

SENATE BILL No. 1241

November 29, 2018, Introduced by Senator KOWALL and referred to the Committee on Elections and Government Reform.

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 2016 PA 422.

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 **SOCIAL SECURITY** number, signature, and, if applicable, the

1 applicant's intention to be an organ donor as provided under
2 section 307 of the Michigan vehicle code, 1949 PA 300, MCL 257.307,
3 or section 2 of 1972 PA 222, MCL 28.292.

4 (b) Documentation demonstrating the applicant's United States
5 citizenship, full legal name, any legal name change resulting from
6 the applicant's adoption, marriage, divorce, or a court order, date
7 of birth, residence address, and ~~social security~~ **SOCIAL SECURITY**
8 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. ~~A person's~~ **AN**
17 **INDIVIDUAL'S** facial image or signature may be made available by
18 this state and 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

1 state, if ~~a person~~ **AN INDIVIDUAL** provides his or her written
2 authorization for the release of his or her own facial image or
3 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 ~~a person's~~ **AN INDIVIDUAL'S**
7 facial image, signature, ~~social security~~ **SOCIAL SECURITY** number, or
8 copies or digital images of documents retained under this act.

9 (4) An enhanced driver license or enhanced official state
10 personal identification card issued under this act ~~shall~~ **MUST** not
11 display a person's ~~social security~~ **SOCIAL SECURITY** number on the
12 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

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 ~~shall~~**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 ~~shall~~**MUST** be retained for not less than 10
9 years.

10 (8) The secretary of state may disclose digital images of
11 documents retained under this act to a federal, state, or local
12 government agency for any law enforcement purpose authorized by
13 law. Except as otherwise provided in this act, copies or digital
14 images of documents retained under this act are exempt from
15 disclosure under the freedom of information act, 1976 PA 442, MCL
16 15.231 to 15.246.

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

20 **(10) AN APPLICATION FOR AN ENHANCED DRIVER LICENSE OR ENHANCED**
21 **OFFICIAL STATE PERSONAL IDENTIFICATION CARD MUST ALLOW THE**
22 **APPLICANT TO INDICATE THAT THE APPLICANT DECLINES TO USE THE**
23 **APPLICATION AS A VOTER REGISTRATION APPLICATION.**

24 Enacting section 1. This amendatory act does not take effect
25 unless Senate Bill No. 1238

26 of the 99th Legislature is enacted into law.