

SENATE BILL No. 843

October 25, 2005, Introduced by Senator GILBERT 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; 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

BOTH OF THE FOLLOWING:

5 (A) DOCUMENTS SUFFICIENT TO ESTABLISH THAT THE APPLICANT IS A

1 CITIZEN OF THE UNITED STATES OR A RESIDENT ALIEN LAWFULLY ADMITTED
2 TO THE UNITED STATES.

3 (B) A birth certificate attesting to his OR HER age or other
4 sufficient documents or identification as the secretary of state
5 may require.

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

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

13 (a) An identification number permanently assigned to the
14 person.

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

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

20 (i) The blood type of the person.

21 (ii) Immunization data of the person.

22 (iii) Medication data of the person.

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

24 (v) A statement that the person is an organ and tissue donor
25 ~~pursuant to~~ UNDER part 101 of the public health code, 1978 PA 368,
26 MCL 333.10101 to 333.10109. If the identification card contains
27 such a statement, the statement shall include the signature of the

1 person, along with the signature of at least 1 witness.

2 (vi) Emergency contact information of the person.

3 (d) Beginning July 1, 2003, in the case of a person who is
4 less than 18 years of age at the time of issuance of the
5 identification card, the dates on which the person will become 18
6 years of age and 21 years of age.

7 (e) Beginning July 1, 2003, in the case of a person who is at
8 least 18 years of age but less than 21 years of age at the time of
9 issuance of the identification card, the date on which the person
10 will become 21 years of age.

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~~ **UNDER**
17 part 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 registry
20 program maintained by Michigan's federally designated organ
21 procurement organization or its successor organization. The written
22 information required under this subparagraph shall include, in a
23 type size and format that is conspicuous in relation to the
24 surrounding material, the address and telephone number of
25 Michigan's federally designated organ procurement organization or
26 its successor organization, along with an advisory to call
27 Michigan's federally designated organ procurement organization or

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

3 (iii) Written information giving the applicant the opportunity
4 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~~ **UNDER** 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
12 indicates to the secretary of state under this section a
13 willingness to have his or her name placed on the organ donor
14 registry described in subdivision (a)(ii), the secretary of state
15 will forward the applicant's name and address to the organ donation
16 registry maintained by Michigan's federally designated organ
17 procurement 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
23 identification card.

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

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

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

19 (5) The secretary of state shall prescribe the form of the
20 identification card. The secretary of state shall designate on the
21 identification card a space where the applicant may place a sticker
22 or decal of the uniform size as the secretary may specify to
23 indicate that the cardholder carries a separate emergency medical
24 information card. The sticker or decal may be provided by any
25 person, hospital, school, medical group, or association interested
26 in assisting in implementing the emergency medical information
27 card, but shall meet the specifications of the secretary of state.

1 The sticker or decal also may be used to indicate that the
2 cardholder has designated 1 or more patient advocates in accordance
3 with section 5506 of the estates and protected individuals code,
4 1998 PA 386, MCL 700.5506. The emergency medical information card,
5 carried separately by the cardholder, may contain the information
6 described in subsection (2)(c), information concerning the
7 cardholder's patient advocate designation, other emergency medical
8 information, or an indication as to where the cardholder has stored
9 or registered emergency medical information. Beginning on and after
10 July 1, 2003, an original identification card or the renewal of an
11 existing identification card issued to a person less than 21 years
12 of age shall be portrait or vertical in form and an identification
13 card issued to a person 21 years of age or over shall be landscape
14 or horizontal in form. Except as otherwise required in this act,
15 other information required on the identification card pursuant to
16 this act may appear on the identification card in a form prescribed
17 by the secretary of state.

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

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

1 shall have access to any information retained by the secretary of
2 state under this subsection. The information may be utilized for
3 any law enforcement purpose unless otherwise prohibited by law. The
4 department of state police shall provide to the secretary of state
5 updated lists of persons required under section 5a of the sex
6 offenders registration act, 1994 PA 295, MCL 28.725a, to maintain a
7 valid operator's or chauffeur's license or an official state
8 personal identification card and the secretary of state shall make
9 images of those persons available to the department of state police
10 as provided in the sex offenders registration act, 1994 PA 295, MCL
11 28.721 to 28.732.

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

18 (9) Until July 1, 2003, if the secretary of state issues an
19 official state personal identification card to a person who at the
20 time of application is 20-1/2 years of age or less, the secretary
21 of state shall mark the person's identification card in a manner
22 that clearly indicates that the cardholder is less than 21 years of
23 age.

24 (10) An official state personal identification card may
25 contain an identifier for voter registration purposes. An official
26 state personal identification card may contain information
27 appearing in electronic or machine readable codes needed to conduct

1 a transaction with the secretary of state. The information shall be
2 limited to the person's identification card number, birth date,
3 expiration date, and other information necessary for use with
4 electronic devices, machine readers, or automatic teller machines
5 and shall not contain the person's name, address, driving record,
6 or other personal identifier. The identification card shall
7 identify the encoded information.

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

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

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

24 (13) An original or renewal official state personal
25 identification card ~~shall expire~~ **EXPIRES** on the birthday of the
26 person to whom it is issued in the fourth year following the date
27 of issuance. **HOWEVER, AN ORIGINAL OR RENEWAL OFFICIAL STATE**

1 **PERSONAL IDENTIFICATION CARD ISSUED TO A PERSON WHO IS AN ALIEN**
2 **EXPIRES ON THE DATE HIS OR HER PRESENCE IN THE UNITED STATES**
3 **BECOMES UNLAWFUL.** The secretary of state shall not issue an
4 official state personal identification card under this act for a
5 period greater than 4 years. Except as provided in this subsection,
6 a person may apply for a renewal of an official state personal
7 identification card by mail or by other methods prescribed by the
8 secretary of state. The secretary of state shall require renewal in
9 person by a person required under section 5a of the sex offenders
10 registration act, 1994 PA 295, MCL 28.725a, to maintain a valid
11 operator's or chauffeur's license or official state personal
12 identification card.

13 (14) The secretary of state shall waive the fee under this
14 section if the applicant is a person 65 years of age or older, is a
15 person who has had his or her operator's or chauffeur's license
16 suspended, revoked, or denied under the Michigan vehicle code, 1949
17 PA 300, MCL 257.1 to 257.923, because of a mental or physical
18 infirmity or disability, is a person who presents evidence of
19 statutory blindness as provided in 1978 PA 260, MCL 393.351 to
20 393.368, or is a person who presents other good cause for a fee
21 waiver.

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

25 (16) A person who has been issued an official state personal
26 identification card shall apply for a corrected identification card
27 if he or she changes his or her residential address. The secretary

1 of state may correct the address on an identification card by a
2 method prescribed by the secretary of state. A fee shall not be
3 charged for a change of residential address.

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

8 (a) The person wants to change any information on the
9 identification card.

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

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

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

25 (20) A valid official state personal identification card
26 presented by the person to whom the card is issued shall be
27 considered the same as a valid state of Michigan driver license

- 1 when identification is requested except as otherwise specifically
- 2 provided by law.