

HOUSE BILL NO. 4565

May 07, 2019, Introduced by Reps. Frederick and Liberati and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 221 and 310 (MCL 257.221 and 257.310), section 221 as amended by 1998 PA 64 and section 310 as amended by 2018 PA 177.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 221. (1) The secretary of state shall create and maintain



1 a computerized central file of all applications for registration of
2 motor vehicles and is not required to retain any other record of
3 the application. The computerized central file ~~shall~~**must** be
4 interfaced with the law enforcement information network as provided
5 in the ~~L.E.I.N.-C.J.I.S.~~ policy council act, ~~of 1974,~~ 1974 PA 163,
6 MCL 28.211 to ~~28.216.~~**28.215.**

7 (2) The secretary of state shall preserve the records
8 described in subsection (1) for 3 years after the date of
9 registration. The records ~~shall~~**must** be available to state and
10 federal agencies and the friend of the court as provided under
11 section 4 of the ~~L.E.I.N.-C.J.I.S.~~ policy council act, ~~of 1974,~~
12 1974 PA 163, MCL 28.214, and rules promulgated under that section.
13 ~~, and~~ **The records, except for a communication impediment**
14 **designation, must be available** to the public through the secretary
15 of state's commercial look-up service.

16 (3) **The secretary of state shall allow the owner of a motor**
17 **vehicle who is applying for a vehicle registration or for renewal**
18 **of a vehicle registration to elect a communication impediment**
19 **designation on the application maintained in the central file under**
20 **subsection (1) or in another appropriate system that limits access**
21 **to law enforcement that would allow law enforcement agencies of**
22 **this state to view a communication impediment designation with a**
23 **motor vehicle registration.**

24 (4) As used in this section, "communication impediment" means
25 the owner of a motor vehicle has 1 or more of the following health
26 conditions that may impede communication with a police officer
27 during a traffic stop:

28 (a) Deafness or hearing loss.

29 (b) An autism disorder.



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~~**must** be portrait or vertical
10 in form and a license issued to a person 21 years of age or over
11 ~~shall~~**must** be landscape or horizontal in form.

12 (2) The license issued under subsection (1) ~~shall~~**must** contain
13 all of the following:

14 (a) The distinguishing number permanently assigned to the
15 licensee.

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

19 (c) In the case of a licensee who has indicated his or her
20 wish to participate in the anatomical gift donor registry under
21 part 101 of the public health code, 1978 PA 368, MCL 333.10101 to
22 333.10123, a heart insignia on the front of the license.

23 (d) Physical security features designed to prevent tampering,
24 counterfeiting, or duplication of the license for fraudulent
25 purposes.

26 (e) If requested by an individual who is a veteran of the
27 armed forces of this state, another state, or the United States, a
28 designation that the individual is a veteran. The designation ~~shall~~
29 **must** be in a style and format considered appropriate by the



1 secretary of state. The secretary of state shall require proof of
 2 discharge or separation of service from the armed forces of this
 3 state, another state, or the United States, and the nature of that
 4 discharge, for the purposes of verifying an individual's status as
 5 a veteran under this subdivision. The secretary of state shall
 6 consult with the department of military and veterans affairs in
 7 determining the proof that ~~shall~~**must** be required to identify an
 8 individual's status as a veteran for the purposes of this
 9 subsection. The secretary of state may provide the department of
 10 military and veterans affairs and agencies of the counties of this
 11 state that provide veteran services with information provided by an
 12 applicant under this subsection for the purpose of veterans'
 13 benefits eligibility referral. ~~As used in this subdivision,~~
 14 ~~"veteran" means that term as defined in section 1 of 1965 PA 190,~~
 15 ~~MCL 35.61.~~

16 (3) Except as otherwise required under this chapter, other
 17 information required on the license ~~pursuant to~~**under** this chapter
 18 may appear on the license in a form prescribed by the secretary of
 19 state.

20 (4) The license ~~shall~~**must** not contain a fingerprint or finger
 21 image of the licensee.

22 (5) A digitized license may contain an identifier for voter
 23 registration purposes. The digitized license may contain
 24 information appearing in electronic or machine readable codes
 25 needed to conduct a transaction with the secretary of state. The
 26 information ~~shall~~**must** be limited to the information described in
 27 subsection (2) (a) and (b) except for the person's digital
 28 photographic image and signature, state of issuance, license
 29 expiration date, and other information necessary for use with



1 electronic devices, machine readers, or automatic teller machines
2 and ~~shall~~**must** not contain the driving record or other personal
3 identifier. The license ~~shall~~**must** identify the encoded
4 information.

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

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

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

24 (b) 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 felony punishable by
27 imprisonment for less than 10 years or a misdemeanor punishable by
28 imprisonment for 6 months or more, the person committing the
29 reproduction, alteration, counterfeiting, forging, duplication, or



1 use is guilty of a felony, punishable by imprisonment for not more
2 than 5 years, or a fine of not more than \$10,000.00, or both.

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

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

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

24 (10) Except as provided in subsection (16), a person who is in
25 possession of a reproduced, altered, counterfeited, forged, or
26 duplicated license photograph, negative of the photograph, image,
27 license, or electronic data contained on a license or part of a
28 license is guilty of a misdemeanor punishable by imprisonment for
29 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 **and shall allow**
25 **an operator or chauffeur to elect a communication impediment**
26 **designation.** Emergency contact information obtained under this
27 subsection ~~shall~~**must** be disclosed only to a state or federal law
28 enforcement agency for law enforcement purposes or to the extent
29 necessary for a medical emergency. No later than January 1, 2017,



1 the secretary of state shall develop and shall, in conjunction with
 2 the department of state police, implement a process using the
 3 L.E.I.N. or any other appropriate system that limits access to law
 4 enforcement that would allow law enforcement agencies of this state
 5 to access emergency contact information **and to view a communication**
 6 **impediment designation** 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~~**must** bear the
 20 designation of the individual's emancipated status in a manner
 21 prescribed by the 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
 28 assisting in implementing an emergency medical information card,
 29 but ~~shall~~**must** meet the specifications of the secretary of state.



1 An emergency medical information card may contain information
2 concerning the licensee's patient advocate designation, other
3 emergency medical information, or an indication as to where the
4 licensee has stored or registered emergency medical information.

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

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

18 (20) If an operator's or chauffeur's license is issued to an
19 individual described in section 307(1)(b) who has temporary lawful
20 status, the license ~~shall~~**must** be issued in compliance with 6 CFR
21 37.21 or in compliance with the process established to comply with
22 6 CFR 37.71 by the secretary of state. ~~As used in this subsection,~~
23 ~~"temporary lawful status" means that term as defined in 6 CFR 37.3.~~

24 (21) **As used in this section:**

25 (a) **"Communication impediment" means the operator or chauffeur**
26 **has 1 or more of the following health conditions that may impede**
27 **communication with a police officer during a traffic stop:**

28 (i) **Deafness or hearing loss.**

29 (ii) **An autism disorder.**



1 (b) "Emergency contact information" means the name, telephone
2 number, or address of an individual that is used for the sole
3 purpose of contacting that individual when the holder of an
4 operator's license has been involved in an emergency.

5 (c) "Temporary lawful status" means that term as defined in 6
6 CFR 37.3.

7 (d) "Veteran" means that term as defined in section 1 of 1965
8 PA 190, MCL 35.61.

