

**SUBSTITUTE FOR
SENATE BILL NO. 461**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 25, 307, 310, 311, 312, 314, and 901a (MCL
257.25, 257.307, 257.310, 257.311, 257.312, 257.314, and 257.901a),
section 25 as amended by 2015 PA 11, section 307 as amended by 2023
PA 260, section 310 as amended by 2021 PA 104, section 311 as
amended by 1983 PA 63, section 312 as amended by 2000 PA 456,
section 314 as amended by 2021 PA 71, and section 901a as added by
1982 PA 433, and by adding sections 30d, 310a, and 811c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 25. "License" means any driving privileges, **physical**
2 **operator's or chauffeur's** license, **mobile operator's or chauffeur's**
3 **license**, temporary instruction permit, commercial learner's permit,



1 or temporary license issued under the laws of this state pertaining
2 to the licensing of ~~persons~~**individuals** to operate motor vehicles.

3 **Sec. 30d. "Mobile operator's or chauffeur's license" means a**
4 **mobile operator's or chauffeur's license issued under section 310a.**

5 Sec. 307. (1) If an applicant for an operator's license or
6 chauffeur's license to operate a noncommercial motor vehicle is a
7 citizen of the United States, the applicant shall supply a
8 photographic identity document, a birth certificate, or other
9 sufficient documents as the secretary of state may require, to
10 verify the identity and citizenship of the applicant. If an
11 applicant for an operator's or chauffeur's license is not a citizen
12 of the United States, the applicant shall supply a photographic
13 identity document and other sufficient documents to verify the
14 identity of the applicant and the applicant's legal presence in the
15 United States under subdivision (b). The documents required under
16 this subsection must include the applicant's full legal name, date
17 of birth, and address and residency and demonstrate that the
18 applicant is a citizen of the United States or is legally present
19 in the United States. If the applicant's full legal name differs
20 from the name of the applicant that appears on a document presented
21 under this subsection, the applicant shall present documents to
22 verify the applicant's current full legal name. The secretary of
23 state shall accept as 1 of the required identification documents an
24 identification card issued by the department of corrections to
25 prisoners who are placed on parole or released from a correctional
26 facility, containing the prisoner's legal name, photograph, and
27 other information identifying the prisoner as provided in section
28 37(4) of the corrections code of 1953, 1953 PA 232, MCL 791.237. An
29 application for an operator's or chauffeur's license must be made



1 in a manner prescribed by the secretary of state and must contain
2 all of the following:

3 (a) The applicant's full legal name, date of birth, residence
4 address, height, sex, eye color, signature, intent to make an
5 anatomical gift, other information required or permitted on the
6 license under this chapter, and, only to the extent required to
7 comply with federal law, the applicant's Social Security number.
8 The applicant may provide a mailing address if the applicant
9 receives mail at an address different from the applicant's
10 residence address.

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

26 (c) The following notice must be included to inform the
27 applicant that under sections 509o and 509r of the Michigan
28 election law, 1954 PA 116, MCL 168.509o and 168.509r, the secretary
29 of state is required to use the residence address provided on this



1 application as the applicant's residence address on the qualified
2 voter file for voter registration and voting:

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

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

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

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

28 (ii) The vehicle in which the applicant will take the driving
29 skills tests is representative of the type of vehicle the applicant



1 operates or intends to operate.

2 (iii) The applicant is not subject to disqualification by the
3 United States Secretary of Transportation, or a suspension,
4 revocation, or cancellation under any state law for conviction of
5 an offense described in section 312f or 319b.

6 (iv) The applicant does not have a ~~driver's~~**driver** license from
7 more than 1 state or jurisdiction.

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

12 (g) Only for voter registration transactions under section
13 493a(6) of the Michigan election law, 1954 PA 116, MCL 168.493a, a
14 space for the applicant to indicate on the application or change of
15 address application whether the applicant is a citizen of the
16 United States.

17 (h) Only for voter registration transactions under section
18 493a(6) of the Michigan election law, 1954 PA 116, MCL 168.493a, a
19 space to allow the applicant to indicate that the applicant
20 declines to use the application as a voter registration
21 application.

22 (i) Beginning June 27, 2021, an applicant for an operator's or
23 chauffeur's license who is a program participant in the address
24 confidentiality program under the address confidentiality program
25 act, 2020 PA 301, MCL 780.851 to 780.873, shall present to the
26 secretary of state the applicant's participation card issued under
27 the address confidentiality program act, 2020 PA 301, MCL 780.851
28 to 780.873.

29 (2) An applicant for an operator's or chauffeur's license may



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

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

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

17 (c) By the secretary of state for forwarding to the department
18 of state police the images of individuals required to be registered
19 under the sex offenders registration act, 1994 PA 295, MCL 28.721
20 to 28.730, on the department of state police providing the
21 secretary of state an updated list of the names of those
22 individuals.

23 (d) By the secretary of state for forwarding to the department
24 of state police as provided in section 5c of 1927 PA 372, MCL
25 28.425c.

26 (e) By the secretary of state for forwarding to the department
27 of licensing and regulatory affairs the images of applicants for an
28 official state registry identification card issued under section 6
29 of the Michigan Medical Marihuana Act, 2008 IL 1, MCL 333.26426, if



1 the department of licensing and regulatory affairs promulgates
2 rules requiring a photograph as a design element for an official
3 state registry identification card.

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

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

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

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

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

29 (i) Information explaining the applicant's right to make an



1 anatomical gift in the event of death in accordance with section
2 310.

3 (ii) Information describing the anatomical gift donor registry
4 program under part 101 of the public health code, 1978 PA 368, MCL
5 333.10101 to 333.10123. The information required under this
6 subparagraph includes the address and telephone number of
7 Michigan's federally designated organ procurement organization as
8 that term is defined in section 10102 of the public health code,
9 1978 PA 368, MCL 333.10102, or its successor organization.

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

12 (c) Provide the applicant with the opportunity to specify on
13 the applicant's operator's or chauffeur's license that the
14 applicant is willing to make an anatomical gift in the event of
15 death in accordance with section 310.

16 (d) Inform the applicant that, if the applicant indicates to
17 the secretary of state under this section a willingness to have the
18 applicant's name placed on the donor registry described in
19 subdivision (b) (ii), the secretary of state will mark the
20 applicant's record for the donor registry.

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

23 (a) Providing printed material enclosed with a mailed notice
24 for an operator's or chauffeur's license renewal or the issuance of
25 an operator's or chauffeur's license.

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

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



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

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

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



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



1 driving record from other states only once under this section. The
2 secretary of state shall also check the applicant's driving record
3 with the National Driver Register and the federal Commercial
4 Driver's License Information System before issuing that group
5 designation or ~~indorsement~~.**endorsement**.

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

27 (10) Upon request, the secretary of state shall provide an
28 information manual to an applicant explaining how to obtain a
29 vehicle group designation or ~~indorsement~~.**endorsement**. The manual



1 must contain the information required under 49 CFR part 383.

2 (11) The secretary of state shall not disclose a Social
3 Security number obtained under subsection (1) to another person
4 except for use for 1 or more of the following purposes:

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

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

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

13 (d) With the department of health and human services, for
14 comparison with vital records maintained by the department of
15 health and human services under part 28 of the public health code,
16 1978 PA 368, MCL 333.2801 to 333.2899.

17 (e) As otherwise required by law.

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

21 (13) A requirement under this section to include a Social
22 Security number on an application does not apply to an applicant
23 who demonstrates that the applicant is exempt under law from
24 obtaining a Social Security number.

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



1 successor organization, tissue banks, and eye banks, in a manner
2 that complies with that section.

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

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

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

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

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

28 (c) Provide fraudulent document recognition programs to
29 department of state employees engaged in the issuance of operator's



1 licenses and chauffeur's licenses.

2 (18) The secretary of state shall have electronic access to
3 prisoner information maintained by the department of corrections
4 for the purpose of verifying the identity of a prisoner who applies
5 for an operator's or chauffeur's license under subsection (1).

6 (19) Subject to this subsection, any printed notice provided
7 to an applicant at the conclusion of a transaction conducted under
8 this section must, if the individual's information will be used for
9 voter registration or voter preregistration under section 493a(2)
10 to (5) of the Michigan election law, 1954 PA 116, MCL 168.493a,
11 include a notice of that use and that the individual will receive a
12 notice mailed under section 493a(2) to (5) of the Michigan election
13 law, 1954 PA 116, MCL 168.493a. If the individual's information has
14 been used for voter registration or preregistration under section
15 493a(6) of the Michigan election law, 1954 PA 116, MCL 168.493a,
16 the printed notice provided to the applicant must include a notice
17 of that voter registration and the printed notice serves as a
18 receipt verifying the voter registration application.

19 Sec. 310. (1) The secretary of state shall issue an operator's
20 license to each person licensed as an operator and a chauffeur's
21 license to each person licensed as a chauffeur. An applicant for a
22 motorcycle ~~indorsement~~**endorsement** under section 312a or a vehicle
23 group designation or ~~indorsement~~**endorsement** shall first qualify
24 for an operator's or chauffeur's license before the ~~indorsement~~
25 **endorsement** or vehicle group designation application is accepted
26 and processed. ~~An~~**Except for a mobile operator's or chauffeur's**
27 **license, an** original license or the first renewal of an existing
28 license issued to a person less than 21 years of age must be
29 portrait or vertical in form and a license issued to a person 21



1 years of age or over must be landscape or horizontal in form.

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

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

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

10 (c) ~~In~~ **Except as otherwise provided in this subdivision, in**
11 the case of a licensee who has indicated ~~his or her~~ **the licensee's**
12 wish to participate in the anatomical gift donor registry under
13 part 101 of the public health code, 1978 PA 368, MCL 333.10101 to
14 333.10123, a heart insignia on the front of the **physical operator's**
15 **or chauffeur's license or the enhanced driver license. A mobile**
16 **operator's or chauffeur's license or an enhanced driver license may**
17 **not contain a heart insignia.**

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

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



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

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

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

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

25 (6) The license must be manufactured in a manner to prohibit
 26 as nearly as possible the ability to reproduce, alter, counterfeit,
 27 forge, or duplicate the license without ready detection. In
 28 addition, a license with a vehicle group designation must contain
 29 the information required under 49 CFR part 383.



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

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

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

23 (c) If the intent of the reproduction, alteration,
24 counterfeiting, forging, duplication, or use is to commit or aid in
25 the commission of an offense that is a misdemeanor punishable by
26 imprisonment for less than 6 months, the person committing the
27 reproduction, alteration, counterfeiting, forging, duplication, or
28 use is guilty of a misdemeanor punishable by imprisonment for not
29 more than 1 year or a fine of not more than \$2,000.00, or both.



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

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

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

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

24 (12) The secretary of state, upon determining after an
 25 examination that an applicant is mentally and physically qualified
 26 to receive a license, may issue the applicant a temporary driver's
 27 permit. The temporary driver's permit entitles the applicant, while
 28 having the permit in ~~his or her~~ **the applicant's** immediate
 29 possession, to operate a motor vehicle upon the highway for a



1 period not exceeding 60 days before the secretary of state has
2 issued the applicant an operator's or chauffeur's license. The
3 secretary of state may establish a longer duration for the validity
4 of a temporary driver's permit if necessary to accommodate the
5 process of obtaining a background check that is required for an
6 applicant by federal law.

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



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

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

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

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

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

27 (19) A licensee who has agreed to participate in the
28 anatomical gift donor registry under part 101 of the public health
29 code, 1978 PA 368, MCL 333.10101 to 333.10123, must not be



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

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

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

16 (a) Is signed by a physician, physician assistant, certified
17 nurse practitioner, audiologist, speech-language pathologist,
18 psychologist, or physical therapist licensed to practice in this
19 state.

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

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

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

28 (23) Subject to subsection (24), the secretary of state may
29 cancel or revoke a communication impediment designation elected and



1 maintained under this section if either of the following
2 circumstances applies:

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

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

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

11 (25) As used in this section:

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

16 (i) Deafness or hearing loss.

17 (ii) An autism spectrum disorder.

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

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

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

26 **Sec. 310a. (1) After the secretary of state develops or enters**
27 **into a contract to develop the mobile license system under**
28 **subsection (3), on request of an individual issued a physical**
29 **operator's license or chauffeur's license under section 307(1), the**



1 secretary of state may issue a mobile operator's or chauffeur's
2 license to the individual. The secretary of state shall ensure that
3 any data elements in the mobile operator's or chauffeur's license
4 match the data elements contained in the records of the department.
5 The secretary of state shall not issue or renew a mobile operator's
6 or chauffeur's license to an individual who does not hold a valid
7 physical operator's license or chauffeur's license. The secretary
8 of state may provision an individual's mobile operator's or
9 chauffeur's license onto multiple electronic devices through the
10 mobile license system developed under this section. An individual
11 issued a mobile operator's or chauffeur's license under this
12 subsection is required to have the physical operator's or
13 chauffeur's license in the individual's immediate possession while
14 operating a motor vehicle.

15 (2) A requirement under this act to surrender, destroy, or
16 confiscate a license does not apply to the electronic device on
17 which a mobile operator's or chauffeur's license, or a mobile
18 enhanced driver license, is provisioned. Notwithstanding this
19 subsection and on request of a relying party, an individual may
20 authorize the transmission of the requested data elements contained
21 in the individual's mobile operator's or chauffeur's license, or a
22 mobile enhanced driver license, from the electronic device on which
23 a mobile license described under this subsection is provisioned.

24 (3) Within 18 months after the effective date of the
25 amendatory act that added this section, the secretary of state
26 shall develop or enter into a contract with a vendor to develop a
27 mobile license system. The mobile license system developed under
28 this subsection must be a digitized system that meets all of the
29 following requirements:



1 (a) Is designed to comply with the American Association of
2 Motor Vehicle Administrator's mobile driver license implementation
3 guidelines.

4 (b) Is designed to not require a holder of a mobile operator's
5 or chauffeur's license or a mobile enhanced driver license to
6 relinquish possession of the electronic device on which the mobile
7 operator's or chauffeur's license, or a mobile enhanced driver
8 license, is provisioned to a relying party for the acceptance of
9 the mobile operator's or chauffeur's license.

10 (c) Includes all of the following:

11 (i) A method for provisioning a mobile operator's or
12 chauffeur's license, mobile official state personal identification
13 card, or mobile enhanced driver license or mobile enhanced official
14 state personal identification card to the electronic device of an
15 individual that protects the data being transmitted and prevents
16 interception and access during the provisioning process by any
17 party other than the secretary of state or the individual. The data
18 elements must be provisioned to the electronic device of an
19 individual to permit the presentation or use of the mobile
20 operator's or chauffeur's license, a mobile official state personal
21 identification card, or a mobile enhanced driver license or
22 enhanced official state personal identification card while the
23 electronic device is offline. The data elements must be encrypted
24 and stored securely on the device of the individual issued a mobile
25 operator's or chauffeur's license, a mobile official state personal
26 identification card, or a mobile enhanced driver license or mobile
27 enhanced official state personal identification card to ensure the
28 release of the data elements is solely controlled by that
29 individual.



1 (ii) A method to validate, process, and verify requests from
2 relying parties.

3 (iii) Cryptographic authentication, interoperability, and system
4 updates.

5 (iv) A method for the secretary of state or a vendor described
6 under subsection (4) to perform tasks to maintain and update the
7 system.

8 (d) Protects the privacy of the holder of a mobile operator's
9 or chauffeur's license, a mobile official state personal
10 identification card, or a mobile enhanced driver license or mobile
11 enhanced official state personal identification card through the
12 following features:

13 (i) Data minimization features that allow the individual to
14 review all the data elements being requested by a relying party
15 prior to the release of any of those data elements.

16 (ii) Transmission protections preventing the interception and
17 access of any data elements by any party other than the relying
18 party or the individual involved in the transaction.

19 (iii) Any other data minimization and privacy-enhancing features
20 or capabilities.

21 (iv) A method for manually deleting locally stored transaction
22 history.

23 (4) The secretary of state may promulgate rules that are
24 necessary for the management and administration of the mobile
25 license system.

26 (5) The secretary of state shall do both of the following:

27 (a) Regularly update an individual's information contained in
28 a mobile operator's or chauffeur's license.

29 (b) Set the validity period of a mobile operator's or



1 chauffeur's license.

2 (6) As used in this section:

3 (a) "Cryptographic" means a method of storing or transmitting
4 data in a format such that only the intended recipient can access,
5 read, or process the data.

6 (b) "Data elements" means a distinct component of an
7 individual's information that is found on the records of the
8 department.

9 (c) "Mobile enhanced driver license or mobile enhanced
10 official state personal identification card" means a mobile
11 enhanced driver license or mobile enhanced official state personal
12 identification card issued under section 4 of the enhanced driver
13 license and enhanced official state personal identification card
14 act, 2008 PA 23, MCL 28.304.

15 (d) "Mobile official state personal identification card" means
16 a mobile official state personal identification card issued under
17 section 2 of 1972 PA 222, MCL 28.292.

18 (e) "Provision" means the loading of a mobile operator's or
19 chauffeur's license, mobile enhanced driver license or mobile
20 enhanced official state personal identification card, or mobile
21 official state personal identification card onto an individual's
22 electronic device.

23 (f) "Relying party" means that term as defined in section 3 of
24 the relying parties on mobile licenses act.

25 (g) "Validity period" means the duration of time that data
26 transmitted to an electronic device remains valid, as determined by
27 the secretary of state.

28 Sec. 311. The licensee shall have ~~his or her~~ **the licensee's**
29 **physical** operator's or chauffeur's license, or the receipt



1 described in section 311a, in ~~his or her~~ **the licensee's** immediate
 2 possession at all times when operating a motor vehicle, and **upon**
 3 **demand of a police officer who identifies himself or herself as a**
 4 **police officer**, shall display ~~the same upon demand of any police~~
 5 ~~officer, who shall identify himself or herself as such.~~ **either a**
 6 **physical operator's or chauffeur's license or, if the police**
 7 **officer is a relying party, a mobile operator's or chauffeur's**
 8 **license.**

9 Sec. 312. (1) Upon proper showing of extenuating circumstances
 10 and special reasons, or need by an applicant who meets the age
 11 qualifications and when accompanied by the fee as provided in this
 12 act, the secretary of state may recommend a restricted operator's
 13 or chauffeur's license containing conditions and restrictions
 14 applicable to the licensee, the type of special mechanical control
 15 devices required in a motor vehicle operated by the licensee, and
 16 the area, time, or other condition that the secretary of state
 17 considers necessary to assure the safe operation of a vehicle by
 18 the licensee and under which the licensee may operate a motor
 19 vehicle. A license issued to ~~a person~~ **an individual** who is at least
 20 14 years of age and under 16 years of age ~~shall~~ **must** contain only
 21 the conditions determining the hours during which the licensee may
 22 drive a motor vehicle and the purpose for which it is to be driven.
 23 A license issued to a minor who is at least 14 years of age and
 24 under 16 years of age ~~shall~~ **must** be revoked by the secretary of
 25 state on the written request of a parent, guardian, or person
 26 standing in loco parentis.

27 (2) An operator's license **or a mobile operator's or**
 28 **chauffeur's license** issued to ~~a person~~ **an individual** who is at
 29 least 14 years of age and under 16 years of age expires on the



1 birthday following issuance of the license or if that birthday is
 2 within 6 months after the date of issuance of the license, then 1
 3 year after the date of that birthday.

4 (3) Upon receiving satisfactory evidence of a violation of the
 5 restrictions of the license, the secretary of state may suspend or
 6 revoke the license.

7 (4) ~~A person~~ **An individual** who violates a restriction imposed
 8 in a restricted license issued to that ~~person~~ **individual** is guilty
 9 of a misdemeanor. This subsection does not apply to ~~a person~~ **an**
 10 **individual** who is at least 14 years of age and under 16 years of
 11 age.

12 (5) If a motor vehicle is being driven by ~~a person~~ **an**
 13 **individual** who is at least 14 years of age and under 16 years of
 14 age, and that ~~person~~ **individual** is accompanied by a parent,
 15 guardian, or person standing in loco parentis, the conditions,
 16 limitations, and restrictions set forth in this section do not
 17 apply.

18 Sec. 314. (1) Except as otherwise provided in this section, an
 19 operator's license, ~~and a chauffeur's license,~~ **a mobile operator's**
 20 **license, and a mobile chauffeur's license** expire on the birthday of
 21 the individual to whom the license is issued in the fourth year
 22 following the date of the issuance of the license or on the date
 23 the individual is no longer considered to be legally present in the
 24 United States under section 307, whichever is earlier, unless
 25 suspended or revoked before that date. A license must not be issued
 26 for a period longer than 4 years. An individual holding a license
 27 at any time 12 months before the expiration of ~~his or her~~ **the**
 28 **individual's** license may apply for a new license as provided for in
 29 this chapter. A knowledge test for an original group designation or



1 indorsement may be taken at any time during this period and the
 2 results are valid for 12 months. A license renewed under this
 3 subsection must be renewed for the time remaining on the license
 4 before its renewal combined with the 4-year renewal period.

5 (2) The first operator's license **or mobile operator's license**
 6 issued to an individual who at the time of application is less than
 7 20-1/2 years of age expires on the licensee's twenty-first birthday
 8 or on the date the individual is no longer considered to be legally
 9 present in the United States under section 307, whichever is
 10 earlier, unless suspended or revoked.

11 (3) The first chauffeur's license **or mobile chauffeur's**
 12 **license** issued to an individual expires on the licensee's birthday
 13 in the fourth year following the date of issuance or on the date
 14 the individual is no longer considered to be legally present in the
 15 United States under section 307, whichever is earlier, unless the
 16 license is suspended or revoked before that date. The chauffeur's
 17 license **or mobile chauffeur's license** of an individual who at the
 18 time of application is less than 20-1/2 years of age expires on the
 19 licensee's twenty-first birthday or on the date the individual is
 20 no longer considered to be legally present in the United States
 21 under section 307, whichever is earlier, unless suspended or
 22 revoked. A subsequent chauffeur's license **or mobile chauffeur's**
 23 **license** expires on the birthday of the individual to whom the
 24 license is issued in the fourth year following the date of issuance
 25 of the license or on the date the individual is no longer
 26 considered to be legally present in the United States under section
 27 307, whichever is earlier, unless the license is suspended or
 28 revoked before that date.

29 (4) An individual may apply for an extension of ~~his or her~~ **the**



1 **individual's** driving privileges if ~~he or she~~ **the individual** is out
 2 of state on the date that ~~his or her~~ **the individual's** operator's or
 3 chauffeur's license **or mobile operator's or chauffeur's license**
 4 expires. The extension may extend the license for 180 days beyond
 5 the expiration date or not more than 2 weeks after the applicant
 6 returns to Michigan, whichever occurs first. This subsection does
 7 not apply to an individual who fails to meet the requirements of 49
 8 CFR parts 383 and 391 with regard to medical certification
 9 documentation requirements.

10 (5) The secretary of state may issue a renewal operator's or
 11 chauffeur's license **or mobile operator's or chauffeur's license** to
 12 an individual who will be out of state for more than 180 days
 13 beyond the expiration date of ~~his or her~~ **the individual's**
 14 operator's or chauffeur's license **or mobile operator's or**
 15 **chauffeur's license**, if the secretary of state has a digital image
 16 of the individual on file. The applicant for this renewal shall
 17 submit a statement evidencing a vision examination in accordance
 18 with the rules promulgated by the secretary of state under section
 19 309 and any other statement required by this act or federal law. An
 20 individual is not eligible for consecutive renewals of a license
 21 under this subsection. This subsection does not apply to an
 22 individual who fails to meet the requirements of 49 CFR parts 383
 23 and 391 with regard to medical certification documentation
 24 requirements, or an individual with a hazardous material
 25 endorsement on ~~his or her operator's or chauffeur's~~ **the**
 26 **individual's** license.

27 (6) The secretary of state may check the applicant's driving
 28 record through the National Driver Register and the Commercial
 29 Driver's License Information System before issuing a renewal under



1 this section.

2 (7) Notwithstanding the provisions of this section, an
 3 operator's or chauffeur's license that expires on or after March 1,
 4 2020 is valid until March 31, 2021. Notwithstanding the provisions
 5 of this section, an operator's or chauffeur's license that expires
 6 after March 31, 2021 but before August 1, 2021 is valid until 120
 7 days after the date of the expiration.

8 **Sec. 811c. (1) The fee for an original or renewal mobile**
 9 **operator's or chauffeur's license must not be more than \$4.00. The**
 10 **secretary of state shall deposit the money received and collected**
 11 **under this subsection in the fund created under subsection (2).**

12 (2) The mobile license fund is created within the state
 13 treasury. The state treasurer may receive money or other assets
 14 from any source for deposit into the fund. The state treasurer
 15 shall direct the investment of the fund. The state treasurer shall
 16 credit to the fund interest and earnings from fund investments.
 17 Money in the fund at the close of the fiscal year must remain in
 18 the fund and must not lapse to the general fund. The secretary of
 19 state shall be the administrator of the fund for auditing purposes.
 20 The secretary of state shall expend money from the fund, on
 21 appropriation, to cover necessary administrative and implementation
 22 costs incurred in providing mobile operator's or chauffeur's
 23 licenses, mobile official state personal identification cards, or
 24 mobile enhanced driver licenses or mobile enhanced official state
 25 personal identification cards.

26 Sec. 901a. If ~~a person~~**an individual** has received a citation
 27 for a violation of section 311, the court shall waive any fine and
 28 costs, upon receipt of certification by a law enforcement agency
 29 that the ~~person,~~**individual** before the appearance date on the



1 citation, has produced ~~his or her~~ **the individual's physical**
2 operator's or chauffeur's license and that the license was valid on
3 the date the violation of section 311 occurred.

4 Enacting section 1. This amendatory act does not take effect
5 unless all of the following bills of the 102nd Legislature are
6 enacted into law:

- 7 (a) Senate Bill No. 459.
8 (b) Senate Bill No. 460.
9 (c) Senate Bill No. 894.

