

# SENATE BILL No. 99

January 25, 2007, 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), as amended by 2005 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 **BOTH OF THE FOLLOWING:**

5           (A) DOCUMENTS SUFFICIENT TO ESTABLISH THAT THE APPLICANT IS A  
6 CITIZEN OF THE UNITED STATES OR A RESIDENT ALIEN LAWFULLY ADMITTED

1 TO THE UNITED STATES.

2 (B) A birth certificate attesting to his or her age or other  
3 sufficient documents or identification as the secretary of state  
4 may require. An application for a state personal identification  
5 card shall be made in a manner prescribed by the secretary of state  
6 and shall contain the applicant's full name, date of birth,  
7 residence address, height, sex, eye color, signature, and,  
8 beginning January 1, 2007, intent to be an organ donor, and other  
9 information required or permitted on the official state personal  
10 identification card. The applicant may provide a mailing address if  
11 the applicant receives mail at an address different from his or her  
12 residence address.

13 (2) The secretary of state shall not issue an official state  
14 personal identification card to a person who holds an operator's or  
15 chauffeur's license issued under the Michigan vehicle code, 1949 PA  
16 300, MCL 257.1 to 257.923, unless the license has been suspended,  
17 revoked, or restricted.

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

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

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

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

27 (i) The blood type of the person.

1           (ii) Immunization data of the person.

2           (iii) Medication data of the person.

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

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

10          (vi) Emergency contact information of the person.

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

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

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

25          (f) Beginning January 1, 2007, in the case of a holder of an  
26 official state personal identification card who has indicated his  
27 or her wish to participate in the organ and tissue donor registry

1 under part 101 of the public health code, 1978 PA 368, MCL  
2 333.10101 to 333.10109, a heart insignia on the front of the  
3 official state personal identification card.

4 (2) In conjunction with the application for or, until January  
5 1, 2007, the issuance of an official state personal identification  
6 card, the secretary of state shall do all of the following:

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

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

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

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

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

26 (c) Inform the applicant that, if he or she indicates to the  
27 secretary of state under this section a willingness to have his or

1 her name placed on the registry described in subdivision (a) (ii),  
2 the secretary of state will mark the applicant's record for the  
3 registry.

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

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

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

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

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

1 this subsection is exempt from disclosure under section 13(1)(d) of  
2 the freedom of information act, 1976 PA 442, MCL 15.243.

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

1 state.

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

4 (7) Except as provided in this subsection, the secretary of  
5 state may retain and use a person's image and signature described  
6 in subsection (1)(b) only for programs administered by the  
7 secretary of state. Except as provided in this subsection, the  
8 secretary of state shall not use a person's image unless written  
9 permission for that purpose is granted by the person to the  
10 secretary of state or specific enabling legislation permitting the  
11 use is enacted into law. A law enforcement agency of this state  
12 shall have access to any information retained by the secretary of  
13 state under this subsection. The information may be utilized for  
14 any law enforcement purpose unless otherwise prohibited by law. The  
15 department of state police shall provide to the secretary of state  
16 updated lists of persons required under section 5a of the sex  
17 offenders registration act, 1994 PA 295, MCL 28.725a, to maintain a  
18 valid operator's or chauffeur's license or an official state  
19 personal identification card and the secretary of state shall make  
20 images of those persons available to the department of state police  
21 as provided in the sex offenders registration act, 1994 PA 295, MCL  
22 28.721 to ~~28.732~~**28.736**.

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

1 blind.

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

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

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

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

9           The department of treasury shall deposit the fees received and  
10 collected under this section in the state treasury to the credit of  
11 the general fund. The legislature shall appropriate the fees  
12 credited to the general fund under this act to the secretary of  
13 state for the administration of this act. Appropriations from the  
14 Michigan transportation fund created under section 10 of 1951 PA  
15 51, MCL 247.660, shall not be used to compensate the secretary of  
16 state for costs incurred and services performed under this section.

17           (13) An original or renewal official state personal  
18 identification card expires on the birthday of the person to whom  
19 it is issued in the fourth year following the date of issuance. **AN**  
20 **ORIGINAL OR RENEWAL OFFICIAL STATE PERSONAL IDENTIFICATION CARD**  
21 **ISSUED TO A PERSON WHO IS NOT A UNITED STATES CITIZEN EXPIRES ON**  
22 **THE DATE HIS OR HER PRESENCE IN THE UNITED STATES BECOMES UNLAWFUL.**

23 The secretary of state shall not issue an official state personal  
24 identification card under this act for a period greater than 4  
25 years. Except as provided in this subsection, a person may apply  
26 for a renewal of an official state personal identification card by  
27 mail or by other methods prescribed by the secretary of state. The

1 secretary of state shall require renewal in person by a person  
2 required under section 5a of the sex offenders registration act,  
3 1994 PA 295, MCL 28.725a, to maintain a valid operator's or  
4 chauffeur's license or official state personal identification card.

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

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

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

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

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

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

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

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

26 (17) Except as otherwise provided in subsections (15) and  
27 (16), a person who has been issued an official state personal

1 identification card may apply for a renewal official state personal  
2 identification card for 1 or more of the following reasons:

3 (a) The person wants to change any information on the  
4 identification card.

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

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

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

19 (20) Beginning January 1, 2007, the secretary of state shall  
20 inquire of each person who applies for or who holds an official  
21 state personal identification card, in person or by mail, whether  
22 he or she agrees to participate in the organ, tissue, and eye donor  
23 registry under part 101 of the public health code, 1978 PA 368, MCL  
24 333.10101 to 333.10109. A person who has agreed to participate in  
25 that registry shall not be considered to have revoked that  
26 agreement solely because the person's official state personal  
27 identification card has expired. Enrollment in the organ, tissue,

1 and eye donor registry constitutes a legal agreement that remains  
2 binding and in effect after the donor's death regardless of the  
3 expressed desires of the deceased donor's next of kin who may  
4 oppose the donor's organ, tissue, or eye donation.

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