

**ENHANCED DRIVER LICENSE AND ENHANCED OFFICIAL STATE PERSONAL IDENTIFICATION
CARD ACT (EXCERPT)**
Act 23 of 2008

28.305 Items to be provided to secretary of state; facial image or signature; display of Social Security number or communication impediment designation prohibited; examination and verification of application and other documentation; rejection of application; retention of copies or digital images of documents or facial image; disclosure of digital images of documents; compilation or maintenance of database limited; communication impediment designation; revocation.

Sec. 5.

(1) An applicant who chooses to apply for an enhanced driver license or enhanced official state personal identification card shall provide all of the following items to the secretary of state in the manner prescribed by the secretary of state:

(a) A completed application indicating the applicant's full legal name, any legal name change resulting from the applicant's adoption, marriage, divorce, or a court order, date of birth, residence address, height, gender, eye color, Social Security number, signature, and, if applicable, the applicant's intention to be an organ donor as provided under section 307 of the Michigan vehicle code, 1949 PA 300, MCL 257.307, or section 2 of 1972 PA 222, MCL 28.292.

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

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

(d) The fee prescribed under section 6.

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

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

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

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

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

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

(f) As otherwise required by law.

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

(4) An enhanced driver license or enhanced official state personal identification card issued under this act must not display an individual's Social Security number or, if applicable, a communication impediment designation on the face of the card.

(5) The secretary of state shall examine and verify the genuineness, regularity, and legality of every application and other documentation submitted to the secretary of state for an enhanced driver license or enhanced official state personal identification card, and may in all cases investigate as the secretary of state considers necessary or require additional information, and shall reject any application if not satisfied of the genuineness, regularity, and legality of the application or supporting documentation or the truth of any statement contained in the application or supporting documentation, or for any other reason authorized by law. A decision by the secretary of state to reject an application under this subsection may be appealed under section 631 of the revised judicature act of 1961, 1961 PA 236, MCL 600.631.

(6) The secretary of state shall retain copies or digital images of documents provided by the applicant to the secretary of state under this act.

(7) The facial image of an applicant for a license or card under this act who was not issued an enhanced driver license or enhanced official state personal identification card must be retained for not less than 1 year, unless fraud is suspected, in which case a record containing the applicant's facial image and the reason for denial must be retained for not less than 10 years.

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

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

(10) The secretary of state shall, as provided under section 310 of the Michigan vehicle code, 1949 PA 300, MCL 257.310, and under section 1 of 1972 PA 222, MCL 28.291, allow an applicant for an enhanced driver license or enhanced official state personal identification card, as applicable, to elect a communication impediment designation and implement the process to allow an individual with authorized access to the law enforcement information network under the C.J.I.S. policy council act, 1974 PA 163, MCL 28.211 to 28.215, to view a communication impediment designation that the holder of an enhanced driver license or enhanced official state personal identification card has voluntarily provided to the secretary of state. The secretary of state may cancel or revoke a communication impediment designation elected and maintained under this section for the circumstances described under section 310(23) of the Michigan vehicle code, 1949 PA 300, MCL 257.310 and under section 1(16) of 1972 PA 222, MCL 28.291. The secretary of state shall provide the holder of an enhanced driver license or an enhanced official state personal identification card notice and an opportunity to be heard before canceling or revoking a communication impediment designation under this section.

History: 2008, Act 23, Imd. Eff. Mar. 13, 2008 ;-- Am. 2016, Act 422, Eff. Apr. 4, 2017 ;-- Am. 2018, Act 606, Imd. Eff. Dec. 28, 2018 ;-- Am. 2020, Act 94, Imd. Eff. June 23, 2020 ;-- Am. 2021, Act 106, Imd. Eff. Nov. 4, 2021 ;-- Am. 2023, Act 262, Eff. June 30, 2025

Compiler's Notes: Former MCL 28.301 to 28.317, deriving from Act 114 of 1939 and pertaining to kerosene inspection, were repealed by Act 47 of 1952.