

SENATE BILL NO. 454

August 28, 2019, Introduced by Senator LUCIDO and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 310, 313, and 625g (MCL 257.310, 257.313, and 257.625g), section 310 as amended by 2018 PA 177, section 313 as amended by 2004 PA 362, and section 625g as amended by 2017 PA 153.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 310. (1) The secretary of state shall issue an operator's
2 license to each person licensed as an operator and a chauffeur's
3 license to each person licensed as a chauffeur. An applicant for a
4 motorcycle indorsement under section 312a or a vehicle group

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

8 (2) The license issued under ~~subsection (1)~~ **shall this section**
9 **must** contain all of the following:

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

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

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

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

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

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

12 (3) Except as otherwise required under this chapter, other
13 information required on the license ~~pursuant to~~**under** this ~~chapter~~
14 **section** may appear on the license in a form prescribed by the
15 secretary of state.

16 (4) ~~The~~**A** license ~~shall~~**issued under this section must** not
17 contain a fingerprint or finger image of the licensee.

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

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

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

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

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

28 (c) If the intent of the reproduction, alteration,
29 counterfeiting, forging, duplication, or use is to commit or aid in

1 the commission of an offense that is a misdemeanor punishable by
2 imprisonment for less than 6 months, the person committing the
3 reproduction, alteration, counterfeiting, forging, duplication, or
4 use is guilty of a misdemeanor, punishable by imprisonment for not
5 more than 1 year or a fine of not more than \$2,000.00, or both.

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

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

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

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

29 (12) The secretary of state, upon determining after an

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

12 (13) An operator or chauffeur may indicate on the license
13 **issued under this section** in a place designated by the secretary of
14 state his or her blood type, emergency contact information,
15 immunization data, medication data, or a statement that the
16 licensee is deaf. The secretary of state shall not require an
17 applicant for an original or renewal operator's or chauffeur's
18 license to provide emergency contact information as a condition of
19 obtaining a license. ~~However, the~~ **The** secretary of state may
20 inquire whether an operator or chauffeur would like to provide
21 emergency contact information. Emergency contact information
22 obtained under this subsection shall be disclosed only to a state
23 or federal law enforcement agency for law enforcement purposes or
24 to the extent necessary for a medical emergency. No later than
25 January 1, 2017, the secretary of state shall develop and shall, in
26 conjunction with the department of state police, implement a
27 process using the ~~L.E.I.N.~~ **law enforcement information network** or
28 any other appropriate system that limits access to law enforcement
29 that would allow law enforcement agencies of this state to access

1 emergency contact information that the holder of an operator's
2 license has voluntarily provided to the secretary of state. As used
3 in this subsection, "emergency contact information" means the name,
4 telephone number, or address of an individual that is used for the
5 sole purpose of contacting that individual when the holder of an
6 operator's license has been involved in an emergency.

7 (14) An operator or chauffeur may indicate on the license in a
8 place designated by the secretary of state that he or she has
9 designated a patient advocate in accordance with sections 5506 to
10 5515 of the estates and protected individuals code, 1998 PA 386,
11 MCL 700.5506 to 700.5515.

12 (15) If the applicant provides proof to the secretary of state
13 that he or she is a minor who has been emancipated under 1968 PA
14 293, MCL 722.1 to 722.6, the license ~~shall~~**must** bear the
15 designation of the individual's emancipated status in a manner
16 prescribed by the secretary of state.

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

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

29 (18) The secretary of state shall inquire of each licensee, in

1 person or by mail, whether the licensee agrees to participate in
2 the anatomical gift donor registry under part 101 of the public
3 health code, 1978 PA 368, MCL 333.10101 to 333.10123.

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

13 (20) If an operator's or chauffeur's license is issued to an
14 individual described in section 307(1)(b) who has temporary lawful
15 status, the license ~~shall~~ **must** be issued in compliance with 6 CFR
16 37.21 or in compliance with the process established to comply with
17 6 CFR 37.71 by the secretary of state. As used in this subsection,
18 "temporary lawful status" means that term as defined in 6 CFR 37.3.

19 (21) **The secretary of state shall make the license issued**
20 **under subsection (1) available in electronic format.**

21 (22) **The secretary of state may enter into a contract with a**
22 **vendor in order to make electronic licenses available in this**
23 **state.**

24 (23) **An electronic license issued under subsection (21) must**
25 **contain all of the information required to be included on a plastic**
26 **card license issued under subsection (1) and must include a QR**
27 **code, or another similar technology, allowing the electronic**
28 **license to be scanned and read and contain the same information as**
29 **a digitized license described in subsection (5).**

1 (24) As used in this section:

2 (a) "QR code" means a machine-readable code consisting of an
3 array of black and white squares, used for storing information for
4 reading by the camera on a smart cellular telephone, or other type
5 of handheld technology.

6 (b) "Smart cellular telephone" or "other handheld technology"
7 means a cellular telephone or a similar handheld machine that
8 performs many of the functions of a computer, typically having a
9 touchscreen interface, Internet access, and an operating system
10 capable of running downloaded applications.

11 Sec. 313. (1) Except as provided in subsection (2) and section
12 812, if an operator's or chauffeur's license issued under this
13 chapter is lost, destroyed, or mutilated, or becomes illegible, the
14 person to whom the license was issued may obtain a duplicate upon
15 the payment of the fee required in section 812, upon furnishing
16 proof satisfactory to the secretary of state that the license has
17 been lost, destroyed, or mutilated, or has become illegible, and
18 upon certifying that the license is not being held by a court as a
19 condition of that person's recognizance. The secretary of state may
20 check the applicant's driving record through the national driver
21 register and the commercial driver license information system
22 before issuing a license under this section.

23 (2) Subsection (1) does not apply if the operator's or
24 chauffeur's license is destroyed ~~pursuant to~~**under** section
25 625g(1) (b) (iii) **or if the operator's or chauffeur's license is an**
26 **electronic license issued under section 310(21) and is no longer in**
27 **effect under section 625g(3).**

28 Sec. 625g. (1) ~~If~~**Except as provided in subsection (3),** if a
29 person refuses a chemical test offered under section 625a(6), the

1 peace officer who requested the person to submit to the chemical
2 test shall comply with subdivisions (a) and (b). ~~If~~**Except as**
3 **provided in subsection (3), if** a person submits to the chemical
4 test or a chemical test is performed under a court order and the
5 test reveals an unlawful alcohol content, or the presence of a
6 controlled substance or other intoxicating substance, or any
7 combination of them, the peace officer who requested the person to
8 submit to the test shall do all of the following, other than
9 subdivision (b) (i) :

10 (a) On behalf of the secretary of state, immediately
11 confiscate the person's license or permit to operate a motor
12 vehicle and, if the person is otherwise eligible for a license or
13 permit, issue a temporary license or permit to the person. The
14 temporary license or permit must be on a form provided by the
15 secretary of state.

16 (b) Except as provided in subsection (2), immediately do all
17 of the following:

18 (i) Forward a copy of the written report of the person's
19 refusal to submit to a chemical test required under section 625d to
20 the secretary of state.

21 (ii) Notify the secretary of state by means of the law
22 enforcement information network that a temporary license or permit
23 was issued to the person.

24 (iii) Destroy the person's driver's license or permit.

25 (2) If a person submits to a chemical test offered under
26 section 625a(6) that requires an analysis of blood or urine and a
27 report of the results of that chemical test is not immediately
28 available, the peace officer who requested the person to submit to
29 the test shall comply with subsection (1) (a) and (b) (ii) and

1 indicate in the notice under subsection (1) (b) (ii) that a subsequent
2 chemical test is pending. If the report reveals an unlawful alcohol
3 content, or the presence of a controlled substance or other
4 intoxicating substance, or any combination of them, the peace
5 officer who requested the person to submit to the test shall
6 immediately comply with subsection (1) (b) (iii). If the report does
7 not reveal an unlawful alcohol content, or the presence of a
8 controlled substance or other intoxicating substance, or any
9 combination of them, the peace officer who requested the person to
10 submit to the test shall immediately notify the person of the test
11 results and immediately return the person's license or permit by
12 first-class mail to the address provided at the time of arrest.

13 **(3) If a person who has an electronic license issued under**
14 **section 310(21) refuses a chemical test offered under section**
15 **625a(6), the peace officer who requested the person to submit to**
16 **the chemical test shall comply with all of the following:**

17 **(a) If the person is otherwise eligible, issue a temporary**
18 **license or permit to the person. The temporary license or permit**
19 **must be on a form provided by the secretary of state and must**
20 **indicate that the person's electronic license is no longer in**
21 **effect.**

22 **(b) Forward a copy of the written report of the person's**
23 **refusal to submit to a chemical test required under section 625d to**
24 **the secretary of state.**

25 **(c) Notify the secretary of state by means of the law**
26 **enforcement information network that a temporary license or permit**
27 **was issued to the person.**

28 **(4) If a person who has an electronic license submits to the**
29 **chemical test or a chemical test is performed under a court order**

1 and the test reveals an unlawful alcohol content, or the presence
2 of a controlled substance or other intoxicating substance, or any
3 combination of them, the peace officer who requested the person to
4 submit to the test shall comply with subsection (3)(a) and (c).

5 (5) If a person who has an electronic license issued under
6 section 310(21) submits to a chemical test offered under section
7 625a(6) that requires an analysis of blood and a report of the
8 results of that chemical test is not immediately available, the
9 peace officer who requested the person to submit to the test shall
10 comply with subsection (3)(a) and (c) and indicate in the notice
11 that the results of a subsequent chemical test are pending.

12 (6) ~~(3)~~—A temporary license or permit issued under this
13 section is valid for 1 of the following time periods:

14 (a) If the case is not prosecuted, for 90 days after issuance
15 or until the person's license or permit is suspended under section
16 625f, whichever occurs earlier. The prosecuting attorney shall
17 notify the secretary of state if a case referred to the prosecuting
18 attorney is not prosecuted. The arresting law enforcement agency
19 shall notify the secretary of state if a case is not referred to
20 the prosecuting attorney for prosecution.

21 (b) If the case is prosecuted, until the criminal charges
22 against the person are dismissed, the person is acquitted of those
23 charges, or the person's license or permit is suspended,
24 restricted, or revoked.

25 (7) ~~(4)~~—As used in this section:

26 (a) "Controlled substance" means that term as defined in
27 section 7104 of the public health code, 1978 PA 368, MCL 333.7104.

28 (b) "Intoxicating substance" means that term as defined in
29 section 625.

1 (c) "Unlawful alcohol content" means any of the following, as
2 applicable:

3 (i) If the person tested is less than 21 years of age, 0.02
4 grams or more of alcohol per 100 milliliters of blood, per 210
5 liters of breath, or per 67 milliliters of urine.

6 (ii) If the person tested was operating a commercial motor
7 vehicle within this state, 0.04 grams or more of alcohol per 100
8 milliliters of blood, per 210 liters of breath, or per 67
9 milliliters of urine.

10 (iii) If the person tested is not a person described in
11 subparagraph (i) or (ii), 0.08 grams or more of alcohol per 100
12 milliliters of blood, per 210 liters of breath, or per 67
13 milliliters of urine or, beginning October 1, 2021, 0.10 grams or
14 more of alcohol per 100 milliliters of blood, per 210 liters of
15 breath, or per 67 milliliters of urine.