

HOUSE BILL No. 4528

March 22, 2007, Introduced by Reps. Robert Jones and Condino and referred to the Committee on Judiciary.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 307 (MCL 257.307), as amended by 2006 PA 298.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 307. (1) An applicant for an operator's or chauffeur's
2 license shall supply a birth certificate attesting to his or her
3 age or other sufficient documents or identification as the
4 secretary of state may require. **THE SECRETARY OF STATE SHALL**
5 **ACCEPT AS 1 OF THE REQUIRED IDENTIFICATION DOCUMENTS AN**
6 **IDENTIFICATION CARD ISSUED BY THE DEPARTMENT OF CORRECTIONS TO**
7 **PRISONERS WHO ARE PLACED ON PAROLE OR RELEASED FROM A**
8 **CORRECTIONAL FACILITY, CONTAINING THE PRISONER'S NAME,**
9 **PHOTOGRAPH, AND OTHER INFORMATION IDENTIFYING THE PRISONER AS**

1 PROVIDED IN SECTION 37(4) OF THE CORRECTIONS CODE OF 1953, 1953
2 PA 232, MCL 791.237. An application for an operator's or
3 chauffeur's license shall be made in a manner prescribed by the
4 secretary of state and shall contain all of the following:

5 (a) The applicant's full name, date of birth, residence
6 address, height, sex, eye color, signature, and, beginning
7 January 1, 2007, intent to be an organ donor, other information
8 required or permitted on the license under this chapter, and, to
9 the extent required to comply with federal law, the applicant's
10 social security number. The applicant may provide a mailing
11 address if the applicant receives mail at an address different
12 from his or her residence address.

13 (b) The following notice shall be included to inform the
14 applicant that under sections 509o and 509r of the Michigan
15 election law, 1954 PA 116, MCL 168.509o and 168.509r, the
16 secretary of state is required to use the residence address
17 provided on this application as the applicant's residence address
18 on the qualified voter file for voter registration and voting:

19 "NOTICE: Michigan law requires that the same address
20 be used for voter registration and driver license
21 purposes. Therefore, if the residence address
22 you provide in this application differs from your
23 voter registration address as it appears on the
24 qualified voter file, the secretary of state
25 will automatically change your voter registration
26 to match the residence address on this application,
27 after which your voter registration at your former
28 address will no longer be valid for voting purposes.

1 A new voter registration card, containing the
2 information of your polling place, will be provided
3 to you by the clerk of the jurisdiction where your
4 residence address is located."

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

9 (d) For an operator's or chauffeur's license with a vehicle
10 group designation or indorsement, the following certifications by
11 the applicant:

12 (i) The applicant meets the applicable federal driver
13 qualification requirements under 49 CFR part 391 if the applicant
14 operates or intends to operate in interstate commerce or meets
15 the applicable qualifications of the department of state police
16 under the motor carrier safety act of 1963, 1963 PA 181, MCL
17 480.11 to 480.25, if the applicant operates or intends to operate
18 in intrastate commerce.

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

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

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

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

5 (2) Except as provided in this subsection, an applicant for
6 an operator's or chauffeur's license may have his or her image
7 and signature captured or reproduced when the application for the
8 license is made. An applicant required under section 5a of the
9 sex offenders registration act, 1994 PA 295, MCL 28.725a, to
10 maintain a valid operator's or chauffeur's license or official
11 state personal identification card shall have his or her image
12 and signature captured or reproduced when the application for the
13 license is made. The secretary of state shall acquire by purchase
14 or lease the equipment for capturing the images and signatures
15 and may furnish the equipment to a local unit authorized by the
16 secretary of state to license drivers. The secretary of state
17 shall acquire equipment purchased or leased pursuant to this
18 section under standard purchasing procedures of the department of
19 management and budget based on standards and specifications
20 established by the secretary of state. The secretary of state
21 shall not purchase or lease equipment until an appropriation for
22 the equipment has been made by the legislature. An image and
23 signature captured pursuant to this section shall appear on the
24 applicant's operator's or chauffeur's license. Except as provided
25 in this subsection, the secretary of state may retain and use a
26 person's image and signature described in this subsection only
27 for programs administered by the secretary of state. Except as

1 provided in this subsection, the secretary of state shall not use
2 a person's image or signature, or both, unless the person grants
3 written permission for that purpose to the secretary of state or
4 specific enabling legislation permitting the use is enacted into
5 law. A law enforcement agency of this state has access to
6 information retained by the secretary of state under this
7 subsection. The information may be utilized for any law
8 enforcement purpose unless otherwise prohibited by law. The
9 department of state police shall provide to the secretary of
10 state updated lists of persons required to be registered under
11 the sex offenders registration act, 1994 PA 295, MCL 28.721 to
12 28.736, and the secretary of state shall make the images of those
13 persons available to the department of state police as provided
14 in that act.

15 (3) An application shall contain a signature or verification
16 and certification by the applicant, as determined by the
17 secretary of state, and shall be accompanied by the proper fee.
18 The secretary of state shall collect the application fee with the
19 application. The secretary of state shall refund the application
20 fee to the applicant if the license applied for is denied, but
21 shall not refund the fee to an applicant who fails to complete
22 the examination requirements of the secretary of state within 90
23 days after the date of application for a license.

24 (4) In conjunction with the application for or, until
25 January 1, 2007, the issuance of an operator's or chauffeur's
26 license, the secretary of state shall do all of the following:

27 (a) Provide the applicant with all of the following:

1 (i) Information explaining the applicant's right to make an
2 anatomical gift in the event of death in accordance with section
3 310.

4 (ii) Information describing the organ, tissue, and eye donor
5 registry program. The information required under this
6 subparagraph includes the address and telephone number of
7 Michigan's federally designated organ procurement organization or
8 its successor organization.

9 (iii) Information giving the applicant the opportunity to be
10 placed on the registry described in subparagraph (ii).

11 (b) Provide the applicant with the opportunity to specify on
12 his or her operator's or chauffeur's license that he or she is
13 willing to make an anatomical gift in the event of death in
14 accordance with section 310.

15 (c) Inform the applicant that, if he or she indicates to the
16 secretary of state under this section a willingness to have his
17 or her name placed on the registry described in subdivision
18 (a) (ii), the secretary of state will mark the applicant's record
19 for the registry.

20 (d) Provide the applicant with the opportunity to make a
21 donation of \$1.00 or more to the organ and tissue donation
22 education fund created under section 2170. A donation made under
23 this subdivision shall be deposited in the state treasury to the
24 credit of the organ and tissue donation education fund.

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

27 (a) Providing printed material enclosed with a mailed notice

1 for an operator's or chauffeur's license renewal or the issuance
2 of an operator's or chauffeur's license.

3 (b) Providing printed material to an applicant who
4 personally appears at a secretary of state branch office.

5 (c) Through electronic information transmittals for
6 operator's and chauffeur's licenses processed by electronic
7 means.

8 (6) Until January 1, 2007, if an applicant indicates a
9 willingness under this section to have his or her name placed on
10 the organ donor registry described in subsection (4) (a) (ii), the
11 secretary of state shall within 10 days forward the applicant's
12 name, and address, and date of birth to the organ donor registry
13 maintained by Michigan's federally designated organ procurement
14 organization or its successor organization. The secretary of
15 state may forward information under this subsection by mail or by
16 electronic means. The secretary of state shall not maintain a
17 record of the name or address of an individual who indicates a
18 willingness to have his or her name placed on the organ donor
19 registry after forwarding that information to the organ donor
20 registry under this subsection. Information about an applicant's
21 indication of a willingness to have his or her name placed on the
22 organ donor registry that is obtained by the secretary of state
23 under subsection (4) and forwarded under this subsection is
24 exempt from disclosure under section 13(1)(d) of the freedom of
25 information act, 1976 PA 442, MCL 15.243. Beginning January 1,
26 2007, the secretary of state shall maintain a record of an
27 individual who indicates a willingness to have his or her name

1 placed on the registry described in subsection (4) (a) (ii) .
2 Information about an applicant's indication of a willingness to
3 have his or her name placed on the registry that is obtained by
4 the secretary of state under subsection (4) and forwarded under
5 subsection (14) is exempt from disclosure under section 13(1)(d)
6 of the freedom of information act, 1976 PA 442, MCL 15.243.

7 (7) If an application is received from a person previously
8 licensed in another jurisdiction, the secretary of state shall
9 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
12 become a part of the driver's record in this state.

13 (8) If an application is received for an original, renewal,
14 or upgrade of a vehicle group designation or indorsement, the
15 secretary of state shall request the person's complete driving
16 record from all states where the applicant was previously
17 licensed to drive any type of motor vehicle over the last 10
18 years before issuing a vehicle group designation or indorsement
19 to the applicant. If the applicant does not hold a valid
20 commercial motor vehicle driver license from a state where he or
21 she was licensed in the last 10 years, this complete driving
22 record request must be made not earlier than 24 hours before the
23 secretary of state issues the applicant a vehicle group
24 designation or indorsement. For all other drivers, this request
25 must be made not earlier than 10 days before the secretary of
26 state issues the applicant a vehicle group designation or
27 indorsement. The secretary of state shall also check the

1 applicant's driving record with the national driver register and
2 the federal commercial driver license information system before
3 issuing that group designation or indorsement. If the application
4 is for the renewal of a vehicle group designation or indorsement,
5 and if the secretary of state enters on the person's historical
6 driving record maintained under section 204a a notation that the
7 request was made and the date of the request, the secretary of
8 state is required to request the applicant's complete driving
9 record from other states only once under this section.

10 (9) Except for a vehicle group designation or indorsement or
11 as provided in this subsection or section 314(5), the secretary
12 of state may issue a renewal operator's or chauffeur's license
13 for 1 additional 4-year period by mail or by other methods
14 prescribed by the secretary of state. The secretary of state may
15 check the applicant's driving record through the national driver
16 register and the commercial driver license information system
17 before issuing a license under this section. The secretary of
18 state shall issue a renewal license only in person if the person
19 is a person required under section 5a of the sex offenders
20 registration act, 1994 PA 295, MCL 28.725a, to maintain a valid
21 operator's or chauffeur's license or official state personal
22 identification card. If a license is renewed by mail or by other
23 method, the secretary of state shall issue evidence of renewal to
24 indicate the date the license expires in the future. The
25 department of state police shall provide to the secretary of
26 state updated lists of persons required under section 5a of the
27 sex offenders registration act, 1994 PA 295, MCL 28.725a, to

1 maintain a valid operator's or chauffeur's license or official
2 state personal identification card.

3 (10) Upon request, the secretary of state shall provide an
4 information manual to an applicant explaining how to obtain a
5 vehicle group designation or indorsement. The manual shall
6 contain the information required under 49 CFR part 383.

7 (11) The secretary of state shall not disclose a social
8 security number obtained under subsection (1) to another person
9 except for use for 1 or more of the following purposes:

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

12 (b) Through the law enforcement information network, to
13 carry out the purposes of section 466(a) of the social security
14 act, 42 USC 666, in connection with matters relating to
15 paternity, child support, or overdue child support.

16 (c) To check an applicant's driving record through the
17 national driver register and the commercial driver license
18 information system when issuing a license under this act.

19 (d) With the department of community health, for comparison
20 with vital records maintained by the department of community
21 health under part 28 of the public health code, 1978 PA 368, MCL
22 333.2801 to 333.2899.

23 (e) As otherwise required by law.

24 (12) The secretary of state shall not display a person's
25 social security number on the person's operator's or chauffeur's
26 license.

27 (13) A requirement under this section to include a social

1 security number on an application does not apply to an applicant
2 who demonstrates he or she is exempt under law from obtaining a
3 social security number or to an applicant who for religious
4 convictions is exempt under law from disclosure of his or her
5 social security number under these circumstances. The secretary
6 of state shall inform the applicant of this possible exemption.

7 (14) Beginning January 1, 2007, the secretary of state shall
8 maintain the organ, tissue, and eye donor registry in a manner
9 that provides electronic access, including, but not limited to,
10 transfer of data to this state's federally designated organ
11 procurement organizations, their successor organizations, and
12 tissue and eye banks with limitations on the use of and access to
13 the donor registry as determined by the secretary of state.

14 (15) **THE SECRETARY OF STATE SHALL HAVE ELECTRONIC ACCESS TO**
15 **PRISONER BIOGRAPHY INFORMATION MAINTAINED BY THE DEPARTMENT OF**
16 **CORRECTIONS FOR THE PURPOSE OF VERIFYING THE IDENTITY OF A**
17 **PRISONER WHO APPLIES FOR AN OPERATOR'S OR CHAUFFEUR'S LICENSE**
18 **UNDER SUBSECTION (1).**

19 Enacting section 1. This amendatory act does not take effect
20 unless all of the following bills of the 94th Legislature are
21 enacted into law:

22 (a) Senate Bill No. ____ or House Bill No. 4527(request no.
23 01511'07*).

24 (b) Senate Bill No. ____ or House Bill No. 4525(request no.
25 01512'07).