

SENATE BILL NO. 460

July 20, 2023, Introduced by Senator 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 sections 2 and 4 (MCL 28.302 and 28.304), section 4 as
amended by 2021 PA 72.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1** Sec. 2. As used in this act:
- 2** (a) "Enhanced driver license" means an operator's or
- 3** chauffeur's license issued **under this act** to an individual ~~under~~

1 ~~this act~~ **who is a United States citizen and who resides in this**
2 **state** for the following purposes:

3 (i) Use in entering the United States at land and sea ports.

4 (ii) Use in the same manner as a ~~standard driver~~ **physical**
5 **operator's or chauffeur's** license.

6 (b) "Enhanced official state personal identification card"
7 means an official state personal identification card issued under
8 this act to an individual who is a United States citizen **and** who
9 resides in this state for the following purposes:

10 (i) Use in entering the United States at land and sea ports.

11 (ii) Use in the same manner as a ~~standard~~ **physical** official
12 state personal identification card.

13 (c) "Local government agency" means a county, city, village,
14 or township in this state.

15 ~~(d) "Resident" means every person who resides in this state~~
16 ~~and establishes that he or she is legally present in the United~~
17 ~~States. This definition applies to the provisions of this act only.~~

18 ~~(e) "Resident address" means the place that is a person's~~
19 ~~legal residence as that term is defined in section 11 of the~~
20 ~~Michigan election law, 1954 PA 116, MCL 168.11.~~

21 ~~(f) "Standard driver license" means an operator's license or~~
22 ~~chauffeur's license issued under the Michigan vehicle code, 1949 PA~~
23 ~~300, MCL 257.1 to 257.923.~~

24 (d) **"Mobile enhanced driver license" means a mobile operator's**
25 **or chauffeur's license issued under this act to an individual who**
26 **is a United States citizen and who resides in this state for the**
27 **following purposes:**

28 (i) Use in entering the United States at land and sea ports.

29 (ii) Use in the same manner as a mobile operator's or

1 chauffeur's license.

2 (e) "Mobile enhanced official state personal identification
3 card" means a mobile official state personal identification card
4 issued under this act to an individual who is a United States
5 citizen and who resides in this state for the following purposes:

6 (i) Use in entering the United States at land and sea ports.

7 (ii) Use in the same manner as a mobile official state personal
8 identification card.

9 (f) "Mobile official state personal identification card" means
10 a mobile official state personal identification card issued under
11 section 2(27) of 1972 PA 222, MCL 28.292.

12 (g) "Mobile operator's or chauffeur's license" means a mobile
13 operator's or chauffeur's license issued under section 310a(1) of
14 the Michigan vehicle code, 1949 PA 300, MCL 257.310a.

15 (h) ~~(g) "Standard official state personal identification card"~~
16 "Physical official state personal identification card" means an
17 official state personal identification card issued under 1972 PA
18 222, MCL 28.291 to 28.300.

19 (i) "Physical operator's or chauffeur's license" means an
20 operator's or chauffeur's license issued under the Michigan vehicle
21 code, 1949 PA 300, MCL 257.1 to 257.923.

22 (j) "Resident" means every person who resides in this state
23 and establishes that the person is legally present in the United
24 States. This definition applies to the provisions of this act only.

25 (k) "Resident address" means the place that is a person's
26 legal residence as that term is defined in section 11 of the
27 Michigan election law, 1954 PA 116, MCL 168.11.

28 Sec. 4. (1) The secretary of state may issue an enhanced
29 driver license or enhanced official state personal identification

1 card to an applicant who provides satisfactory proof of ~~his or her~~
2 **the individual's** full legal name, United States citizenship,
3 identity, date of birth, Social Security number, residence address,
4 and a photographic identity document. Beginning June 27, 2021, if
5 the applicant is a program participant in the address
6 confidentiality program under the address confidentiality program
7 act, 2020 PA 301, MCL 780.851 to 780.873, ~~he or she~~ **the applicant**
8 shall present to the secretary of state ~~his or her~~ **the applicant's**
9 participation card issued under the address confidentiality program
10 act, 2020 PA 301, MCL 780.851 to 780.873. An applicant may choose
11 to apply for a ~~standard driver~~ **physical operator's or chauffeur's**
12 license or ~~standard~~ **physical** official state personal identification
13 card or an enhanced driver license or enhanced official state
14 personal identification card.

15 (2) An enhanced driver license or enhanced official state
16 personal identification card must include reasonable security
17 measures to protect against unauthorized disclosure of personal
18 information regarding residents of this state that is contained in
19 the enhanced driver license or enhanced official state personal
20 identification card.

21 (3) An enhanced driver license or enhanced official state
22 personal identification card may include radio frequency
23 identification technology that is limited to a randomly assigned
24 number that must be encrypted if agreed to by the United States
25 Department of Homeland Security, and does not include biometric
26 data. The secretary of state shall ensure that the radio frequency
27 identification technology is secure from unauthorized data access
28 and includes reasonable security measures to protect against
29 unauthorized disclosure of personal information. An applicant must

1 sign a declaration acknowledging ~~his or her~~ **the applicant's**
2 understanding of the radio frequency identification technology
3 before ~~he or she~~ **the applicant** is issued an enhanced driver license
4 or enhanced official state personal identification card.

5 (4) On request of an individual issued an enhanced driver
6 license or enhanced official state personal identification card
7 under subsection (1), the secretary of state may issue a mobile
8 enhanced driver license or mobile enhanced official state personal
9 identification card to the individual. The secretary of state shall
10 ensure that any data elements in the mobile enhanced driver license
11 or mobile enhanced official state personal identification card
12 issued under this subsection are identical to the data contained in
13 the individual's current secretary of state's record. The secretary
14 of state shall not issue or renew a mobile enhanced driver license
15 or mobile enhanced official state personal identification card to
16 an individual who does not hold a valid enhanced driver license or
17 enhanced official state personal identification card. The secretary
18 of state may load an individual's mobile enhanced driver license or
19 mobile enhanced official state personal identification card to
20 multiple electronic devices through the mobile license system
21 developed under section 310a of the Michigan vehicle code, 1949 PA
22 300, MCL 257.310a. An individual issued a mobile enhanced driver
23 license under this subsection is required to have the enhanced
24 driver license in the individual's immediate possession while
25 operating a motor vehicle. The secretary of state shall regularly
26 update an individual's information contained in a mobile enhanced
27 driver license or mobile enhanced official state personal
28 identification card and set the validity period of a mobile
29 enhanced driver license or mobile enhanced official state personal

1 identification card. The fee for an original or renewal mobile
2 enhanced driver license or mobile enhanced official state personal
3 identification card is \$4.00. The secretary of state shall deposit
4 the money collected under this subsection in the mobile license
5 fund created under section 811c(2) of the Michigan vehicle code,
6 1949, PA 300, MCL 257.811c.

7 (5) ~~(4)~~—An enhanced driver license or enhanced official state
8 personal identification card that expires on or after March 1, 2020
9 is considered valid until March 31, 2021. An enhanced driver
10 license or enhanced official state personal identification card
11 that expires after March 31, 2021 but before August 1, 2021 is
12 valid until 120 days after the date of the expiration.

13 (6) ~~(5)~~—The requirements of this act are in addition to the
14 requirements otherwise imposed on individuals who apply for a
15 ~~standard driver~~ **physical operator's or chauffeur's** license, ~~or~~
16 ~~standard~~ **physical** official state personal identification card,
17 **mobile operator's or chauffeur's license, or mobile official state**
18 **personal identification card.**

19 (7) ~~(6)~~—The holder of an enhanced driver license **or mobile**
20 **enhanced driver license** issued under this act is subject to every
21 licensing sanction provided under the Michigan vehicle code, 1949
22 PA 300, MCL 257.1 to 257.923. As used in this subsection,
23 "licensing sanction" means the restriction, suspension, revocation,
24 or denial of a driver license; the addition of points to a driving
25 record; until October 1, 2018, the assessment of a driver
26 responsibility fee; the assessment of a civil fine or criminal
27 penalty resulting from a conviction; a civil infraction
28 determination; the imposition of probationary terms and conditions;
29 or any other penalty provided under the Michigan vehicle code, 1949

1 PA 300, MCL 257.1 to 257.923. **Beginning on the effective date of**
2 **the amendatory act that added this sentence, a requirement under**
3 **this act or the Michigan vehicle code, 1949 PA 300, MCL 257.1 to**
4 **257.923, to surrender, destroy, or confiscate a license does not**
5 **apply to the electronic device on which a mobile enhanced driver**
6 **license is loaded. Notwithstanding this subsection and on request**
7 **of a police officer or relying party, an individual may transmit**
8 **the individual's mobile enhanced driver license or mobile enhanced**
9 **official state personal identification card from the electronic**
10 **device on which the mobile enhanced driver license or mobile**
11 **enhanced official state personal identification card is loaded.**

12 (8) ~~(7)~~—Beginning June 27, 2021, upon receipt of a notice from
13 the department of the attorney general that an individual who has
14 been issued an enhanced driver license or enhanced official state
15 personal identification card under this act has been certified as a
16 program participant in the address confidentiality program, the
17 secretary of state shall issue a corrected enhanced driver license
18 or enhanced official state personal identification card to that
19 individual by mailing the license or card to ~~his or her~~ **the**
20 **individual's** designated address. Beginning June 27, 2021, an
21 enhanced driver license or enhanced official state personal
22 identification card issued under this subsection or subsection (1)
23 to a program participant must display the individual's designated
24 address and must not display the individual's residence address.
25 The requirements of this subsection are in addition to the
26 requirements for individuals who are issued a corrected ~~standard~~
27 ~~driver~~ **physical operator's or chauffeur's** license under section
28 310f of the Michigan vehicle code, 1949 PA 300, MCL 257.310f, or a
29 corrected official state personal identification card under section

1 2a of 1972 PA 222, MCL 28.292a.

2 (9) ~~(8)~~—As used in this section:

3 (a) "Address confidentiality program" means a program as that
4 term is defined in section 3 of the address confidentiality program
5 act, 2020 PA 301, MCL 780.853.

6 (b) "Designated address" means that term as defined in section
7 3 of the address confidentiality program act, 2020 PA 301, MCL
8 780.853.

9 (c) "Program participant" means that term as defined in
10 section 3 of the address confidentiality program act, 2020 PA 301,
11 MCL 780.853.

12 (d) "Relying party" means that term as defined in section 310a
13 of the Michigan vehicle code, 1949 PA 300, MCL 257.310a.

14 (e) "Validity period" means that term as defined in section
15 310a of the Michigan vehicle code, 1949 PA 300, MCL 257.310a.

16 Enacting section 1. This amendatory act does not take effect
17 unless all of the following bills of the 102nd Legislature are
18 enacted into law:

19 (a) Senate Bill No. 461.

20

21 (b) Senate Bill No. 459.

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