

HOUSE BILL No. 5250

January 26, 2016, Introduced by Rep. Canfield and referred to the Committee on Transportation and Infrastructure.

A bill to amend 2008 PA 23, entitled

"Enhanced driver license and enhanced official state personal identification card act,"

by amending section 5 (MCL 28.305).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

5 (a) A completed application indicating the applicant's full
6 legal name, any legal name change resulting from the applicant's
7 adoption, marriage, divorce, or a court order, date of birth,
8 residence address, height, gender, eye color, social security
9 number, signature, and, if applicable, the applicant's intention to
10 be an organ donor as provided under section 307 of the Michigan

1 vehicle code, 1949 PA 300, MCL 257.307, or section 2 of 1972 PA
2 222, MCL 28.292.

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

7 (c) The applicant's signed certification that the information
8 presented by the applicant is true and correct to the best of the
9 applicant's knowledge.

10 (d) The fee prescribed under section 6.

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

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

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

20 (c) By the secretary of state for any purpose specifically
21 authorized by law.

22 **(D) BY THE SECRETARY OF STATE FOR FORWARDING TO THE DEPARTMENT**
23 **OF STATE POLICE FOR USE AS PROVIDED IN SECTION 5C OF 1927 PA 372,**
24 **MCL 28.425C.**

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

1 (F) ~~(e)~~As otherwise required by law.

2 (3) Except as otherwise provided under subsection (2), the
3 secretary of state shall not disclose a person's facial image,
4 signature, social security number, or copies or digital images of
5 documents retained under this act.

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

9 (5) The secretary of state shall examine and verify the
10 genuineness, regularity, and legality of every application and
11 other documentation submitted to the secretary of state for an
12 enhanced driver license or enhanced official state personal
13 identification card, and may in all cases investigate as the
14 secretary of state considers necessary or require additional
15 information, and shall reject any application if not satisfied of
16 the genuineness, regularity, and legality of the application or
17 supporting documentation or the truth of any statement contained in
18 the application or supporting documentation, or for any other
19 reason authorized by law. A decision by the secretary of state to
20 reject an application under this subsection may be appealed under
21 section 631 of the revised judicature act of 1961, 1961 PA 236, MCL
22 600.631.

23 (6) The secretary of state shall retain copies or digital
24 images of documents provided by the applicant to the secretary of
25 state under this act.

26 (7) The facial image of an applicant for a license or card
27 under this act who was not issued an enhanced driver license or

1 enhanced official state personal identification card shall be
2 retained for not less than 1 year, unless fraud is suspected, in
3 which case a record containing the applicant's facial image and the
4 reason for denial shall be retained for not less than 10 years.

5 (8) The secretary of state may disclose digital images of
6 documents retained under this act to a federal, state, or local
7 government agency for any law enforcement purpose authorized by
8 law. Except as otherwise provided in this act, copies or digital
9 images of documents retained under this act are exempt from
10 disclosure under the freedom of information act, 1976 PA 442, MCL
11 15.231 to 15.246.

12 (9) The secretary of state shall not compile or maintain a
13 database under this act that may be shared with a country other
14 than the United States.

15 Enacting section 1. This amendatory act takes effect 90 days
16 after the date it is enacted into law.