

SUBSTITUTE FOR
SENATE BILL NO. 964

A bill to authorize the secretary of state to issue enhanced driver licenses and state personal identification cards to United States citizens who reside in Michigan to facilitate travel between the United States and Canada; to establish certain funds and prescribe duties for certain officials; and to prohibit certain conduct and prescribe penalties.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "enhanced driver license and enhanced official state personal
3 identification card act".

4 Sec. 2. As used in this act:

5 (a) "Enhanced driver license" means an operator's or
6 chauffeur's license issued to an individual under this act for the

1 following purposes:

2 (i) Use in entering the United States at land and sea ports.

3 (ii) Use in the same manner as a standard driver license.

4 (b) "Enhanced official state personal identification card"

5 means an official state personal identification card issued under

6 this act to an individual who is a United States citizen who

7 resides in this state for the following purposes:

8 (i) Use in entering the United States at land and sea ports.

9 (ii) Use in the same manner as a standard official state
10 personal identification card.

11 (c) "Local government agency" means a county, city, village,
12 or township in this state.

13 (d) "Resident" or "reside" means every person who legally
14 resides in a settled or permanent home or domicile with the intent
15 to remain in this state. A person who obtains legal employment in
16 this state is presumed to have the intent to remain in this state.

17 (e) "Resident address" means the place that is the settled or
18 permanent home or domicile where a person legally resides as
19 defined in section 11 of the Michigan election law, 1954 PA 116,
20 MCL 168.11.

21 (f) "Standard driver license" means an operator's license or
22 chauffeur's license issued under the Michigan vehicle code, 1949 PA
23 300, MCL 257.1 to 257.923.

24 (g) "Standard official state personal identification card"
25 means an official state personal identification card issued under
26 1972 PA 222, MCL 28.291 to 28.300.

27 Sec. 3. (1) The secretary of state may enter into a memorandum

1 of understanding with any federal agency for the purpose of
2 obtaining approval of an enhanced driver license or enhanced
3 official state personal identification card as proof of identity
4 and citizenship for persons entering the United States at land and
5 sea ports.

6 (2) In conjunction with a federal agency, the secretary of
7 state may enter into an agreement with the United Mexican States
8 and Canada or a Canadian province for the purpose of implementing a
9 border-crossing initiative.

10 Sec. 4. (1) The secretary of state may issue an enhanced
11 driver's license or enhanced official state personal identification
12 card to an applicant who provides satisfactory proof of his or her
13 legal name, United States citizenship, identity, date of birth,
14 social security number, and residence address. An applicant may
15 choose to apply for a standard driver license or standard official
16 state personal identification card or an enhanced driver license or
17 enhanced state personal identification card.

18 (2) An enhanced driver license or enhanced official state
19 personal identification card shall include reasonable security
20 measures to protect against unauthorized disclosure of personal
21 information regarding residents of this state that is contained in
22 the enhanced driver license or enhanced official state personal
23 identification card.

24 (3) An enhanced driver license or enhanced official state
25 personal identification card may include facilitative technology.
26 The secretary of state shall ensure that the facilitative
27 technology is secure from unauthorized data access. An applicant

1 shall be required to sign a declaration acknowledging his or her
2 understanding of the facilitative technology before he or she is
3 issued an enhanced driver license or enhanced official state
4 personal identification card.

5 (4) The requirements of this act are in addition to the
6 requirements otherwise imposed on individuals who apply for a
7 standard driver license or standard official state personal
8 identification card.

9 (5) The holder of an enhanced driver license issued under this
10 act is subject to every licensing sanction provided under the
11 Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923. As used
12 in this subsection, "licensing sanction" means the restriction,
13 suspension, revocation, or denial of a driver license; the addition
14 of points to a driving record; the assessment of a driver
15 responsibility fee; the assessment of a civil fine or criminal
16 penalty resulting from a conviction; a civil infraction
17 determination; the imposition of probationary terms and conditions;
18 or any other penalty provided under the Michigan vehicle code, 1949
19 PA 300, MCL 257.1 to 257.923.

20 Sec. 5. (1) An applicant who chooses to apply for an enhanced
21 driver license or enhanced official state personal identification
22 card shall provide all of the following items to the secretary of
23 state in the manner prescribed by the secretary of state:

24 (a) A completed application indicating the applicant's full
25 legal name, any legal name change resulting from the applicant's
26 adoption, marriage, divorce, or a court order, date of birth,
27 residence address, height, gender, eye color, social security

1 number, signature, and, if applicable, the applicant's intention to
2 be an organ donor as provided under section 307 of the Michigan
3 vehicle code, 1949 PA 300, MCL 257.307, or section 2 of 1972 PA
4 222, MCL 28.292.

5 (b) Documentation demonstrating the applicant's United States
6 citizenship, full legal name, any legal name change resulting from
7 the applicant's adoption, marriage, divorce, or a court order, date
8 of birth, residence address, and social security number.

9 (c) The applicant's signed certification that the information
10 presented by the applicant is true and correct.

11 (d) The fee provided under section 6.

12 (2) An applicant who applies for an enhanced driver license or
13 enhanced official state personal identification card shall have his
14 or her facial image and signature captured or reproduced by the
15 secretary of state at the time of application. A person's facial
16 image or signature may be made available by this state and used as
17 follows:

18 (a) By a federal, state, or local government agency for any
19 law enforcement purpose.

20 (b) By another state to the extent required by federal law.

21 (c) By the secretary of state for any program administered by
22 the secretary of state.

23 (d) For any other purpose as determined by the secretary of
24 state, if a person provides his or her written authorization for
25 the release of his or her own facial image or signature.

26 (e) As otherwise required by law.

27 (3) Except as otherwise provided under subsection (2), the

1 secretary of state shall not disclose a person's facial image,
2 signature, social security number, or copies or digital images of
3 documents retained under this act.

4 (4) An enhanced driver license or enhanced official state
5 personal identification card issued under this act shall not
6 display a person's social security number on the face of the card.

7 (5) The secretary of state shall examine and verify the
8 genuineness, regularity, and legality of every application and
9 other documentation submitted to the secretary of state for an
10 enhanced driver license or enhanced official state personal
11 identification card, and may in all cases investigate as the
12 secretary of state considers necessary or require additional
13 information, and shall reject any application if not satisfied of
14 the genuineness, regularity, and legality of the application or
15 supporting documentation or the truth of any statement contained in
16 the application or supporting documentation, or for any other
17 reason authorized by law.

18 (6) The secretary of state shall retain copies or digital
19 images of documents provided by the applicant to the secretary of
20 state under this act.

21 (7) The facial image of an applicant for a license or card
22 under this act who was not issued an enhanced driver license or
23 enhanced official state personal identification card shall be
24 retained for not less than 1 year, unless fraud is suspected, in
25 which case a record containing the applicant's facial image and the
26 reason for denial shall be retained for not less than 10 years.

27 (8) The secretary of state may disclose digital images of

1 documents retained under this act to a federal, state, or local
2 government agency for any law enforcement purpose. Except as
3 otherwise provided in this act, copies or digital images of
4 documents retained under this act are exempt from disclosure under
5 the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

6 Sec. 6. (1) An application for an original enhanced driver
7 license or enhanced official state personal identification card
8 shall be accompanied by payment of a fee of not more than \$50.00.

9 (2) The renewal fee for an enhanced driver license or enhanced
10 official state personal identification card renewed under this act
11 shall be not more than \$50.00. However, if an enhanced driver
12 license or enhanced official state personal identification card is
13 expired at the time of renewal, the fee shall be the same as the
14 fee provided under subsection (1).

15 (3) Money from fees collected under subsections (1) and (2)
16 shall be deposited into the enhanced driver license and enhanced
17 official state personal identification card fund created in section
18 7 after distribution as follows:

19 (a) The secretary of state shall refund to each county or
20 municipality acting as an examining officer or examining bureau
21 \$2.50 for each applicant examined for an original enhanced driver
22 license, if the application is not denied and the money refunded is
23 paid to the county or local treasurer and is appropriated to the
24 county, municipality, or officer or bureau receiving the money for
25 the purpose of carrying out this act.

26 (b) The state treasurer shall deposit the sum of \$4.00 to the
27 traffic law enforcement and safety fund created in section 819a of

1 the Michigan vehicle code, 1949 PA 300, MCL 257.819a, for each
2 person examined for an original enhanced driver license.

3 (c) Except as otherwise provided in subdivision (d), \$4.50 of
4 an original enhanced driver license and \$6.00 of a renewal enhanced
5 driver license shall be appropriated to the transportation economic
6 development fund established in section 2 of 1987 PA 231, MCL
7 247.902, and shall not be appropriated for any other purpose in any
8 act making appropriations of state funds.

9 (d) Notwithstanding the appropriation under subdivision (c),
10 \$2,500,000.00 shall be deposited in the state treasury and credited
11 to the general fund, except not more than \$1,000,000.00 shall be
12 credited to the gasoline inspection and testing fund.

13 (e) The money remaining after distributions are made under
14 subdivisions (a) through (d) shall remain in the enhanced driver
15 license and enhanced official state personal identification card
16 fund.

17 (4) A fee paid under this section is nonrefundable, except for
18 administrative error.

19 Sec. 7. (1) The enhanced driver license and enhanced official
20 state personal identification card fund is created within the state
21 treasury.

22 (2) The state treasurer may receive money or other assets from
23 any source for deposit into the fund. The state treasurer shall
24 direct the investment of the fund.

25 (3) Money in the fund at the close of the fiscal year shall
26 remain in the fund and shall not lapse to the general fund.

27 (4) The secretary of state shall be the administrator of the

1 fund for auditing purposes.

2 (5) The secretary of state shall expend money from the fund,
3 upon appropriation, to pay the necessary expenses incurred by the
4 secretary of state in the administration and enforcement of this
5 act.

6 Sec. 8. A person who makes a false certification or statement
7 in applying for an enhanced driver license or enhanced official
8 state personal identification card is guilty of a felony punishable
9 by imprisonment for not more than 5 years or a fine of not more
10 than \$5,000.00, or both.

11 Enacting section 1. This act takes effect January 1, 2008.

12 Enacting section 2. This act does not take effect unless
13 Senate Bill No. 966 of the 94th Legislature is enacted into law.