

Act No. 72
Public Acts of 2021
Approved by the Governor
July 29, 2021
Filed with the Secretary of State
July 29, 2021
EFFECTIVE DATE: July 29, 2021

**STATE OF MICHIGAN
101ST LEGISLATURE
REGULAR SESSION OF 2021**

Introduced by Senators Johnson, Daley and VanderWall

ENROLLED SENATE BILL No. 508

AN ACT to amend 2008 PA 23, entitled "An act to authorize the secretary of state to issue enhanced driver licenses and state personal identification cards to United States citizens who reside in Michigan to facilitate travel between the United States and Canada; to establish certain funds and prescribe duties for certain officials; and to prohibit certain conduct and prescribe penalties," by amending sections 4 and 6 (MCL 28.304 and 28.306), section 4 as amended by 2020 PA 305 and section 6 as amended by 2020 PA 374.

The People of the State of Michigan enact:

Sec. 4. (1) The secretary of state may issue an enhanced driver license or enhanced official state personal identification card to an applicant who provides satisfactory proof of his or her full legal name, United States citizenship, identity, date of birth, Social Security number, residence address, and a photographic identity document. Beginning June 27, 2021, if the applicant is a program participant in the address confidentiality program under the address confidentiality program act, 2020 PA 301, MCL 780.851 to 780.873, he or she shall present to the secretary of state his or her participation card issued under the address confidentiality program act, 2020 PA 301, MCL 780.851 to 780.873. An applicant may choose to apply for a standard driver license or

standard official state personal identification card or an enhanced driver license or enhanced official state personal identification card.

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

(3) An enhanced driver license or enhanced official state personal identification card may include radio frequency identification technology that is limited to a randomly assigned number that must be encrypted if agreed to by the United States Department of Homeland Security, and does not include biometric data. The secretary of state shall ensure that the radio frequency identification technology is secure from unauthorized data access and includes reasonable security measures to protect against unauthorized disclosure of personal information. An applicant must sign a declaration acknowledging his or her understanding of the radio frequency identification technology before he or she is issued an enhanced driver license or enhanced official state personal identification card.

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

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

(6) The holder of an enhanced driver license issued under this act is subject to every licensing sanction provided under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923. As used in this subsection, "licensing sanction" means the restriction, suspension, revocation, or denial of a driver license; the addition of points to a driving record; until October 1, 2018, the assessment of a driver responsibility fee; the assessment of a civil fine or criminal penalty resulting from a conviction; a civil infraction determination; the imposition of probationary terms and conditions; or any other penalty provided under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

(7) Beginning June 27, 2021, upon receipt of a notice from the department of the attorney general that an individual who has been issued an enhanced driver license or enhanced official state personal identification card under this act has been certified as a program participant in the address confidentiality program, the secretary of state shall issue a corrected enhanced driver license or enhanced official state personal identification card to that individual by mailing the license or card to his or her designated address. Beginning June 27, 2021, an enhanced driver license or enhanced official state personal identification card issued under this subsection or subsection (1) to a program participant must display the individual's designated address and must not display the individual's residence address. The requirements of this subsection are in addition to the requirements for individuals who are issued a corrected standard driver license under section 310f of the Michigan vehicle code, 1949 PA 300, MCL 257.310f, or a corrected official state personal identification card under section 2a of 1972 PA 222, MCL 28.292a.

(8) As used in this section:

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

(b) "Designated address" means that term as defined in section 3 of the address confidentiality program act, 2020 PA 301, MCL 780.853.

(c) "Program participant" means that term as defined in section 3 of the address confidentiality program act, 2020 PA 301, MCL 780.853.

Sec. 6. (1) An application for an original enhanced driver license or enhanced official state personal identification card must be accompanied by payment of a fee of not more than \$50.00.

(2) The renewal fee for an enhanced driver license or enhanced official state personal identification card renewed under this act must be not more than \$50.00. Subject to subsection (9), if an enhanced driver license or enhanced official state personal identification card is expired at the time of renewal, the fee must be the same as the fee provided under subsection (1). If the secretary of state receives an application to renew an enhanced driver license or enhanced official state personal identification card that expires on or after March 1, 2020 before March 31, 2021, the secretary of state shall process the application as a renewal of an existing enhanced driver license or enhanced official state personal identification card. If the secretary of state receives an application to renew an enhanced driver license or enhanced official state personal identification card that expires after March 31, 2021 but before August 1, 2021, the secretary of state shall process the application as a renewal of an

existing enhanced driver license or enhanced official state personal identification card until 120 days after the date of the expiration.

(3) Money from fees collected under subsections (1) and (2) must be deposited into the enhanced driver license and enhanced official state personal identification card fund created in section 7 after distribution as follows:

(a) The secretary of state shall refund to each county or municipality acting as an examining officer or examining bureau \$2.50 for each applicant examined for an original enhanced driver license, if the application is not denied and the money refunded is paid to the county or local treasurer and is appropriated to the county, municipality, or officer or bureau receiving the money for the purpose of carrying out this act.

(b) The state treasurer shall deposit the sum of \$4.00 to the traffic law enforcement and safety fund created in section 819a of the Michigan vehicle code, 1949 PA 300, MCL 257.819a, for each person examined for an original or renewal enhanced driver license.

(c) Four dollars and 50 cents of an original enhanced driver license and \$6.00 of a renewal enhanced driver license must be appropriated to the transportation economic development fund established in section 2 of 1987 PA 231, MCL 247.902, and must not be appropriated for any other purpose in any act making appropriations of state funds.

(d) The money remaining after distributions are made under subdivisions (a) through (c) must remain in the enhanced driver license and enhanced official state personal identification card fund created under section 7.

(4) The secretary of state may assess a fee for issuing a duplicate or corrected enhanced driver license or enhanced official state personal identification card. A fee assessed under this subsection must not exceed the following amounts:

(a) Thirty dollars for an enhanced driver license that is an operator's license.

(b) Forty dollars for an enhanced driver license that is a chauffeur's license.

(c) Thirty dollars for an enhanced official state personal identification card.

(5) A fee must not be charged under subsection (4) for a change of address, to correct a departmental error, or to add or remove a heart insignia described in section 310 of the Michigan vehicle code, 1949 PA 300, MCL 257.310.

(6) Fees collected under subsection (4) must be deposited to the enhanced driver license and enhanced official state personal identification card fund created under section 7.

(7) A fee paid under this section is nonrefundable, except for administrative error.

(8) Subject to subsection (9), the secretary of state shall not assess a late renewal fee for an enhanced driver license or enhanced official state personal identification card that expires on or after March 1, 2020 and is renewed before March 31, 2021. Subject to subsection (9), both of the following apply:

(a) The secretary of state shall not assess a late renewal fee for an enhanced driver license or enhanced official state personal identification card that expires after March 31, 2021 but before August 1, 2021 and is renewed within 120 days after the date of the expiration.

(b) The secretary of state shall, upon an applicant's request, reimburse a late renewal fee assessed and collected for an enhanced driver license or enhanced official state personal identification card that expires after March 31, 2021 but before August 1, 2021 and is renewed within 120 days after the date of the expiration of the enhanced driver license or enhanced official state personal identification card.

(9) Notwithstanding any other provision of this act, if on the effective date of this amendatory act, the secretary of state does not provide adequate in-person services, the secretary of state shall not assess a late renewal fee under this act until the secretary of state resumes providing adequate in-person services. As used in this subsection, "adequate in-person services" means providing in-person service options, without the requirement of an advance appointment, on each day and at each location a secretary of state branch office is open for services in this state. The in-person services provided must allow for same-day transactions to be completed.

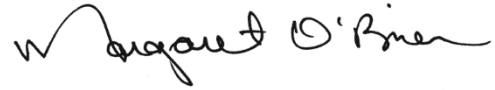
Enacting section 1. Sections 4(4) and 6(2) and (8) of the enhanced driver license and enhanced official state personal identification card act, 2008 PA 23, MCL 28.304 and 28.306, as amended by this amendatory act, are intended to be retroactive and apply retroactively.

Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 101st Legislature are enacted into law:

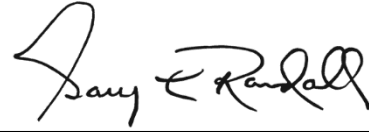
(a) Senate Bill No. 507.

(b) Senate Bill No. 509.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved _____

Governor

Compiler's note: Senate Bill No. 507, referred to in enacting section 2, was filed with the Secretary of State July 29, 2021, and became 2021 PA 71, Imd. Eff. July 29, 2021.

Senate Bill No. 509, also referred to in enacting section 2, was filed with the Secretary of State July 29, 2021, and became 2021 PA 73, Imd. Eff. July 29, 2021.