

HOUSE BILL No. 6003

November 8, 2012, Introduced by Rep. Opsommer and referred to the Committee on Transportation.

A bill to amend 2008 PA 23, entitled

"Enhanced driver license and enhanced official state personal identification card act,"

by amending section 4 (MCL 28.304).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) The secretary of state may issue an enhanced
2 driver's license or enhanced official state personal identification
3 card to an applicant who provides satisfactory proof of his or her
4 full legal name, United States citizenship, identity, date of
5 birth, social security number, residence address, and a
6 photographic identity document. An applicant may choose to apply
7 for a standard driver license or standard official state personal
8 identification card or an enhanced driver license or enhanced state
9 personal identification card.

10 (2) An enhanced driver license or enhanced official state

1 personal identification card shall include reasonable security
2 measures to protect against unauthorized disclosure of personal
3 information regarding residents of this state that is contained in
4 the enhanced driver license or enhanced official state personal
5 identification card.

6 (3) An enhanced driver license or enhanced official state
7 personal identification card may include radio frequency
8 identification technology that is limited to a randomly assigned
9 number which shall be encrypted if agreed to by the department of
10 homeland security, and does not include biometric data. The
11 secretary of state shall ensure that the radio frequency
12 identification technology is secure from unauthorized data access
13 and includes reasonable security measures to protect against
14 unauthorized disclosure of personal information. An applicant shall
15 be required to sign a declaration acknowledging his or her
16 understanding of the radio frequency identification technology
17 before he or she is issued an enhanced driver license or enhanced
18 official state personal identification card.

19 (4) The requirements of this act are in addition to the
20 requirements otherwise imposed on individuals who apply for a
21 standard driver license or standard official state personal
22 identification card.

23 (5) The holder of an enhanced driver license issued under this
24 act is subject to every licensing sanction provided under the
25 Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923. As used
26 in this subsection, "licensing sanction" means the restriction,
27 suspension, revocation, or denial of a driver license; the addition

1 of points to a driving record; the assessment of a driver
2 responsibility fee; the assessment of a civil fine or criminal
3 penalty resulting from a conviction; a civil infraction
4 determination; the imposition of probationary terms and conditions;
5 or any other penalty provided under the Michigan vehicle code, 1949
6 PA 300, MCL 257.1 to 257.923.

7 (6) A PERSON SHALL NOT DO EITHER OF THE FOLLOWING:

8 (A) INTENTIONALLY OBTAIN OR ATTEMPT TO OBTAIN ENCRYPTED DATA
9 FROM AN ENHANCED DRIVER LICENSE OR ENHANCED OFFICIAL STATE PERSONAL
10 IDENTIFICATION CARD, OR READ OR OTHERWISE ACCESS THAT DATA WITHOUT
11 THE KNOWLEDGE AND CONSENT OF THE LICENSEE OR CARD HOLDER.

12 (B) SELL OR OTHERWISE DISTRIBUTE OR ATTEMPT TO SELL OR
13 OTHERWISE DISTRIBUTE DATA HE OR SHE KNOWS WAS OBTAINED IN VIOLATION
14 OF SUBDIVISION (A).

15 (C) POSSESS OR ATTEMPT TO POSSESS DATA HE OR SHE KNOWS WAS
16 OBTAINED IN VIOLATION OF SUBDIVISION (A).

17 (7) A PERSON WHO VIOLATES SUBSECTION (6) IS GUILTY OF A FELONY
18 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF
19 NOT MORE THAN \$5,000.00, OR BOTH.