

REPRINT
SUBSTITUTE FOR
SENATE BILL NO. 924

(As passed the Senate May 16, 2002)

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 the title and section 2 (MCL 28.292), the title as amended by 1997 PA 99 and section 2 as amended by 2001 PA 238.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

TITLE

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An act to provide for an official personal identification

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card; to provide for its form, issuance and use; to regulate the

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scribe fees; ~~and~~ to prescribe certain penalties for violations;

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AND TO PROVIDE AN APPROPRIATION FOR CERTAIN PURPOSES.

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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:

10 (i) The blood type of the person.

11 (ii) Immunization data of the person.

12 (iii) Medication data of the person.

13 (iv) A statement that the person is deaf.

14 (v) A statement that the person is an organ and tissue donor
15 pursuant to part 101 of the public health code, 1978 PA 368,
16 MCL 333.10101 to 333.10109. If the identification card contains
17 such a statement, the statement shall include the signature of
18 the person, along with the signature of at least 1 witness.

19 (vi) Emergency contact information of the person.

20 (D) BEGINNING JULY 1, 2003, IN THE CASE OF A PERSON WHO IS
21 LESS THAN 18 YEARS OF AGE AT THE TIME OF ISSUANCE OF THE IDENTI-
22 FICATION CARD, THE DATES ON WHICH THE PERSON WILL BECOME 18 YEARS
23 OF AGE AND 21 YEARS OF AGE.

24 (E) BEGINNING JULY 1, 2003, IN THE CASE OF A PERSON WHO IS
25 AT LEAST 18 YEARS OF AGE BUT LESS THAN 21 YEARS OF AGE AT THE
26 TIME OF ISSUANCE OF THE IDENTIFICATION CARD, THE DATE ON WHICH
27 THE PERSON WILL BECOME 21 YEARS OF AGE.

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1 (2) In conjunction with the issuance of an official state
2 personal identification card, the secretary of state shall do all
3 of the following:

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

5 (i) Written information explaining the applicant's right to
6 make an anatomical gift in the event of death pursuant to part
7 101 of the public health code, 1978 PA 368, MCL 333.10101 to
8 333.10109, and in accordance with this section.

9 (ii) Written information describing the organ donation reg-
10 istry program maintained by Michigan's federally designated organ
11 procurement organization or its successor organization. The
12 written information required under this subparagraph shall
13 include, in a type size and format that is conspicuous in rela-
14 tion to the surrounding material, the address and telephone
15 number of Michigan's federally designated organ procurement
16 organization or its successor organization, along with an
17 advisory to call Michigan's federally designated organ procure-
18 ment organization or its successor organization with questions
19 about the organ donor registry program.

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

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

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1 (c) Inform the applicant in writing that, if he or she
2 indicates to the secretary of state under this section a willing-
3 ness to have his or her name placed on the organ donor registry
4 described in subdivision (a)(ii), the secretary of state will
5 forward the applicant's name and address to the organ donation
6 registry maintained by Michigan's federally designated organ pro-
7 curement organization or its successor organization, pursuant to
8 subsection (4).

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

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

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

16 (c) Through electronic information transmittals for applica-
17 tions processed by electronic means.

18 (4) If an applicant indicates a willingness under this sec-
19 tion to have his or her name placed on the organ donor registry
20 described in subsection (2)(a)(ii), the secretary of state shall
21 within 10 days forward the applicant's name and address to the
22 organ donor registry maintained by Michigan's federally desig-
23 nated organ procurement organization or its successor
24 organization. The secretary of state may forward information
25 under this subsection by mail or by electronic means. The secre-
26 tary of state shall not maintain a record of the name or address
27 of an individual who indicates a willingness to have his or her

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1 name placed on the organ donor registry after forwarding that
2 information to the organ donor registry under this subsection.
3 Information about an applicant's indication of a willingness to
4 have his or her name placed on the organ donor registry obtained
5 by the secretary of state under subsection (2) and forwarded
6 under this subsection is exempt from disclosure under the freedom
7 of information act, 1976 PA 442, MCL 15.231 to 15.246, pursuant
8 to section 13(1)(d) of the freedom of information act, 1976
9 PA 442, MCL 15.243.

10 (5) The secretary of state shall prescribe the form of the
11 identification card. The secretary of state shall designate on
12 the identification card a space where the applicant may place a
13 sticker or decal of the uniform size as the secretary may specify
14 to indicate that the cardholder carries a separate emergency med-
15 ical information card. The sticker or decal may be provided by
16 any person, hospital, school, medical group, or association
17 interested in assisting in implementing the emergency medical
18 information card, but shall meet the specifications of the secre-
19 tary of state. The sticker or decal also may be used to indicate
20 that the cardholder has designated 1 or more patient advocates in
21 accordance with section 5506 of the estates and protected indi-
22 viduals code, 1998 PA 386, MCL 700.5506. The emergency medical
23 information card, carried separately by the cardholder, may con-
24 tain the information described in subsection (2)(c), information
25 concerning the cardholder's patient advocate designation, other
26 emergency medical information, or an indication as to where the
27 cardholder has stored or registered emergency medical

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1 information. BEGINNING ON AND AFTER JULY 1, 2003, AN ORIGINAL
2 IDENTIFICATION CARD OR THE FIRST RENEWAL OF AN EXISTING IDENTIFI-
3 CATION CARD ISSUED TO A PERSON LESS THAN 21 YEARS OF AGE SHALL BE
4 PORTRAIT OR VERTICAL IN FORM AND AN ORIGINAL IDENTIFICATION CARD
5 OR THE FIRST RENEWAL OF AN EXISTING IDENTIFICATION CARD ISSUED TO
6 A PERSON 21 YEARS OF AGE OR OVER SHALL BE LANDSCAPE OR HORIZONTAL
7 IN FORM. Except as otherwise required in this act, other informa-
8 tion required on the identification card pursuant to this act may
9 appear on the identification card in a form prescribed by the
10 secretary of state.

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

13 (7) Except as provided in this subsection, the secretary of
14 state may retain and use a person's image described in subsection
15 (1)(b) only for programs administered by the secretary of state.
16 Except as provided in this subsection, the secretary of state
17 shall not use a person's image unless written permission for that
18 purpose is granted by the person to the secretary of state or
19 specific enabling legislation permitting the use is enacted into
20 law. A law enforcement agency of this state shall have access to
21 any information retained by the secretary of state under this
22 subsection. The information may be utilized for any law enforce-
23 ment purpose unless otherwise prohibited by law. The department
24 of state police shall provide to the secretary of state updated
25 lists of persons required under section 5a of the sex offenders
26 registration act, 1994 PA 295, MCL 28.725a, to maintain a valid
27 operator's or chauffeur's license or an official state personal

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1 identification card and the secretary of state shall make images
2 of those persons available to the department of state police as
3 provided in the sex offenders registration act, 1994 PA 295,
4 MCL 28.721 to 28.732.

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

11 (9) ~~if~~ UNTIL JULY 1, 2003, IF the secretary of state
12 issues an official state personal identification card to a person
13 who at the time of application is 20-1/2 years of age or less,
14 the secretary of state shall mark the person's identification
15 card in a manner that clearly indicates that the cardholder is
16 less than 21 years of age.

17 (10) An official state personal identification card may con-
18 tain an identifier for voter registration purposes. An official
19 state personal identification card may contain information
20 appearing in electronic or machine readable codes needed to con-
21 duct a transaction with the secretary of state. The information
22 shall be limited to the person's identification card number,
23 birth date, expiration date, and other information necessary for
24 use with electronic devices, machine readers, or automatic teller
25 machines and shall not contain the person's name, address, driv-
26 ing record, or other personal identifier. The identification
27 card shall identify the encoded information.

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

6 (12) Except as otherwise provided in this act, an applicant
7 shall pay a fee of \$6.00 to the secretary of state for each orig-
8 inal or renewal identification card issued. A service fee of
9 \$1.00 shall be added to each fee collected for an original or
10 renewal identification card. The department of treasury shall
11 deposit the fees received and collected under this section in the
12 state treasury to the credit of the general fund. The legisla-
13 ture shall appropriate the fees credited to the general fund
14 under this act to the secretary of state for the administration
15 of this act. Appropriations from the Michigan transportation
16 fund shall not be used to compensate the secretary of state for
17 costs incurred and services performed under this section.

18 (13) An original or renewal official state personal identi-
19 fication card shall expire on the birthday of the person to whom
20 it is issued in the fourth year following the date of issuance.
21 The secretary of state shall not issue an official state personal
22 identification card under this act for a period greater than 4
23 years. Except as provided in this subsection, a person may apply
24 for a renewal of an official state personal identification card
25 by mail or by other methods prescribed by the secretary of
26 state. The secretary of state shall require renewal in person by
27 a person required under section 5a of the sex offenders

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1 registration act, 1994 PA 295, MCL 28.725a, to maintain a valid
2 operator's or chauffeur's license or official state personal
3 identification card.

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

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

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

22 (17) Except as otherwise provided in subsections (15) and
23 (16), a person who has been issued an official state personal
24 identification card may apply for a renewal official state per-
25 sonal identification card for 1 or more of the following
26 reasons:

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1 (a) The person wants to change any information on the
2 identification card.

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

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

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

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

23 Enacting section 1. There is appropriated from the amount
24 provided in section 310(16) of the Michigan vehicle code, 1949 PA
25 300, MCL 257.310, a sufficient amount to carry out the provisions
26 of the 2002 amendatory act that amended section 2 of 1972 PA 222,
27 MCL 28.292, and the 2002 amendatory act that provided an

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1 appropriation in section 310 of the Michigan vehicle code, 1949

2 PA 300, MCL 257.310.

Enacting section 2. This amendatory act takes effect October 1, 2002.

Enacting section 3. This amendatory act does not take effect unless Senate Bill No. 925 of the 91st Legislature is enacted into law.