

Act No. 106  
Public Acts of 2021  
Approved by the Governor  
November 4, 2021  
Filed with the Secretary of State  
November 4, 2021  
EFFECTIVE DATE: November 4, 2021

**STATE OF MICHIGAN  
101ST LEGISLATURE  
REGULAR SESSION OF 2021**

Introduced by Reps. Lilly and Sneller

## **ENROLLED HOUSE BILL No. 4366**

AN ACT to amend 2008 PA 23, entitled "An act 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," by amending section 5 (MCL 28.305), as amended by 2020 PA 94.

*The People of the State of Michigan enact:*

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

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

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

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

(d) The fee prescribed under section 6.

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

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

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

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

(d) By the secretary of state for forwarding to the department of state police for use as provided in section 5c of 1927 PA 372, MCL 28.425c.

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

(f) As otherwise required by law.

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

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

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

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

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

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

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

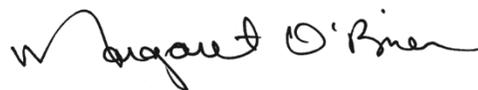
(10) An application for an enhanced driver license or enhanced official state personal identification card must allow the applicant to indicate that the applicant declines to use the application as a voter registration application.

(11) The secretary of state shall, as provided under section 310 of the Michigan vehicle code, 1949 PA 300, MCL 257.310, and under section 1 of 1972 PA 222, MCL 28.291, allow an applicant for an enhanced driver license or enhanced official state personal identification card, as applicable, to elect a communication impediment designation and implement the process to allow a person with authorized access to the law enforcement information network under the C.J.I.S. policy council act, 1974 PA 163, MCL 28.211 to 28.215, to view a communication impediment designation that the holder of an enhanced driver license or enhanced official state personal identification card has voluntarily provided to the secretary of state. The secretary of state may cancel or revoke a communication impediment designation elected and maintained under this section for the circumstances described under section 310(23) of the Michigan vehicle code, 1949 PA 300, MCL 257.310 and under section 1(16) of 1972 PA 222, MCL 28.291. The secretary of state shall provide the holder of an enhanced driver license or an enhanced official state personal identification card notice and an opportunity to be heard before canceling or revoking a communication impediment designation under this section.

This act is ordered to take immediate effect.



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Clerk of the House of Representatives



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Secretary of the Senate

Approved \_\_\_\_\_

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Governor