

HOUSE BILL No. 5498

December 12, 2001, Introduced by Reps. Williams, Koetje, Toy, Julian, Bishop, Caul, Gosselin, Faunce, Meyer, Mead, Van Woerkom, Gilbert, Newell, Birkholz, Voorhees, Tabor, Middaugh, Ruth Johnson, Ehardt, Jelinek, Rocca, Neumann, George, Richardville, Lockwood, Bernero, Sheltrown, DeVuyst, Schauer, Callahan, Kowall, Pumford, Frank, Jacobs, Allen, Pestka, Basham, Hager, Shulman, Kuipers, Shackleton, Zelenko, Phillips, Raczkowski, Bisbee, Lipsey, Pappageorge, McConico, Whitmer and Cassis and referred to the Committee on Transportation.

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 sections 1, 1a, and 2 (MCL 28.291, 28.291a, and 28.292), section 1 as amended and section 1a as added by 1997 PA 99 and section 2 as amended by 1999 PA 89.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) A person who is a resident of this state may
2 apply to the department of state for an official state personal
3 identification card. Upon application the applicant shall supply
4 a birth certificate attesting to his age or other sufficient doc-
5 uments or identification as the secretary of state may require.
6 IF THE DEPARTMENT HAS REASONABLE CAUSE TO BELIEVE THAT AN
7 APPLICATION UNDER THIS SUBSECTION CONTAINS INFORMATION THAT THE

1 APPLICANT IS AN ILLEGAL ALIEN, THE DEPARTMENT MAY REPORT THAT
2 INFORMATION TO AN APPROPRIATE UNITED STATES GOVERNMENT AGENCY.

3 (2) The secretary of state shall not issue an official state
4 personal identification card to ~~a~~ EITHER OF THE FOLLOWING:

5 (A) A person who holds an operator's or chauffeur's license
6 issued pursuant to the Michigan vehicle code, 1949 PA 300,
7 MCL 257.1 to 257.923, unless the license has been suspended,
8 revoked, or restricted.

9 (B) A PERSON WHO IS IN THE UNITED STATES UNLAWFULLY.

10 Sec. 1a. As used in this act:

11 (A) "CANCELLATION" MEANS THAT A PERSONAL IDENTIFICATION CARD
12 IS ANNULLED AND TERMINATED BECAUSE OF AN ERROR OR DEFECT OR
13 BECAUSE THE HOLDER IS NO LONGER ENTITLED TO SUCH IDENTIFICATION.
14 CANCELLATION OF A PERSONAL IDENTIFICATION CARD IS WITHOUT PREJU-
15 DICE, AND APPLICATION FOR A NEW PERSONAL IDENTIFICATION CARD MAY
16 BE MADE AT ANY TIME AFTER THAT CANCELLATION.

17 (B) ~~(a)~~ "Highly restricted personal information" includes
18 an individual's photograph or image, social security number, dig-
19 itized signature, and medical and disability information.

20 (C) ~~(b)~~ "Personal information" means information that
21 identifies an individual, including the individual's photograph
22 or image, name, address ~~(~~ but not the ~~5-digit~~ zip code, ~~)~~,
23 driver license number, social security number, telephone number,
24 digitized signature, and medical and disability information.

25 (D) "RESIDENT" MEANS A PERSON WHO RESIDES IN A SETTLED OR
26 PERMANENT HOME OR DOMICILE WITH THE INTENTION OF REMAINING IN
27 THIS STATE. A PERSON WHO OBTAINS EMPLOYMENT IN THIS STATE IS

1 PRESUMED TO HAVE THE INTENTION OF REMAINING IN THIS STATE. A
2 UNITED STATES CITIZEN OR AN ALIEN LAWFULLY IN THE UNITED STATES
3 IS PRESUMED TO BE A RESIDENT OF THIS STATE IF HE OR SHE HAS
4 RESIDED IN THIS STATE FOR AT LEAST 30 DAYS. THIS DEFINITION ONLY
5 APPLIES TO THIS ACT.

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

8 (a) An identification number permanently assigned to the
9 person.

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

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

15 (i) The blood type of the person.

16 (ii) Immunization data of the person.

17 (iii) Medication data of the person.

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

19 (v) A statement that the person is an organ and tissue donor
20 pursuant to part 101 of the public health code, 1978 PA 368, MCL
21 333.10101 to 333.10109. If the identification card contains such
22 a statement, the statement shall include the signature of the
23 person, along with the signature of at least 1 witness.

24 (vi) Emergency contact information of the person.

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

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

2 (i) Written information explaining the applicant's right to
3 make an anatomical gift in the event of death pursuant to part
4 101 of the public health code, 1978 PA 368, MCL 333.10101 to
5 333.10109, and in accordance with this section.

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

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

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

25 (c) Inform the applicant in writing that, if he or she indi-
26 cates to the secretary of state under this section a willingness
27 to have his or her name placed on the organ donor registry

1 described in subdivision (a)(ii), the secretary of state will
2 forward the applicant's name and address to the organ donation
3 registry maintained by Michigan's federally designated organ pro-
4 curement organization or its successor organization, pursuant to
5 subsection (4).

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

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

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

13 (c) Through electronic information transmittals for applica-
14 tions processed by electronic means.

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

1 have his or her name placed on the organ donor registry obtained
2 by the secretary of state under subsection (2) and forwarded
3 under this subsection is exempt from disclosure under the freedom
4 of information act, 1976 PA 442, MCL 15.231 to 15.246, pursuant
5 to section 13(1)(d) of the freedom of information act, 1976 PA
6 442, MCL 15.243.

7 (5) The secretary of state shall prescribe the form of the
8 identification card. Except as otherwise required in this act,
9 other information required on the identification card pursuant to
10 this act may appear on the identification card in a form pre-
11 scribed by the secretary of state.

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

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

1 operator's or chauffeur's license or an official state personal
2 identification card and the secretary of state shall make images
3 of those persons available to the department of state police as
4 provided in the sex offenders registration act, 1994 PA 295, MCL
5 28.721 to 28.732.

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

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

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. Until January 1,
9 2002, a service fee of \$1.00 shall be added to each fee collected
10 for an original or renewal identification card. The department
11 of treasury shall deposit the fees received and collected under
12 this section in the state treasury to the credit of the general
13 fund. The legislature shall appropriate the fees credited to the
14 general fund under this act to the secretary of state for the
15 administration of this act. Appropriations from the Michigan
16 transportation fund shall not be used to compensate the secretary
17 of state for costs incurred and services performed under this
18 section.

19 (13) An original or renewal official state personal identi-
20 fication card shall expire on the birthday of the person to whom
21 it is issued in the fourth year following the date of issuance OR
22 ON THE DATE HIS OR HER PRESENCE IN THE UNITED STATES IS NO LONGER
23 LAWFUL, WHICHEVER DATE OCCURS FIRST. The secretary of state
24 shall not issue an official state personal identification card
25 under this act for a period greater than 4 years. Except as pro-
26 vided in this subsection, a person may apply for a renewal of an
27 official state personal identification card by mail or by other

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

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

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

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

24 (17) Except as otherwise provided in subsections (15) and
25 (16), a person who has been issued an official state personal
26 identification card may apply for a renewal official state

1 personal identification card for 1 or more of the following
2 reasons:

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

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

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

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

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