

Act No. 143
Public Acts of 2005
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STATE OF MICHIGAN
93RD LEGISLATURE
REGULAR SESSION OF 2005

Introduced by Senators Gilbert, Toy, Allen, Garcia, Brown, George, Patterson, Kuipers, Cherry, Birkholz, Goschka, Van Woerkom and Leland

ENROLLED SENATE BILL No. 301

AN ACT 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:

Sec. 1. (1) A person who is a resident of this state may apply to the department of state for an official state personal identification card. Upon application the applicant shall supply a birth certificate attesting to his or her age or other sufficient documents or identification as the secretary of state may require. An application for a state personal identification card shall be made in a manner prescribed by the secretary of state and shall contain the applicant's full name, date of birth, residence address, height, sex, eye color, signature, and, beginning January 1, 2007, intent to be an organ donor, and other information required or permitted on the official state personal identification card. The applicant may provide a mailing address if the applicant receives mail at an address different from his or her residence address.

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

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

- (a) An identification number permanently assigned to the person.
- (b) The full name, date of birth, sex, residential address, height, weight, eye color, image, and signature of the person to whom the identification card is issued.
- (c) An indication that the identification card contains 1 or more of the following:
 - (i) The blood type of the person.
 - (ii) Immunization data of the person.
 - (iii) Medication data of the person.
 - (iv) A statement that the person is deaf.
 - (v) Until January 1, 2007, a statement that the person is an organ and tissue donor under part 101 of the public health code, 1978 PA 368, MCL 333.10101 to 333.10109. If the identification card contains such a statement, the statement shall include the signature of the person, along with the signature of at least 1 witness.

(vi) Emergency contact information of the person.

(vii) A sticker or decal as specified by the secretary of state to indicate that the holder of the official state personal identification card has designated 1 or more patient advocates in accordance with section 5506 of the estates and protected individuals code, 1998 PA 386, MCL 700.5506, or a statement that he or she carries an emergency medical information card, as described in subsection (5).

(d) In the case of a person who is less than 18 years of age at the time of issuance of the identification card, the dates on which the person will become 18 years of age and 21 years of age.

(e) In the case of a person who is not less than 18 years of age but less than 21 years of age at the time of issuance of the identification card, the date on which the person will become 21 years of age.

(f) Beginning January 1, 2007, in the case of a holder of an official state personal identification card who has indicated his or her wish to participate in the organ and tissue donor registry under part 101 of the public health code, 1978 PA 368, MCL 333.10101 to 333.10109, a heart insignia on the front of the official state personal identification card.

(2) In conjunction with the application for or, until January 1, 2007, the issuance of an official state personal identification card, the secretary of state shall do all of the following:

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

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

(ii) Information describing the organ, tissue, and eye donor registry program maintained by Michigan's federally designated organ procurement organization or its successor organization. The information required under this subparagraph includes the address and telephone number of Michigan's federally designated organ procurement organization or its successor organization.

(iii) Information giving the applicant the opportunity to have his or her name placed on the registry described in subparagraph (ii).

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

(c) Inform the applicant that, if he or she indicates to the secretary of state under this section a willingness to have his or her name placed on the registry described in subdivision (a)(ii), the secretary of state will mark the applicant's record for the registry.

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

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

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

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

(4) Until January 1, 2007, if an applicant indicates a willingness under this section to have his or her name placed on the registry described in subsection (2)(a)(ii), the secretary of state shall within 10 days forward the applicant's name, address, and date of birth to the organ donor registry maintained by Michigan's federally designated organ procurement organization or its successor organization. The secretary of state may forward information under this subsection by mail or by electronic means. The secretary of state shall not maintain a record of the name or address of an individual who indicates a willingness to have his or her name placed on the organ donor registry after forwarding that information to the organ donor registry under this subsection. Information about an applicant's indication of a willingness to have his or her name placed on the organ donor registry obtained by the secretary of state under subsection (2) and forwarded under this subsection is exempt from disclosure under section 13(1)(d) of the freedom of information act, 1976 PA 442, MCL 15.243.

(5) The secretary of state shall prescribe the form of the identification card. The secretary of state shall designate on the identification card a space where the applicant may place a sticker or decal of the uniform size as the secretary may specify to indicate that the cardholder carries a separate emergency medical information card. The sticker or decal may be provided by any person, hospital, school, medical group, or association interested in assisting in implementing the emergency medical information card, but shall meet the specifications of the secretary of state. The sticker or decal also may be used to indicate that the cardholder has designated 1 or more patient advocates in accordance with section 5506 of the estates and protected individuals code, 1998 PA 386, MCL 700.5506. The emergency medical information card, carried separately by the cardholder, may contain the information described in subsection (2)(c), information concerning the cardholder's patient advocate designation, other emergency medical information, or an indication as to where the cardholder has stored or registered emergency medical information. An original identification card or the renewal of an existing identification card issued to a person less than 21 years of age shall be portrait or vertical in form and an identification card issued to a person 21 years of age or over shall be landscape or horizontal in form. Except as otherwise required in this act, other information required on the identification card under this act may appear on the identification card in a form prescribed by the secretary of state.

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

(7) Except as provided in this subsection, the secretary of state may retain and use a person's image and signature described in subsection (1)(b) only for programs administered by the secretary of state. Except as provided in this subsection, the secretary of state shall not use a person's image unless written permission for that purpose is granted by the person to the secretary of state or specific enabling legislation permitting the use is enacted into law. A law enforcement agency of this state shall have access to any information retained by the secretary of state under this subsection. The information may be utilized for any law enforcement purpose unless otherwise prohibited by law. The department of state police shall provide to the secretary of state updated lists of persons required under section 5a of the sex offenders registration act, 1994 PA 295, MCL 28.725a, to maintain a valid operator's or chauffeur's license or an official state personal identification card and the secretary of state shall make images of those persons available to the department of state police as provided in the sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.732.

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

(9) Beginning January 1, 2007, the secretary of state shall maintain a record of an individual who indicates a willingness to have his or her name placed on the registry described in subsection (2)(a)(ii). Information about a person's indication of a willingness to have his or her name placed on the registry that is obtained by the secretary of state and forwarded under this section is exempt from disclosure under section 13(1)(d) of the freedom of information act, 1976 PA 442, MCL 15.243. The secretary of state shall establish and maintain the organ, tissue, and eye donor registry in a manner that provides electronic access, including, but not limited to, the transfer of data to this state's federally designated organ procurement organizations, their successor organizations, and tissue and eye banks with limitations on the use of and access to the donor registry as determined by the secretary of state.

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

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

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

The department of treasury shall deposit the fees received and collected under this section in the state treasury to the credit of the general fund. The legislature shall appropriate the fees credited to the general fund under this act to the secretary of state for the administration of this act. Appropriations from the Michigan transportation fund created under section 10 of 1951 PA 51, MCL 247.660, shall not be used to compensate the secretary of state for costs incurred and services performed under this section.

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

(14) The secretary of state shall waive the fee under this section if the applicant is any of the following:

(a) A person 65 years of age or older.

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

(c) A person who presents evidence of statutory blindness as provided in 1978 PA 260, MCL 393.351 to 393.368.

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

(e) Beginning January 1, 2007, a person who wishes to add or remove a heart insignia described in subsection (1)(f).

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

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

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

- (a) The person wants to change any information on the identification card.
- (b) An identification card issued under this act is lost, destroyed, or mutilated, or becomes illegible.

(18) A person may indicate on an official state personal identification card in a place designated by the secretary of state his or her blood type, emergency contact information, immunization data, medication data, a statement that the person is deaf, or, until January 1, 2007, a statement that the person has made an anatomical gift under part 101 of the public health code, 1978 PA 368, MCL 333.10101 to 333.10109.

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

(20) Beginning January 1, 2007, the secretary of state shall inquire of each person who applies for or who holds an official state personal identification card, in person or by mail, whether he or she agrees to participate in the organ, tissue, and eye donor registry under part 101 of the public health code, 1978 PA 368, MCL 333.10101 to 333.10109. A person who has agreed to participate in that registry shall not be considered to have revoked that agreement solely because the person's official state personal identification card has expired. Enrollment in the organ, tissue, and eye donor registry constitutes a legal agreement that remains binding and in effect after the donor's death regardless of the expressed desires of the deceased donor's next of kin who may oppose the donor's organ, tissue, or eye donation.

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

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

- (a) House Bill No. 4082.
- (b) House Bill No. 4469.
- (c) House Bill No. 4470.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Ray E. Randall

Clerk of the House of Representatives

Approved

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Governor