

SENATE BILL NO. 878

April 24, 2020, Introduced by Senator SCHMIDT and referred to the Committee on Government Operations.

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 2018 PA 606, and
by adding section 5a.

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

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

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

18 (d) The fee prescribed under section 6.

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

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

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

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

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

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

7 (f) As otherwise required by law.

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

12 (4) An enhanced driver license or enhanced official state
13 personal identification card issued under this act must not display
14 a person's Social Security number 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 **Sec. 5a. (1) Notwithstanding any provisions of this act to the**
24 **contrary, during the state of emergency declared under Executive**
25 **Order No. 2020-33 or any extension of that order, an individual's**
26 **enhanced driver license or enhanced official state identification**
27 **card that expired or is set to expire between February 1, 2020 and**
28 **May 31, 2020 is valid until June 30, 2020.**

29 (2) Until June 30, 2020, a law enforcement officer shall not

1 arrest an individual who operates a motor vehicle with an enhanced
2 driver license that expired between February 1, 2020 and May 31,
3 2020. Nothing in this act prevents the secretary of state from
4 suspending or revoking an enhanced driver license under this act.

5 (3) This section does not apply to an individual whose
6 enhanced driver license was revoked or suspended for driving
7 offenses.