

SENATE BILL NO. 265

April 13, 2023, Introduced by Senators GEISS, CHANG, CAVANAGH, MCCANN, MOSS, BRINKS, SHINK, IRWIN, MCMORROW, BAYER, WOJNO, CAMILLERI, CHERRY, SINGH and ANTHONY 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), as amended by 2021 PA 106.

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

1 adoption, marriage, divorce, or a court order, date of birth,
2 residence address, height, gender, eye color, Social Security
3 number, signature, and, if applicable, the applicant's intention to
4 be an organ donor as provided under section 307 of the Michigan
5 vehicle code, 1949 PA 300, MCL 257.307, or section 2 of 1972 PA
6 222, MCL 28.292.

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

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

14 (d) The fee prescribed under section 6.

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

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

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

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

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

29 (e) For any other purpose as determined by the secretary of

1 state, if an individual provides ~~his or her~~ **the individual's**
2 written authorization for the release of ~~his or her~~ **the**
3 **individual's** own facial image or signature.

4 (f) As otherwise required by law.

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

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

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

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

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

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

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

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

21 (11) The secretary of state shall, as provided under section
22 310 of the Michigan vehicle code, 1949 PA 300, MCL 257.310, and
23 under section 1 of 1972 PA 222, MCL 28.291, allow an applicant for
24 an enhanced driver license or enhanced official state personal
25 identification card, as applicable, to elect a communication
26 impediment designation and implement the process to allow a person
27 with authorized access to the law enforcement information network
28 under the C.J.I.S. policy council act, 1974 PA 163, MCL 28.211 to
29 28.215, to view a communication impediment designation that the

1 holder of an enhanced driver license or enhanced official state
2 personal identification card has voluntarily provided to the
3 secretary of state. The secretary of state may cancel or revoke a
4 communication impediment designation elected and maintained under
5 this section for the circumstances described under section 310(23)
6 of the Michigan vehicle code, 1949 PA 300, MCL 257.310 and under
7 section ~~1(16)~~**1(15)** of 1972 PA 222, MCL 28.291. The secretary of
8 state shall provide the holder of an enhanced driver license or an
9 enhanced official state personal identification card notice and an
10 opportunity to be heard before canceling or revoking a
11 communication impediment designation under this section.

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

14 Enacting section 2. This amendatory act does not take effect
15 unless Senate Bill No. 266 of the 102nd Legislature is enacted into
16 law.