

**HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 404**

A bill to amend 1972 PA 222, entitled

"An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes,"

by amending section 2 (MCL 28.292), as amended by 2018 PA 176.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 2. (1) An official state personal identification card  
2 must contain the following:

3       (a) An identification number permanently assigned to the  
4 individual to whom the card is issued.

5       (b) The full legal name, date of birth, sex, residence  
6 address, height, weight, eye color, digital photographic image,  
7 signature of or verification and certification by the applicant, as

1 determined by the secretary of state, and expiration date of the  
2 official state personal identification card. If an official state  
3 personal identification card is issued to an individual described  
4 in section 1(5) who has temporary lawful status, the official state  
5 personal identification card ~~shall~~**MUST** be issued in compliance  
6 with 6 CFR 37.21 or in compliance with the process established to  
7 comply with 6 CFR 37.71 by the secretary of state. As used in this  
8 subdivision, "temporary lawful status" means that term as defined  
9 in 6 CFR 37.3.

10 (c) An indication that the identification card contains 1 or  
11 more of the following:

- 12 (i) The blood type of the individual.
- 13 (ii) Immunization data of the individual.
- 14 (iii) Medication data of the individual.
- 15 (iv) A statement that the individual is deaf.

16 (d) In the case of a holder of an official state personal  
17 identification card who has indicated his or her wish to  
18 participate in the anatomical gift donor registry under part 101 of  
19 the public health code, 1978 PA 368, MCL 333.10101 to 333.10123, a  
20 heart insignia on the front of the official state personal  
21 identification card.

22 (e) If requested by an individual who is a veteran as that  
23 term is defined in section 1 of 1965 PA 190, MCL 35.61, a  
24 designation that the individual is a veteran. The designation ~~shall~~  
25 **MUST** be in a style and format considered appropriate by the  
26 secretary of state. The secretary of state shall require proof of  
27 discharge or separation of service from the armed forces of this

1 state, another state, or the United States, and the nature of that  
2 discharge, for the purposes of verifying an individual's status as  
3 a veteran under this subdivision. The secretary of state shall  
4 consult with the department of military and veterans affairs in  
5 determining the proof that ~~shall~~**MUST** be required to identify an  
6 individual's status as a veteran for the purposes of this  
7 subsection. The secretary of state may provide the department of  
8 military and veterans affairs and agencies of the counties of this  
9 state that provide veteran services with information provided by an  
10 applicant under this subsection for the purpose of veterans'  
11 benefits eligibility referral.

12 (f) Physical security features designed to prevent tampering,  
13 counterfeiting, or duplication of the official state personal  
14 identification card for fraudulent purposes.

15 (2) In conjunction with the application for an official state  
16 personal identification card, the secretary of state shall do all  
17 of the following:

18 (a) Provide the applicant with all of the following:

19 (i) Information explaining the applicant's right to make an  
20 anatomical gift in the event of death under part 101 of the public  
21 health code, 1978 PA 368, MCL 333.10101 to 333.10123, and in  
22 accordance with this section.

23 (ii) Information describing the donor registry program  
24 maintained by Michigan's federally designated organ procurement  
25 organization or its successor organization under section 10120 of  
26 the public health code, 1978 PA 368, MCL 333.10120. The information  
27 required under this subparagraph includes the address and telephone

1 number of Michigan's federally designated organ procurement  
2 organization or its successor organization as described in section  
3 10120 of the public health code, 1978 PA 368, MCL 333.10120.

4 (iii) Information giving the applicant the opportunity to have  
5 his or her name placed on the registry described in subparagraph  
6 (ii) .

7 (b) Provide the applicant with the opportunity to specify on  
8 his or her official state personal identification card that he or  
9 she is willing to make an anatomical gift in the event of death  
10 under part 101 of the public health code, 1978 PA 368, MCL  
11 333.10101 to 333.10123, and in accordance with this section.

12 (c) Inform the applicant that, if he or she indicates to the  
13 secretary of state under this section a willingness to have his or  
14 her name placed on the donor registry described in subdivision  
15 (a) (ii) , the secretary of state will mark the applicant's record  
16 for the donor registry.

17 (3) The secretary of state may fulfill the requirements of  
18 subsection (2) by 1 or more of the following methods:

19 (a) Providing printed material enclosed with a mailed notice  
20 for the issuance or renewal of an official state personal  
21 identification card.

22 (b) Providing printed material to an applicant who personally  
23 appears at a secretary of state branch office.

24 (c) Through electronic information transmittals for  
25 applications processed by electronic means.

26 (4) The secretary of state shall prescribe the form of the  
27 official state personal identification card. The secretary of state

1 shall designate a space on the official state personal  
2 identification card where the applicant may place a sticker or  
3 decal of a uniform size as the secretary may specify to indicate  
4 that the cardholder carries a separate emergency medical  
5 information card. The sticker or decal may be provided by any  
6 person, hospital, school, medical group, or association interested  
7 in assisting in implementing the emergency medical information  
8 card, but must meet the specifications of the secretary of state.  
9 The sticker or decal also may be used to indicate that the  
10 cardholder has designated 1 or more patient advocates in accordance  
11 with section 5506 of the estates and protected individuals code,  
12 1998 PA 386, MCL 700.5506. The emergency medical information card,  
13 carried separately by the cardholder, may contain the information  
14 described in subsection (2)(c), information concerning the  
15 cardholder's patient advocate designation, other emergency medical  
16 information, or an indication as to where the cardholder has stored  
17 or registered emergency medical information. An original official  
18 state personal identification card or the renewal of an existing  
19 official state personal identification card issued to an individual  
20 less than 21 years of age must be portrait or vertical in form, and  
21 an official state personal identification card issued to an  
22 individual 21 years of age or over must be landscape or horizontal  
23 in form. Except as otherwise required in this act, other  
24 information required on the official state personal identification  
25 card under this act may appear on the official state personal  
26 identification card in a form prescribed by the secretary of state.  
27 (5) The official state personal identification card must not

1 contain a fingerprint or finger image of the applicant.

2 (6) Except as provided in this subsection, the secretary of  
3 state shall retain and use an individual's digital photographic  
4 image and signature described in subsection (1)(b) only for  
5 programs administered by the secretary of state as specifically  
6 authorized by law. An individual's digital photographic image or  
7 signature must only be used as follows:

8 (a) By a federal, state, or local governmental agency for a  
9 law enforcement purpose authorized by law.

10 (b) By the secretary of state for a use specifically  
11 authorized by law.

12 (c) ~~For~~**BY** the secretary of state ~~to forward~~**FOR FORWARDING** to  
13 the department of state police the images of individuals required  
14 to be registered under the sex offenders registration act, 1994 PA  
15 295, MCL 28.721 to 28.736, upon the department of state police  
16 providing the secretary of state an updated list of those  
17 individuals.

18 (d) ~~For~~**BY** the secretary of state ~~to forward~~**FOR FORWARDING** to  
19 the department of state police a digitized photograph taken of the  
20 applicant for an official state personal identification card for  
21 use as provided in section 5c of 1927 PA 372, MCL 28.425c.

22 (e) As necessary to comply with a law of this state or the  
23 United States.

24 (7) If an individual presents evidence of statutory blindness  
25 as provided in 1978 PA 260, MCL 393.351 to 393.368, and is issued  
26 or is the holder of an official state personal identification card,  
27 the secretary of state shall mark the individual's official state

1 personal identification card in a manner that clearly indicates  
2 that the cardholder is legally blind.

3 (8) The secretary of state shall maintain a record of an  
4 individual who indicates a willingness to have his or her name  
5 placed on the donor registry described in subsection (2) (a) (ii) .  
6 Information about an individual's indication of a willingness to  
7 have his or her name placed on the donor registry that is obtained  
8 by the secretary of state and forwarded under this section is  
9 exempt from disclosure under section 13(1)(d) of the freedom of  
10 information act, 1976 PA 442, MCL 15.243. As required in section  
11 10120 of the public health code, 1978 PA 368, MCL 333.10120, the  
12 secretary of state shall establish and maintain the donor registry  
13 in a manner that complies with that section and that provides  
14 electronic access, including, but not limited to, the transfer of  
15 data to this state's federally designated organ procurement  
16 organization or its successor organization, tissue banks, and eye  
17 banks.

18 (9) An official state personal identification card may contain  
19 an identifier for voter registration purposes.

20 (10) An official state personal identification card must  
21 contain information appearing in electronic or machine readable  
22 codes needed to conduct a transaction with the secretary of state.  
23 The information must be limited to the information described in  
24 subsection (1) (a) and (b) except for the person's digital  
25 photographic image and signature or verification and certification,  
26 state of issuance, and other information necessary for use with  
27 electronic devices, machine readers, or automatic teller machines

1 and must not contain the individual's driving record or other  
2 personal identifier. The official state personal identification  
3 card must identify the encoded information.

4 (11) An official state personal identification card must be  
5 issued only upon authorization of the secretary of state, and must  
6 be manufactured in a manner to prohibit as nearly as possible the  
7 ability to reproduce, alter, counterfeit, forge, or duplicate the  
8 official state personal identification card without ready  
9 detection.

10 (12) Except as otherwise provided in this act, an applicant  
11 shall pay a fee of \$10.00 to the secretary of state for each  
12 original or renewal official state personal identification card  
13 issued. The department of treasury shall deposit the fees received  
14 and collected under this section in the state treasury to the  
15 credit of the general fund. The legislature shall appropriate the  
16 fees credited to the general fund under this act to the secretary  
17 of state for the administration of this act. Appropriations from  
18 the Michigan transportation fund created under section 10 of 1951  
19 PA 51, MCL 247.660, must not be used to compensate the secretary of  
20 state for costs incurred and services performed under this section.

21 (13) An original or renewal official state personal  
22 identification card expires on the birthday of the individual to  
23 whom it is issued in the fourth year following the date of issuance  
24 or on the date the individual is no longer considered to be legally  
25 present in the United States under section 1, whichever is earlier.  
26 The secretary of state shall not issue an official state personal  
27 identification card under this act for a period greater than 4



years. Except as provided in this subsection, the secretary of state may issue a renewal official state personal identification card for 1 additional 4-year period by mail or by other methods prescribed by the secretary of state. The secretary of state shall require renewal in person by an individual required under section 5a of the sex offenders registration act, 1994 PA 295, MCL 28.725a, to maintain a valid operator's or chauffeur's license or official state personal identification card.

(14) The secretary of state shall waive the fee under this section if the applicant is any of the following:

(a) An individual 65 years of age or older.

(b) An individual who has had his or her operator's or chauffeur's license suspended, revoked, or denied under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, because of a mental or physical infirmity or disability.

(c) An individual who presents evidence of statutory blindness as provided in 1978 PA 260, MCL 393.351 to 393.368.

(d) An individual who presents ~~other good cause for a fee waiver.~~ **EVIDENCE OF 1 OR MORE OF THE FOLLOWING:**

**(i) A NOTICE OF CASE ACTION FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES INDICATING THAT THE INDIVIDUAL IS A PARTICIPANT IN 1 OR BOTH OF THE FOLLOWING PROGRAMS AND IS MAKING HIS OR HER APPLICATION FOR AN OFFICIAL STATE PERSONAL IDENTIFICATION CARD DURING A PERIOD IN WHICH HE OR SHE IS RECEIVING BENEFITS:**

**(A) THE FAMILY INDEPENDENCE PROGRAM.**

**(B) THE STATE DISABILITY ASSISTANCE PROGRAM.**

**(ii) A UNITED STATES SOCIAL SECURITY ADMINISTRATION BENEFIT**

1 AWARD LETTER INDICATING THE APPLICANT IS CURRENTLY RECEIVING  
2 PAYMENTS UNDER THE FEDERAL SUPPLEMENTAL SECURITY INCOME PROGRAM AS  
3 THAT TERM IS DEFINED IN SECTION 57 OF THE SOCIAL WELFARE ACT, 1939  
4 PA 280, MCL 400.57, OR THE SOCIAL SECURITY DISABILITY INCOME  
5 PROGRAM.

6 (iii) A UNITED STATES SOCIAL SECURITY ADMINISTRATION BENEFIT  
7 VERIFICATION LETTER INDICATING THE APPLICANT IS CURRENTLY RECEIVING  
8 PAYMENTS UNDER THE FEDERAL SUPPLEMENTAL SECURITY INCOME PROGRAM AS  
9 THAT TERM IS DEFINED IN SECTION 57 OF THE SOCIAL WELFARE ACT, 1939  
10 PA 280, MCL 400.57, OR THE SOCIAL SECURITY DISABILITY INCOME  
11 PROGRAM.

12 (e) An individual who decides to add or remove a heart  
13 insignia described in subsection (1)(d).

14 (F) AN INDIVIDUAL WHO IS A VETERAN AS THAT TERM IS DEFINED IN  
15 SECTION 1 OF 1965 PA 190, MCL 35.61. THE SECRETARY OF STATE SHALL  
16 REQUIRE AN INDIVIDUAL WHO SEEKS A WAIVER OF THE FEE UNDER THIS  
17 SUBDIVISION TO PROVIDE THE SECRETARY OF STATE THE SAME  
18 DOCUMENTATION REQUIRED FOR A VETERAN DESIGNATION UNDER SUBSECTION  
19 (1)(E) BEFORE GRANTING THE FEE WAIVER.

20 (G) AN INDIVIDUAL WHO PRESENTS BOTH OF THE FOLLOWING:

21 (i) A HOMELESS VERIFICATION LETTER THAT STATES THAT THE  
22 INDIVIDUAL MEETS THE DEFINITION OF CATEGORY 1 HOMELESS AS THAT TERM  
23 IS DEFINED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN  
24 DEVELOPMENT. A LETTER PROVIDED AS EVIDENCE UNDER THIS SUBPARAGRAPH  
25 MUST BE SUBMITTED ON THE OFFICIAL LETTERHEAD OF A PUBLIC SERVICE  
26 AGENCY. THE DEPARTMENT MAY VERIFY THE INFORMATION CONTAINED IN THE  
27 LETTER WITH THE AGENCY OF ISSUANCE BEFORE ISSUING AN OFFICIAL STATE

1   **PERSONAL IDENTIFICATION CARD.**

2           **(ii) A PHOTO IDENTIFICATION CARD GENERATED FROM THE UNITED**  
3   **STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT HOMELESS**  
4   **MANAGEMENT INFORMATION SYSTEM.**

5           (15) An individual who has been issued an official state  
6   personal identification card shall apply for a renewal official  
7   state personal identification card if the individual changes his or  
8   her name.

9           (16) An individual who has been issued an official state  
10   personal identification card shall apply for a corrected  
11   identification card if he or she changes his or her residence  
12   address. The secretary of state may correct the address on an  
13   official state personal identification card by a method prescribed  
14   by the secretary of state. A fee must not be charged for a change  
15   of residence address.

16          (17) An individual who has been issued an official state  
17   personal identification card may apply for a renewal official state  
18   personal identification card for 1 or more of the following  
19   reasons:

20          (a) The individual wants to change any information on the  
21   official state personal identification card.

22          (b) An official state personal identification card issued  
23   under this act is lost, destroyed, or mutilated, or becomes  
24   illegible.

25          (18) An individual may indicate on an official state personal  
26   identification card in a place designated by the secretary of state  
27   his or her blood type, emergency contact information, immunization

1 data, medication data, or a statement that the individual is deaf.

2 (19) No later than January 1, 2017, the secretary of state  
3 shall develop and shall, in conjunction with the department of  
4 state police, implement a process using the L.E.I.N. or any other  
5 appropriate system that limits access to law enforcement that  
6 allows law enforcement agencies of this state to access emergency  
7 contact information that the holder of an official state personal  
8 identification card has voluntarily provided to the secretary of  
9 state. As used in this subsection, "emergency contact information"  
10 means the name, telephone number, or address of an individual that  
11 is used for the sole purpose of contacting that individual when the  
12 holder of an official state personal identification card has been  
13 involved in an emergency.

14 (20) If an applicant provides proof to the secretary of state  
15 that he or she is a minor who has been emancipated under 1968 PA  
16 293, MCL 722.1 to 722.6, the official state personal identification  
17 card must bear the designation of the individual's emancipated  
18 status in a manner prescribed by the secretary of state.

19 (21) The secretary of state shall inquire of each individual  
20 who applies for or who holds an official state personal  
21 identification card, in person or by mail, whether he or she agrees  
22 to participate in the anatomical gift donor registry under part 101  
23 of the public health code, 1978 PA 368, MCL 333.10101 to 333.10123.  
24 An individual who has agreed to participate in the donor registry  
25 is not considered to have revoked that agreement solely because the  
26 individual's official state personal identification card has  
27 expired. Enrollment in the donor registry is a legal agreement that

1 remains binding and in effect after the donor's death regardless of  
2 the expressed desires of the deceased donor's next of kin who may  
3 oppose the donor's anatomical gift.

4 (22) A valid official state personal identification card  
5 presented by the individual to whom the card is issued is  
6 considered the same as a valid state of Michigan driver license  
7 when identification is requested except as otherwise specifically  
8 provided by law.

9 Enacting section 1. This amendatory act takes effect 90 days  
10 after the date it is enacted into law.