

HOUSE BILL NO. 4793

May 05, 2021, Introduced by Reps. Maddock, Bezotte, Markkanen, Damoose, LaFave, Roth, Wozniak, Bellino and Yaroch and referred to the Committee on Oversight.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 310 (MCL 257.310), as amended by 2020 PA 304.

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

1 chauffeur's license before the indorsement or vehicle group
2 designation application is accepted and processed. An original
3 license or the first renewal of an existing license issued to a
4 person less than 21 years of age must be portrait or vertical in
5 form and a license issued to a person 21 years of age or over must
6 be landscape or horizontal in form.

7 (2) The license issued under subsection (1) must contain all
8 of the following:

9 (a) The distinguishing number permanently assigned to the
10 licensee.

11 (b) Except as provided in section 310f, the full legal name,
12 date of birth, address of residence, height, eye color, sex,
13 digital photographic image, expiration date, and signature of the
14 licensee.

15 (c) In the case of a licensee who has indicated his or her
16 wish to participate in the anatomical gift donor registry under
17 part 101 of the public health code, 1978 PA 368, MCL 333.10101 to
18 333.10123, a heart insignia on the front of the license.

19 (d) Physical security features designed to prevent tampering,
20 counterfeiting, or duplication of the license for fraudulent
21 purposes.

22 (e) If requested by an individual who is a veteran of the
23 armed forces of this state, another state, or the United States, a
24 designation that the individual is a veteran. The designation must
25 be in a style and format considered appropriate by the secretary of
26 state. The secretary of state shall require proof of discharge or
27 separation of service from the armed forces of this state, another
28 state, or the United States, and the nature of that discharge, for
29 the purposes of verifying an individual's status as a veteran under

1 this subdivision. The secretary of state shall consult with the
2 department of military and veterans affairs in determining the
3 proof that must be required to identify an individual's status as a
4 veteran for the purposes of this subsection. The secretary of state
5 may provide the department of military and veterans affairs and
6 agencies of the counties of this state that provide veteran
7 services with information provided by an applicant under this
8 subsection for the purpose of veterans' benefits eligibility
9 referral.

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

13 (4) The license must not contain a fingerprint or finger image
14 of the licensee.

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

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

1 the information required under 49 CFR part 383.

2 (7) Except as provided in subsection (11), a person ~~who~~**that**
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~~**that** uses a license, image, or photograph that
7 has been reproduced, altered, counterfeited, forged, or duplicated
8 is 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
28 reproduction, alteration, counterfeiting, forging, duplication, or
29 use is guilty of a misdemeanor punishable by imprisonment for not

1 more than 1 year or a fine of not more than \$2,000.00, or both.

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

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

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

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

26 (12) The secretary of state, upon determining after an
27 examination that an applicant is mentally and physically qualified
28 to receive a license, may issue the applicant a temporary driver's
29 permit. The temporary driver's permit entitles the applicant, while

1 having the permit in his or her immediate possession, to operate a
2 motor vehicle upon the highway for a period not exceeding 60 days
3 before the secretary of state has issued the applicant an
4 operator's or chauffeur's license. The secretary of state may
5 establish a longer duration for the validity of a temporary
6 driver's permit if necessary to accommodate the process of
7 obtaining a background check that is required for an applicant by
8 federal law.

9 (13) An operator or chauffeur may indicate on the license in a
10 place designated by the secretary of state his or her blood type,
11 emergency contact information, ~~immunization data,~~ medication data,
12 or a statement that the licensee is deaf. The secretary of state
13 shall not require an applicant for an original or renewal
14 operator's or chauffeur's license to provide emergency contact
15 information as a condition of obtaining a license. However, the
16 secretary of state may inquire whether an operator or chauffeur
17 would like to provide emergency contact information and, beginning
18 July 1, 2021, shall allow an operator or chauffeur that meets the
19 requirements of subsection (21) to elect a communication impediment
20 designation. Emergency contact information obtained under this
21 subsection must be disclosed only to a state or federal law
22 enforcement agency for law enforcement purposes or to the extent
23 necessary for a medical emergency. The secretary of state shall
24 develop and shall, in conjunction with the department of state
25 police, implement a process using the L.E.I.N. or any other
26 appropriate system that limits access to law enforcement that would
27 allow law enforcement agencies of this state to access emergency
28 contact information and, beginning July 1, 2021, to view a
29 communication impediment designation that the holder of an

1 operator's license has voluntarily provided to the secretary of
2 state.

3 (14) An operator or chauffeur may indicate on the license in a
4 place designated by the secretary of state that he or she has
5 designated a patient advocate in accordance with sections 5506 to
6 5515 of the estates and protected individuals code, 1998 PA 386,
7 MCL 700.5506 to 700.5515.

8 (15) If the applicant provides proof to the secretary of state
9 that he or she is a minor who has been emancipated under 1968 PA
10 293, MCL 722.1 to 722.6, the license must bear the designation of
11 the individual's emancipated status in a manner prescribed by the
12 secretary of state.

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

17 (17) A sticker or decal may be provided by any person,
18 hospital, school, medical group, or association interested in
19 assisting in implementing an emergency medical information card,
20 but must meet the specifications of the secretary of state. An
21 emergency medical information card may contain information
22 concerning the licensee's patient advocate designation, other
23 emergency medical information, or an indication as to where the
24 licensee has stored or registered emergency medical information.

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

29 (19) A licensee who has agreed to participate in the

1 anatomical gift donor registry under part 101 of the public health
2 code, 1978 PA 368, MCL 333.10101 to 333.10123, must not be
3 considered to have revoked that agreement solely because the
4 licensee's license has been revoked or suspended or has expired.
5 Enrollment in the donor registry constitutes a legal agreement that
6 remains binding and in effect after the donor's death regardless of
7 the expressed desires of the deceased donor's next of kin who may
8 oppose the donor's anatomical gift.

9 (20) If an operator's or chauffeur's license is issued to an
10 individual described in section 307(1)(b) who has temporary lawful
11 status, the license must be issued in compliance with 6 CFR 37.21
12 or in compliance with the process established to comply with 6 CFR
13 37.71 by the secretary of state.

14 (21) An operator or chauffeur seeking an election for a
15 communication impediment designation under subsection (13) shall
16 provide to the secretary of state a certification that meets all of
17 the following:

18 (a) Is signed by a physician, physician assistant, certified
19 nurse practitioner, or physical therapist licensed to practice in
20 this state.

21 (b) Identifies the individual for whom the communication
22 impediment designation is being elected.

23 (c) Attests to the nature of the communication impediment.

24 (22) A person ~~who~~**that** intentionally makes a false statement
25 of material fact or commits or attempts to commit a deception or
26 fraud on a statement described under subsection (21) is guilty of a
27 misdemeanor punishable by imprisonment for not more than 30 days or
28 a fine of not more than \$500.00, or both.

29 (23) Subject to subsection (24), the secretary of state may

1 cancel or revoke a communication impediment designation elected and
2 maintained under this section if either of the following
3 circumstances applies:

4 (a) The secretary of state determines that a communication
5 impediment designation was fraudulently or erroneously elected.

6 (b) The secretary of state determines the communication
7 impediment designation was abused during a traffic stop.

8 (24) The secretary of state shall provide the operator or
9 chauffeur notice and an opportunity to be heard before canceling or
10 revoking a communication impediment designation under subsection
11 (23).

12 (25) As used in this section:

13 (a) "Communication impediment" means the operator or chauffeur
14 has a health condition that may impede communication with a police
15 officer during a traffic stop, including, but not limited to, any
16 of the following:

17 (i) Deafness or hearing loss.

18 (ii) An autism spectrum disorder.

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

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

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

27 Enacting section 1. This amendatory act does not take effect
28 unless all of the following bills of the 101st Legislature are
29 enacted into law:

1 (a) Senate Bill No. _____ or House Bill No. 4791 (request no.
2 02917'21).

3 (b) Senate Bill No. _____ or House Bill No. 4794 (request no.
4 03010'21).