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Senate Bill 454 (as introduced 8-28-19)  
Sponsor: Senator Peter J. Lucido  
Committee: Transportation and Infrastructure

Date Completed: 1-13-20

## **CONTENT**

**The bill would amend the Michigan Vehicle Code to do the following:**

- **Require the Secretary of State (SOS) to make a driver license available in an electronic format.**
- **Require the electronic license to contain all of the information required to be included on a plastic card license and a QR code or similar technology.**
- **Allow the SOS to enter into a contract with a vendor in order to make electronic licenses available in the State.**
- **Require a peace officer to comply with certain requirements if a person who had an electronic license issued under the bill refused, or submitted to, a chemical test offered by the peace officer.**

### Electronic License

Under the Code, the SOS must issue an operator's license to each person licensed as an operator and a chauffeur's license to each person licensed as a chauffeur. An applicant for a motorcycle indorsement or a vehicle group designation or indorsement must qualify for a driver license before the indorsement or vehicle group designation application is accepted and processed. An original license or the first renewal of an existing license issued to a person 21 years of age or over must be landscape or horizontal in form.

The license must contain all of the following:

- The distinguishing number permanently assigned to the licensee.
- The full legal name, date of birth, address of residence, height, eye color, sex, digital photographic image, expiration date, and signature of the licensee.
- In the case of a licensee who has indicated his or her wish to participate in the anatomical gift donor registry, a heart insignia on the front of the license.
- Physical security features designed to prevent tampering, counterfeiting, or duplication of the license for fraudulent purposes.
- If requested by an individual who is a veteran of the armed forces of the State, another state, or the United States, a designation that the individual is a veteran.

In addition, a digitized license issued under the Code may contain an identifier for voter registration purposes. The digitized license may contain information appearing in electronic or machine readable codes needed to conduct a transaction with the SOS. The information must be limited to the distinguishing number permanently assigned to the licensee and the full legal name, date of birth, address, height, eye color, sex, digital photographic image,

expiration date, and signature of the licensee, except for the person's state of issuance and other information necessary for use with electronic devices, machine readers, or automatic teller machines. The digitized license may not contain the driving record or other personal identifier.

Under the bill, the SOS would have to make the physical license issued above available in electronic format. The electronic license would have to contain all of the information required to be included on a plastic card license and would have to include a QR code, or another similar technology, allowing the electronic license to be scanned and read and contain the same information as a digitized license.

"QR code" would mean a machine-readable code consisting of an array of black and white squares, used for storing information for reading by the camera on a smart cellular telephone, or other type of handheld technology. "Smart cellular telephone" or "other handheld technology" would mean a cellular telephone or a similar handheld machine that performs many of the functions of a computer, typically having a touchscreen interface, internet access, and an operating system capable of running downloaded applications.

#### Electronic License; Chemical Testing

Under the bill, if a person who had an electronic license issued under the bill refused a chemical test offered under Section 625a of the Code, the peace officer who requested the person to submit to the test would have to comply with all of the following:

- If the person otherwise were eligible, issue a temporary license or permit to the person, which would have to be in a form provided by the SOS and would have to indicate that the person's electronic license was no longer in effect.
- Forward a copy of the written report of the person's refusal to submit to a chemical test required under the Section 625d of the Code to the SOS.
- Notify the SOS by means of the Law Enforcement Information Network (LEIN) that a temporary license or permit was issued to the person.

(Generally, Section 625a of the Code prescribes certain requirements that apply to the administration of a chemical test when a peace officer suspects a driver to be under the influence of alcoholic liquor, a controlled substance, or any other intoxicating substance while operating a motor vehicle. The Section specifies that if a person refuses the request of a peace officer to take a chemical test, a test may not be given without a court order, but, the refusal results in the suspension of the person's driver license and in the addition of six points to his or her driving record.

Section 625d requires a peace officer to forward a report immediately to the SOS if a person refuses the request of a peace officer to submit to a chemical test. The report must state that the officer had reasonable grounds to believe that the person had committed a crime related to the operation of a vehicle while intoxicated and that the person had refused to submit to the test.)

If a person who had an electronic license submitted to the chemical test or a test was performed under a court order, and the test revealed an unlawful alcohol content, or the presence of a controlled substance or other intoxicating substance, or any combination of them, the officer who requested the person to submit to the test would have to issue a temporary license or permit to the person and notify the SOS by means of LEIN that a temporary license was issued.

("Unlawful alcohol content" means any of the following as applicable: a) if the person tested is less than 21 years of age, 0.02 grams or more of alcohol per 100 milliliters of blood, per 210 liters of breath, or 67 milliliters of urine; b) if the person tested was operating a commercial motor vehicle, 0.04 grams of the same measurements; or c) if the person tested is neither of the above, 0.08 grams of the same measurements, or beginning October 1, 2021, 0.10 grams of the same measurements.)

If a person who had an electronic license submitted to a chemical test that required an analysis of the blood and a report of the results of that chemical test was not immediately available, the officer who requested the person to submit to the test would have to issue a temporary license or permit to the person and notify the SOS by means of LEIN of that issuance. The peace officer also would have to indicate in the notice that the results of a subsequent chemical test were pending.

MCL 257.310 et al.

Legislative Analyst: Tyler VanHuyse

### **FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on State and local law enforcement agencies. Under the bill, local law enforcement personnel could be presented with an electronic vehicle operator's license, and would have to verify its authenticity, and occasionally could have to electronically revoke a license, provide a temporary version of that license, and notify the SOS as to any measures taken. According to the State Police, currently there is no method for a law enforcement officer to "read" an electronic license, verify its authenticity, or alter or revoke it as prescribed; nor is there a path set up to communicate with the SOS. For law enforcement to accomplish the bill's requirements, additional equipment and computer programming resources would be needed at a cost that cannot be determined at this time.

The bill also would have an indeterminate fiscal impact on the Department of State to create a system for the Department to make driver licenses available in an electronic format. The Department of State likely would incur costs to acquire the hardware and software that would be needed to produce the licenses in an electronic format. Although the Department could contract with a vendor to make the electronic licenses available in the State, those costs have not been determined. The total costs for the bill are indeterminate and likely would be significant enough to require additional appropriations to comply with its proposed requirements.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.