

HOUSE BILL No. 5879

April 25, 2018, Introduced by Reps. LaFave, Sheppard and Bellino and referred to the Committee on Natural Resources.

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
10 form and a license issued to a person 21 years of age or over shall

1 be landscape or horizontal in form.

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

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

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

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

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

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

1 state may provide the department of military and veterans affairs
2 and agencies of the counties of this state that provide veteran
3 services with information provided by an applicant under this
4 subsection for the purpose of veterans' benefits eligibility
5 referral. As used in this subdivision, "veteran" means that term as
6 defined in section 1 of 1965 PA 190, MCL 35.61.

7 (3) Except as otherwise required under this chapter, other
8 information required on the license pursuant to this chapter may
9 appear on the license in a form prescribed by the secretary of
10 state.

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

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

24 (6) The license shall be manufactured in a manner to prohibit
25 as nearly as possible the ability to reproduce, alter, counterfeit,
26 forge, or duplicate the license without ready detection. In
27 addition, a license with a vehicle group designation shall contain

1 the information required under 49 CFR part 383.

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

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

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

24 (c) If the intent of the reproduction, alteration,
25 counterfeiting, forging, duplication, or use is to commit or aid in
26 the commission of an offense that is a misdemeanor punishable by
27 imprisonment for less than 6 months, the person committing the

1 reproduction, alteration, counterfeiting, forging, duplication, or
2 use is guilty of a misdemeanor punishable by imprisonment for not
3 more than 1 year or a fine of not more than \$2,000.00, or both.

4 (8) Except as provided in subsections (11) and ~~(16)~~, ~~(17)~~, a
5 person who sells, or who possesses with the intent to deliver to
6 another, a reproduced, altered, counterfeited, forged, or
7 duplicated license photograph, negative of the photograph, image,
8 license, or electronic data contained on a license or part of a
9 license is guilty of a felony punishable by imprisonment for not
10 more than 5 years or a fine of not more than \$10,000.00, or both.

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

18 (10) Except as provided in subsection ~~(16)~~, ~~(17)~~, a person who
19 is in possession of a reproduced, altered, counterfeited, forged,
20 or duplicated license photograph, negative of the photograph,
21 image, license, or electronic data contained on a license or part
22 of a license is guilty of a misdemeanor punishable by imprisonment
23 for not more than 1 year or a fine of not more than \$2,000.00, or
24 both.

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

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

13 (13) An operator or chauffeur may indicate on the license in a
14 place designated by the secretary of state his or her blood type,
15 emergency contact information, immunization data, medication data,
16 or a statement that the licensee is deaf. The secretary of state
17 shall not require an applicant for an original or renewal
18 operator's or chauffeur's license to provide emergency contact
19 information as a condition of obtaining a license. However, the
20 secretary of state may inquire whether an operator or chauffeur
21 would like to provide emergency contact information. Emergency
22 contact information obtained under this subsection shall be
23 disclosed only to a state or federal law enforcement agency for law
24 enforcement purposes or to the extent necessary for a medical
25 emergency. No later than January 1, 2017, the secretary of state
26 shall develop and shall, in conjunction with the department of
27 state police, implement a process using the L.E.I.N. or any other

1 appropriate system that limits access to law enforcement that would
2 allow law enforcement agencies of this state to access emergency
3 contact information that the holder of an operator's license has
4 voluntarily provided to the secretary of state. As used in this
5 subsection, "emergency contact information" means the name,
6 telephone number, or address of an individual that is used for the
7 sole purpose of contacting that individual when the holder of an
8 operator's license has been involved in an emergency.

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

14 (15) AN OPERATOR OR CHAUFFEUR MAY INDICATE ON THE LICENSE IN A
15 PLACE DESIGNATED BY THE SECRETARY OF STATE THAT HE OR SHE HAS BEEN
16 ISSUED A BOATING SAFETY CERTIFICATE UNDER SECTION 80212 OF THE
17 NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451,
18 MCL 324.80212. THE SECRETARY OF STATE SHALL DEVELOP AND SHALL, IN
19 CONJUNCTION WITH THE DEPARTMENT OF STATE POLICE, IMPLEMENT A
20 PROCESS USING THE L.E.I.N. OR ANY OTHER APPROPRIATE SYSTEM THAT
21 LIMITS ACCESS TO LAW ENFORCEMENT THAT WOULD ALLOW LAW ENFORCEMENT
22 AGENCIES OF THIS STATE TO VERIFY THAT AN INDIVIDUAL HAS OBTAINED A
23 BOATING SAFETY CERTIFICATE. THE SECRETARY OF STATE SHALL ALSO
24 DEVELOP AND MAINTAIN A DATABASE OF ALL INDIVIDUALS WHO CHOOSE TO
25 INDICATE ON THEIR LICENSE THAT THEY HAVE RECEIVED A BOATING SAFETY
26 CERTIFICATE, AND SHALL PROVIDE THE DEPARTMENT OF NATURAL RESOURCES
27 WITH ACCESS TO THAT DATABASE. THIS SUBSECTION APPLIES TO AN

1 **INDIVIDUAL WHOSE OPERATOR'S LICENSE CONTAINS A GRADUATED LICENSING**
2 **DESIGNATION.**

3 (16) ~~(15)~~—If the applicant provides proof to the secretary of
4 state that he or she is a minor who has been emancipated under 1968
5 PA 293, MCL 722.1 to 722.6, the license shall bear the designation
6 of the individual's emancipated status in a manner prescribed by
7 the secretary of state.

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

12 (18) ~~(17)~~—A sticker or decal may be provided by any person,
13 hospital, school, medical group, or association interested in
14 assisting in implementing an emergency medical information card,
15 but shall meet the specifications of the secretary of state. An
16 emergency medical information card may contain information
17 concerning the licensee's patient advocate designation, other
18 emergency medical information, or an indication as to where the
19 licensee has stored or registered emergency medical information.

20 (19) ~~(18)~~—The secretary of state shall inquire of each
21 licensee, in person or by mail, whether the licensee agrees to
22 participate in the anatomical gift donor registry under part 101 of
23 the public health code, 1978 PA 368, MCL 333.10101 to 333.10123.

24 (20) ~~(19)~~—A licensee who has agreed to participate in the
25 anatomical gift donor registry under part 101 of the public health
26 code, 1978 PA 368, MCL 333.10101 to 333.10123, shall not be
27 considered to have revoked that agreement solely because the

1 licensee's license has been revoked or suspended or has expired.
2 Enrollment in the donor registry constitutes a legal agreement that
3 remains binding and in effect after the donor's death regardless of
4 the expressed desires of the deceased donor's next of kin who may
5 oppose the donor's anatomical gift.

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

8 Enacting section 2. This amendatory act does not take effect
9 unless Senate Bill No.____ or House Bill No.____ (request no.
10 03586'17) of the 99th Legislature is enacted into law.