is deaf, or a
5 statement that the licensee is an organ and tissue donor and has
6 made an anatomical gift pursuant to part 101 of the public health
7 code, 1978 PA 368, MCL 333.10101 to 333.10109.

8 (14) An operator or chauffeur may indicate on the license in
9 a place designated by the secretary of state that he or she has
10 designated a patient advocate in accordance with sections 5506 to
11 5513 of the estates and protected individuals code, 1998 PA 386,
12 MCL 700.5506 to 700.5513.

13 (15) If the applicant provides proof to the secretary of
14 state that he or she is a minor who has been emancipated pursuant
15 to 1968 PA 293, MCL 722.1 to 722.6, the license shall bear the
16 designation of the individual's emancipated status in a manner
17 prescribed by the secretary of state.

18 (16) Subsections (8), (9), and (10) do not apply to a person
19 who is in possession of 1 or more photocopies, reproductions, or
20 duplications of a license to document the identity of the
21 licensee for a legitimate business purpose.

22 **(17) Beginning on the effective date of the amendatory act**
23 **that added this subsection, the secretary of state shall only**
24 **issue a vertical or portrait form operator's or chauffeur's**
25 **license, as prescribed in subsection (1), whether as a temporary**
26 **or regular license, to a person who is, after the effective date**
27 **of the amendatory act that added this subsection, convicted of a**

1 violation of section 625 or 625m. For a first conviction of
2 section 625 or 625m, the license shall be for 1 year. For a
3 second conviction, the license shall be for 2 years. For a third
4 or subsequent conviction, the license shall be for 5 years.
5 However, if the individual is less than 21 years of age at the
6 time he or she is convicted for a violation of section 625 or
7 625m, the duration of time that the license prescribed under this
8 subsection shall be issued shall begin on that individual's
9 twenty-first birthday.

10 Enacting section 1. This amendatory act does not take
11 effect unless all of the following bills of the 92nd Legislature
12 are enacted into law:

13 (a) Senate Bill No. _____ or House Bill No. 6133
14 (request no. 03427'03 *).

15 (b) Senate Bill No. _____ or House Bill No. 6135
16 (request no. 03427'03 b *).