

# SENATE BILL No. 924

December 6, 2001, Introduced by Senators JOHNSON, BENNETT, GOUGEON, HAMMERSTROM, BULLARD, BYRUM, SHUGARS, GOSCHKA, GARCIA and SANBORN and referred to the Committee on Transportation and Tourism.

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:

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

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

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

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

23 (i) Written information explaining the applicant's right to  
24 make an anatomical gift in the event of death pursuant to part  
25 101 of the public health code, 1978 PA 368, MCL 333.10101 to  
26 333.10109, and in accordance with this section.

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

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

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

20       (c) Inform the applicant in writing that, if he or she indi-  
21 cates to the secretary of state under this section a willingness  
22 to have his or her name placed on the organ donor registry  
23 described in subdivision (a)(ii), the secretary of state will  
24 forward the applicant's name and address to the organ donation  
25 registry maintained by Michigan's federally designated organ pro-  
26 curement organization or its successor organization, pursuant to  
27 subsection (4).

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

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

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

8       (c) Through electronic information transmittals for applica-  
9 tions processed by electronic means.

10       (4) If an applicant indicates a willingness under this sec-  
11 tion to have his or her name placed on the organ donor registry  
12 described in subsection (2)(a)(ii), the secretary of state shall  
13 within 10 days forward the applicant's name and address to the  
14 organ donor registry maintained by Michigan's federally desig-  
15 nated organ procurement organization or its successor  
16 organization. The secretary of state may forward information  
17 under this subsection by mail or by electronic means. The secre-  
18 tary of state shall not maintain a record of the name or address  
19 of an individual who indicates a willingness to have his or her  
20 name placed on the organ donor registry after forwarding that  
21 information to the organ donor registry under this subsection.  
22 Information about an applicant's indication of a willingness to  
23 have his or her name placed on the organ donor registry obtained  
24 by the secretary of state under subsection (2) and forwarded  
25 under this subsection is exempt from disclosure under the freedom  
26 of information act, 1976 PA 442, MCL 15.231 to 15.246, pursuant

1 to section 13(1)(d) of the freedom of information act, 1976  
2 PA 442, MCL 15.243.

3       (5) The secretary of state shall prescribe the form of the  
4 identification card. BEGINNING ON AND AFTER JULY 1, 2003, AN  
5 ORIGINAL IDENTIFICATION CARD OR THE FIRST RENEWAL OF AN EXISTING  
6 IDENTIFICATION CARD ISSUED TO A PERSON LESS THAN 21 YEARS OF AGE  
7 SHALL BE PORTRAIT OR VERTICAL IN FORM AND AN ORIGINAL IDENTIFICA-  
8 TION CARD OR THE FIRST RENEWAL OF AN EXISTING IDENTIFICATION CARD  
9 ISSUED TO A PERSON 21 YEARS OF AGE OR OVER SHALL BE LANDSCAPE OR  
10 HORIZONTAL IN FORM. Except as otherwise required in this act,  
11 other information required on the identification card pursuant to  
12 this act may appear on the identification card in a form pre-  
13 scribed by the secretary of state.

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

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

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

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

14       (9) ~~If~~ UNTIL JULY 1, 2003, IF the secretary of state  
15 issues an official state personal identification card to a person  
16 who at the time of application is 20-1/2 years of age or less,  
17 the secretary of state shall mark the person's identification  
18 card in a manner that clearly indicates that the cardholder is  
19 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

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 collected  
13 for an original or renewal identification card. The department  
14 of treasury shall deposit the fees received and collected under  
15 this section in the state treasury to the credit of the general  
16 fund. The legislature shall appropriate the fees credited to the  
17 general fund under this act to the secretary of state for the  
18 administration of this act. Appropriations from the Michigan  
19 transportation fund shall not be used to compensate the secretary  
20 of state for costs incurred and services performed under this  
21 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

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



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.