

SUBSTITUTE FOR
SENATE BILL NO. 301

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; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes,"

by amending sections 1 and 2 (MCL 28.291 and 28.292), section 1 as amended by 1997 PA 99 and section 2 as amended by 2003 PA 143.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) A person who is a resident of this state may apply
2 to the department of state for an official state personal
3 identification card. Upon application the applicant shall supply a
4 birth certificate attesting to his **OR HER** age or other sufficient
5 documents or identification as the secretary of state may require.

1 AN APPLICATION FOR A STATE PERSONAL IDENTIFICATION CARD SHALL BE
2 MADE IN A MANNER PRESCRIBED BY THE SECRETARY OF STATE AND SHALL
3 CONTAIN THE APPLICANT'S FULL NAME, DATE OF BIRTH, RESIDENCE
4 ADDRESS, HEIGHT, SEX, EYE COLOR, SIGNATURE, AND, BEGINNING JANUARY
5 1, 2007, INTENT TO BE AN ORGAN DONOR, AND OTHER INFORMATION
6 REQUIRED OR PERMITTED ON THE OFFICIAL STATE PERSONAL IDENTIFICATION
7 CARD. THE APPLICANT MAY PROVIDE A MAILING ADDRESS IF THE APPLICANT
8 RECEIVES MAIL AT AN ADDRESS DIFFERENT FROM HIS OR HER RESIDENCE
9 ADDRESS.

10 (2) The secretary of state shall not issue an official state
11 personal identification card to a person who holds an operator's or
12 chauffeur's license issued ~~pursuant to~~ **UNDER** the Michigan vehicle
13 code, 1949 PA 300, MCL 257.1 to 257.923, unless the license has
14 been suspended, revoked, or restricted.

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

17 (a) An identification number permanently assigned to the
18 person.

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

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

24 (i) The blood type of the person.

25 (ii) Immunization data of the person.

26 (iii) Medication data of the person.

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

1 (v) ~~—A—~~ **UNTIL JANUARY 1, 2007, A** statement that the person is
2 an organ and tissue donor ~~—pursuant to—~~ **UNDER** part 101 of the
3 public health code, 1978 PA 368, MCL 333.10101 to 333.10109. If the
4 identification card contains such a statement, the statement shall
5 include the signature of the person, along with the signature of at
6 least 1 witness.

7 (vi) Emergency contact information of the person.

8 (vii) **A STICKER OR DECAL AS SPECIFIED BY THE SECRETARY OF STATE**
9 **TO INDICATE THAT THE HOLDER OF THE OFFICIAL STATE PERSONAL**
10 **IDENTIFICATION CARD HAS DESIGNATED 1 OR MORE PATIENT ADVOCATES IN**
11 **ACCORDANCE WITH SECTION 5506 OF THE ESTATES AND PROTECTED**
12 **INDIVIDUALS CODE, 1998 PA 386, MCL 700.5506, OR A STATEMENT THAT HE**
13 **OR SHE CARRIES AN EMERGENCY MEDICAL INFORMATION CARD, AS DESCRIBED**
14 **IN SUBSECTION (5).**

15 (d) ~~—Beginning July 1, 2003, in—~~ **IN** the case of a person who
16 is less than 18 years of age at the time of issuance of the
17 identification card, the dates on which the person will become 18
18 years of age and 21 years of age.

19 (e) ~~—Beginning July 1, 2003, in—~~ **IN** the case of a person who
20 is ~~—at least—~~ **NOT LESS THAN** 18 years of age but less than 21 years
21 of age at the time of issuance of the identification card, the date
22 on which the person will become 21 years of age.

23 **(F) BEGINNING JANUARY 1, 2007, IN THE CASE OF A HOLDER OF AN**
24 **OFFICIAL STATE PERSONAL IDENTIFICATION CARD WHO HAS INDICATED HIS**
25 **OR HER WISH TO PARTICIPATE IN THE ORGAN AND TISSUE DONOR REGISTRY**
26 **UNDER PART 101 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL**
27 **333.10101 TO 333.10109, A HEART INSIGNIA ON THE FRONT OF THE**

1 **OFFICIAL STATE PERSONAL IDENTIFICATION CARD.**

2 (2) In conjunction with the **APPLICATION FOR OR, UNTIL JANUARY**
3 **1, 2007, THE** issuance of an official state personal identification
4 card, the secretary of state shall do all of the following:

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

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

10 (ii) ~~Written information~~ **INFORMATION** describing the organ,
11 ~~donation~~ **TISSUE, AND EYE DONOR** registry program maintained by
12 Michigan's federally designated organ procurement organization or
13 its successor organization. The ~~written~~ information required
14 under this subparagraph ~~shall include, in a type size and format~~
15 ~~that is conspicuous in relation to the surrounding material,~~
16 **INCLUDES** the address and telephone number of Michigan's federally
17 designated organ procurement organization or its successor
18 organization. ~~, along with an advisory to call Michigan's~~
19 ~~federally designated organ procurement organization or its~~
20 ~~successor organization with questions about the organ donor~~
21 ~~registry program.~~

22 (iii) ~~Written information~~ **INFORMATION** giving the applicant the
23 opportunity to have his or her name placed on the ~~organ donor~~
24 registry described in subparagraph (ii).

25 (b) Provide the applicant with the opportunity to specify on
26 his or her official state personal identification card that he or
27 she is willing to make an anatomical gift in the event of death

1 pursuant to part 101 of the public health code, 1978 PA 368, MCL
2 333.10101 to 333.10109, and in accordance with this section.

3 (c) Inform the applicant ~~in writing~~ that, if he or she
4 indicates to the secretary of state under this section a
5 willingness to have his or her name placed on the ~~organ donor~~
6 registry described in subdivision (a)(ii), the secretary of state
7 will ~~forward~~ **MARK** the applicant's ~~name and address to the organ~~
8 ~~donation~~ **RECORD FOR THE** registry. ~~maintained by Michigan's~~
9 ~~federally designated organ procurement organization or its~~
10 ~~successor organization, pursuant to subsection (4).~~

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

13 (a) Providing printed material enclosed with a mailed notice
14 for the issuance or renewal of an official state personal
15 identification card.

16 (b) Providing printed material to an applicant who personally
17 appears at a secretary of state branch office.

18 (c) Through electronic information transmittals for
19 applications processed by electronic means.

20 (4) ~~If~~ **UNTIL JANUARY 1, 2007, IF** an applicant indicates a
21 willingness under this section to have his or her name placed on
22 the ~~organ donor~~ registry described in subsection (2)(a)(ii), the
23 secretary of state shall within 10 days forward the applicant's
24 name, ~~and~~ address, **AND DATE OF BIRTH** to the organ donor registry
25 maintained by Michigan's federally designated organ procurement
26 organization or its successor organization. The secretary of state
27 may forward information under this subsection by mail or by

1 electronic means. The secretary of state shall not maintain a
2 record of the name or address of an individual who indicates a
3 willingness to have his or her name placed on the organ donor
4 registry after forwarding that information to the organ donor
5 registry under this subsection. Information about an applicant's
6 indication of a willingness to have his or her name placed on the
7 organ donor registry obtained by the secretary of state under
8 subsection (2) and forwarded under this subsection is exempt from
9 disclosure under ~~the freedom of information act, 1976 PA 442, MCL~~
10 ~~15.231 to 15.246, pursuant to~~ section 13(1)(d) of the freedom of
11 information act, 1976 PA 442, MCL 15.243.

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

1 information, or an indication as to where the cardholder has stored
2 or registered emergency medical information. ~~Beginning on and~~
3 ~~after July 1, 2003, an~~ **AN** original identification card or the
4 renewal of an existing identification card issued to a person less
5 than 21 years of age shall be portrait or vertical in form and an
6 identification card issued to a person 21 years of age or over
7 shall be landscape or horizontal in form. Except as otherwise
8 required in this act, other information required on the
9 identification card ~~pursuant to~~ **UNDER** this act may appear on the
10 identification card in a form prescribed by the secretary of state.

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

1 personal identification card and the secretary of state shall make
2 images of those persons available to the department of state police
3 as provided in the sex offenders registration act, 1994 PA 295, MCL
4 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 card
9 in a manner that clearly indicates that the cardholder is legally
10 blind.

11 (9) ~~Until July 1, 2003, if the secretary of state issues an~~
12 ~~official state personal identification card to a person who at the~~
13 ~~time of application is 20 1/2 years of age or less, the secretary~~
14 ~~of state shall mark the person's identification card in a manner~~
15 ~~that clearly indicates that the cardholder is less than 21 years of~~
16 ~~age.~~ BEGINNING JANUARY 1, 2007, THE SECRETARY OF STATE SHALL
17 MAINTAIN A RECORD OF AN INDIVIDUAL WHO INDICATES A WILLINGNESS TO
18 HAVE HIS OR HER NAME PLACED ON THE REGISTRY DESCRIBED IN SUBSECTION
19 (2)(A)(ii). INFORMATION ABOUT A PERSON'S INDICATION OF A WILLINGNESS
20 TO HAVE HIS OR HER NAME PLACED ON THE REGISTRY THAT IS OBTAINED BY
21 THE SECRETARY OF STATE AND FORWARDED UNDER THIS SECTION IS EXEMPT
22 FROM DISCLOSURE UNDER SECTION 13(1)(D) OF THE FREEDOM OF
23 INFORMATION ACT, 1976 PA 442, MCL 15.243. THE SECRETARY OF STATE
24 SHALL ESTABLISH AND MAINTAIN THE ORGAN, TISSUE, AND EYE DONOR
25 REGISTRY IN A MANNER THAT PROVIDES ELECTRONIC ACCESS, INCLUDING,
26 BUT NOT LIMITED TO, THE TRANSFER OF DATA TO THIS STATE'S FEDERALLY
27 DESIGNATED ORGAN PROCUREMENT ORGANIZATIONS, THEIR SUCCESSOR

1 ORGANIZATIONS, AND TISSUE AND EYE BANKS WITH LIMITATIONS ON THE USE
2 OF AND ACCESS TO THE DONOR REGISTRY AS DETERMINED BY THE SECRETARY
3 OF STATE.

4 (10) An official state personal identification card may
5 contain an identifier for voter registration purposes. An official
6 state personal identification card may contain information
7 appearing in electronic or machine readable codes needed to conduct
8 a transaction with the secretary of state. The information shall be
9 limited to the person's identification card number, birth date,
10 expiration date, and other information necessary for use with
11 electronic devices, machine readers, or automatic teller machines
12 and shall not contain the person's name, address, driving record,
13 or other personal identifier. The identification card shall
14 identify the encoded information.

15 (11) An official state personal identification card shall be
16 issued only upon authorization of the secretary of state, and shall
17 be manufactured in a manner to prohibit as nearly as possible the
18 ability to reproduce, alter, counterfeit, forge, or duplicate the
19 identification card without ready detection.

20 (12) Except as otherwise provided in this act, an applicant
21 shall pay a fee of \$10.00 to the secretary of state for each
22 original or renewal identification card issued.

23 The department of treasury shall deposit the fees received and
24 collected under this section in the state treasury to the credit of
25 the general fund. The legislature shall appropriate the fees
26 credited to the general fund under this act to the secretary of
27 state for the administration of this act. Appropriations from the

1 Michigan transportation fund **CREATED UNDER SECTION 10 OF 1951 PA**
 2 **51, MCL 247.660**, shall not be used to compensate the secretary of
 3 state for costs incurred and services performed under this section.

4 (13) An original or renewal official state personal
 5 identification card ~~shall expire~~ **EXPIRES** on the birthday of the
 6 person to whom it is issued in the fourth year following the date
 7 of issuance. The secretary of state shall not issue an official
 8 state personal identification card under this act for a period
 9 greater than 4 years. Except as provided in this subsection, a
 10 person may apply for a renewal of an official state personal
 11 identification card by mail or by other methods prescribed by the
 12 secretary of state. The secretary of state shall require renewal in
 13 person by a person required under section 5a of the sex offenders
 14 registration act, 1994 PA 295, MCL 28.725a, to maintain a valid
 15 operator's or chauffeur's license or official state personal
 16 identification card.

17 (14) The secretary of state shall waive the fee under this
 18 section if the applicant is ~~a~~ **ANY OF THE FOLLOWING:**

19 (A) A person 65 years of age or older. ~~, is a~~

20 (B) A person who has had his or her operator's or chauffeur's
 21 license suspended, revoked, or denied under the Michigan vehicle
 22 code, 1949 PA 300, MCL 257.1 to 257.923, because of a mental or
 23 physical infirmity or disability. ~~, is a~~

24 (C) A person who presents evidence of statutory blindness as
 25 provided in 1978 PA 260, MCL 393.351 to 393.368. ~~, or is a~~

26 (D) A person who presents other good cause for a fee waiver.

27 (E) **BEGINNING JANUARY 1, 2007, A PERSON WHO WISHES TO ADD OR**

1 **REMOVE A HEART INSIGNIA DESCRIBED IN SUBSECTION (1)(F).**

2 (15) A person who has been issued an official state personal
3 identification card shall apply for a renewal official state
4 personal identification card if the person changes his or her name.

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

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

15 (a) The person wants to change any information on the
16 identification card.

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

19 (18) A person may indicate on an official state personal
20 identification card in a place designated by the secretary of state
21 his or her blood type, emergency contact information, immunization
22 data, medication data, a statement that the person is deaf, or,
23 **UNTIL JANUARY 1, 2007,** a statement that the person has made an
24 anatomical gift ~~pursuant to~~ **UNDER** part 101 of the public health
25 code, 1978 PA 368, MCL 333.10101 to 333.10109.

26 (19) If an applicant provides proof to the secretary of state
27 that he or she is a minor who has been emancipated ~~pursuant to~~

1 UNDER 1968 PA 293, MCL 722.1 to 722.6, the official state personal
2 identification card shall bear the designation of the individual's
3 emancipated status in a manner prescribed by the secretary of
4 state.

5 (20) BEGINNING JANUARY 1, 2007, THE SECRETARY OF STATE SHALL
6 INQUIRE OF EACH PERSON WHO APPLIES FOR OR WHO HOLDS AN OFFICIAL
7 STATE PERSONAL IDENTIFICATION CARD, IN PERSON OR BY MAIL, WHETHER
8 HE OR SHE AGREES TO PARTICIPATE IN THE ORGAN, TISSUE, AND EYE DONOR
9 REGISTRY UNDER PART 101 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL
10 333.10101 TO 333.10109. A PERSON WHO HAS AGREED TO PARTICIPATE IN
11 THAT REGISTRY SHALL NOT BE CONSIDERED TO HAVE REVOKED THAT
12 AGREEMENT SOLELY BECAUSE THE PERSON'S OFFICIAL STATE PERSONAL
13 IDENTIFICATION CARD HAS EXPIRED. ENROLLMENT IN THE ORGAN, TISSUE,
14 AND EYE DONOR REGISTRY CONSTITUTES A LEGAL AGREEMENT THAT REMAINS
15 BINDING AND IN EFFECT AFTER THE DONOR'S DEATH REGARDLESS OF THE
16 EXPRESSED DESIRES OF THE DECEASED DONOR'S NEXT OF KIN WHO MAY
17 OPPOSE THE DONOR'S ORGAN, TISSUE, OR EYE DONATION.

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

23 Enacting section 1. This amendatory act does not take effect
24 unless all of the following bills of the 93rd Legislature are
25 enacted into law:

26 (a) House Bill No. 4082.

27 (b) House Bill No. 4469.

1 (c) House Bill No. 4470.