ENHANCED DRIVER LICENSE AND ENHANCED OFFICIAL STATE PERSONAL IDENTIFICATION CARD ACT

Act 23 of 2008

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.

History: 2008, Act 23, Imd. Eff. Mar. 13, 2008

The People of the State of Michigan enact:

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28.301 Short title.

Sec. 1.

This act shall be known and may be cited as the "enhanced driver license and enhanced official state personal identification card act".

History: 2008, Act 23, Imd. Eff. Mar. 13, 2008
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Notes: Former MCL 28.301 to 28.317, deriving from Act 114 of 1939 and pertaining to kerosene inspection, were repealed by Act 47 of 1952.

28.302 Definitions.

Sec. 2.

As used in this act:

(a) "Enhanced driver license" means an operator's or chauffeur's license issued to an individual under this act for the following purposes:

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

(ii) Use in the same manner as a standard driver license.

(b) "Enhanced official state personal identification card" means an official state personal identification card issued under this act to an individual who is a United States citizen who resides in this state for the following purposes:

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

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

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

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

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

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

(g) "Standard official state personal identification card" means an official state personal identification card issued under 1972 PA 222, MCL 28.291 to 28.300.

History: 2008, Act 23, Imd. Eff. Mar. 13, 2008
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.

28.303 Memorandum of understanding with federal agency; agreement to implement border-crossing initiative.

Sec. 3.

(1) The secretary of state with the approval of the state administrative board created under 1921 PA 2, MCL 17.1 to 17.3, may enter into a memorandum of understanding with any federal agency for the purpose of obtaining approval of an enhanced driver license or enhanced official state personal identification card as proof of identity and citizenship for persons entering the United States at land and sea ports.

(2) In conjunction with a federal agency and with the approval of the state administrative board created under 1921 PA 2, MCL 17.1 to 17.3, the secretary of state may enter into an agreement with the United Mexican States, Canada, or a Canadian province for the purpose of implementing a border-crossing initiative.

History: 2008, Act 23, Imd. Eff. Mar. 13, 2008
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.

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28.304 Enhanced driver license or enhanced official state personal identification card; issuance; security measures; radio frequency identification technology; requirements in addition to requirements for standard driver license or official state personal identification card; licensing sanction; issuance of corrected license or card for address confidentiality program participants; definitions.

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 the applicant's 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, the applicant shall present to the secretary of state the applicant's 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 the applicant's understanding of the radio frequency identification technology before the applicant 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; 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 the individual's 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.

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History: 2008, Act 23, Imd. Eff. Mar. 13, 2008 ;-- Am. 2018, Act 47, Imd. Eff. Mar. 1, 2018 ;-- Am. 2020, Act 129, Imd. Eff. July 1, 2020 ;-- Am. 2020, Act 243, Imd. Eff. Oct. 28, 2020 ;-- Am. 2020, Act 305, Imd. Eff. Dec. 29, 2020 ;-- Am. 2021, Act 72, Imd. Eff. July 29, 2021 ;-- Am. 2024, Act 114, Eff. Apr. 2, 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.Enacting section 1 of Act 72 of 2021 provides:"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."

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

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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.

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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.

28.306 Fees; late renewal fee exceptions; adequate in-person services.

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.

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(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.

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History: 2008, Act 23, Imd. Eff. Mar. 13, 2008 ;-- Am. 2009, Act 211, Imd. Eff. Jan. 4, 2010 ;-- Am. 2020, Act 129, Imd. Eff. July 1, 2020 ;-- Am. 2020, Act 243, Imd. Eff. Oct. 28, 2020 ;-- Am. 2020, Act 374, Imd. Eff. Jan. 4, 2021 ;-- Am. 2021, Act 72, Imd. Eff. July 29, 2021
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.Enacting section 1 of Act 72 of 2021 provides:"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."

28.307 Enhanced driver license and enhanced official state personal identification card fund; creation; disposition of money and assets; investment; money remaining at close of fiscal year; secretary of state as administrator; expenditure.

Sec. 7.

(1) The enhanced driver license and enhanced official state personal identification card fund is created within the state treasury.

(2) The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund.

(3) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

(4) The secretary of state shall be the administrator of the fund for auditing purposes.

(5) The secretary of state shall expend money from the fund, upon appropriation, to pay the necessary expenses incurred by the secretary of state in the administration and enforcement of this act.

History: 2008, Act 23, Imd. Eff. Mar. 13, 2008
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.

28.308 Conduct as felony; penalty.

Sec. 8.

A person who makes a false certification or statement in applying for an enhanced driver license or enhanced official state personal identification card is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $5,000.00, or both.

History: 2008, Act 23, Imd. Eff. Mar. 13, 2008
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.

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