

1998 PUBLIC AND LOCAL ACTS

[No. 120]

(HB 4620)

AN ACT to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending section 307 (MCL 257.307), as amended by 1996 PA 205.

The People of the State of Michigan enact:

257.307 Application for operator's or chauffeur's license; manner; contents; image; equipment; use of image and information; signature and certification; fee; refund; duties and methods of secretary of state; organ donor registry; driving record from another jurisdiction; application for original, renewal, or change of vehicle group designation or indorsement; issuing renewal license by mail or other methods; information manual. [M.S.A. 9.2007]

Sec. 307. (1) An application for an operator's or chauffeur's license shall be made in a manner prescribed by the secretary of state and shall contain all of the following:

(a) For an operator's or chauffeur's license, full name, date of birth, address of residence, height, sex, eye color, and signature of the applicant, and other information required or permitted on the license pursuant to this chapter.

(b) For an operator's or chauffeur's license with a vehicle group designation or indorsement, full name, social security number, date of birth, address of residence, height, sex, and signature of the applicant, and other information required or permitted on the license pursuant to this chapter.

(c) For an operator's or chauffeur's license with a vehicle group designation or indorsement, the following certifications made by the applicant:

(i) That the applicant meets the applicable federal physical driver qualification requirements pursuant to 49 C.F.R. part 391 if the applicant operates or intends to operate in interstate commerce or meets the applicable physical qualifications pursuant to the rules promulgated by the department of state police under the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.22, if the applicant operates or intends to operate in intrastate commerce.

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

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(iii) That the applicant has not been convicted of an offense as described in section 312f or 319b.

(iv) That the applicant does not have a driver's license from more than 1 state.

(d) For an operator's or chauffeur's license with a vehicle group designation or indorsement and for which the applicant claims a waiver of the driving test as provided in section 312f, the following additional certifications made by the applicant concerning the 2-year period immediately before application:

(i) That the applicant has not had more than 1 license.

(ii) That the applicant has not had any license suspended, revoked, or canceled.

(iii) That the applicant has not been convicted of any offense described in section 319b while operating a motor vehicle.

(iv) That the applicant has not been convicted of a moving violation under state or local law relating to motor vehicle traffic control arising in connection with a traffic accident.

(v) That the applicant is regularly employed in a job requiring the operation of a commercial motor vehicle.

(vi) That the applicant qualifies under either of the following:

(A) Has passed a behind-the-wheel driving test given by a state with a commercial motor vehicle driver licensing and testing system and taken in a representative vehicle for that applicant's driver's license vehicle group designation.

(B) Has operated, for at least 2 years immediately preceding application, a vehicle representative of the commercial motor vehicle group or passenger vehicle for which he or she is applying. Evidence shall be provided by the applicant's employer or by the applicant if self-employed.

(2) An applicant for an operator's or chauffeur's license may have his or her image captured or reproduced at the time the application for the license is made. The secretary of state shall acquire by purchase or lease the equipment for capturing the images and may furnish the equipment to a local unit authorized by the secretary of state to license drivers. The secretary of state shall acquire equipment purchased or leased pursuant to this section under standard purchasing procedures of the department of management and budget based on standards and specifications established by the secretary of state. The secretary of state shall not purchase or lease equipment until an appropriation for the equipment has been made by the legislature. An image captured pursuant to this section shall appear on the applicant's operator's or chauffeur's license. The secretary of state may retain and use a person's image described in this subsection only for programs administered by the secretary of state. Except as provided in this subsection, the secretary of state shall not use a person's image unless written permission for that purpose is granted by the person to the secretary of state or specific enabling legislation permitting the use is enacted into law. A law enforcement agency of this state has access to information retained by the secretary of state under this subsection. The information may be utilized for any law enforcement purpose unless otherwise prohibited by law.

(3) An application shall contain a signature and certification by the applicant and shall be accompanied by the proper fee. The examiner shall collect the application fee and shall forward the fee to the secretary of state with the application. The secretary of state shall refund the application fee to the applicant if the license applied for is denied, but shall not refund the fee to an applicant who fails to complete the examination requirements of the secretary of state within 90 days after the date of application for a license. Until January 1, 2002, a service fee of \$1.00 shall be added to each fee collected for an original, renewal, duplicate, or corrected operator's or chauffeur's license. The service fee received and

collected under this subsection shall be deposited in the state treasury to the credit of the general fund. The service fee shall be used to defray the expenses of the secretary of state. Appropriations from the Michigan transportation fund shall not be used to compensate the secretary of state for costs incurred and services performed under this section.

(4) In conjunction with the issuance of an operator's or chauffeur's license, the secretary of state shall do all of the following:

(a) Provide the applicant with all of the following:

(i) Written information explaining the applicant's right to make an anatomical gift in the event of death in accordance with section 310.

(ii) Written information describing the organ donation registry program maintained by Michigan's federally designated organ procurement organization or its successor organization. The written information required under this subparagraph shall include, in a type size and format that is conspicuous in relation to the surrounding material, the address and telephone number of Michigan's federally designated organ procurement organization or its successor organization, along with an advisory to call Michigan's federally designated organ procurement organization or its successor organization with questions about the organ donor registry program.

(iii) Written information giving the applicant the opportunity to be placed on the organ donation registry described in subparagraph (ii).

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

(c) Inform the applicant in writing that, if he or she indicates to the secretary of state under this section a willingness to have his or her name placed on the organ donor registry described in subdivision (a)(ii), the secretary of state will forward the applicant's name and address to the organ donation registry maintained by Michigan's federally designated organ procurement organization or its successor organization, pursuant to subsection (6).

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

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

(b) Providing printed material to an applicant who personally appears at a secretary of state branch office.

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

(6) If an applicant indicates a willingness under this section to have his or her name placed on the organ donor registry described in subsection (4)(a)(ii), the secretary of state shall within 10 days forward the applicant's name and address to the organ donor registry maintained by Michigan's federally designated organ procurement organization or its successor organization. The secretary of state may forward information under this subsection by mail or by electronic means. The secretary of state shall not maintain a record of the name or address of an individual who indicates a willingness to have his or her name placed on the organ donor registry after forwarding that information to the organ donor registry under this subsection. Information about an applicant's indication of a willingness to have his or her name placed on the organ donor registry that is obtained by the secretary of state under subsection (4) and forwarded under this subsection is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231

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to 15.246, pursuant to section 13(1)(d) of the freedom of information act, 1976 PA 442, MCL 15.243.

(7) If an application is received from a person previously licensed in another jurisdiction, the secretary of state shall request a copy of the applicant's driving record and other available information from the other jurisdiction. When received, the driving record and other available information from the other jurisdiction becomes a part of the driver's record in this state with the same force and effect as if it had been entered on the driver's record in this state in the original instance. If the application is for an original, renewal, or change of a vehicle group designation or indorsement, the secretary of state shall also check the applicant's driving record with the national drivers register and the United States department of transportation before issuance of that group designation or indorsement.

(8) Except for a vehicle group designation or indorsement, the secretary of state may issue a renewal operator's or chauffeur's license for 1 additional 4-year period by mail or by other methods prescribed by the secretary of state. The secretary of state shall issue a renewal license only in person when the licensee has a driving record with a conviction or civil infraction determination obtained in the 48 months preceding renewal. However, the secretary of state shall not refuse to issue a renewal license by mail or by other method because of a conviction or civil infraction determination for which fines and costs were waived pursuant to section 901a or section 907. If a license is renewed by mail or by other method, the secretary of state shall issue evidence of renewal to indicate the date the license expires in the future.

(9) Upon request, the secretary of state shall provide an information manual to an applicant explaining how to obtain a vehicle group designation or indorsement. The manual shall contain the information required pursuant to 49 C.F.R. part 383.

Conditional effective date.

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 89th Legislature are enacted into law:

- (a) Senate Bill No. 458.
- (b) House Bill No. 4031.

This act is ordered to take immediate effect.

Approved June 9, 1998.

Filed with Secretary of State June 10, 1998.

Compiler's note: Senate Bill No. 458, referred to in enacting section 1, was filed with the Secretary of State July 3, 1998, and became P.A. 1998, No. 226, July 3, 1998.

House Bill No. 4031, also referred to in enacting section 1, was filed with the Secretary of State June 10, 1998, and became P.A. 1998, No. 118, July 3, 1998.
