

SENATE BILL NO. 894

May 30, 2024, Introduced by Senator ANTHONY and referred to the Committee on Transportation and Infrastructure.

A bill to regulate relying parties; and to provide for the powers and duties of certain state and local governmental officers and entities.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act may be cited as the "relying parties on
2 mobile licenses act".

3 Sec. 3. As used in this act:

4 (a) "Data elements" means a distinct component of an
5 individual's information that is found on the records of the

1 department.

2 (b) "Department" means the department of state.

3 (c) "Holder" means an individual that is issued, and presents
4 to a relying party, any of the following:

5 (i) A mobile enhanced driver license or enhanced official state
6 personal identification card.

7 (ii) A mobile official state personal identification card.

8 (iii) A mobile operator's or chauffeur's license.

9 (d) "Mobile enhanced driver license or mobile enhanced
10 official state personal identification card" means a mobile
11 enhanced driver license or mobile enhanced official state personal
12 identification card issued under section 4 of the enhanced driver
13 license and enhanced official state personal identification card
14 act, 2008 PA 23, MCL 28.304.

15 (e) "Mobile official state personal identification card" means
16 a mobile official state personal identification card issued under
17 section 2 of 1972 PA 222, MCL 28.292.

18 (f) "Mobile operator's or chauffeur's license" means a mobile
19 operator's or chauffeur's license issued under section 310a of the
20 Michigan vehicle code, 1949 PA 300, MCL 257.310a.

21 (g) "Relying party" means a person that is presented with and
22 chooses to rely on a mobile operator's or chauffeur's license, a
23 mobile official state personal identification card, or a mobile
24 enhanced driver license or mobile enhanced official state personal
25 identification card.

26 (h) "Secretary of state" means the secretary of state of this
27 state, acting directly or through the secretary of state's duly
28 authorized deputy, investigators, agents, and employees.

29 Sec. 5. (1) During a transaction, a relying party shall do all

1 of the following:

2 (a) Request only data elements from a mobile operator's or
3 chauffeur's license, mobile official state personal identification
4 card, or mobile enhanced driver license or enhanced official state
5 personal identification card that are available on the mobile
6 operator's or chauffeur's license, mobile official state personal
7 identification card, or mobile enhanced driver license or enhanced
8 official state personal identification card and necessary to
9 complete the transaction for which the data is being requested.

10 (b) Inform the holder of the use and retention of any
11 requested data elements in the event that the relying party seeks
12 to retain the data elements.

13 (c) Obtain the consent of the holder for the release and, if
14 applicable, the retention of all the data elements requested before
15 the release and retention of any of those data elements.

16 (d) Cryptographically authenticate a mobile operator's or
17 chauffeur's license, mobile official state personal identification
18 card, or mobile enhanced driver license or enhanced official state
19 personal identification card before accepting the mobile operator's
20 or chauffeur's license, mobile official state personal
21 identification card, or mobile enhanced driver license or enhanced
22 official state personal identification card.

23 (e) Adhere to all applicable privacy laws and regulations.
24 Data contained in a mobile operator's or chauffeur's license,
25 mobile official state personal identification card, or mobile
26 enhanced driver license or mobile enhanced official state personal
27 identification card is subject to all applicable privacy laws and
28 regulations.

29 (2) Except as otherwise provided under the Michigan vehicle

1 code, 1949 PA 300, 257.1 to 257.923, 1972 PA 222, MCL 28.291 to
2 28.300, or the enhanced driver license and enhanced official state
3 personal identification card act, 2008 PA 23, MCL 28.301 to 28.308,
4 a relying party shall not do any of the following:

5 (a) Ask a holder to relinquish possession of the mobile device
6 on which a mobile operator's or chauffeur's license, mobile state
7 personal identification card, or mobile enhanced driver license or
8 mobile enhanced official state personal identification card is
9 provisioned.

10 (b) Ask a holder for consent to search the mobile device on
11 which the mobile operator's or chauffeur's license, mobile personal
12 identification card, or mobile enhanced driver license or mobile
13 enhanced official state personal identification card is
14 provisioned.

15 (c) Require the presentation of a mobile operator's or
16 chauffeur's license, mobile personal identification card, or mobile
17 enhanced driver license or mobile enhanced official state personal
18 identification card for the completion of any transaction.

19 Sec. 7. Presentation or use of a mobile operator's or
20 chauffeur's license, mobile official state personal identification
21 card, or mobile enhanced driver license or enhanced official state
22 personal identification card for identity verification or other
23 permitted purposes does not constitute consent or authorization for
24 a relying party to search, view, or access any other data or
25 application on the mobile device.

26 Enacting section 1. This act does not take effect unless all
27 of the following bills of the 102nd Legislature are enacted into
28 law:

29 (a) Senate Bill No. 459.

- 1 (b) Senate Bill No. 460.
- 2 (c) Senate Bill No. 461.