

# HOUSE BILL No. 5503

January 31, 2018, Introduced by Rep. Kosowski.

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending section 310 (MCL 257.310), as amended by 2016 PA 219.

**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. An original  
8 license or the first renewal of an existing license issued to a  
9 person less than 21 years of age shall be portrait or vertical in

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

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

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

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

10 (c) In the case of a licensee who has indicated his or her  
11 wish to participate in the anatomical gift donor registry under  
12 part 101 of the public health code, 1978 PA 368, MCL 333.10101 to  
13 333.10123, a heart insignia on the front of the license.

14 (d) Physical security features designed to prevent tampering,  
15 counterfeiting, or duplication of the license for fraudulent  
16 purposes.

17 (e) If requested by an individual who is a veteran of the  
18 armed forces of this state, another state, or the United States, a  
19 designation that the individual is a veteran. The designation shall  
20 be in a style and format considered appropriate by the secretary of  
21 state. The secretary of state shall require proof of discharge or  
22 separation of service from the armed forces of this state, another  
23 state, or the United States, and the nature of that discharge, for  
24 the purposes of verifying an individual's status as a veteran under  
25 this subdivision. The secretary of state shall consult with the  
26 department of military and veterans affairs in determining the  
27 proof that shall be required to identify an individual's status as

1 a veteran for the purposes of this subsection. The secretary of  
2 state may provide the department of military and veterans affairs  
3 and agencies of the counties of this state that provide veteran  
4 services with information provided by an applicant under this  
5 subsection for the purpose of veterans' benefits eligibility  
6 referral. As used in this subdivision, "veteran" means that term as  
7 defined in section 1 of 1965 PA 190, MCL 35.61. **VETERAN INCLUDES AN  
8 INDIVIDUAL WHO WAS A MEMBER OF THE MICHIGAN NATIONAL GUARD OR A  
9 RESERVE BRANCH OF THE UNITED STATES ARMED FORCES AND WHO DID NOT  
10 HAVE A PERIOD OF ACTIVE DUTY DURING HIS OR HER SERVICE.**

11 (3) Except as otherwise required under this chapter, other  
12 information required on the license pursuant to this chapter may  
13 appear on the license in a form prescribed by the secretary of  
14 state.

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

17 (5) A digitized license may contain an identifier for voter  
18 registration purposes. The digitized license may contain  
19 information appearing in electronic or machine readable codes  
20 needed to conduct a transaction with the secretary of state. The  
21 information shall be limited to the information described in  
22 subsection (2)(a) and (b) except for the person's digital  
23 photographic image and signature, state of issuance, license  
24 expiration date, and other information necessary for use with  
25 electronic devices, machine readers, or automatic teller machines  
26 and shall not contain the driving record or other personal  
27 identifier. The license shall identify the encoded information.

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

6           (7) Except as provided in subsection (11), a person who  
7 intentionally reproduces, alters, counterfeits, forges, or  
8 duplicates a license photograph, the negative of the photograph,  
9 image, license, or electronic data contained on a license or a part  
10 of a license or who uses a license, image, or photograph that has  
11 been reproduced, altered, counterfeited, forged, or duplicated is  
12 subject to 1 of the following:

13           (a) If the intent of the reproduction, alteration,  
14 counterfeiting, forging, duplication, or use is to commit or aid in  
15 the commission of an offense that is a felony punishable by  
16 imprisonment for 10 or more years, the person committing the  
17 reproduction, alteration, counterfeiting, forging, duplication, or  
18 use is guilty of a felony, punishable by imprisonment for not more  
19 than 10 years or a fine of not more than \$20,000.00, or both.

20           (b) If the intent of the reproduction, alteration,  
21 counterfeiting, forging, duplication, or use is to commit or aid in  
22 the commission of an offense that is a felony punishable by  
23 imprisonment for less than 10 years or a misdemeanor punishable by  
24 imprisonment for 6 months or more, the person committing the  
25 reproduction, alteration, counterfeiting, forging, duplication, or  
26 use is guilty of a felony, punishable by imprisonment for not more  
27 than 5 years, or a fine of not more than \$10,000.00, or both.

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

8 (8) Except as provided in subsections (11) and (16), a person  
9 who sells, or who possesses with the intent to deliver to another,  
10 a reproduced, altered, counterfeited, forged, or duplicated license  
11 photograph, negative of the photograph, image, license, or  
12 electronic data contained on a license or part of a license is  
13 guilty of a felony punishable by imprisonment for not more than 5  
14 years or a fine of not more than \$10,000.00, or both.

15 (9) Except as provided in subsections (11) and (16), a person  
16 who is in possession of 2 or more reproduced, altered,  
17 counterfeited, forged, or duplicated license photographs, negatives  
18 of the photograph, images, licenses, or electronic data contained  
19 on a license or part of a license is guilty of a felony punishable  
20 by imprisonment for not more than 5 years or a fine of not more  
21 than \$10,000.00, or both.

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

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

4           (12) The secretary of state, upon determining after an  
5 examination that an applicant is mentally and physically qualified  
6 to receive a license, may issue the applicant a temporary driver's  
7 permit. The temporary driver's permit entitles the applicant, while  
8 having the permit in his or her immediate possession, to operate a  
9 motor vehicle upon the highway for a period not exceeding 60 days  
10 before the secretary of state has issued the applicant an  
11 operator's or chauffeur's license. The secretary of state may  
12 establish a longer duration for the validity of a temporary  
13 driver's permit if necessary to accommodate the process of  
14 obtaining a background check that is required for an applicant by  
15 federal law.

16           (13) An operator or chauffeur may indicate on the license in a  
17 place designated by the secretary of state his or her blood type,  
18 emergency contact information, immunization data, medication data,  
19 or a statement that the licensee is deaf. The secretary of state  
20 shall not require an applicant for an original or renewal  
21 operator's or chauffeur's license to provide emergency contact  
22 information as a condition of obtaining a license. However, the  
23 secretary of state may inquire whether an operator or chauffeur  
24 would like to provide emergency contact information. Emergency  
25 contact information obtained under this subsection shall be  
26 disclosed only to a state or federal law enforcement agency for law  
27 enforcement purposes or to the extent necessary for a medical

1 emergency. No later than January 1, 2017, the secretary of state  
2 shall develop and shall, in conjunction with the department of  
3 state police, implement a process using the L.E.I.N. or any other  
4 appropriate system that limits access to law enforcement that would  
5 allow law enforcement agencies of this state to access emergency  
6 contact information that the holder of an operator's license has  
7 voluntarily provided to the secretary of state. As used in this  
8 subsection, "emergency contact information" means the name,  
9 telephone number, or address of an individual that is used for the  
10 sole purpose of contacting that individual when the holder of an  
11 operator's license has been involved in an emergency.

12 (14) An operator or chauffeur may indicate on the license in a  
13 place designated by the secretary of state that he or she has  
14 designated a patient advocate in accordance with sections 5506 to  
15 5515 of the estates and protected individuals code, 1998 PA 386,  
16 MCL 700.5506 to 700.5515.

17 (15) If the applicant provides proof to the secretary of state  
18 that he or she is a minor who has been emancipated under 1968 PA  
19 293, MCL 722.1 to 722.6, the license shall bear the designation of  
20 the individual's emancipated status in a manner prescribed by the  
21 secretary of state.

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

26 (17) A sticker or decal may be provided by any person,  
27 hospital, school, medical group, or association interested in

1 assisting in implementing an emergency medical information card,  
2 but shall meet the specifications of the secretary of state. An  
3 emergency medical information card may contain information  
4 concerning the licensee's patient advocate designation, other  
5 emergency medical information, or an indication as to where the  
6 licensee has stored or registered emergency medical information.

7 (18) The secretary of state shall inquire of each licensee, in  
8 person or by mail, whether the licensee agrees to participate in  
9 the anatomical gift donor registry under part 101 of the public  
10 health code, 1978 PA 368, MCL 333.10101 to 333.10123.

11 (19) A licensee who has agreed to participate in the  
12 anatomical gift donor registry under part 101 of the public health  
13 code, 1978 PA 368, MCL 333.10101 to 333.10123, shall not be  
14 considered to have revoked that agreement solely because the  
15 licensee's license has been revoked or suspended or has expired.  
16 Enrollment in the donor registry constitutes a legal agreement that  
17 remains binding and in effect after the donor's death regardless of  
18 the expressed desires of the deceased donor's next of kin who may  
19 oppose the donor's anatomical gift.

20 Enacting section 1. This amendatory act takes effect 90 days  
21 after the date it is enacted into law.