

SUBSTITUTE FOR
SENATE BILL NO. 460

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 2024 PA 114.

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~~
4 ~~this act~~ **who is a United States citizen and who resides in this**
5 **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 ~~standard driver~~ **physical**

1 **operator's or chauffeur's** license.

2 (b) "Enhanced official state personal identification card"
3 means an official state personal identification card issued under
4 this act to an individual who is a United States citizen **and** who
5 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 ~~standard~~ **physical** official
8 state personal identification card.

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

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

14 ~~(e) "Resident address" means the place that is a person's
15 legal residence as that term is defined in section 11 of the
16 Michigan election law, 1954 PA 116, MCL 169.11.~~

17 ~~(f) "Standard driver license" means an operator's license or
18 chauffeur's license issued under the Michigan vehicle code, 1949 PA
19 300, MCL 257.1 to 257.923.~~

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

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

25 (ii) Use in the same manner as a mobile operator's or
26 chauffeur's license.

27 (e) **"Mobile enhanced official state personal identification
28 card" means a mobile official state personal identification card
29 issued under this act to an individual who is a United States**

1 citizen and who resides in this state for the following purposes:

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

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

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

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

11 (h) ~~(g) "Standard official state personal identification card"~~
12 "Physical official state personal identification card" means an
13 official state personal identification card issued under 1972 PA
14 222, MCL 28.291 to 28.300.

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

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

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

24 Sec. 4. (1) The secretary of state may issue an enhanced
25 driver license or enhanced official state personal identification
26 card to an applicant who provides satisfactory proof of the
27 applicant's full legal name, United States citizenship, identity,
28 date of birth, Social Security number, residence address, and a
29 photographic identity document. Beginning June 27, 2021, if the

1 applicant is a program participant in the address confidentiality
2 program under the address confidentiality program act, 2020 PA 301,
3 MCL 780.851 to 780.873, the applicant shall present to the
4 secretary of state the applicant's participation card issued under
5 the address confidentiality program act, 2020 PA 301, MCL 780.851
6 to 780.873. An applicant may choose to apply for a ~~standard driver~~
7 **physical operator's or chauffeur's** license or ~~standard-physical~~
8 official state personal identification card or an enhanced driver
9 license or enhanced official state personal identification card.

10 (2) An enhanced driver license or enhanced official state
11 personal identification card must include reasonable security
12 measures to protect against unauthorized disclosure of personal
13 information regarding residents of this state that is contained in
14 the enhanced driver license or enhanced official state personal
15 identification card.

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

29 (4) **After the secretary of state develops or enters into a**

1 contract to develop the mobile license system under section 310a of
2 the Michigan vehicle code, 1949 PA 300, MCL 257.310a, on request of
3 an individual issued an enhanced driver license or enhanced
4 official state personal identification card under subsection (1),
5 the secretary of state may issue a mobile enhanced driver license
6 or mobile enhanced official state personal identification card to
7 the individual. The secretary of state shall ensure that any data
8 elements in the mobile enhanced driver license or mobile enhanced
9 official state personal identification card match the data elements
10 contained in the records of the department. The secretary of state
11 shall not issue or renew a mobile enhanced driver license or mobile
12 enhanced official state personal identification card to an
13 individual who does not hold a valid physical enhanced driver
14 license or physical enhanced official state personal identification
15 card. The secretary of state may provision an individual's mobile
16 enhanced driver license or mobile enhanced official state personal
17 identification card to multiple electronic devices through the
18 mobile license system developed under section 310a of the Michigan
19 vehicle code, 1949 PA 300, MCL 257.310a. The secretary of state
20 shall regularly update an individual's information contained in a
21 mobile enhanced driver license or mobile enhanced official state
22 personal identification card and set the validity period of a
23 mobile enhanced driver license or mobile enhanced official state
24 personal identification card. The fee for an original or renewal
25 mobile enhanced driver license or mobile enhanced official state
26 personal identification card must not be more than \$4.00. The
27 secretary of state shall deposit the money collected under this
28 subsection in the mobile license fund created under section 811c(2)
29 of the Michigan vehicle code, 1949 PA 300, MCL 257.811c.

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

7 (6) ~~(5)~~—The requirements of this act are in addition to the
8 requirements otherwise imposed on individuals who apply for a
9 ~~standard driver~~ **physical operator's or chauffeur's** license or
10 ~~standard~~ **physical** official state personal identification card,
11 **mobile operator's or chauffeur's license, or mobile official state**
12 **personal identification card.**

13 (7) ~~(6)~~—The holder of an enhanced driver license **or mobile**
14 **enhanced driver license** issued under this act is subject to every
15 licensing sanction provided under the Michigan vehicle code, 1949
16 PA 300, MCL 257.1 to 257.923. As used in this subsection,
17 "licensing sanction" means the restriction, suspension, revocation,
18 or denial of a driver license; the addition of points to a driving
19 record; the assessment of a civil fine or criminal penalty
20 resulting from a conviction; a civil infraction determination; the
21 imposition of probationary terms and conditions; or any other
22 penalty provided under the Michigan vehicle code, 1949 PA 300, MCL
23 257.1 to 257.923. **A requirement under this act to surrender,**
24 **destroy, or confiscate a license does not apply to the electronic**
25 **device on which a mobile enhanced driver license is provisioned.**
26 **Notwithstanding this subsection and on request of a police officer**
27 **or relying party, an individual may transmit the individual's**
28 **mobile enhanced driver license or mobile enhanced official state**
29 **personal identification card from the electronic device on which**

1 **the mobile enhanced driver license or mobile enhanced official**
2 **state personal identification card is provisioned.**

3 (8) ~~(7)~~ Beginning June 27, 2021, upon receipt of a notice from
4 the department of the attorney general that an individual who has
5 been issued an enhanced driver license or enhanced official state
6 personal identification card under this act has been certified as a
7 program participant in the address confidentiality program, the
8 secretary of state shall issue a corrected enhanced driver license
9 or enhanced official state personal identification card to that
10 individual by mailing the license or card to the individual's
11 designated address. Beginning June 27, 2021, an enhanced driver
12 license or enhanced official state personal identification card
13 issued under this subsection or subsection (1) to a program
14 participant must display the individual's designated address and
15 must not display the individual's residence address. The
16 requirements of this subsection are in addition to the requirements
17 for individuals who are issued a corrected ~~standard driver~~ **physical**
18 **operator's or chauffeur's** license under section 310f of the
19 Michigan vehicle code, 1949 PA 300, MCL 257.310f, or a corrected
20 official state personal identification card under section 2a of
21 1972 PA 222, MCL 28.292a.

22 (9) ~~(8)~~ As used in this section:

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

26 (b) "Data elements" means a distinct component of an
27 individual's information that is found on the records of the
28 department.

29 (c) ~~(b)~~ "Designated address" means that term as defined in

1 section 3 of the address confidentiality program act, 2020 PA 301,
2 MCL 780.853.

3 **(d)** ~~(e)~~—"Program participant" means that term as defined in
4 section 3 of the address confidentiality program act, 2020 PA 301,
5 MCL 780.853.

6 **(e)** "Provision" means that term as defined in section 310a of
7 the Michigan vehicle code, 1949 PA 300, MCL 257.310a.

8 **(f)** "Relying party" means that term as defined in section 310a
9 of the Michigan vehicle code, 1949 PA 300, MCL 257.310a.

10 **(g)** "Validity period" means that term as defined in section
11 310a of the Michigan vehicle code, 1949 PA 300, MCL 257.310a.

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

15 (a) Senate Bill No. 459.

16 (b) Senate Bill No. 461.

17 (c) Senate Bill No. 894.