

# HOUSE BILL No. 4417

March 1, 2005, Introduced by Reps. Stahl, Hoogendyk, Nofs, Hummel, Shaffer, Gosselin, Stakoe, Accavitti, Taub, Elsenheimer, Van Regenmorter, Spade, Sheen, Lipsey, Robertson, Schuitmaker, Casperson, Moolenaar, Walker, Pearce and Lemmons, III 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 2004 PA 495.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

1 be portrait or vertical in form and a license issued to a person 21  
2 years of age or over shall be landscape or horizontal in form.

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

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

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

9 (c) A place for the licensee to indicate 1 or more of the  
10 following:

11 (i) The blood type of the licensee.

12 (ii) Immunization data of the licensee.

13 (iii) Medication data of the licensee.

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

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

18 (vi) Emergency contact information of the licensee.

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

25 (d) If the licensee has made a statement described in  
26 subdivision (c)(v), the signature of the licensee following the  
27 indication of his or her organ and tissue donor intent identified

1 in subdivision (c)(v), along with the signature of at least 1  
2 witness.

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

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

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

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

25 (4) The license shall not contain a fingerprint or finger  
26 image of the licensee.

27 (5) A digitized license may contain an identifier for voter

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

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

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

22 (a) If the intent of the reproduction, alteration,  
23 counterfeiting, forging, duplication, or use is to commit or aid in  
24 the commission of an offense that is a felony punishable by  
25 imprisonment for 10 or more years, the person committing the  
26 reproduction, alteration, counterfeiting, forging, duplication, or  
27 use is guilty of a felony, punishable by imprisonment for not more

1 than 10 years or a fine of not more than \$20,000.00, or both.

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

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

17 (8) Except as provided in subsection (16), a person who sells,  
18 or who possesses with the intent to deliver to another, a  
19 reproduced, altered, counterfeited, forged, or duplicated license  
20 photograph, negative of the photograph, image, license, or  
21 electronic data contained on a license or part of a license is  
22 guilty of a felony punishable by imprisonment for not more than 5  
23 years or a fine of not more than \$10,000.00, or both.

24 (9) Except as provided in subsection (16), a person who is in  
25 possession of 2 or more reproduced, altered, counterfeited, forged,  
26 or duplicated license photographs, negatives of the photograph,  
27 images, licenses, or electronic data contained on a license or part

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

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

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

13 (12) The secretary of state, upon determining after an  
14 examination that an applicant is mentally and physically qualified  
15 to receive a license, may issue the applicant a temporary driver's  
16 permit. The temporary driver's permit entitles the applicant, while  
17 having the permit in his or her immediate possession, to drive a  
18 motor vehicle upon the highway for a period not exceeding 60 days  
19 before the secretary of state has issued the applicant an  
20 operator's or chauffeur's license. The secretary of state may  
21 establish a longer duration for the validity of a temporary  
22 driver's permit if necessary to accommodate the process of  
23 obtaining a background check that is required for an applicant by  
24 federal law.

25 (13) An operator or chauffeur may indicate on the license in a  
26 place designated by the secretary of state his or her blood type,  
27 emergency contact information, immunization data, medication data,

1 or a statement that the licensee is deaf, or a statement that the  
2 licensee is an organ and tissue donor and has made an anatomical  
3 gift ~~pursuant to~~ **UNDER** part 101 of the public health code, 1978 PA  
4 368, MCL 333.10101 to 333.10109.

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

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

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

19 **(17) BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT**  
20 **THAT ADDED THIS SUBSECTION, THE SECRETARY OF STATE SHALL ONLY ISSUE**  
21 **A VERTICAL OR PORTRAIT FORM OPERATOR'S OR CHAUFFEUR'S LICENSE AS**  
22 **PRESCRIBED IN SUBSECTION (1), WHETHER AS A TEMPORARY OR REGULAR**  
23 **LICENSE, TO A PERSON WHO IS, AFTER THE EFFECTIVE DATE OF THE**  
24 **AMENDATORY ACT THAT ADDED THIS SUBSECTION, CONVICTED OF A VIOLATION**  
25 **OF SECTION 625 OR 625M. FOR A FIRST CONVICTION OF SECTION 625 OR**  
26 **625M, THE LICENSE SHALL BE FOR 1 YEAR. FOR A SECOND CONVICTION, THE**  
27 **LICENSE SHALL BE FOR 2 YEARS. FOR A THIRD OR SUBSEQUENT CONVICTION,**

1 THE LICENSE SHALL BE FOR 5 YEARS. HOWEVER, IF THE INDIVIDUAL IS  
2 LESS THAN 21 YEARS OF AGE AT THE TIME HE OR SHE IS CONVICTED FOR A  
3 VIOLATION OF SECTION 625 OR 625M, THE DURATION OF TIME THAT THE  
4 LICENSE PRESCRIBED UNDER THIS SUBSECTION SHALL BE ISSUED SHALL  
5 BEGIN ON THAT INDIVIDUAL'S TWENTY-FIRST BIRTHDAY.

6 Enacting section 1. This amendatory act does not take effect  
7 unless all of the following bills of the 93rd Legislature are  
8 enacted into law:

9 (a) Senate Bill No.\_\_\_\_ or House Bill No. 4416(request no.  
10 00080'05).

11 (b) Senate Bill No.\_\_\_\_ or House Bill No. 4418(request no.  
12 00080'05 b).