

SENATE SUBSTITUTE FOR

HOUSE BILL NO. 4031

(Act title updated April 30, 1998)

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; and to prescribe certain penalties for violations,"

by amending section 2 (MCL 28.292), as amended by 1998 PA 2.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) The official state personal identification card
2 shall contain the following:

3 (a) An identification number permanently assigned to the
4 person.

5 (b) The full name, date of birth, sex, residential address,
6 height, weight, eye color, image, and signature of the person to
7 whom the identification card is issued.

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

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1 (i) The blood type of the person.
2 (ii) Immunization data of the person.
3 (iii) Medication data of the person.
4 (iv) A statement that the person is deaf.
5 (v) A statement that the person ~~has made an anatomical~~
6 ~~gift~~ IS AN ORGAN AND TISSUE DONOR PURSUANT TO PART 101 OF THE
7 PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.10101 TO 333.10109. IF
8 THE IDENTIFICATION CARD CONTAINS SUCH A STATEMENT, THE STATEMENT
9 SHALL INCLUDE THE SIGNATURE OF THE PERSON, ALONG WITH THE SIGNA-
10 TURE OF AT LEAST 1 WITNESS.

11 (vi) Emergency contact information of the person.

12 (2) IN CONJUNCTION WITH THE ISSUANCE OF AN OFFICIAL STATE
13 PERSONAL IDENTIFICATION CARD, THE SECRETARY OF STATE SHALL DO ALL
14 OF THE FOLLOWING:

15 (A) PROVIDE THE APPLICANT WITH ALL OF THE FOLLOWING:

16 (i) WRITTEN INFORMATION EXPLAINING THE APPLICANT'S RIGHT TO
17 MAKE AN ANATOMICAL GIFT IN THE EVENT OF DEATH PURSUANT TO PART
18 101 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.10101 TO
19 333.10109, AND IN ACCORDANCE WITH THIS SECTION.

20 (ii) WRITTEN INFORMATION DESCRIBING THE ORGAN DONATION REG-
21 ISTRY PROGRAM MAINTAINED BY MICHIGAN'S FEDERALLY DESIGNATED ORGAN
22 PROCUREMENT ORGANIZATION OR ITS SUCCESSOR ORGANIZATION. THE
23 WRITTEN INFORMATION REQUIRED UNDER THIS SUBPARAGRAPH SHALL
24 INCLUDE, IN A TYPE SIZE AND FORMAT THAT IS CONSPICUOUS IN RELA-
25 TION TO THE SURROUNDING MATERIAL, THE ADDRESS AND TELEPHONE
26 NUMBER OF MICHIGAN'S FEDERALLY DESIGNATED ORGAN PROCUREMENT
27 ORGANIZATION OR ITS SUCCESSOR ORGANIZATION, ALONG WITH AN

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1 ADVISORY TO CALL MICHIGAN'S FEDERALLY DESIGNATED ORGAN
2 PROCUREMENT ORGANIZATION OR ITS SUCCESSOR ORGANIZATION WITH QUES-
3 TIONS ABOUT THE ORGAN DONOR REGISTRY PROGRAM.

4 (iii) WRITTEN INFORMATION GIVING THE APPLICANT THE OPPORTU-
5 NITY TO HAVE HIS OR HER NAME PLACED ON THE ORGAN DONOR REGISTRY
6 DESCRIBED IN SUBPARAGRAPH (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 PURSUANT TO PART 101 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL
11 333.10101 TO 333.10109, AND IN ACCORDANCE WITH THIS SECTION.

12 (C) INFORM THE APPLICANT IN WRITING THAT, IF HE OR SHE INDI-
13 CATES TO THE SECRETARY OF STATE UNDER THIS SECTION A WILLINGNESS
14 TO HAVE HIS OR HER NAME PLACED ON THE ORGAN DONOR REGISTRY
15 DESCRIBED IN SUBDIVISION (A)(ii), THE SECRETARY OF STATE WILL
16 FORWARD THE APPLICANT'S NAME AND ADDRESS TO THE ORGAN DONATION
17 REGISTRY MAINTAINED BY MICHIGAN'S FEDERALLY DESIGNATED ORGAN PRO-
18 CUREMENT ORGANIZATION OR ITS SUCCESSOR ORGANIZATION, PURSUANT TO
19 SUBSECTION (4).

20 (3) THE SECRETARY OF STATE MAY FULFILL THE REQUIREMENTS OF
21 SUBSECTION (2) BY 1 OR MORE OF THE FOLLOWING METHODS:

22 (A) PROVIDING PRINTED MATERIAL ENCLOSED WITH A MAILED NOTICE
23 FOR THE ISSUANCE OR RENEWAL OF AN OFFICIAL STATE PERSONAL IDENTI-
24 FICATION CARD.

25 (B) PROVIDING PRINTED MATERIAL TO AN APPLICANT WHO PERSON-
26 ALLY APPEARS AT A SECRETARY OF STATE BRANCH OFFICE.

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1 (C) THROUGH ELECTRONIC INFORMATION TRANSMITTALS FOR
2 APPLICATIONS PROCESSED BY ELECTRONIC MEANS.

3 (4) IF AN APPLICANT INDICATES A WILLINGNESS UNDER THIS SEC-
4 TION TO HAVE HIS OR HER NAME PLACED ON THE ORGAN DONOR REGISTRY
5 DESCRIBED IN SUBSECTION (2)(A)(ii), THE SECRETARY OF STATE SHALL
6 WITHIN 10 DAYS FORWARD THE APPLICANT'S NAME AND ADDRESS TO THE
7 ORGAN DONOR REGISTRY MAINTAINED BY MICHIGAN'S FEDERALLY DESIG-
8 NATED ORGAN PROCUREMENT ORGANIZATION OR ITS SUCCESSOR
9 ORGANIZATION. THE SECRETARY OF STATE MAY FORWARD INFORMATION
10 UNDER THIS SUBSECTION BY MAIL OR BY ELECTRONIC MEANS. THE SECRE-
11 TARY OF STATE SHALL NOT MAINTAIN A RECORD OF THE NAME OR ADDRESS
12 OF AN INDIVIDUAL WHO INDICATES A WILLINGNESS TO HAVE HIS OR HER
13 NAME PLACED ON THE ORGAN DONOR REGISTRY AFTER FORWARDING THAT
14 INFORMATION TO THE ORGAN DONOR REGISTRY UNDER THIS SUBSECTION.
15 INFORMATION ABOUT AN APPLICANT'S INDICATION OF A WILLINGNESS TO
16 HAVE HIS OR HER NAME PLACED ON THE ORGAN DONOR REGISTRY OBTAINED
17 BY THE SECRETARY OF STATE UNDER SUBSECTION (2) AND FORWARDED
18 UNDER THIS SUBSECTION IS EXEMPT FROM DISCLOSURE UNDER THE FREEDOM
19 OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246, PURSUANT
20 TO SECTION 13(1)(D) OF THE FREEDOM OF INFORMATION ACT, 1976 PA
21 442, MCL 15.243.

22 (5) ~~(2)~~ The secretary of state shall prescribe the form of
23 the identification card. Except as otherwise required in this
24 act, other information required on the identification card pursu-
25 ant to this act may appear on the identification card in a form
26 prescribed by the secretary of state.

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1 (6) ~~-(3)-~~ The identification card shall not contain a
2 fingerprint or finger image of the applicant.

3 (7) ~~-(4)-~~ The secretary of state may retain and use a
4 person's image described in subsection (1)(b) only for programs
5 administered by the secretary of state. Except as provided in
6 this subsection, the secretary of state shall not use a person's
7 image unless written permission for that purpose is granted by
8 the person to the secretary of state or specific enabling legis-
9 lation permitting the use is enacted into law. A law enforcement
10 agency of this state shall have access to any information
11 retained by the secretary of state under this subsection. The
12 information may be utilized for any law enforcement purpose
13 unless otherwise prohibited by law.

14 (8) ~~-(5)-~~ If a person presents evidence of statutory blind-
15 ness as provided in 1978 PA 260, MCL 393.351 to 393.368, and is
16 issued or is the holder of an official state personal identifica-
17 tion card, the secretary of state shall mark the person's identi-
18 fication card in a manner that clearly indicates that the card-
19 holder is legally blind.

20 (9) ~~-(6)-~~ If the secretary of state issues an official state
21 personal identification card to a person who at the time of
22 application is 20-1/2 years of age or less, the secretary of
23 state shall mark the person's identification card in a manner
24 that clearly indicates that the cardholder is less than 21 years
25 of age.

26 (10) ~~-(7)-~~ An official state personal identification card
27 may contain an identifier for voter registration purposes. An

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1 official state personal identification card may contain
2 information appearing in electronic or machine readable codes
3 needed to conduct a transaction with the secretary of state. The
4 information shall be limited to the person's identification card
5 number, birth date, expiration date, and other information neces-
6 sary for use with electronic devices, machine readers, or auto-
7 matic teller machines and shall not contain the person's name,
8 address, driving record, or other personal identifier. The iden-
9 tification card shall identify the encoded information.

10 (11) ~~-(8)-~~ An official state personal identification card
11 shall be issued only upon authorization of the secretary of
12 state, and shall be manufactured in a manner to prohibit as
13 nearly as possible the ability to reproduce, alter, counterfeit,
14 forge, or duplicate the identification card without ready
15 detection.

16 (12) ~~-(9)-~~ Except as otherwise provided in this act, an
17 applicant shall pay a fee of \$6.00 to the secretary of state for
18 each original or renewal identification card issued. Until
19 January 1, 2002, a service fee of \$1.00 shall be added to each
20 fee collected for an original or renewal identification card.
21 The department of treasury shall deposit the fees received and
22 collected under this section in the state treasury to the credit
23 of the general fund. The legislature shall appropriate the fees
24 credited to the general fund under this act to the secretary of
25 state for the administration of this act. Appropriations from
26 the Michigan transportation fund shall not be used to compensate

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1 the secretary of state for costs incurred and services performed
2 under this section.

3 (13) ~~(10)~~ An original or renewal official state personal
4 identification card shall expire on the birthday of the person to
5 whom it is issued in the fourth year following the date of
6 issuance. The secretary of state shall not issue an official
7 state personal identification card under this act for a period
8 greater than 4 years. A person may apply for a renewal of an
9 official state personal identification card by mail or by other
10 methods prescribed by the secretary of state.

11 (14) ~~(11)~~ The secretary of state shall waive the fee under
12 this section if the applicant is a person 65 years of age or
13 older, is a person who has had his or her operator's or
14 chauffeur's license suspended, revoked, or denied under the
15 Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, because
16 of a mental or physical infirmity or disability, is a person who
17 presents evidence of statutory blindness as provided in 1978
18 PA 260, MCL 393.351 to 393.368, or is a person who presents other
19 good cause for a fee waiver.

20 (15) ~~(12)~~ A person who has been issued an official state
21 personal identification card shall apply for a renewal official
22 state personal identification card if the person changes his or
23 her name.

24 (16) ~~(13)~~ A person who has been issued an official state
25 personal identification card shall apply for a corrected identi-
26 fication card if he or she changes his or her residential
27 address. The secretary of state may correct the address on an

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1 identification card by a method prescribed by the secretary of
2 state. A fee shall not be charged for a change of residential
3 address.

4 (17) ~~(14)~~ Except as otherwise provided in subsections
5 ~~(12) and (13)~~ (15) AND (16), a person who has been issued an
6 official state personal identification card may apply for a
7 renewal official state personal identification card for 1 or more
8 of the following reasons:

9 (a) The person wants to change any information on the iden-
10 tification card.

11 (b) An identification card issued under this act is lost,
12 destroyed, or mutilated, or becomes illegible.

13 (18) ~~(15)~~ A person may indicate on an official state per-
14 sonal identification card in a place designated by the secretary
15 of state his or her blood type, emergency contact information,
16 immunization data, medication data, a statement that the person
17 is deaf, or a statement that the person has made an anatomical
18 gift pursuant to part 101 of the public health code, 1978 PA 368,
19 MCL 333.10101 to 333.10109.

20 (19) ~~(16)~~ If an applicant provides proof to the secretary
21 of state that he or she is a minor who has been emancipated pur-
22 suant to 1968 PA 293, MCL 722.1 to 722.6, the official state per-
23 sonal identification card shall bear the designation of the
24 individual's emancipated status in a manner prescribed by the
25 secretary of state.

26 (20) ~~(17)~~ A valid official state personal identification
27 card presented by the person to whom the card is issued shall be

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1 considered the same as a valid state of Michigan driver license
2 when identification is requested except as otherwise specifically
3 provided by law.

4 Enacting section 1. This amendatory act does not take
5 effect unless all of the following bills of the 89th Legislature
6 are enacted into law:

7 (a) House Bill No. 4620.

8 (b) Senate Bill No. 458.