

# HOUSE BILL NO. 4196

March 11, 2025, Introduced by Reps. Fitzgerald, T. Carter, Rheingans, Wegela, Wilson, Tate, Pohutsky, Weiss, Breen, Rogers, Myers-Phillips, Edwards, Skaggs, Longjohn, Hoskins, Steckloff, Tsernoglou, Wooden and Glanville and referred to 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 2023 PA 262.

**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~~ **that indicates** the  
6 applicant's full legal name, any legal name change resulting from

1 the applicant's adoption, marriage, divorce, or a court order, date  
2 of birth, residence address, height, gender, eye color, Social  
3 Security number, signature, and, if applicable, the applicant's  
4 intention to be an organ donor as provided under section 307 of the  
5 Michigan vehicle code, 1949 PA 300, MCL 257.307, or section 2 of  
6 1972 PA 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 the  
17 applicant's facial image and signature captured or reproduced by  
18 the secretary of state at the time of application. An individual's  
19 facial image or signature may be made available by this state and  
20 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 the individual's written  
2 authorization for the release of the individual's own facial image  
3 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 an individual'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~~**an enhanced driver**  
2 license or **enhanced official personal identification** card under  
3 this act who was not issued an enhanced driver license or enhanced  
4 official state personal identification card must be retained for  
5 not less than 1 year, unless fraud is suspected, in which case a  
6 record containing the applicant's facial image and the reason for  
7 denial must be retained for not less than 10 years.

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

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

18           (10) 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 28.291, allow an applicant for  
21 an enhanced driver license or enhanced official state personal  
22 identification card, as applicable, to elect a communication  
23 impediment designation and implement the process to allow an  
24 individual with authorized access to the law enforcement  
25 information network under the C.J.I.S. policy council act, 1974 PA  
26 163, MCL 28.211 to 28.215, to view a communication impediment  
27 designation that the holder of an enhanced driver license or  
28 enhanced official state personal identification card has  
29 voluntarily provided to the secretary of state. The secretary of

1 state may cancel or revoke a communication impediment designation  
2 elected and maintained under this section for the circumstances  
3 described ~~under-in~~ section 310(23) of the Michigan vehicle code,  
4 1949 PA 300, MCL 257.310, and ~~under-in~~ section ~~1(16)~~**1(14)** of 1972  
5 PA 222, MCL 28.291. The secretary of state shall provide the holder  
6 of an enhanced driver license or an enhanced official state  
7 personal identification card notice and an opportunity to be heard  
8 before canceling or revoking a communication impediment designation  
9 under this section.

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

12 Enacting section 2. This amendatory act does not take effect  
13 unless Senate Bill No. \_\_\_\_ (request no. S01814'25) or House Bill  
14 No. 4194 (request no. H01814'25) of the 103rd Legislature is  
15 enacted into law.