

HOUSE BILL NO. 4366

February 25, 2021, Introduced by Reps. Lilly and Sneller and referred to the Committee on Transportation.

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), as amended by 2020 PA 94.

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

1 state in the manner prescribed by the secretary of state:

2 (a) A completed application indicating the applicant's full
3 legal name, any legal name change resulting from the applicant's
4 adoption, marriage, divorce, or a court order, date of birth,
5 residence address, height, gender, eye color, Social Security
6 number, signature, and, if applicable, the applicant's intention to
7 be an organ donor as provided under section 307 of the Michigan
8 vehicle code, 1949 PA 300, MCL 257.307, or section 2 of 1972 PA
9 222, MCL 28.292.

10 (b) Documentation demonstrating the applicant's United States
11 citizenship, full legal name, any legal name change resulting from
12 the applicant's adoption, marriage, divorce, or a court order, date
13 of birth, residence address, and Social Security number.

14 (c) The applicant's signed certification that the information
15 presented by the applicant is true and correct to the best of the
16 applicant's knowledge.

17 (d) The fee prescribed under section 6.

18 (2) An applicant who applies for an enhanced driver license or
19 enhanced official state personal identification card shall have his
20 or her facial image and signature captured or reproduced by the
21 secretary of state at the time of application. An individual's
22 facial image or signature may be made available by this state and
23 used as follows:

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

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

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

29 (d) By the secretary of state for forwarding to the department

1 of state police for use as provided in section 5c of 1927 PA 372,
2 MCL 28.425c.

3 (e) For any other purpose as determined by the secretary of
4 state, if an individual provides his or her written authorization
5 for the release of his or her own facial image or signature.

6 (f) As otherwise required by law.

7 (3) Except as otherwise provided under subsection (2), the
8 secretary of state shall not disclose an individual's facial image,
9 signature, Social Security number, or copies or digital images of
10 documents retained under this act.

11 (4) An enhanced driver license or enhanced official state
12 personal identification card issued under this act must not display
13 a person's Social Security number or, if applicable, a
14 communication impediment designation on the face of the card.

15 (5) The secretary of state shall examine and verify the
16 genuineness, regularity, and legality of every application and
17 other documentation submitted to the secretary of state for an
18 enhanced driver license or enhanced official state personal
19 identification card, and may in all cases investigate as the
20 secretary of state considers necessary or require additional
21 information, and shall reject any application if not satisfied of
22 the genuineness, regularity, and legality of the application or
23 supporting documentation or the truth of any statement contained in
24 the application or supporting documentation, or for any other
25 reason authorized by law. A decision by the secretary of state to
26 reject an application under this subsection may be appealed under
27 section 631 of the revised judicature act of 1961, 1961 PA 236, MCL
28 600.631.

29 (6) The secretary of state shall retain copies or digital

1 images of documents provided by the applicant to the secretary of
2 state under this act.

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

9 (8) The secretary of state may disclose digital images of
10 documents retained under this act to a federal, state, or local
11 government agency for any law enforcement purpose authorized by
12 law. Except as otherwise provided in this act, copies or digital
13 images of documents retained under this act are exempt from
14 disclosure under the freedom of information act, 1976 PA 442, MCL
15 15.231 to 15.246.

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

19 (10) An application for an enhanced driver license or enhanced
20 official state personal identification card must allow the
21 applicant to indicate that the applicant declines to use the
22 application as a voter registration application.

23 (11) The secretary of state shall, as provided under section
24 310 of the Michigan vehicle code, 1949 PA 300, MCL 257.310, and
25 under section 1 of 1972 PA 222, MCL ~~28.29~~, **28.291**, allow an
26 applicant for an enhanced driver license or enhanced official state
27 personal identification card, as applicable, to elect a
28 communication impediment designation and implement the process to
29 allow ~~law enforcement agencies of this state~~ **a person with access**

1 to the law enforcement information network under the C.J.I.S.
2 policy council act, 1974 PA 163, MCL 28.211 to 28.215, to view a
3 communication impediment designation that the holder of an enhanced
4 driver license or enhanced official state personal identification
5 card has voluntarily provided to the secretary of state. The
6 secretary of state may cancel or revoke a communication impediment
7 designation elected and maintained under this section for the
8 circumstances described under section 310(23) of the Michigan
9 vehicle code, 1949 PA 300, MCL 257.310 and under section 1(16) of
10 1972 PA 222, MCL 28.291. The secretary of state shall provide the
11 holder of an enhanced driver license or an enhanced official state
12 personal identification card notice and an opportunity to be heard
13 before canceling or revoking a communication impediment designation
14 under this section.