

HOUSE BILL NO. 5301

November 03, 2023, Introduced by Reps. Dievendorf, Pohutsky, Brabec, Scott and Morgan and referred to the Committee on Judiciary.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 307 and 812 (MCL 257.307 and 257.812), section 307 as amended by 2020 PA 376 and section 812 as amended by 2005 PA 142.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 307. (1) If an applicant for an operator's license or
2 chauffeur's license to operate a noncommercial motor vehicle is a
3 citizen of the United States, the applicant shall supply a
4 photographic identity document, a birth certificate, or other

1 sufficient documents as the secretary of state may require, to
2 verify the identity and citizenship of the applicant. If an
3 applicant for an operator's or chauffeur's license is not a citizen
4 of the United States, the applicant shall supply a photographic
5 identity document and other sufficient documents to verify the
6 identity of the applicant and the applicant's legal presence in the
7 United States under subdivision (b). The documents required under
8 this subsection must include the applicant's full legal name, date
9 of birth, and address and residency and demonstrate that the
10 applicant is a citizen of the United States or is legally present
11 in the United States. If the applicant's full legal name differs
12 from the name of the applicant that appears on a document presented
13 under this subsection, the applicant shall present documents to
14 verify ~~his or her~~ **the applicant's** current full legal name. The
15 secretary of state shall accept as 1 of the required identification
16 documents an identification card issued by the department of
17 corrections to prisoners who are placed on parole or released from
18 a correctional facility, containing the prisoner's legal name,
19 photograph, and other information identifying the prisoner as
20 provided in section 37(4) of the corrections code of 1953, 1953 PA
21 232, MCL 791.237. An application for an operator's or chauffeur's
22 license must be made in a manner prescribed by the secretary of
23 state and must contain all of the following:

24 (a) The applicant's full legal name, date of birth, residence
25 address, height, sex, eye color, signature, intent to make an
26 anatomical gift, other information required or permitted on the
27 license under this chapter, and, only to the extent required to
28 comply with federal law, the applicant's Social Security number.
29 The applicant may provide a mailing address if the applicant

1 receives mail at an address different from ~~his or her~~ **the**
2 **applicant's** residence address. **For purposes of choosing a sex**
3 **designation under this subdivision, an applicant may indicate a sex**
4 **designation of "M", "F", or "X" on the application for an**
5 **operator's or chauffeur's license, with no additional documentation**
6 **or certification required.**

7 (b) If the applicant is not a citizen of the United States,
8 the applicant shall provide, and the department shall verify,
9 documents demonstrating ~~his or her~~ **the applicant's** legal presence
10 in the United States. Nothing in this act must obligate or be
11 construed to obligate this state to comply with title II of the
12 real ID act of 2005, Public Law 109-13. The secretary of state may
13 adopt rules under the administrative procedures act of 1969, 1969
14 PA 306, MCL 24.201 to 24.328, as are necessary for the
15 administration of this subdivision. A determination by the
16 secretary of state that an applicant is not legally present in the
17 United States may be appealed under section 631 of the revised
18 judicature act of 1961, 1961 PA 236, MCL 600.631. The secretary of
19 state shall not issue an operator's license or a chauffeur's
20 license to an applicant described in this subdivision for a term
21 that exceeds the duration of the applicant's legal presence in the
22 United States.

23 (c) The following notice must be included to inform the
24 applicant that under sections 509o and 509r of the Michigan
25 election law, 1954 PA 116, MCL 168.509o and 168.509r, the secretary
26 of state is required to use the residence address provided on this
27 application as the applicant's residence address on the qualified
28 voter file for voter registration and voting:

1 "NOTICE: Michigan law requires that the same address be
2 used for voter registration and driver license purposes.
3 Therefore, if the residence address you provide in this
4 application differs from your voter registration address
5 as it appears on the qualified voter file, the secretary
6 of state will automatically change your voter registration
7 to match the residence address on this application, after
8 which your voter registration at your former address will
9 no longer be valid for voting purposes. A new voter
10 registration card, containing the information of your
11 polling place, will be provided to you by the clerk of the
12 jurisdiction where your residence address is located."

13 (d) For an original or renewal operator's or chauffeur's
14 license with a vehicle group designation or ~~indorsement,~~
15 **endorsement**, the names of all states where the applicant has been
16 licensed to drive any type of motor vehicle during the previous 10
17 years.

18 (e) For an operator's or chauffeur's license with a vehicle
19 group designation or ~~indorsement,~~**endorsement**, the following
20 certifications by the applicant:

21 (i) The applicant meets the applicable federal driver
22 qualification requirements under 49 CFR parts 383 and 391 or meets
23 the applicable qualifications of the department of state police
24 under the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11
25 to 480.25.

26 (ii) The vehicle in which the applicant will take the driving
27 skills tests is representative of the type of vehicle the applicant
28 operates or intends to operate.

29 (iii) The applicant is not subject to disqualification by the

1 United States Secretary of Transportation, or a suspension,
2 revocation, or cancellation under any state law for conviction of
3 an offense described in section 312f or 319b.

4 (iv) The applicant does not have a driver's license from more
5 than 1 state or jurisdiction.

6 (f) An applicant for an operator's or chauffeur's license with
7 a vehicle group designation and a hazardous material ~~indorsement~~
8 **endorsement**, shall provide ~~his or her~~ **the applicant's** fingerprints
9 as prescribed by state and federal law.

10 (g) For automatic voter registration purposes under section
11 493a of the Michigan election law, 1954 PA 116, MCL 168.493a, a
12 space for the applicant to indicate on the application or change of
13 address application whether ~~he or she~~ **the applicant** is a citizen of
14 the United States.

15 (h) A space to allow the applicant to indicate that the
16 applicant declines to use the application as a voter registration
17 application.

18 (i) Beginning ~~180 days after the effective date of the~~
19 ~~amendatory act that added this subdivision,~~ **June 27, 2021**, an
20 applicant for an operator's or chauffeur's license who is a program
21 participant in the address confidentiality program under the
22 address confidentiality program act, **2020 PA 301, MCL 780.851 to**
23 **780.873**, shall present to the secretary of state ~~his or her~~ **the**
24 **applicant's** participation card issued under the address
25 confidentiality program act, **2020 PA 301, MCL 780.851 to 780.873**.

26 (2) An applicant for an operator's or chauffeur's license may
27 have ~~his or her~~ **the applicant's** image and signature captured or
28 reproduced when the application for the license is made. The
29 secretary of state shall acquire equipment purchased or leased

1 under this section under standard purchasing procedures of the
2 department of technology, management, and budget based on standards
3 and specifications established by the secretary of state. The
4 secretary of state shall not purchase or lease equipment until an
5 appropriation for the equipment has been made by the legislature. A
6 digital photographic image and signature captured under this
7 section must appear on the applicant's operator's license or
8 chauffeur's license. An individual's digital photographic image and
9 signature ~~shall~~**must** be used as follows:

10 (a) By a federal, state, or local governmental agency for a
11 law enforcement purpose authorized by law.

12 (b) By the secretary of state for a use specifically
13 authorized by law.

14 (c) By the secretary of state for forwarding to the department
15 of state police the images of persons required to be registered
16 under the sex offenders registration act, 1994 PA 295, MCL 28.721
17 to ~~28.736~~, **28.730**, upon the department of state police providing
18 the secretary of state an updated list of the names of those
19 persons.

20 (d) By the secretary of state for forwarding to the department
21 of state police as provided in section 5c of 1927 PA 372, MCL
22 28.425c.

23 (e) By the secretary of state for forwarding to the department
24 of licensing and regulatory affairs the images of applicants for an
25 official state registry identification card issued under section 6
26 of the Michigan Medical Marihuana Act, 2008 IL 1, MCL 333.26426, if
27 the department of licensing and regulatory affairs promulgates
28 rules requiring a photograph as a design element for an official
29 state registry identification card.

1 (f) As necessary to comply with a law of this state or of the
2 United States.

3 (3) An application must contain a signature or verification
4 and certification by the applicant, as determined by the secretary
5 of state, and must be accompanied by the proper fee. The secretary
6 of state shall collect the application fee with the application.
7 The secretary of state shall refund the application fee to the
8 applicant if the license applied for is denied, but shall not
9 refund the fee to an applicant who fails to complete the
10 examination requirements of the secretary of state within 90 days
11 after the date of application for a license.

12 (4) In conjunction with the application for an original or
13 renewal operator's license or chauffeur's license, the secretary of
14 state shall do all of the following:

15 (a) If the applicant is not a participant in the anatomical
16 gift donor registry program, specifically inquire, either orally or
17 in writing, whether the applicant wishes to participate in the
18 anatomical gift donor registry program under part 101 of the public
19 health code, 1978 PA 368, MCL 333.10101 to 333.10123. If the
20 secretary of state or an employee of the secretary of state fails
21 to inquire whether an applicant wishes to participate in the
22 anatomical gift donor registry program as required by this
23 subdivision, neither the secretary of state nor the employee is
24 civilly or criminally liable for the failure to make the inquiry.

25 (b) Provide the applicant with all of the following:

26 (i) Information explaining the applicant's right to make an
27 anatomical gift in the event of death in accordance with section
28 310.

29 (ii) Information describing the anatomical gift donor registry

1 program under part 101 of the public health code, 1978 PA 368, MCL
2 333.10101 to 333.10123. The information required under this
3 subparagraph includes the address and telephone number of
4 Michigan's federally designated organ procurement organization as
5 that term is defined in section 10102 of the public health code,
6 1978 PA 368, MCL 333.10102, or its successor organization.

7 (iii) Information giving the applicant the opportunity to be
8 placed on the donor registry described in subparagraph (ii).

9 (c) Provide the applicant with the opportunity to specify on
10 ~~his or her~~ **the applicant's** operator's or chauffeur's license that
11 ~~he or she~~ **the applicant** is willing to make an anatomical gift in
12 the event of death in accordance with section 310.

13 (d) Inform the applicant that, if ~~he or she~~ **the applicant**
14 indicates to the secretary of state under this section a
15 willingness to have ~~his or her~~ **the applicant's** name placed on the
16 donor registry described in subdivision (b) (ii), the secretary of
17 state will mark the applicant's record for the donor registry.

18 (5) The secretary of state may fulfill the requirements of
19 subsection (4) by 1 or more of the following methods:

20 (a) Providing printed material enclosed with a mailed notice
21 for an operator's or chauffeur's license renewal or the issuance of
22 an operator's or chauffeur's license.

23 (b) Providing printed material to an applicant who personally
24 appears at a secretary of state branch office, or inquiring orally.

25 (c) Through electronic information transmittals for operator's
26 and chauffeur's licenses processed by electronic means.

27 (6) The secretary of state shall maintain a record of an
28 individual who indicates a willingness to have ~~his or her~~ **the**
29 **individual's** name placed on the donor registry described in

1 subsection (4) (b) (ii) . Information about an applicant's indication
2 of a willingness to have ~~his or her~~ **the applicant's** name placed on
3 the donor registry that is obtained by the secretary of state under
4 subsection (4) and forwarded under subsection (14) is exempt from
5 disclosure under section 13(1) (d) of the freedom of information
6 act, 1976 PA 442, MCL 15.243. The secretary of state is not
7 required to maintain a record of an individual who does not
8 indicate a willingness to have ~~his or her~~ **the individual's** name
9 placed on the donor registry described in subsection (4) (b) (ii) or
10 an individual who does not respond to an inquiry under subsection
11 (4) (a) .

12 (7) If an application is received from an individual
13 previously licensed in another jurisdiction, the secretary of state
14 shall request a copy of the applicant's driving record and other
15 available information from the National Driver Register. When
16 received, the driving record and other available information become
17 a part of the driver's record in this state.

18 (8) If an individual applies for a commercial learner's permit
19 for an original vehicle group designation or ~~indorsement~~
20 **endorsement** to operate a commercial motor vehicle, the secretary of
21 state may verify the individual's identity, may require proof of
22 Michigan domicile under 49 CFR 383.5, and may verify the
23 individual's proof of United States citizenship or proof of lawful
24 permanent residency as required under 49 CFR 383.71 and 383.73, if
25 that information is not on the individual's Michigan driving
26 record. If an individual applies for a renewal of an operator's or
27 chauffeur's license to operate a commercial motor vehicle, the
28 secretary of state may verify the individual's identity, may
29 require proof of Michigan domicile under 49 CFR 383.5, and may

1 verify the individual's proof of citizenship or lawful permanent
2 residency under 49 CFR 383.71 and 383.73, if that information is
3 not on the individual's Michigan driving record. If an individual
4 applies for an upgrade of a vehicle group designation or
5 ~~indorsement,~~ **endorsement**, the secretary of state may verify the
6 individual's identity, may require proof of Michigan domicile under
7 49 CFR 383.5, and may verify the individual's proof of citizenship
8 or lawful permanent residency under 49 CFR 383.71 and 383.73, if
9 that information is not on the individual's Michigan driving
10 record. The secretary of state shall request the individual's
11 complete driving record from all states where the applicant was
12 previously licensed to drive any type of motor vehicle over the
13 last 10 years before issuing a vehicle group designation or
14 ~~indorsement~~ **endorsement** to the applicant. If the applicant does not
15 hold a valid commercial motor vehicle driver license from a state
16 where ~~he or she~~ **the applicant** was licensed in the last 10 years,
17 this complete driving record request must be made not earlier than
18 24 hours before the secretary of state issues the applicant a
19 vehicle group designation or ~~indorsement.~~ **endorsement**. For all
20 other drivers, this request must be made not earlier than 10 days
21 before the secretary of state issues the applicant a vehicle group
22 designation or ~~indorsement.~~ **endorsement**. If the application is for
23 the renewal of a vehicle group designation or ~~indorsement,~~
24 **endorsement**, and if the secretary of state enters on the
25 individual's driving record maintained under section 204a a
26 notation that the request was made and the date of the request, the
27 secretary of state is required to request the applicant's complete
28 driving record from other states only once under this section. The
29 secretary of state shall also check the applicant's driving record

1 with the National Driver Register and the federal Commercial
2 Driver's License Information System before issuing that group
3 designation or ~~indorsement.~~**endorsement.**

4 (9) The secretary of state may issue a renewal operator's or
5 chauffeur's license for 1 additional 4-year period or beginning on
6 July 1, 2021, for 2 additional 4-year periods, or until the
7 individual is no longer determined to be legally present under this
8 section by mail or by other methods prescribed by the secretary of
9 state. The secretary of state may check the applicant's driving
10 record through the National Driver Register and the Commercial
11 Driver's License Information System before issuing a license under
12 this section. The secretary of state shall issue a renewal license
13 only in person if the individual is an individual required under
14 section 5a of the sex offenders registration act, 1994 PA 295, MCL
15 28.725a, to maintain a valid operator's or chauffeur's license or
16 official state personal identification card. If a license is
17 renewed by mail or by other method, the secretary of state shall
18 issue evidence of renewal to indicate the date the license expires
19 in the future. The department of state police shall provide to the
20 secretary of state updated lists of individuals required under
21 section 5a of the sex offenders registration act, 1994 PA 295, MCL
22 28.725a, to maintain a valid operator's or chauffeur's license or
23 official state personal identification card.

24 (10) Upon request, the secretary of state shall provide an
25 information manual to an applicant explaining how to obtain a
26 vehicle group designation or ~~indorsement.~~**endorsement.** The manual
27 must contain the information required under 49 CFR part 383.

28 (11) The secretary of state shall not disclose a Social
29 Security number obtained under subsection (1) to another person

1 except for use for 1 or more of the following purposes:

2 (a) Compliance with 49 USC 31301 to 31317 and regulations and
3 state law and rules related to this chapter.

4 (b) To carry out the purposes of section 466(a) of the social
5 security act, 42 USC 666, in connection with matters relating to
6 paternity, child support, or overdue child support.

7 (c) To check an applicant's driving record through the
8 National Driver Register and the Commercial Driver's License
9 Information System when issuing a license under this act.

10 (d) With the department of health and human services, for
11 comparison with vital records maintained by the department of
12 health and human services under part 28 of the public health code,
13 1978 PA 368, MCL 333.2801 to 333.2899.

14 (e) As otherwise required by law.

15 (12) The secretary of state shall not display an individual's
16 Social Security number on the individual's operator's or
17 chauffeur's license.

18 (13) A requirement under this section to include a Social
19 Security number on an application does not apply to an applicant
20 who demonstrates that ~~he or she~~ **the applicant** is exempt under law
21 from obtaining a Social Security number.

22 (14) As required in section 10120 of the public health code,
23 1978 PA 368, MCL 333.10120, the secretary of state shall maintain
24 the donor registry in a manner that provides electronic access,
25 including, but not limited to, the transfer of data to this state's
26 federally designated organ procurement organization or its
27 successor organization, tissue banks, and eye banks, in a manner
28 that complies with that section.

29 (15) The secretary of state, with the approval of the state

1 administrative board created under 1921 PA 2, MCL 17.1 to 17.3, may
2 enter into agreements with the United States government to verify
3 whether an applicant for an operator's license or a chauffeur's
4 license under this section who is not a citizen of the United
5 States is authorized under federal law to be present in the United
6 States.

7 (16) The secretary of state shall not issue an operator's
8 license or a chauffeur's license to an individual holding an
9 operator's license or chauffeur's license issued by another state
10 without confirmation that the individual is terminating or has
11 terminated the operator's license or chauffeur's license issued by
12 the other state.

13 (17) The secretary of state shall do all of the following:

14 (a) Ensure the physical security of locations where operator's
15 licenses and chauffeur's licenses are produced and the security of
16 document materials and papers from which operator's licenses and
17 chauffeur's licenses are produced.

18 (b) Subject all persons authorized to manufacture or produce
19 operator's licenses or chauffeur's licenses and all persons who
20 have the ability to affect the identity information that appears on
21 operator's licenses or chauffeur's licenses to appropriate security
22 clearance requirements. The security requirements of this
23 subdivision and subdivision (a) may require that licenses be
24 manufactured or produced in this state.

25 (c) Provide fraudulent document recognition programs to
26 department of state employees engaged in the issuance of operator's
27 licenses and chauffeur's licenses.

28 (18) The secretary of state shall have electronic access to
29 prisoner information maintained by the department of corrections

1 for the purpose of verifying the identity of a prisoner who applies
2 for an operator's or chauffeur's license under subsection (1).

3 Sec. 812. (1) Except as otherwise provided in subsection (2),
4 for each duplicate license as provided in section 313, and for each
5 correction of a license, ~~a person~~**an individual** may apply for
6 renewal of the license and pay the renewal fee prescribed in this
7 act or the ~~person~~**individual** may, at ~~his or her~~**the individual's**
8 option and upon payment of the fee prescribed in this section,
9 apply for a duplicate license which expires on the same date as the
10 license which was lost, destroyed, mutilated, or became illegible.
11 The secretary of state may check the applicant's driving record
12 through the national driver register and the commercial driver
13 license information system before issuing a license under this
14 section. The fee for a duplicate chauffeur's license is \$18.00. The
15 fee for a duplicate operator's license is \$9.00. A renewal fee
16 ~~shall~~**must** not be charged for a change of address, a correction
17 required to correct a department error, **to update a sex**
18 **designation**, or, beginning January 1, 2007, to add or remove a
19 heart insignia described in section 310. **For purposes of updating a**
20 **sex designation under this act, an individual may submit a signed**
21 **form indicating a sex designation of "M", "F", or "X", with no**
22 **additional documentation or certification required.**

23 (2) Except with regard to ~~a person~~**an individual** who is less
24 than 21 years of age or ~~a person~~**an individual** with a license
25 containing a hazardous material ~~indorsement~~**endorsement**, for each
26 duplicate license as provided in section 313, and for each
27 correction of a license, ~~a person~~**an individual** shall apply for
28 renewal of the license and pay the renewal fee prescribed in this
29 act if the license was due to expire within the next 12 months.

1 Except as otherwise provided in this act, a license renewed under
2 this subsection shall be renewed for the combined period of the
3 time remaining on the license before its renewal and the 4-year
4 renewal period.