

**SUBSTITUTE FOR
HOUSE BILL NO. 4366**

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
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

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 to the best of the
11 applicant's knowledge.

12 (d) The fee prescribed under section 6.

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

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

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

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

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

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

1 (f) As otherwise required by law.

2 (3) Except as otherwise provided under subsection (2), the
3 secretary of state shall not disclose an individual'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 must not display
8 a person's Social Security number or, if applicable, a
9 communication impediment designation on the face of the card.

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

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

27 (7) The facial image of an applicant for a license or card
28 under this act who was not issued an enhanced driver license or
29 enhanced official state personal identification card must be

1 retained for not less than 1 year, unless fraud is suspected, in
2 which case a record containing the applicant's facial image and the
3 reason for denial must be retained for not less than 10 years.

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

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

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

18 (11) The secretary of state shall, as provided under section
19 310 of the Michigan vehicle code, 1949 PA 300, MCL 257.310, and
20 under section 1 of 1972 PA 222, MCL ~~28.29~~, **28.291**, allow an
21 applicant for an enhanced driver license or enhanced official state
22 personal identification card, as applicable, to elect a
23 communication impediment designation and implement the process to
24 allow ~~law enforcement agencies of this state~~ **a person with**
25 **authorized access to the law enforcement information network under**
26 **the C.J.I.S. policy council act, 1974 PA 163, MCL 28.211 to 28.215,**
27 to view a communication impediment designation that the holder of
28 an enhanced driver license or enhanced official state personal
29 identification card has voluntarily provided to the secretary of

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