

REPRINT

SUBSTITUTE FOR

SENATE BILL NO. 828

(As passed the Senate December 5, 2001)

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 1999 PA 89.

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 is an organ and tissue donor
6 pursuant to part 101 of the public health code, 1978 PA 368,
7 MCL 333.10101 to 333.10109. If the identification card contains
8 such a statement, the statement shall include the signature of
9 the person, along with the signature of at least 1 witness.
- 10 (vi) Emergency contact information of the person.
- 11 (2) In conjunction with the issuance of an official state
12 personal identification card, the secretary of state shall do all
13 of the following:
- 14 (a) Provide the applicant with all of the following:
- 15 (i) Written information explaining the applicant's right to
16 make an anatomical gift in the event of death pursuant to part
17 101 of the public health code, 1978 PA 368, MCL 333.10101 to
18 333.10109, and in accordance with this section.
- 19 (ii) Written information describing the organ donation reg-
20 istry program maintained by Michigan's federally designated organ
21 procurement organization or its successor organization. The
22 written information required under this subparagraph shall
23 include, in a type size and format that is conspicuous in rela-
24 tion to the surrounding material, the address and telephone
25 number of Michigan's federally designated organ procurement
26 organization or its successor organization, along with an
27 advisory to call Michigan's federally designated organ

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1 procurement organization or its successor organization with
2 questions about the organ donor registry program.

3 (iii) Written information giving the applicant the opportu-
4 nity to have his or her name placed on the organ donor registry
5 described in subparagraph (ii).

6 (b) Provide the applicant with the opportunity to specify on
7 his or her official state personal identification card that he or
8 she is willing to make an anatomical gift in the event of death
9 pursuant to part 101 of the public health code, 1978 PA 368,
10 MCL 333.10101 to 333.10109, and in accordance with this section.

11 (c) Inform the applicant in writing that, if he or she indi-
12 cates to the secretary of state under this section a willingness
13 to have his or her name placed on the organ donor registry
14 described in subdivision (a)(ii), the secretary of state will
15 forward the applicant's name and address to the organ donation
16 registry maintained by Michigan's federally designated organ pro-
17 curement organization or its successor organization, pursuant to
18 subsection (4).

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

21 (a) Providing printed material enclosed with a mailed notice
22 for the issuance or renewal of an official state personal identi-
23 fication card.

24 (b) Providing printed material to an applicant who person-
25 ally appears at a secretary of state branch office.

26 (c) Through electronic information transmittals for
27 applications processed by electronic means.

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1 (4) If an applicant indicates a willingness under this
2 section to have his or her name placed on the organ donor regis-
3 try described in subsection (2)(a)(ii), the secretary of state
4 shall within 10 days forward the applicant's name and address to
5 the organ donor registry maintained by Michigan's federally des-
6 igned organ procurement organization or its successor
7 organization. The secretary of state may forward information
8 under this subsection by mail or by electronic means. The secre-
9 tary of state shall not maintain a record of the name or address
10 of an individual who indicates a willingness to have his or her
11 name placed on the organ donor registry after forwarding that
12 information to the organ donor registry under this subsection.
13 Information about an applicant's indication of a willingness to
14 have his or her name placed on the organ donor registry obtained
15 by the secretary of state under subsection (2) and forwarded
16 under this subsection is exempt from disclosure under the freedom
17 of information act, 1976 PA 442, MCL 15.231 to 15.246, pursuant
18 to section 13(1)(d) of the freedom of information act, 1976
19 PA 442, MCL 15.243.

20 (5) The secretary of state shall prescribe the form of the
21 identification card. THE SECRETARY OF STATE SHALL DESIGNATE ON
22 THE IDENTIFICATION CARD A SPACE WHERE THE APPLICANT MAY PLACE A
23 STICKER OR DECAL OF THE UNIFORM SIZE AS THE SECRETARY MAY SPECIFY
24 TO INDICATE THAT THE CARDHOLDER CARRIES A SEPARATE EMERGENCY MED-
25 ICAL INFORMATION CARD. THE STICKER OR DECAL MAY BE PROVIDED BY
26 ANY PERSON, HOSPITAL, SCHOOL, MEDICAL GROUP, OR ASSOCIATION
27 INTERESTED IN ASSISTING IN IMPLEMENTING THE EMERGENCY MEDICAL

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1 INFORMATION CARD, BUT SHALL MEET THE SPECIFICATIONS OF THE
2 SECRETARY OF STATE. THE STICKER OR DECAL ALSO MAY BE USED TO
3 INDICATE THAT THE CARDHOLDER HAS DESIGNATED 1 OR MORE PATIENT
4 ADVOCATES IN ACCORDANCE WITH SECTION 5506 OF THE ESTATES AND PRO-
5 TECTED INDIVIDUALS CODE, 1998 PA 386, MCL 700.5506. THE EMER-
6 GENCY MEDICAL INFORMATION CARD, CARRIED SEPARATELY BY THE CARD-
7 HOLDER, MAY CONTAIN THE INFORMATION DESCRIBED IN SUBSECTION
8 (2)(C), INFORMATION CONCERNING THE CARDHOLDER'S PATIENT ADVOCATE
9 DESIGNATION, OTHER EMERGENCY MEDICAL INFORMATION, OR AN INDICA-
10 TION AS TO WHERE THE CARDHOLDER HAS STORED OR REGISTERED EMER-
11 GENCY MEDICAL INFORMATION. Except as otherwise required in this
12 act, other information required on the identification card pursu-
13 ant to this act may appear on the identification card in a form
14 prescribed by the secretary of state.

15 (6) The identification card shall not contain a fingerprint
16 or finger image of the applicant.

17 (7) Except as provided in this subsection, the secretary of
18 state may retain and use a person's image described in subsection
19 (1)(b) only for programs administered by the secretary of state.
20 Except as provided in this subsection, the secretary of state
21 shall not use a person's image unless written permission for that
22 purpose is granted by the person to the secretary of state or
23 specific enabling legislation permitting the use is enacted into
24 law. A law enforcement agency of this state shall have access to
25 any information retained by the secretary of state under this
26 subsection. The information may be utilized for any law
27 enforcement purpose unless otherwise prohibited by law. The

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1 department of state police shall provide to the secretary of
2 state updated lists of persons required under section 5a of the
3 sex offenders registration act, 1994 PA 295, MCL 28.725a, to
4 maintain a valid operator's or chauffeur's license or an official
5 state personal identification card and the secretary of state
6 shall make images of those persons available to the department of
7 state police as provided in the sex offenders registration act,
8 1994 PA 295, MCL 28.721 to 28.732.

9 (8) If a person presents evidence of statutory blindness as
10 provided in 1978 PA 260, MCL 393.351 to 393.368, and is issued or
11 is the holder of an official state personal identification card,
12 the secretary of state shall mark the person's identification
13 card in a manner that clearly indicates that the cardholder is
14 legally blind.

15 (9) If the secretary of state issues an official state per-
16 sonal identification card to a person who at the time of applica-
17 tion is 20-1/2 years of age or less, the secretary of state shall
18 mark the person's identification card in a manner that clearly
19 indicates that the cardholder is less than 21 years of age.

20 (10) An official state personal identification card may con-
21 tain an identifier for voter registration purposes. An official
22 state personal identification card may contain information
23 appearing in electronic or machine readable codes needed to con-
24 duct a transaction with the secretary of state. The information
25 shall be limited to the person's identification card number,
26 birth date, expiration date, and other information necessary for
27 use with electronic devices, machine readers, or automatic teller

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1 machines and shall not contain the person's name, address,
2 driving record, or other personal identifier. The identification
3 card shall identify the encoded information.

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

9 (12) Except as otherwise provided in this act, an applicant
10 shall pay a fee of \$6.00 to the secretary of state for each orig-
11 inal or renewal identification card issued. ~~Until January 1,~~
12 ~~2002,~~ a service fee of \$1.00 shall be added to each fee col-
13 lected for an original or renewal identification card. The
14 department of treasury shall deposit the fees received and col-
15 lected under this section in the state treasury to the credit of
16 the general fund. The legislature shall appropriate the fees
17 credited to the general fund under this act to the secretary of
18 state for the administration of this act. Appropriations from
19 the Michigan transportation fund shall not be used to compensate
20 the secretary of state for costs incurred and services performed
21 under this section.

22 (13) An original or renewal official state personal identi-
23 fication card shall expire on the birthday of the person to whom
24 it is issued in the fourth year following the date of issuance.
25 The secretary of state shall not issue an official state personal
26 identification card under this act for a period greater than 4
27 years. Except as provided in this subsection, a person may apply

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1 for a renewal of an official state personal identification card
2 by mail or by other methods prescribed by the secretary of
3 state. The secretary of state shall require renewal in person by
4 a person required under section 5a of the sex offenders registra-
5 tion act, 1994 PA 295, MCL 28.725a, to maintain a valid
6 operator's or chauffeur's license or official state personal
7 identification card.

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

17 (15) A person who has been issued an official state personal
18 identification card shall apply for a renewal official state per-
19 sonal identification card if the person changes his or her name.

20 (16) A person who has been issued an official state personal
21 identification card shall apply for a corrected identification
22 card if he or she changes his or her residential address. The
23 secretary of state may correct the address on an identification
24 card by a method prescribed by the secretary of state. A fee
25 shall not be charged for a change of residential address.

26 (17) Except as otherwise provided in subsections (15) and
27 (16), a person who has been issued an official state personal

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1 identification card may apply for a renewal official state
2 personal identification card for 1 or more of the following
3 reasons:

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

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

8 (18) A person may indicate on an official state personal
9 identification card in a place designated by the secretary of
10 state his or her blood type, emergency contact information, immu-
11 nization data, medication data, a statement that the person is
12 deaf, or a statement that the person has made an anatomical gift
13 pursuant to part 101 of the public health code, 1978 PA 368,
14 MCL 333.10101 to 333.10109.

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

21 (20) A valid official state personal identification card
22 presented by the person to whom the card is issued shall be con-
23 sidered the same as a valid state of Michigan driver license when
24 identification is requested except as otherwise specifically pro-
25 vided by law.