

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4941

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 section 2 (MCL 28.292), as amended by 2005 PA 143.

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 **LEGAL** name, date of birth, sex, ~~residential~~
6 **RESIDENCE** address, height, weight, eye color, **DIGITAL PHOTOGRAPHIC**
7 image, ~~and signature of the person to whom the identification card~~

1 ~~is issued~~ **APPLICANT, AND EXPIRATION DATE OF THE OFFICIAL STATE**
2 **PERSONAL IDENTIFICATION CARD.**

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

5 (i) The blood type of the person.

6 (ii) Immunization data of the person.

7 (iii) Medication data of the person.

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

9 ~~—— (v) Until January 1, 2007, a statement that the person is an~~
10 ~~organ and tissue donor under part 101 of the public health code,~~
11 ~~1978 PA 368, MCL 333.10101 to 333.10109. If the identification card~~
12 ~~contains such a statement, the statement shall include the~~
13 ~~signature of the person, along with the signature of at least 1~~
14 ~~witness.~~

15 ~~—— (vi) Emergency contact information of the person.~~

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

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

26 ~~—— (e) In the case of a person who is not less than 18 years of~~
27 ~~age but less than 21 years of age at the time of issuance of the~~

1 ~~identification card, the date on which the person will become 21~~
2 ~~years of age.~~

3 (D) ~~(f) Beginning January 1, 2007, in~~ IN the case of a holder
4 of an official state personal identification card who has indicated
5 his or her wish to participate in the ~~organ and tissue~~ **ANATOMICAL**
6 **GIFT** donor registry under part 101 of the public health code, 1978
7 PA 368, MCL 333.10101 to ~~333.10109~~ **333.10123**, a heart insignia on
8 the front of the official state personal identification card.

9 (E) **PHYSICAL SECURITY FEATURES DESIGNED TO PREVENT TAMPERING,**
10 **COUNTERFEITING, OR DUPLICATION OF THE OFFICIAL STATE PERSONAL**
11 **IDENTIFICATION CARD FOR FRAUDULENT PURPOSES.**

12 (2) In conjunction with the application for ~~or, until January~~
13 ~~1, 2007, the issuance of~~ an official state personal identification
14 card, the secretary of state shall do all of the following:

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

16 (i) Information explaining the applicant's right to make an
17 anatomical gift in the event of death under part 101 of the public
18 health code, 1978 PA 368, MCL 333.10101 to ~~333.10109~~ **333.10123**, and
19 in accordance with this section.

20 (ii) Information describing the ~~organ, tissue, and eye~~ donor
21 registry program maintained by Michigan's federally designated
22 organ procurement organization or its successor organization **UNDER**
23 **SECTION 10120 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL**
24 **333.10120**. The information required under this subparagraph
25 includes the address and telephone number of Michigan's federally
26 designated organ procurement organization or its successor
27 organization **AS DEFINED IN SECTION 10120 OF THE PUBLIC HEALTH CODE,**

1 1978 PA 368, MCL 333.10120.

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

5 (b) Provide the applicant with the opportunity to specify on
6 his or her official state personal identification card that he or
7 she is willing to make an anatomical gift in the event of death
8 pursuant to part 101 of the public health code, 1978 PA 368, MCL
9 333.10101 to ~~333.10109~~ 333.10123, and in accordance with this
10 section.

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

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

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

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

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

25 ~~—— (4) Until January 1, 2007, if an applicant indicates a~~
26 ~~willingness under this section to have his or her name placed on~~
27 ~~the registry described in subsection (2) (a) (ii), the secretary of~~

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

15 (4) ~~(5)~~—The secretary of state shall prescribe the form of the
16 identification card. The secretary of state shall designate on the
17 identification card a space where the applicant may place a sticker
18 or decal of the uniform size as the secretary may specify to
19 indicate that the cardholder carries a separate emergency medical
20 information card. The sticker or decal may be provided by any
21 person, hospital, school, medical group, or association interested
22 in assisting in implementing the emergency medical information
23 card, but shall meet the specifications of the secretary of state.
24 The sticker or decal also may be used to indicate that the
25 cardholder has designated 1 or more patient advocates in accordance
26 with section 5506 of the estates and protected individuals code,
27 1998 PA 386, MCL 700.5506. The emergency medical information card,

1 carried separately by the cardholder, may contain the information
2 described in subsection (2)(c), information concerning the
3 cardholder's patient advocate designation, other emergency medical
4 information, or an indication as to where the cardholder has stored
5 or registered emergency medical information. An original
6 identification card or the renewal of an existing identification
7 card issued to a person less than 21 years of age shall be portrait
8 or vertical in form and an identification card issued to a person
9 21 years of age or over shall be landscape or horizontal in form.
10 Except as otherwise required in this act, other information
11 required on the identification card under this act may appear on
12 the identification card in a form prescribed by the secretary of
13 state.

14 (5) ~~(6)~~—The identification card shall not contain a
15 fingerprint or finger image of the applicant.

16 (6) ~~(7)~~—Except as provided in this subsection, the secretary
17 of state ~~may~~ **SHALL** retain and use a person's **DIGITAL PHOTOGRAPHIC**
18 image and signature described in subsection (1)(b) only for
19 programs administered by the secretary of state **AS SPECIFICALLY**
20 **AUTHORIZED BY LAW**. ~~Except as provided in this subsection, the~~
21 ~~secretary of state shall not use a person's image unless written~~
22 ~~permission for that purpose is granted by the person to the~~
23 ~~secretary of state or specific enabling legislation permitting the~~
24 ~~use is enacted into law. A law enforcement agency of this state~~
25 ~~shall have access to any information retained by the secretary of~~
26 ~~state under this subsection. The information may be utilized for~~
27 ~~any law enforcement purpose unless otherwise prohibited by law. The~~

1 ~~department of state police shall provide to the secretary of state~~
2 ~~updated lists of persons required under section 5a of the sex~~
3 ~~offenders registration act, 1994 PA 295, MCL 28.725a, to maintain a~~
4 ~~valid operator's or chauffeur's license or an official state~~
5 ~~personal identification card and the secretary of state shall make~~
6 ~~images of those persons available to the department of state police~~
7 ~~as provided in the sex offenders registration act, 1994 PA 295, MCL~~
8 ~~28.721 to 28.732. A PERSON'S DIGITAL PHOTOGRAPHIC IMAGE OR~~
9 ~~SIGNATURE SHALL ONLY BE USED AS FOLLOWS:~~

10 (A) BY A FEDERAL, STATE, OR LOCAL GOVERNMENTAL AGENCY FOR A
11 LAW ENFORCEMENT PURPOSE AUTHORIZED BY LAW.

12 (B) BY THE SECRETARY OF STATE FOR A USE SPECIFICALLY
13 AUTHORIZED BY LAW.

14 (C) THE SECRETARY OF STATE SHALL FORWARD TO THE DEPARTMENT OF
15 STATE POLICE THE IMAGES OF PERSONS REQUIRED TO BE REGISTERED UNDER
16 THE SEX OFFENDERS REGISTRATION ACT, 1994 PA 295, MCL 28.721 TO
17 28.736, UPON THE DEPARTMENT OF STATE POLICE PROVIDING THE SECRETARY
18 OF STATE AN UPDATED LIST OF THOSE PERSONS.

19 (D) AS NECESSARY TO COMPLY WITH A LAW OF THIS STATE OR THE
20 UNITED STATES.

21 (7) ~~(8)~~—If a person presents evidence of statutory blindness
22 as provided in 1978 PA 260, MCL 393.351 to 393.368, and is issued
23 or is the holder of an official state personal identification card,
24 the secretary of state shall mark the person's identification card
25 in a manner that clearly indicates that the cardholder is legally
26 blind.

27 (8) ~~(9)~~ Beginning January 1, 2007, the ~~THE~~ secretary of state

1 shall maintain a record of an individual who indicates a
 2 willingness to have his or her name placed on the **DONOR** registry
 3 described in subsection (2) (a) (ii). Information about a person's
 4 indication of a willingness to have his or her name placed on the
 5 **DONOR** registry that is obtained by the secretary of state and
 6 forwarded under this section is exempt from disclosure under
 7 section 13(1) (d) of the freedom of information act, 1976 PA 442,
 8 MCL 15.243. ~~The~~ **AS REQUIRED IN SECTION 10120 OF THE PUBLIC HEALTH**
 9 **CODE, 1978 PA 368, MCL 333.10120, THE** secretary of state shall
 10 establish and maintain the ~~organ, tissue, and eye~~ donor registry in
 11 a manner that **COMPLIES WITH THAT SECTION AND THAT** provides
 12 electronic access, including, but not limited to, the transfer of
 13 data to this state's federally designated organ procurement
 14 ~~organizations, their~~ **ORGANIZATION OR ITS** successor ~~organizations,~~
 15 ~~and~~ **ORGANIZATION**, tissue **BANKS**, and eye banks. ~~with limitations on~~
 16 ~~the use of and access to the donor registry as determined by the~~
 17 ~~secretary of state.~~

18 (9) ~~(10)~~ An official state personal identification card may
 19 contain an identifier for voter registration purposes.

20 (10) An official state personal identification card ~~may~~ **SHALL**
 21 contain information appearing in electronic or machine readable
 22 codes needed to conduct a transaction with the secretary of state.
 23 The information shall be limited to the person's identification
 24 card number, birth date, expiration date, **FULL LEGAL NAME, DATE OF**
 25 **TRANSACTION, GENDER, ADDRESS, STATE OF ISSUANCE**, and other
 26 information necessary for use with electronic devices, machine
 27 readers, or automatic teller machines and shall not contain the

1 person's ~~name, address, driving record~~ , or other personal
2 identifier. The identification card shall identify the encoded
3 information.

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

9 (12) Except as otherwise provided in this act, an applicant
10 shall pay a fee of \$10.00 to the secretary of state for each
11 original or renewal identification card issued. The department of
12 treasury shall deposit the fees received and collected under this
13 section in the state treasury to the credit of the general fund.
14 The legislature shall appropriate the fees credited to the general
15 fund under this act to the secretary of state for the
16 administration of this act. Appropriations from the Michigan
17 transportation fund created under section 10 of 1951 PA 51, MCL
18 247.660, shall not be used to compensate the secretary of state for
19 costs incurred and services performed under this section.

20 (13) An original or renewal official state personal
21 identification card expires on the birthday of the person to whom
22 it is issued in the fourth year following the date of issuance **OR**
23 **ON THE DATE THE PERSON IS NO LONGER CONSIDERED TO BE LEGALLY**
24 **PRESENT IN THE UNITED STATES UNDER SECTION 1, WHICHEVER IS EARLIER.**
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 by
2 mail or by other methods prescribed by the secretary of state. The
3 secretary of state shall require renewal in person by a person
4 required under section 5a of the sex offenders registration act,
5 1994 PA 295, MCL 28.725a, to maintain a valid operator's or
6 chauffeur's license or official state personal identification card.

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

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

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

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

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

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

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

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

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

5 (a) The person wants to change any information on the
6 identification card.

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

9 (18) A person may indicate on an official state personal
10 identification card in a place designated by the secretary of state
11 his or her blood type, emergency contact information, immunization
12 data, medication data, **OR** a statement that the person is deaf. ~~7~~
13 ~~er, until January 1, 2007, a statement that the person has made an~~
14 ~~anatomical gift under part 101 of the public health code, 1978 PA~~
15 ~~368, MCL 333.10101 to 333.10109.~~

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

21 (20) ~~Beginning January 1, 2007, the~~ **THE** secretary of state
22 shall inquire of each person who applies for or who holds an
23 official state personal identification card, in person or by mail,
24 whether he or she agrees to participate in the ~~organ, tissue, and~~
25 ~~eye~~ **ANATOMICAL GIFT** donor registry under part 101 of the public
26 health code, 1978 PA 368, MCL 333.10101 to ~~333.10109~~ **333.10123**. A
27 person who has agreed to participate in ~~that~~ **THE DONOR** registry

1 shall not be considered to have revoked that agreement solely
2 because the person's official state personal identification card
3 has expired. Enrollment in the ~~organ, tissue, and eye~~ donor
4 registry constitutes a legal agreement that remains binding and in
5 effect after the donor's death regardless of the expressed desires
6 of the deceased donor's next of kin who may oppose the donor's
7 ~~organ, tissue, or eye donation~~ **ANATOMICAL GIFT.**

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

13 Enacting section 1. This amendatory act does not take effect
14 unless House Bill No. 4940 of the 94th Legislature is enacted into
15 law.