

SUBSTITUTE FOR
SENATE BILL NO. 963

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, 1a, 2, and 8 (MCL 28.291, 28.291a, 28.292, and 28.298), sections 1 and 2 as amended by 2005 PA 143 and sections 1a and 8 as added by 1997 PA 99, and by adding sections 2a and 2b.

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 **PHOTOGRAPHIC IDENTITY DOCUMENT**, a birth certificate ~~attesting to~~

1 ~~his or her age~~ or OTHER NONPHOTOGRAPHIC IDENTITY DOCUMENT, AND
2 other sufficient documents or identification as the secretary of
3 state may require. THESE DOCUMENTS SHALL DEMONSTRATE THE
4 APPLICANT'S FULL LEGAL NAME, DATE OF BIRTH, SOCIAL SECURITY NUMBER,
5 AND ADDRESS AND RESIDENCY, AND THAT THE APPLICANT IS A CITIZEN OF
6 THE UNITED STATES, IS AN ALIEN LAWFULLY ADMITTED FOR PERMANENT OR
7 TEMPORARY RESIDENCE IN THE UNITED STATES, OR HAS CONDITIONAL
8 PERMANENT RESIDENT STATUS IN THE UNITED STATES. IF THE APPLICANT'S
9 FULL LEGAL NAME DIFFERS FROM THE NAME THAT APPEARS ON AN IDENTITY
10 DOCUMENT PRESENTED UNDER THIS SECTION, THE APPLICANT MUST PRESENT
11 EVIDENCE OF HIS OR HER NAME CHANGE USING DOCUMENTS ISSUED BY A
12 COURT, GOVERNMENT AGENCY, OR OTHER ENTITY AS DETERMINED BY THE
13 SECRETARY OF STATE. An application for a state personal
14 identification card shall be made in a manner prescribed by the
15 secretary of state and shall contain the applicant's full LEGAL
16 name, date of birth, SOCIAL SECURITY NUMBER, residence address,
17 height, sex, eye color, signature, and ~~beginning January 1, 2007,~~
18 intent to be an organ donor, and other information required or
19 permitted on the official state personal identification card. The
20 applicant may provide a mailing address if the applicant receives
21 mail at an address different from his or her residence address.

22 (2) The secretary of state shall not issue an official state
23 personal identification card to a person who holds an operator's or
24 chauffeur's license issued under the Michigan vehicle code, 1949 PA
25 300, MCL 257.1 to 257.923, unless the license has been suspended,
26 revoked, or restricted.

27 (3) UNLESS OTHERWISE ELIGIBLE UNDER SECTION 2A, THE SECRETARY

Senate Bill No. 963 as amended February 5, 2008

1 OF STATE SHALL NOT ISSUE AN OFFICIAL STATE PERSONAL IDENTIFICATION
2 CARD TO A PERSON WHO IS NOT A CITIZEN OF THE UNITED STATES.

3 (4) THE SECRETARY OF STATE SHALL NOT DISCLOSE A SOCIAL
4 SECURITY NUMBER OBTAINED UNDER SUBSECTION (1) TO ANOTHER PERSON
5 EXCEPT FOR USE FOR 1 OR MORE OF THE FOLLOWING PURPOSES:

6 (A) COMPLIANCE WITH 49 USC 31301 TO 31317 AND REGULATIONS AND
7 RULES RELATED TO THIS ACT.

8 (B) TO CARRY OUT THE PURPOSES OF SECTION 466(A) OF THE SOCIAL
9 SECURITY ACT, 42 USC 666, IN CONNECTION WITH MATTERS RELATING TO
10 PATERNITY, CHILD SUPPORT, OR OVERDUE CHILD SUPPORT.

11 (C) TO CHECK AN APPLICANT'S DRIVING RECORD THROUGH THE
12 NATIONAL DRIVER REGISTER AND THE COMMERCIAL DRIVER LICENSE
13 INFORMATION SYSTEM WHEN ISSUING A LICENSE UNDER THIS ACT.

14 (D) WITH THE DEPARTMENT OF COMMUNITY HEALTH, FOR COMPARISON
15 WITH VITAL RECORDS MAINTAINED BY THE DEPARTMENT OF COMMUNITY HEALTH
16 UNDER PART 28 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.2801
17 TO 333.2899.

18 (E) AS OTHERWISE REQUIRED BY LAW.

19 (5) THE SECRETARY OF STATE SHALL NOT DISPLAY A PERSON'S SOCIAL
20 SECURITY NUMBER ON THE PERSON'S <<PERSONAL IDENTIFICATION CARD.>>

21 (6) A REQUIREMENT UNDER THIS SECTION TO INCLUDE A SOCIAL
22 SECURITY NUMBER ON AN APPLICATION DOES NOT APPLY TO AN APPLICANT
23 WHO DEMONSTRATES HE OR SHE IS EXEMPT UNDER LAW FROM OBTAINING A
24 SOCIAL SECURITY NUMBER.

25 Sec. 1a. As used in this act:

26 (a) "Highly restricted personal information" includes an
27 individual's photograph or image, social security number, digitized

1 signature, and medical and disability information **AND SOURCE**
2 **DOCUMENTS PRESENTED BY AN APPLICANT TO OBTAIN A PERSONAL**
3 **IDENTIFICATION CARD UNDER SECTION 2.**

4 (b) "Personal information" means information that identifies
5 an individual, including the individual's photograph or image,
6 name, address (but not the 5-digit zip code), driver license
7 number, social security number, telephone number, digitized
8 signature, and medical and disability information.

9 (C) "RESIDENT" MEANS A PERSON WHO ESTABLISHES THAT HE OR SHE
10 IS LEGALLY PRESENT IN THE UNITED STATES.

11 (D) "VERIFY" MEANS PROCEDURES ESTABLISHED BY THE SECRETARY OF
12 STATE TO DO BOTH OF THE FOLLOWING:

13 (i) AUTHENTICATE DOCUMENTS BY DETERMINING WHETHER THE SOURCE
14 DOCUMENT IS GENUINE AND HAS NOT BEEN ALTERED.

15 (ii) VERIFY DATA BY DETERMINING WHETHER THE IDENTITY DATA
16 CONTAINED ON THE DOCUMENT ARE VALID.

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

19 (a) An identification number permanently assigned to the
20 person.

21 (b) The full **LEGAL** name, date of birth, sex, residential
22 address, height, weight, eye color, **DIGITAL PHOTOGRAPHIC** image, and
23 signature of the ~~person to whom the identification card is issued~~
24 **APPLICANT, DATE OF TRANSACTION, EXPIRATION DATE, AND AN INDICATOR**
25 **THAT THE LICENSE WAS ISSUED IN COMPLIANCE WITH THE 2008 AMENDATORY**
26 **ACT THAT AMENDED THIS SECTION.**

27 (c) An indication that the identification card contains 1 or

1 more of the following:

2 (i) The blood type of the person.

3 (ii) Immunization data of the person.

4 (iii) Medication data of the person.

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

6 ~~—— (v) Until January 1, 2007, a statement that the person is an~~
7 ~~organ and tissue donor under part 101 of the public health code,~~
8 ~~1978 PA 368, MCL 333.10101 to 333.10109. If the identification card~~
9 ~~contains such a statement, the statement shall include the~~
10 ~~signature of the person, along with the signature of at least 1~~
11 ~~witness.~~

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

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

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

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

27 (D) ~~(f) Beginning January 1, 2007, in~~ **IN** the case of a holder

1 of an official state personal identification card who has indicated
2 his or her wish to participate in the organ and tissue donor
3 registry under part 101 of the public health code, 1978 PA 368, MCL
4 333.10101 to 333.10109, a heart insignia on the front of the
5 official state personal identification card.

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

9 (2) In conjunction with the application for or, until January
10 1, 2007, the issuance of an official state personal identification
11 card, the secretary of state shall do all of the following:

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

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

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

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

25 (ii) .

26 (b) Provide the applicant with the opportunity to specify on
27 his or her official state personal identification card that he or

1 she is willing to make an anatomical gift in the event of death
2 pursuant to part 101 of the public health code, 1978 PA 368, MCL
3 333.10101 to 333.10109, and in accordance with this section.

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

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

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

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

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

18 (4) Until January 1, 2007, if an applicant indicates a
19 willingness under this section to have his or her name placed on
20 the registry described in subsection (2) (a) (ii), the secretary of
21 state shall within 10 days forward the applicant's name, address,
22 and date of birth to the organ donor registry maintained by
23 Michigan's federally designated organ procurement organization or
24 its successor organization. The secretary of state may forward
25 information under this subsection by mail or by electronic means.
26 The secretary of state shall not maintain a record of the name or
27 address of an individual who indicates a willingness to have his or

1 her name placed on the organ donor registry after forwarding that
2 information to the organ donor registry under this subsection.
3 Information about an applicant's indication of a willingness to
4 have his or her name placed on the organ donor registry obtained by
5 the secretary of state under subsection (2) and forwarded under
6 this subsection is exempt from disclosure under section 13(1)(d) of
7 the freedom of information act, 1976 PA 442, MCL 15.243.

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

1 or vertical in form and an identification card issued to a person
2 21 years of age or over shall be landscape or horizontal in form.
3 Except as otherwise required in this act, other information
4 required on the identification card under this act may appear on
5 the identification card in a form prescribed by the secretary of
6 state.

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

9 (7) Except as provided in this subsection, the secretary of
10 state ~~may~~ **SHALL** retain and use a person's **DIGITAL PHOTOGRAPHIC**
11 image and signature described in subsection (1)(b) ~~only~~ for
12 programs administered by the secretary of state. ~~Except as provided~~
13 ~~in this subsection, the secretary of state shall not use a person's~~
14 ~~image unless written permission for that purpose is granted by the~~
15 ~~person to the secretary of state or specific enabling legislation~~
16 ~~permitting the use is enacted into law. A law enforcement agency of~~
17 ~~this state shall have access to any information retained by the~~
18 ~~secretary of state under this subsection. The information may be~~
19 ~~utilized for any law enforcement purpose unless otherwise~~
20 ~~prohibited by law. The department of state police shall provide to~~
21 ~~the secretary of state updated lists of persons required under~~
22 ~~section 5a of the sex offenders registration act, 1994 PA 295, MCL~~
23 ~~28.725a, to maintain a valid operator's or chauffeur's license or~~
24 ~~an official state personal identification card and the secretary of~~
25 ~~state shall make images of those persons available to the~~
26 ~~department of state police as provided in the sex offenders~~
27 ~~registration act, 1994 PA 295, MCL 28.721 to 28.732. **A PERSON'S**~~

1 DIGITAL PHOTOGRAPHIC IMAGE OR SIGNATURE SHALL ONLY BE USED AS
2 FOLLOWS:

3 (A) BY A FEDERAL, STATE, OR LOCAL GOVERNMENTAL AGENCY FOR A
4 LAW ENFORCEMENT PURPOSE.

5 (B) BY THE SECRETARY OF STATE FOR A PROGRAM ADMINISTERED BY
6 THE SECRETARY OF STATE.

7 (C) BY THE SECRETARY OF STATE FOR A PURPOSE OTHER THAN A
8 PURPOSE DESCRIBED IN SUBDIVISION (B), IF THE PERSON GIVES WRITTEN
9 PERMISSION.

10 (D) THE SECRETARY OF STATE SHALL FORWARD TO THE DEPARTMENT OF
11 STATE POLICE THE IMAGES OF PERSONS REQUIRED TO BE REGISTERED UNDER
12 THE SEX OFFENDERS REGISTRATION ACT, 1994 PA 295, MCL 28.721 TO
13 28.736, UPON THE DEPARTMENT OF STATE POLICE PROVIDING THE SECRETARY
14 OF STATE AN UPDATED LIST OF THOSE PERSONS.

15 (E) AS NECESSARY TO COMPLY WITH A LAW OF THIS STATE OR THE
16 UNITED STATES.

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

23 (9) ~~Beginning January 1, 2007, the~~ ~~THE~~ secretary of state
24 shall maintain a record of an individual who indicates a
25 willingness to have his or her name placed on the registry
26 described in subsection (2) (a) (ii). Information about a person's
27 indication of a willingness to have his or her name placed on the

1 registry that is obtained by the secretary of state and forwarded
2 under this section is exempt from disclosure under section 13(1)(d)
3 of the freedom of information act, 1976 PA 442, MCL 15.243. The
4 secretary of state shall establish and maintain the organ, tissue,
5 and eye donor registry in a manner that provides electronic access,
6 including, but not limited to, the transfer of data to this state's
7 federally designated organ procurement organizations, their
8 successor organizations, and tissue and eye banks with limitations
9 on the use of and access to the donor registry as determined by the
10 secretary of state.

11 (10) An official state personal identification card may
12 contain an identifier for voter registration purposes.

13 (11) An official state personal identification card ~~may~~ **SHALL**
14 contain **2-DIMENSIONAL** information appearing in ~~electronic or~~
15 ~~machine readable codes needed to conduct a transaction with the~~
16 ~~secretary of state~~ **A BAR CODE WITH DEFINED MINIMUM DATA ELEMENTS.**
17 ~~The information shall be limited to the person's identification~~
18 ~~card number, birth date, expiration date, and other information~~
19 ~~necessary for use with electronic devices, machine readers, or~~
20 ~~automatic teller machines and shall not contain the person's name,~~
21 ~~address, driving record, or other personal identifier. The~~
22 ~~identification card shall identify the encoded information.~~ **AS USED**
23 **IN THIS SUBSECTION, "DEFINED MINIMUM DATA ELEMENTS" MEANS THAT**
24 **PHRASE AS DEFINED IN SECTION 30C OF THE MICHIGAN VEHICLE CODE, 1949**
25 **PA 300, MCL 257.30C.**

26 (12) **EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PERSON**
27 **SHALL NOT ACCESS, USE, COMPILE, OR MAINTAIN A DATABASE OF**

1 ELECTRONICALLY READABLE INFORMATION FROM THE 2-DIMENSIONAL BAR
2 CODE. A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A FELONY.

3 (13) SUBSECTION (12) DOES NOT APPLY TO EITHER OF THE
4 FOLLOWING:

5 (A) A PERSON WHO ACCESSES, USES, COMPILES, OR MAINTAINS A
6 DATABASE OF ELECTRONICALLY READABLE INFORMATION FROM THE 2-
7 DIMENSIONAL BAR CODE FOR USE BY A FEDERAL, STATE, OR LOCAL
8 GOVERNMENT AGENCY IN CARRYING OUT THE AGENCY'S FUNCTIONS.

9 (B) A PERSON WHO ACCESSES OR USES ELECTRONICALLY READABLE
10 INFORMATION FROM THE 2-DIMENSIONAL BAR CODE FOR USE ONLY FOR
11 PURPOSES OF CONFIRMING THE APPLICANT'S IDENTITY OR DATE OF BIRTH AT
12 THE POINT OF SALE. ACCESS OR USE UNDER THIS SUBDIVISION DOES NOT
13 PERMIT COMPILATION OR MAINTENANCE OF A DATABASE OF ELECTRONICALLY
14 READABLE INFORMATION FROM THE 2-DIMENSIONAL BAR CODE.

15 (14) ~~(11)~~—An official state personal identification card shall
16 be issued only upon authorization of the secretary of state, and
17 shall be manufactured in a manner to prohibit as nearly as possible
18 the ability to reproduce, alter, counterfeit, forge, or duplicate
19 the identification card without ready detection.

20 (15) ~~(12)~~—Except as otherwise provided in this act, an
21 applicant shall pay a fee of ~~\$10.00~~ **NOT MORE THAN \$20.00** to the
22 secretary of state for each original or renewal identification card
23 issued. The department of treasury shall deposit the fees received
24 and collected under this section in the state treasury to the
25 credit of the ~~general~~ **TRANSPORTATION ADMINISTRATION COLLECTION**
26 fund. The legislature shall appropriate the fees credited to the
27 ~~general~~ **TRANSPORTATION ADMINISTRATION COLLECTION** fund under this

1 act to the secretary of state for the administration of this act.
2 Appropriations from the Michigan transportation fund created under
3 section 10 of 1951 PA 51, MCL 247.660, shall not be used to
4 compensate the secretary of state for costs incurred and services
5 performed under this section.

6 (16) ~~(13)~~—An original or renewal official state personal
7 identification card expires on the birthday of the person to whom
8 it is issued in the fourth year following the date of issuance. The
9 secretary of state shall not issue an official state personal
10 identification card under this act for a period greater than 4
11 years. Except as provided in this subsection **OR AS PROVIDED FOR A**
12 **LIMITED-TERM OFFICIAL STATE PERSONAL IDENTIFICATION CARD**, a person
13 may apply for a renewal of an official state personal
14 identification card by mail or by other methods prescribed by the
15 secretary of state. **UNTIL DECEMBER 1, 2013, THE SECRETARY OF STATE**
16 **MAY ALLOW A PERSON BORN ON OR BEFORE DECEMBER 1, 1964 TO RENEW HIS**
17 **OR HER PERSONAL IDENTIFICATION CARD BY MAIL FOR AN ADDITIONAL 4-**
18 **YEAR PERIOD.** The secretary of state shall require renewal in person
19 by a person required under section 5a of the sex offenders
20 registration act, 1994 PA 295, MCL 28.725a, to maintain a valid
21 operator's or chauffeur's license or official state personal
22 identification card.

23 (17) ~~(14)~~—The secretary of state shall waive the fee under
24 this section if the applicant is any of the following:

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

26 (b) A person who has had his or her operator's or chauffeur's
27 license suspended, revoked, or denied under the Michigan vehicle

1 code, 1949 PA 300, MCL 257.1 to 257.923, because of a mental or
2 physical infirmity or disability.

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

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

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

8 (18) ~~(15)~~ A person who has been issued an official state
9 personal identification card shall apply for a renewal official
10 state personal identification card if the person changes his or her
11 name.

12 (19) ~~(16)~~ A person who has been issued an official state
13 personal identification card shall apply for a corrected
14 identification card if he or she changes his or her residential
15 address. The secretary of state may correct the address on an
16 identification card by a method prescribed by the secretary of
17 state. A fee shall not be charged for a change of residential
18 address.

19 (20) ~~(17)~~ Except as otherwise provided in subsections ~~(15)~~
20 (18) and ~~(16)~~ (19), a person who has been issued an official state
21 personal identification card may apply for a renewal official state
22 personal identification card for 1 or more of the following
23 reasons:

24 (a) The person wants to change any information on the
25 identification card.

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

1 (21) ~~(18)~~—A person may indicate on an official state personal
2 identification card in a place designated by the secretary of state
3 his or her blood type, emergency contact information, immunization
4 data, medication data, a statement that the person is deaf, or,
5 until January 1, 2007, a statement that the person has made an
6 anatomical gift under part 101 of the public health code, 1978 PA
7 368, MCL 333.10101 to 333.10109.

8 (22) ~~(19)~~—If an applicant provides proof to the secretary of
9 state that he or she is a minor who has been emancipated under 1968
10 PA 293, MCL 722.1 to 722.6, the official state personal
11 identification card shall bear the designation of the individual's
12 emancipated status in a manner prescribed by the secretary of
13 state.

14 (23) ~~(20) Beginning January 1, 2007, the~~ **THE** secretary of
15 state shall inquire of each person who applies for or who holds an
16 official state personal identification card, in person or by mail,
17 whether he or she agrees to participate in the organ, tissue, and
18 eye donor registry under part 101 of the public health code, 1978
19 PA 368, MCL 333.10101 to 333.10109. A person who has agreed to
20 participate in that registry shall not be considered to have
21 revoked that agreement solely because the person's official state
22 personal identification card has expired. Enrollment in the organ,
23 tissue, and eye donor registry constitutes a legal agreement that
24 remains binding and in effect after the donor's death regardless of
25 the expressed desires of the deceased donor's next of kin who may
26 oppose the donor's organ, tissue, or eye donation.

27 (24) ~~(21)~~—A valid official state personal identification card

1 presented by the person to whom the card is issued shall be
2 considered the same as a valid state of Michigan driver license
3 when identification is requested except as otherwise specifically
4 provided by law.

5 SEC. 2A. (1) BEFORE ISSUING AN OFFICIAL STATE PERSONAL
6 IDENTIFICATION CARD TO AN APPLICANT, THE SECRETARY OF STATE SHALL
7 REQUIRE AND THE APPLICANT SHALL PRODUCE DOCUMENTARY EVIDENCE AS THE
8 SECRETARY OF STATE REQUIRES SHOWING THAT 1 OR MORE OF THE FOLLOWING
9 APPLIES TO THE APPLICANT:

10 (A) THE APPLICANT IS A CITIZEN OF THE UNITED STATES.

11 (B) THE APPLICANT IS AN ALIEN LAWFULLY ADMITTED FOR PERMANENT
12 OR TEMPORARY RESIDENCE IN THE UNITED STATES.

13 (C) THE APPLICANT HAS CONDITIONAL PERMANENT RESIDENCE STATUS
14 IN THE UNITED STATES.

15 (D) THE APPLICANT HAS A VALID, UNEXPIRED NONIMMIGRANT VISA OR
16 NONIMMIGRANT VISA STATUS FOR ENTRY INTO THE UNITED STATES.

17 (E) THE APPLICANT HAS AN APPROVED APPLICATION FOR ASYLUM IN
18 THE UNITED STATES.

19 (F) THE APPLICANT HAS ENTERED INTO THE UNITED STATES IN
20 REFUGEE STATUS.

21 (G) THE APPLICANT HAS A PENDING OR APPROVED APPLICATION FOR
22 TEMPORARY PROTECTED STATUS IN THE UNITED STATES.

23 (H) THE APPLICANT HAS APPROVED DEFERRED ACTION STATUS.

24 (I) THE APPLICANT HAS A PENDING APPLICATION FOR ADJUSTMENT OF
25 STATUS TO THAT OF AN ALIEN LAWFULLY ADMITTED FOR PERMANENT
26 RESIDENCE IN THE UNITED STATES OR CONDITIONAL PERMANENT RESIDENCE
27 STATUS IN THE UNITED STATES.

1 (2) IF AN APPLICANT PRESENTS EVIDENCE DESCRIBED IN SUBSECTION
2 (1) (D) THROUGH (I), THE SECRETARY OF STATE SHALL NOT ISSUE AN
3 OFFICIAL STATE PERSONAL IDENTIFICATION CARD, BUT MAY ISSUE A
4 LIMITED-TERM OFFICIAL STATE PERSONAL IDENTIFICATION CARD TO THE
5 APPLICANT. A LIMITED-TERM OFFICIAL STATE PERSONAL IDENTIFICATION
6 CARD ISSUED UNDER THIS SUBSECTION IS VALID ONLY DURING THE PERIOD
7 OF TIME THAT THE APPLICANT IS AUTHORIZED TO STAY IN THE UNITED
8 STATES OR, IF THERE IS NO DEFINITE END TO THE PERIOD OF AUTHORIZED
9 STAY, FOR 1 YEAR.

10 (3) A LIMITED-TERM OFFICIAL STATE PERSONAL IDENTIFICATION CARD
11 ISSUED UNDER THIS SECTION SHALL INDICATE THAT IT IS VALID FOR A
12 LIMITED TERM AND SHALL STATE THE DATE ON WHICH IT EXPIRES.

13 (4) A LIMITED-TERM OFFICIAL STATE PERSONAL IDENTIFICATION CARD
14 ISSUED UNDER THIS SECTION MAY BE RENEWED ONLY UPON PRESENTATION OF
15 VALID DOCUMENTARY EVIDENCE THAT THE STATUS BY WHICH THE APPLICANT
16 QUALIFIED FOR THE LIMITED-TERM OFFICIAL STATE PERSONAL
17 IDENTIFICATION CARD HAS BEEN EXTENDED BY THE UNITED STATES
18 SECRETARY OF HOMELAND SECURITY.

19 (5) THE SECRETARY OF STATE SHALL USE ELECTRONIC SYSTEMS TO
20 VERIFY SOURCE DOCUMENTS, IDENTITY INFORMATION, AND THE APPLICANT'S
21 LEGAL PRESENCE IN THE UNITED STATES AS THOSE SYSTEMS BECOME
22 AVAILABLE AND USE OTHER METHODS TO VERIFY SOURCE DOCUMENTS,
23 IDENTITY INFORMATION, AND THE APPLICANT'S LEGAL PRESENCE IN THE
24 UNITED STATES AS PRESCRIBED BY THE SECRETARY OF STATE. THE
25 SECRETARY OF STATE SHALL NOT ACCEPT A FOREIGN DOCUMENT, OTHER THAN
26 AN OFFICIAL PASSPORT, TO SATISFY THE APPLICATION REQUIREMENTS UNDER
27 THIS ACT.

1 (6) THE SECRETARY OF STATE SHALL USE TECHNOLOGY TO CAPTURE
2 DIGITAL IMAGES OF IDENTITY SOURCE DOCUMENTS SO THAT THE IMAGES ARE
3 CAPABLE OF BEING RETAINED IN ELECTRONIC STORAGE IN A TRANSFERABLE
4 FORMAT.

5 (7) THE SECRETARY OF STATE SHALL RETAIN PAPER COPIES OF SOURCE
6 DOCUMENTS PRESENTED BY AN APPLICANT TO OBTAIN AN OFFICIAL STATE
7 PERSONAL IDENTIFICATION CARD FOR NOT LESS THAN 7 YEARS OR IMAGES OF
8 THOSE SOURCE DOCUMENTS FOR NOT LESS THAN 10 YEARS.

9 (8) THE SECRETARY OF STATE SHALL ESTABLISH AN EFFECTIVE
10 PROCEDURE TO CONFIRM OR VERIFY A RENEWING APPLICANT'S INFORMATION.

11 (9) THE SECRETARY OF STATE SHALL CONFIRM WITH THE SOCIAL
12 SECURITY ADMINISTRATION A SOCIAL SECURITY ACCOUNT NUMBER PRESENTED
13 BY AN APPLICANT USING THE FULL SOCIAL SECURITY ACCOUNT NUMBER OR
14 CONFIRM THE APPLICANT'S INELIGIBILITY FOR ISSUANCE OF A SOCIAL
15 SECURITY NUMBER.

16 (10) THE SECRETARY OF STATE SHALL REFUSE TO ISSUE AN OFFICIAL
17 STATE PERSONAL IDENTIFICATION CARD TO AN APPLICANT HOLDING AN
18 OFFICIAL STATE PERSONAL IDENTIFICATION CARD ISSUED BY ANOTHER STATE
19 WITHOUT CONFIRMATION THAT THE APPLICANT IS TERMINATING OR HAS
20 TERMINATED THE OFFICIAL STATE PERSONAL IDENTIFICATION CARD ISSUED
21 BY THE OTHER STATE.

22 (11) THE SECRETARY OF STATE SHALL DO ALL OF THE FOLLOWING:

23 (A) ENSURE THE PHYSICAL SECURITY OF LOCATIONS WHERE OFFICIAL
24 STATE PERSONAL IDENTIFICATION CARDS ARE PRODUCED AND THE SECURITY
25 OF DOCUMENT MATERIALS AND PAPERS FROM WHICH OFFICIAL STATE PERSONAL
26 IDENTIFICATION CARDS ARE PRODUCED.

27 (B) SUBJECT ALL PERSONS AUTHORIZED TO MANUFACTURE OR PRODUCE

1 OFFICIAL STATE PERSONAL IDENTIFICATION CARDS AND ALL PERSONS WHO
2 HAVE THE ABILITY TO AFFECT THE IDENTITY INFORMATION THAT APPEARS ON
3 AN OFFICIAL STATE PERSONAL IDENTIFICATION CARD TO APPROPRIATE
4 SECURITY CLEARANCE REQUIREMENTS.

5 (C) ESTABLISH FRAUDULENT DOCUMENT RECOGNITION TRAINING
6 PROGRAMS FOR APPROPRIATE EMPLOYEES ENGAGED IN THE ISSUANCE OF
7 OFFICIAL STATE PERSONAL IDENTIFICATION CARDS.

8 (12) AN APPLICANT WHO SEEKS TO OBTAIN A RENEWAL, DUPLICATE, OR
9 REISSUED OFFICIAL STATE PERSONAL IDENTIFICATION CARD SHALL
10 PERSONALLY APPEAR AT A BRANCH OFFICE OF THE SECRETARY OF STATE IF
11 EITHER OF THE FOLLOWING APPLIES:

12 (A) THERE HAS BEEN A MATERIAL CHANGE IN THE APPLICANT'S
13 PERSONAL INFORMATION SINCE PRIOR ISSUANCE. ALL MATERIAL CHANGES
14 MUST BE ESTABLISHED THROUGH PRESENTATION OF AN ORIGINAL SOURCE
15 DOCUMENT AS PRESCRIBED BY THE SECRETARY OF STATE. AS USED IN THIS
16 SUBDIVISION, "MATERIAL CHANGE" MEANS ANY CHANGE TO THE APPLICANT'S
17 PERSONAL INFORMATION. A CHANGE OF ADDRESS OF PRINCIPAL RESIDENCE
18 DOES NOT CONSTITUTE A MATERIAL CHANGE.

19 (B) THE APPLICANT POSSESSES A LIMITED-TERM OFFICIAL STATE
20 PERSONAL IDENTIFICATION CARD.

21 (13) A PERSON BORN AFTER DECEMBER 1, 1964 SHALL OBTAIN AN
22 ORIGINAL OFFICIAL STATE PERSONAL IDENTIFICATION CARD ISSUED UNDER
23 THE 2008 AMENDATORY ACT THAT ADDED THIS SUBSECTION ON OR BEFORE
24 DECEMBER 1, 2014.

25 (14) A PERSON BORN ON OR BEFORE DECEMBER 1, 1964 SHALL OBTAIN
26 AN ORIGINAL OFFICIAL STATE PERSONAL IDENTIFICATION CARD ISSUED
27 UNDER THE 2008 AMENDATORY ACT THAT ADDED THIS SUBSECTION ON OR

1 BEFORE DECEMBER 1, 2017.

2 SEC. 2B. THIS STATE SHALL ENTER INTO A MEMORANDUM OF
3 UNDERSTANDING WITH THE UNITED STATES SECRETARY OF HOMELAND SECURITY
4 TO ROUTINELY UTILIZE THE AUTOMATED SYSTEM KNOWN AS SYSTEMATIC ALIEN
5 VERIFICATION FOR ENTITLEMENTS, AS PROVIDED BY SECTION 404 OF THE
6 ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF
7 1996, 110 STAT. 3009-664, TO VERIFY THE LEGAL PRESENCE STATUS OF A
8 PERSON, OTHER THAN A UNITED STATES CITIZEN, APPLYING FOR AN
9 OFFICIAL PERSONAL STATE IDENTIFICATION CARD.

10 Sec. 8. (1) Except as provided in this section and in section
11 10, personal information in a record maintained under this act
12 shall not be disclosed, unless the person requesting the
13 information furnishes proof of identity satisfactory to the
14 secretary of state and certifies that the personal information
15 requested will be used for a permissible purpose identified in this
16 section or in section 10. ~~However, highly~~ **HIGHLY** restricted
17 personal information shall be used and disclosed only as expressly
18 permitted in section 2 or in another applicable provision of law.

19 (2) Personal information in a record maintained under this act
20 shall be disclosed by the secretary of state if required to carry
21 out the purposes of a specified federal law. As used in this
22 section, "specified federal law" means the automobile information
23 disclosure act, ~~Public Law 85-506, 15 U.S.C. USC 1231 to 1232 and~~
24 1233, the former motor vehicle information and cost savings act,
25 Public Law 92-513, the former national traffic and motor vehicle
26 safety act of 1966, Public Law 89-563, the anti-car theft act of
27 1992, Public Law 102-519, ~~106 Stat. 3384,~~ the clean air act,

1 chapter 360, 69 Stat. 322, ~~42 U.S.C. 7401 to 7431, 7470 to 7479,~~
2 ~~7491 to 7492, 7501 to 7509a, 7511 to 7515, 7521 to 7525, 7541 to~~
3 ~~7545, 7547 to 7550, 7552 to 7554, 7571 to 7574, 7581 to 7590, 7601~~
4 ~~to 7612, 7614 to 7617, 7619 to 7622, 7624 to 7627, 7641 to 7642,~~
5 ~~7651 to 7651e, 7661 to 7661f, and 7671 to 7671g,~~ and all federal
6 regulations promulgated to implement these federal laws.

7 (3) Personal information in a record maintained under this act
8 may be disclosed by the secretary of state as follows:

9 (a) For use by a federal, state, or local governmental agency,
10 including a court or law enforcement agency, in carrying out the
11 agency's functions, or by a private person or entity acting on
12 behalf of a governmental agency in carrying out the agency's
13 functions.

14 (b) For use in connection with matters of motor vehicle and
15 driver safety or auto theft; motor vehicle emissions; motor vehicle
16 product alterations, recalls, or advisories; performance monitoring
17 of motor vehicles; motor vehicle market research activities,
18 including survey research; and the removal of nonowner records from
19 the original records of motor vehicle manufacturers.

20 (c) For use in the normal course of business by a legitimate
21 business, including the agents, employees, and contractors of the
22 business, but only to verify the accuracy of personal information
23 submitted by an individual to the business or its agents,
24 employees, or contractors, and if the information as so submitted
25 is no longer correct, to obtain the correct information, for the
26 sole purpose of preventing fraud by pursuing legal remedies
27 against, or recovering on a debt against, the individual.

1 (d) For use in connection with a civil, criminal,
2 administrative, or arbitral proceeding in a federal, state, or
3 local court or governmental agency or before a self-regulatory
4 body, including use for service of process, investigation in
5 anticipation of litigation, and the execution or enforcement of
6 judgments and orders, or pursuant to an order of a federal, state,
7 or local court, an administrative agency, or a self-regulatory
8 body.

9 (e) For use in legitimate research activities and in preparing
10 statistical reports for commercial, scholarly, or academic purposes
11 by a bona fide research organization, if the personal information
12 is not published, redisclosed, or used to contact individuals.

13 (f) For use by an insurer or insurance support organization,
14 or by a self-insured entity, or its agents, employees, or
15 contractors, in connection with claims investigating activity,
16 antifraud activity, rating, or underwriting.

17 (g) For use in providing notice to the owner of an abandoned,
18 towed, or impounded vehicle.

19 (h) For use either by a private detective or private
20 investigator licensed under the private detective license act, ~~of~~
21 ~~1965,~~ 1965 PA 285, MCL 338.821 to 338.851, or by a private security
22 guard agency or alarm system contractor licensed under the private
23 security ~~guard act of 1968~~ **BUSINESS AND SECURITY ALARM ACT**, 1968 PA
24 330, MCL 338.1051 to 338.1085, only for a purpose permitted under
25 this section.

26 (i) For use by an employer, or the employer's agent or
27 insurer, to obtain or verify information relating either to the

1 holder of a commercial driver license that is required under the
2 commercial motor vehicle safety act of ~~1966-1986~~, ~~title XII of~~
3 Public Law 99-570, ~~100 Stat. 3207-170~~, or to the holder of a
4 chauffeur's license that is required under chapter 3 of the
5 Michigan vehicle code, 1949 PA 300, MCL 257.301 to 257.329.

6 (j) For use by a car rental business, or its employees,
7 agents, contractors, or service firms, for the purpose of making
8 rental decisions.

9 (k) For use by a news medium in the preparation and
10 dissemination of a report related in part or in whole to the
11 operation of a motor vehicle or public safety. "News medium"
12 includes a newspaper, a magazine or periodical published at regular
13 intervals, a news service, a broadcast network, a television
14 station, a radio station, a cablecaster, or an entity employed by
15 any of the foregoing.

16 (l) For any use by an individual requesting information
17 pertaining to himself or herself or requesting in writing that the
18 secretary of state provide information pertaining to himself or
19 herself to the individual's designee. A request for disclosure to a
20 designee, however, may be submitted only by the individual.

21 **(4) COPIES OR IMAGES OF SOURCE DOCUMENTS RETAINED BY THE**
22 **SECRETARY OF STATE UNDER SECTION 2A MAY BE USED AND DISCLOSED FOR**
23 **THE PURPOSES OF SUBSECTION (3) (A) AND (l) .**

24 Enacting section 1. (1) Except as provided in subsection (2),
25 this amendatory act takes effect January 1, 2009.

26 (2) Section 1a of 1972 PA 222, MCL 28.291a, as amended by this
27 amendatory act, takes effect on the date this amendatory act is

1 enacted into law.

2 Enacting section 2. This amendatory act does not take effect
3 unless Senate Bill No. 962 of the 94th Legislature is enacted into
4 law.