

# HOUSE BILL No. 5788

September 10, 2014, Introduced by Rep. Hobbs and referred to the Committee on Elections and Ethics.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 307 and 315 (MCL 257.307 and 257.315), section 307 as amended by 2012 PA 55 and section 315 as amended by 2008 PA 7.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 307. (1) If an applicant for an operator's license or  
2 chauffeur's license is a citizen of the United States, the  
3 applicant shall supply a photographic identity document, a birth  
4 certificate, or other sufficient documents as the secretary of  
5 state may require to verify the identity and citizenship of the  
6 applicant. If an applicant for an operator's or chauffeur's  
7 license is not a citizen of the United States, the applicant  
8 shall supply a photographic identity document and other

1 sufficient documents to verify the identity of the applicant and  
2 the applicant's legal presence in the United States under  
3 subdivision (b). The documents required under this subsection  
4 shall include the applicant's full legal name, date of birth, and  
5 address and residency and demonstrate that the applicant is a  
6 citizen of the United States or is legally present in the United  
7 States. If the applicant's full legal name differs from the name  
8 of the applicant that appears on a document presented under this  
9 subsection, the applicant shall present documents to verify his  
10 or her current full legal name. The secretary of state shall  
11 accept as 1 of the required identification documents an  
12 identification card issued by the department of corrections to  
13 prisoners who are placed on parole or released from a  
14 correctional facility, containing the prisoner's legal name,  
15 photograph, and other information identifying the prisoner as  
16 provided in section 37(4) of the corrections code of 1953, 1953  
17 PA 232, MCL 791.237. An application for an operator's or  
18 chauffeur's license shall be made in a manner prescribed by the  
19 secretary of state and shall contain all of the following:

20 (a) The applicant's full legal name, date of birth,  
21 residence address, height, sex, eye color, signature, intent to  
22 make an anatomical gift, other information required or permitted  
23 on the license under this chapter, and, only to the extent  
24 required to comply with federal law, the applicant's social  
25 security number. The applicant may provide a mailing address if  
26 the applicant receives mail at an address different from his or  
27 her residence address.

1 (b) If the applicant is not a citizen of the United States,  
2 the applicant shall provide, and the department shall verify,  
3 documents demonstrating his or her legal presence in the United  
4 States. Nothing in this act shall obligate or be construed to  
5 obligate this state to comply with title II of the real ID act of  
6 2005, Public Law 109-13. The secretary of state may adopt rules  
7 under the administrative procedures act of 1969, 1969 PA 306, MCL  
8 24.201 to 24.328, as are necessary for the administration of this  
9 subdivision. A determination by the secretary of state that an  
10 applicant is not legally present in the United States may be  
11 appealed under section 631 of the revised judicature act of 1961,  
12 1961 PA 236, MCL 600.631.

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

12 (i) The applicant meets the applicable federal driver  
13 qualification requirements under 49 CFR parts 383 and 391 if the  
14 applicant operates or intends to operate in interstate commerce  
15 or meets the applicable qualifications of the department of state  
16 police under the motor carrier safety act of 1963, 1963 PA 181,  
17 MCL 480.11 to 480.25, if the applicant operates or intends to  
18 operate 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) ~~(f)~~—An applicant for an operator's or chauffeur's  
2 license 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) An applicant for an operator's or chauffeur's license  
6 may have his or her image and signature captured or reproduced  
7 when the application for the license is made. The secretary of  
8 state shall acquire equipment purchased or leased under this  
9 section under standard purchasing procedures of the department of  
10 technology, management, and budget based on standards and  
11 specifications established by the secretary of state. The  
12 secretary of state shall not purchase or lease equipment until an  
13 appropriation for the equipment has been made by the legislature.  
14 A digital photographic image and signature captured under this  
15 section shall appear on the applicant's operator's license or  
16 chauffeur's license. A person's digital photographic image and  
17 signature shall be used as follows:

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

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

22           (c) By the secretary of state for forwarding to the  
23 department of state police the images of persons required to be  
24 registered under the sex offenders registration act, 1994 PA 295,  
25 MCL 28.721 to 28.736, upon the department of state police  
26 providing the secretary of state an updated list of the names of  
27 those persons.

1 (d) As necessary to comply with a law of this state or of  
2 the United States.

3 (3) An application shall contain a signature or verification  
4 and certification by the applicant, as determined by the  
5 secretary of state, and shall be accompanied by the proper fee.  
6 The secretary of state shall collect the application fee with the  
7 application. The secretary of state shall refund the application  
8 fee to the applicant if the license applied for is denied, but  
9 shall not refund the fee to an applicant who fails to complete  
10 the examination requirements of the secretary of state within 90  
11 days after the date of application for a license.

12 (4) In conjunction with the application for an operator's  
13 license or chauffeur's license, the secretary of state shall do  
14 all of the following:

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

16 (i) Information explaining the applicant's right to make an  
17 anatomical gift in the event of death in accordance with section  
18 310.

19 (ii) Information describing the anatomical gift donor  
20 registry program under part 101 of the public health code, 1978  
21 PA 368, MCL 333.10101 to 333.10123. The information required  
22 under this subparagraph includes the address and telephone number  
23 of Michigan's federally designated organ procurement organization  
24 or its successor organization as defined in section 10102 of the  
25 public health code, 1978 PA 368, MCL 333.10102.

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

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

5 (c) Inform the applicant that, if he or she indicates to the  
6 secretary of state under this section a willingness to have his  
7 or her name placed on the donor registry described in subdivision  
8 (a) (ii), the secretary of state will mark the applicant's record  
9 for the donor registry.

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

12 (a) Providing printed material enclosed with a mailed notice  
13 for an operator's or chauffeur's license renewal or the issuance  
14 of an operator's or chauffeur's license.

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

17 (c) Through electronic information transmittals for  
18 operator's and chauffeur's licenses processed by electronic  
19 means.

20 (6) The secretary of state shall maintain a record of an  
21 individual who indicates a willingness to have his or her name  
22 placed on the donor registry described in subsection (4) (a) (ii).  
23 Information about an applicant's indication of a willingness to  
24 have his or her name placed on the donor registry that is  
25 obtained by the secretary of state under subsection (4) and  
26 forwarded under subsection (14) is exempt from disclosure under  
27 section 13(1) (d) of the freedom of information act, 1976 PA 442,

1 MCL 15.243.

2 (7) If an application is received from a person previously  
3 licensed in another jurisdiction, the secretary of state shall  
4 request a copy of the applicant's driving record and other  
5 available information from the national driver register. When  
6 received, the driving record and other available information  
7 become a part of the driver's record in this state.

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



1 driving record maintained under section 204a a notation that the  
2 request was made and the date of the request, the secretary of  
3 state is required to request the applicant's complete driving  
4 record from other states only once under this section.

5 (9) Except for a vehicle group designation or indorsement or  
6 as provided in this subsection or section 314(5), the secretary  
7 of state may issue a renewal operator's or chauffeur's license  
8 for 1 additional 4-year period or until the person is no longer  
9 determined to be legally present under this section by mail or by  
10 other methods prescribed by the secretary of state. The secretary  
11 of state may check the applicant's driving record through the  
12 national driver register and the commercial driver license  
13 information system before issuing a license under this section.  
14 The secretary of state shall issue a renewal license only in  
15 person if the person is a person required under section 5a of the  
16 sex offenders registration act, 1994 PA 295, MCL 28.725a, to  
17 maintain a valid operator's or chauffeur's license or official  
18 state personal identification card. If a license is renewed by  
19 mail or by other method, the secretary of state shall issue  
20 evidence of renewal to indicate the date the license expires in  
21 the future. The department of state police shall provide to the  
22 secretary of state updated lists of persons required under  
23 section 5a of the sex offenders registration act, 1994 PA 295,  
24 MCL 28.725a, to maintain a valid operator's or chauffeur's  
25 license or official state personal identification card.

26 (10) Upon request, the secretary of state shall provide an  
27 information manual to an applicant explaining how to obtain a

1 vehicle group designation or indorsement. The manual shall  
2 contain the information required under 49 CFR part 383.

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

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

8 (b) To carry out the purposes of section 466(a) of the  
9 social security act, 42 USC 666, in connection with matters  
10 relating to paternity, child support, or overdue child support.

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

14 (d) With the department of community health, for comparison  
15 with vital records maintained by the department of community  
16 health under part 28 of the public health code, 1978 PA 368, MCL  
17 333.2801 to 333.2899.

18 (e) As otherwise required by law.

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

22 (13) A requirement under this section to include a social  
23 security number on an application does not apply to an applicant  
24 who demonstrates he or she is exempt under law from obtaining a  
25 social security number.

26 (14) As required in section 10120 of the public health code,  
27 1978 PA 368, MCL 333.10120, the secretary of state shall maintain

1 the donor registry in a manner that provides electronic access,  
2 including, but not limited to, the transfer of data to this  
3 state's federally designated organ procurement organization or  
4 its successor organization, tissue banks, and eye banks, in a  
5 manner that complies with that section.

6 (15) The secretary of state, with the approval of the state  
7 administrative board created under 1921 PA 2, MCL 17.1 to 17.3,  
8 may enter into agreements with the United States government to  
9 verify whether an applicant for an operator's license or a  
10 chauffeur's license under this section who is not a citizen of  
11 the United States is authorized under federal law to be present  
12 in the United States.

13 (16) The secretary of state shall not issue an operator's  
14 license or a chauffeur's license to a person holding an  
15 operator's license or chauffeur's license issued by another state  
16 without confirmation that the person is terminating or has  
17 terminated the operator's license or chauffeur's license issued  
18 by the other state.

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

20 (a) Ensure the physical security of locations where  
21 operator's licenses and chauffeur's licenses are produced and the  
22 security of document materials and papers from which operator's  
23 licenses and chauffeur's licenses are produced.

24 (b) Subject all persons authorized to manufacture or produce  
25 operator's licenses or chauffeur's licenses and all persons who  
26 have the ability to affect the identity information that appears  
27 on operator's licenses or chauffeur's licenses to appropriate

1 security clearance requirements. The security requirements of  
2 this subdivision and subdivision (a) may require that licenses be  
3 manufactured or produced in this state.

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

7 (18) The secretary of state shall have electronic access to  
8 prisoner information maintained by the department of corrections  
9 for the purpose of verifying the identity of a prisoner who  
10 applies for an operator's or chauffeur's license under subsection  
11 (1).

12 Sec. 315. (1) An operator or chauffeur who changes his or  
13 her residence before the expiration of a license granted under  
14 this chapter shall immediately notify the secretary of state of  
15 his or her new residence address. A change of address  
16 notification shall be in a manner prescribed by the secretary of  
17 state and may include notification by personally appearing at a  
18 branch office of the secretary of state or other location  
19 designated by the secretary of state, or a notification by mail,  
20 telephone, electronically, by submitting a voter registration  
21 application unless the person registers to vote in a city,  
22 village, or township that prohibits the operation of motor  
23 vehicles by law or ordinance, or by any other means prescribed by  
24 the secretary of state. ~~The secretary of state shall provide the  
25 person changing his or her residence address the notice required  
26 by section 307(1)(c) that, under sections 509o and 509r of the  
27 Michigan election law, 1954 PA 116, MCL 168.509o and 168.509r,~~

1 ~~the secretary of state is required to use the residence address~~  
2 ~~provided on this change of address application as the person's~~  
3 ~~residence address on the qualified voter file for voter~~  
4 ~~registration and voting. However, a~~ **A** person may submit to the  
5 secretary of state a mailing address that is different than his  
6 or her residence address.

7 (2) Upon receiving a change of address notification, the  
8 secretary of state shall change the person's driver license  
9 record to indicate the new residence address. The secretary of  
10 state shall provide the person with a new license or a label or  
11 some other mechanism containing the new residence address. Upon  
12 receipt of the label or other mechanism, the person shall affix  
13 the label or mechanism to his or her operator's or chauffeur's  
14 license as prescribed by the secretary of state. If the secretary  
15 of state furnished the person with a new license, the person  
16 shall destroy his or her old license and replace it with the new  
17 license.

18 (3) If a person fails to report a change of his or her  
19 residence address as required under this section and subsequently  
20 there is no response to a notice mailed to the residence address  
21 shown by the record of the secretary of state or if the person  
22 has provided the secretary of state a mailing address different  
23 from his or her residence address and there is no response to a  
24 notice mailed to that mailing address, the secretary of state may  
25 immediately suspend or revoke his or her license. A person who  
26 fails to report a change of his or her residence address is  
27 responsible for a civil infraction.

1 (4) A person shall not knowingly report a change of address  
2 to the secretary of state for himself or herself that is not his  
3 or her residence address. A person shall not knowingly report a  
4 change of address to the secretary of state for another person  
5 without the consent of the other person. A person who is  
6 convicted of a violation of this subsection is guilty of a  
7 misdemeanor punishable by imprisonment for not more than 93 days  
8 or a fine of \$1,000.00, or both. Upon receiving the abstract of a  
9 conviction under this subsection, the secretary of state may  
10 suspend the person's operator's or chauffeur's license for 6  
11 months. The secretary of state shall not issue a restricted  
12 license to the person during the suspension.

13 (5) Upon a second or subsequent conviction under subsection  
14 (4), a person is guilty of a misdemeanor punishable by  
15 imprisonment for not more than 93 days or a fine of \$5,000.00, or  
16 both. Upon receiving the abstract of a second or subsequent  
17 conviction under subsection (4), the secretary of state shall  
18 revoke the person's operator's or chauffeur's license.

19 (6) The suspension or revocation of an operator's or  
20 chauffeur's license under subsection (4) or (5) is not appealable  
21 under section 323.

22 Enacting section 1. This amendatory act does not take effect  
23 unless Senate Bill No. \_\_\_\_ or House Bill No. 5787 (request no.  
24 05542'14) of the 97th Legislature is enacted into law.