

SENATE BILL No. 925

December 6, 2001, Introduced by Senators BENNETT, JOHNSON, GOUGEON,
HAMMERSTROM, BULLARD, BYRUM, SHUGARS, GOSCHKA, GARCIA
and SANBORN and referred to the Committee on Transportation and Tourism.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending the title and sections 310, 310e, and 314
(MCL 257.310, 257.310e, and 257.314), the title as amended by
2000 PA 408, section 310 as amended by 1998 PA 226, section 310e
as amended by 2000 PA 456, and section 314 as amended by 2000 PA
173.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

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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 gen-
eral 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

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1 and chauffeurs; to provide for the giving of proof of financial
2 responsibility and security by owners and operators of vehicles;
3 to provide for the imposition, levy, and collection of specific
4 taxes on vehicles, and the levy and collection of sales and use
5 taxes, license fees, and permit fees; to provide for the regula-
6 tion and use of streets and highways; to create certain funds; to
7 provide penalties and sanctions for a violation of this act; to
8 provide for civil liability of owners and operators of vehicles
9 and service of process on residents and nonresidents; to provide
10 for the levy of certain assessments; to provide for the enforce-
11 ment of this act; to provide for the creation of and to prescribe
12 the powers and duties of certain state and local agencies; to
13 impose liability upon the state or local agencies; TO PROVIDE
14 APPROPRIATIONS FOR CERTAIN PURPOSES; to repeal all other acts or
15 parts of acts inconsistent with this act or contrary to this act;
16 and to repeal certain parts of this act on a specific date.

17 Sec. 310. (1) The secretary of state shall issue an
18 operator's license to each person licensed as an operator and a
19 chauffeur's license to each person licensed as a chauffeur. An
20 applicant for a motorcycle indorsement under section 312a or a
21 vehicle group designation or indorsement shall first qualify for
22 an operator's or chauffeur's license before the indorsement or
23 vehicle group designation application is accepted and processed.
24 BEGINNING ON AND AFTER JULY 1, 2003, AN ORIGINAL LICENSE OR THE
25 FIRST RENEWAL OF AN EXISTING LICENSE ISSUED TO A PERSON LESS THAN
26 21 YEARS OF AGE SHALL BE PORTRAIT OR VERTICAL IN FORM AND AN
27 ORIGINAL LICENSE OR THE FIRST RENEWAL OF AN EXISTING LICENSE

1 ISSUED TO A PERSON 21 YEARS OF AGE OR OVER SHALL BE LANDSCAPE OR
2 HORIZONTAL IN FORM.

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

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

7 (b) The full name, date of birth, address of residence,
8 height, eye color, sex, an image, and the signature of the
9 licensee.

10 (c) An indication that the license contains 1 or more of the
11 following:

12 (i) The blood type of the licensee.

13 (ii) Immunization data of the licensee.

14 (iii) Medication data of the licensee.

15 (iv) A statement that the licensee is deaf.

16 (v) A statement that the licensee is an organ and tissue
17 donor pursuant to part 101 of the public health code, 1978
18 PA 368, MCL 333.10101 to 333.10109.

19 (vi) Emergency contact information of the licensee.

20 (d) If the licensee has made a statement described in
21 subdivision (c)(v), the signature of the licensee following the
22 indication of his or her organ and tissue donor intent identified
23 in subdivision (c)(v), along with the signature of at least 1
24 witness.

25 (E) BEGINNING JULY 1, 2003, IN THE CASE OF A LICENSEE WHO IS
26 LESS THAN 18 YEARS OF AGE AT THE TIME OF ISSUANCE OF THE LICENSE,

1 THE DATE ON WHICH THE LICENSEE WILL BECOME 18 YEARS OF AGE AND 21
2 YEARS OF AGE.

3 (F) BEGINNING JULY 1, 2003, IN THE CASE OF A LICENSEE WHO IS
4 AT LEAST 18 YEARS OF AGE BUT LESS THAN 21 YEARS OF AGE AT THE
5 TIME OF ISSUANCE OF THE LICENSE, THE DATE ON WHICH THE LICENSEE
6 WILL BECOME 21 YEARS OF AGE.

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

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

13 (5) A digitized license may contain an identifier for voter
14 registration purposes. The digitized license may contain infor-
15 mation appearing in electronic or machine readable codes needed
16 to conduct a transaction with the secretary of state. The infor-
17 mation shall be limited to the person's driver license number,
18 birth date, license expiration date, and other information neces-
19 sary for use with electronic devices, machine readers, or auto-
20 matic teller machines and shall not contain the person's name,
21 address, driving record, or other personal identifier. The
22 license shall identify the encoded information.

23 (6) The license shall be manufactured in a manner to pro-
24 hibit as nearly as possible the ability to reproduce, alter,
25 counterfeit, forge, or duplicate the license without ready
26 detection. In addition, a license with a vehicle group

1 designation shall contain the information required pursuant to
2 49 C.F.R. part 383.

3 (7) A person who intentionally reproduces, alters, counter-
4 feits, forges, or duplicates a license photograph, the negative
5 of the photograph, an image, a license, the electronic data con-
6 tained on a license or a part of a license, or who uses a
7 license, an image, or photograph that has been reproduced,
8 altered, counterfeited, forged, or duplicated is subject to 1 of
9 the following:

10 (a) If the intent of the reproduction, alteration, counter-
11 feiting, forging, duplication, or use was to commit or aid in the
12 commission of an offense punishable by imprisonment for 1 or more
13 years, the person committing the reproduction, alteration, coun-
14 terfeiting, forging, duplication, or use is guilty of a misde-
15 meanor, punishable by imprisonment for a period equal to the
16 imprisonment that could be imposed for the commission of the
17 offense the person had the intent to aid or commit. The court
18 may also assess a fine of not more than \$10,000.00 against the
19 person.

20 (b) If the intent of the reproduction, alteration, counter-
21 feiting, forging, duplication, or use was to commit or aid in the
22 commission of an offense punishable by imprisonment for not more
23 than 1 year, the person committing the reproduction, alteration,
24 counterfeiting, forging, duplication, or use is guilty of a mis-
25 demeanor, punishable by imprisonment for not more than 1 year, or
26 a fine of not more than \$1,000.00, or both.

1 (8) The secretary of state, upon determining after an
2 examination that an applicant is mentally and physically
3 qualified to receive a license, may issue to that person a tempo-
4 rary driver's permit entitling the person while having the permit
5 in his or her immediate possession to drive a motor vehicle upon
6 the highway for a period not exceeding 60 days before issuance to
7 the person of an operator's or chauffeur's license by the secre-
8 tary of state.

9 (9) An operator or chauffeur may indicate on the license in
10 a place designated by the secretary of state his or her blood
11 type, emergency contact information, immunization data, medica-
12 tion data, or a statement that the licensee is deaf, or a state-
13 ment that the licensee is an organ and tissue donor and has made
14 an anatomical gift pursuant to part 101 of the public health
15 code, 1978 PA 368, MCL 333.10101 to 333.10109.

16 (10) If the applicant provides proof to the secretary of
17 state that he or she is a minor who has been emancipated pursuant
18 to 1968 PA 293, MCL 722.1 to 722.6, the license shall bear the
19 designation of the individual's emancipated status in a manner
20 prescribed by the secretary of state.

21 (11) THERE IS APPROPRIATED TO THE DEPARTMENT OF STATE FROM
22 THE GENERAL FUND \$1,000,000.00 FOR THE FISCAL YEAR ENDING
23 SEPTEMBER 30, 2002 FOR IMPLEMENTATION OF THE REQUIREMENTS OF THIS
24 SECTION AS AMENDED BY THE AMENDATORY ACT THAT ADDED THIS
25 SUBSECTION.

26 Sec. 310e. (1) Except as otherwise provided in this act, an
27 operator's or chauffeur's license issued to a person who is 17

1 years of age or less SHALL BE IN A FORM AS PRESCRIBED IN SECTION
2 310 BEGINNING JULY 1, 2003, AND is valid only upon the issuance
3 of a graduated driver license.

4 (2) The secretary of state shall designate graduated licens-
5 ing provisions in a manner that clearly indicates that the person
6 is subject to the appropriate provisions described in this
7 section.

8 (3) A person who is not less than 14 years and 9 months of
9 age may be issued a level 1 graduated licensing status to operate
10 a motor vehicle if the person has satisfied all of the following
11 conditions:

12 (a) Passed a vision test and met health standards as pre-
13 scribed by the secretary of state.

14 (b) Successfully completed segment 1 of a driver education
15 course approved by the department of education including a mini-
16 mum of 6 hours of on-the-road driving time with the instructor.

17 (c) Received written approval of a parent or legal
18 guardian.

19 (4) A person issued a level 1 graduated licensing status may
20 operate a motor vehicle only when accompanied either by a
21 licensed parent or legal guardian or, with the permission of the
22 parent or legal guardian, a licensed driver 21 years of age or
23 older. Except as otherwise provided in this section, a person is
24 restricted to operating a motor vehicle with a level 1 graduated
25 licensing status for not less than 6 months.

1 (5) A person may be issued a level 2 graduated licensing
2 status to operate a motor vehicle if the person has satisfied all
3 of the following conditions:

4 (a) Had a level 1 graduated licensing status for not less
5 than 6 months.

6 (b) Successfully completed segment 2 of a driver education
7 course approved by the department of education.

8 (c) Not incurred a moving violation resulting in a convic-
9 tion or civil infraction determination or been involved in an
10 accident for which the official police report indicates a moving
11 violation on the part of the person during the 90-day period
12 immediately preceding application.

13 (d) Presented a certification by the parent or guardian that
14 he or she, accompanied by his or her licensed parent or legal
15 guardian or, with the permission of the parent or legal guardian,
16 any licensed driver 21 years of age or older, has accumulated a
17 total of not less than 50 hours of behind-the-wheel experience
18 including not less than 10 nighttime hours.

19 (e) Successfully completed a secretary of state approved
20 performance road test. The secretary of state may enter into an
21 agreement with another public or private person or agency,
22 including a city, village, or township, to conduct this per-
23 formance road test. This subdivision applies to a person 16
24 years of age or over only if the person has satisfied subdivi-
25 sions (a), (b), (c), and (d).

26 (6) A person issued a level 2 graduated licensing status
27 under subsection (5) shall remain at level 2 for not less than 6

1 months and shall not operate a motor vehicle within this state
2 from 12 midnight to 5 a.m. unless accompanied by a parent or
3 legal guardian or a licensed driver over the age of 21 designated
4 by the parent or legal guardian, or except when going to or from
5 employment.

6 (7) The provisions and provisional period described in
7 subsection (4) or (6) shall be expanded or extended, or both,
8 beyond the periods described in subsection (4) or (6) if any of
9 the following occur and are recorded on the licensee's driving
10 record during the provisional periods described in subsection (4)
11 or (6) or any additional periods imposed under this subsection:

12 (a) A moving violation resulting in a conviction, civil
13 infraction determination, or probate court disposition.

14 (b) An accident for which the official police report indi-
15 cates a moving violation on the part of the licensee.

16 (c) A license suspension for a reason other than a mental or
17 physical disability.

18 (d) A violation of subsection (4) or (6).

19 (8) The provisional period described in subsection (4) shall
20 be extended under subsection (7) until the licensee completes 90
21 consecutive days without a moving violation, an accident in which
22 a moving violation resulted, accident, suspension, or provisional
23 period violation listed in subsection (7) or until age 18, which-
24 ever occurs first. The provisional period described in
25 subsection (6) shall be extended under subsection (7) until the
26 licensee completes 12 consecutive months without a moving
27 violation, accident, suspension, or restricted period violation

1 listed in subsection (7) or until age 18, whichever occurs
2 first.

3 (9) A person who is not less than 17 years of age may be
4 issued a level 3 graduated licensing status under this subsection
5 if the person has completed 12 consecutive months without a
6 moving violation, an accident in which a moving violation
7 resulted, accident, suspension, or restricted period violation
8 listed in subsection (7) while the person was issued a level 2
9 graduated licensing status under subsection (5).

10 (10) Notice shall be given by first-class mail to the last
11 known address of a licensee if the provisions are expanded or
12 extended as described in subsection (7).

13 (11) A person who violates subsection (4) or (6) is respon-
14 sible for a civil infraction.

15 (12) If a person is determined responsible for a violation
16 of subsection (4) or (6), the secretary of state shall send writ-
17 ten notification of any conviction or moving violation to a des-
18 ignated parent or guardian of the person.

19 (13) For purposes of this section:

20 (a) Upon conviction for a moving violation, the date of the
21 arrest for the violation shall be used in determining whether the
22 conviction occurred within a provisional licensure period under
23 this section.

24 (b) Upon entry of a civil infraction determination for a
25 moving violation, the date of issuance of a citation for a civil
26 infraction shall be used in determining whether the civil

1 infraction determination occurred within a provisional licensure
2 period under this section.

3 (c) The date of the official police report shall be used in
4 determining whether a licensee was driving a motor vehicle
5 involved in an accident for which the official police report
6 indicates a moving violation on the part of the licensee or indi-
7 cates the licensee had been drinking intoxicating liquor.

8 (14) A person shall have his or her graduated licensing
9 status in his or her immediate possession at all times when oper-
10 ating a motor vehicle, and shall display the card upon demand of
11 a police officer. A person who violates this subsection is
12 responsible for a civil infraction.

13 (15) This section does not apply to a person 15 years of age
14 or older who is currently enrolled but has not completed a driver
15 education course on April 1, 1997 or who has completed a driver
16 education course but has not acquired his or her driver license
17 on April 1, 1997.

18 Sec. 314. (1) Except as otherwise provided in this section,
19 an operator's license shall expire on the birthday of the person
20 to whom the license is issued in the fourth year following the
21 date of the issuance of the license unless suspended or revoked
22 before that date or issued pursuant to section 314b. A license
23 shall not be issued for a period longer than 4 years. A person
24 holding a license at any time within 45 days before the expira-
25 tion of his or her license may make application for a new license
26 as provided for in this chapter. However, a knowledge test for
27 an original group designation or indorsement may be taken at any

1 time during this period and the results shall be valid for
2 12 months. However, if the licensee will be out of the state
3 during the 45 days immediately preceding expiration of the
4 license or for other good cause shown cannot apply for a license
5 within the 45-day period, application for a new license may be
6 made not more than 6 months before expiration of the license.
7 This new license when granted shall expire as provided for in
8 this chapter.

9 (2) ~~Effective October 1, 1985, the~~ THE first operator's
10 license issued to a person who at the time of application is less
11 than 20-1/2 years of age shall expire on the licensee's
12 twenty-first birthday unless suspended or revoked. ~~The~~ UNTIL
13 JULY 1, 2003, THE secretary of state shall code the license in a
14 manner which clearly identifies the licensee as being less than
15 21 years of age.

16 (3) The first chauffeur's license issued to a person shall
17 expire on the licensee's birthday in the fourth year following
18 the date of issuance unless the license is suspended or revoked
19 before that date or is issued pursuant to section 314b.

20 ~~Effective October 1, 1985, the~~ THE chauffeur's license of a
21 person who at the time of application is less than 20-1/2 years
22 of age shall expire on the licensee's twenty-first birthday
23 unless suspended or revoked. ~~The~~ UNTIL JULY 1, 2003, THE sec-
24 retary of state shall code the license in a manner which clearly
25 identifies the licensee as being less than 21 years of age. A
26 subsequent chauffeur's license shall expire on the birthday of
27 the person to whom the license is issued in the fourth year

1 following the date of issuance of the license unless the license
2 is suspended or revoked before that date or is issued pursuant to
3 section 314b.

4 (4) A person may apply for an extension of his or her driv-
5 ing privileges if he or she is out of state on the date that his
6 or her operator's or chauffeur's license expires. The extension
7 may extend the license for 90 days beyond the expiration date or
8 within 2 weeks after the applicant returns to Michigan, whichever
9 occurs first.

10 (5) A person who will be out of state for more than 90 days
11 beyond the expiration date of his or her operator's license may
12 apply for a 2-year extension of his or her driving privileges.
13 The applicant for this extension shall submit a statement evi-
14 dencing a vision examination in accordance with the rules promul-
15 gated by the secretary of state under section 309. The fee for a
16 2-year extension shall be the same as provided in section
17 314b(2).

18 ~~(6) A person whose operator's or chauffeur's license is~~
19 ~~unexpired but whose class 1, class 2, or class 3 indorsement has~~
20 ~~expired pursuant to section 312e(10) may apply for a vehicle~~
21 ~~group designation or indorsement. Upon proper application and~~
22 ~~payment of the fees prescribed in section 314b and section 811,~~
23 ~~the expiration of the person's operator's or chauffeur's license~~
24 ~~shall be extended for 4 years beyond the expiration which would~~
25 ~~have applied except for the operation of section 312e(10).—~~