

SENATE BILL No. 1391

June 16, 2010, Introduced by Senator SWITALSKI and referred to the Committee on Appropriations.

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 2008 PA 40.

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, residence
6 address, height, weight, eye color, digital photographic image,
7 signature of the applicant, and expiration date of the official
8 state personal identification card.

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

3 (i) The blood type of the person.

4 (ii) Immunization data of the person.

5 (iii) Medication data of the person.

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

7 (d) In the case of a holder of an official state personal
8 identification card who has indicated his or her wish to
9 participate in the anatomical gift donor registry under part 101 of
10 the public health code, 1978 PA 368, MCL 333.10101 to 333.10123, a
11 heart insignia on the front of the official state personal
12 identification card.

13 (e) Physical security features designed to prevent tampering,
14 counterfeiting, or duplication of the official state personal
15 identification card for fraudulent purposes.

16 (2) In conjunction with the application for an official state
17 personal identification card, the secretary of state shall do all
18 of the following:

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

20 (i) Information explaining the applicant's right to make an
21 anatomical gift in the event of death under part 101 of the public
22 health code, 1978 PA 368, MCL 333.10101 to 333.10123, and in
23 accordance with this section.

24 (ii) Information describing the donor registry program
25 maintained by Michigan's federally designated organ procurement
26 organization or its successor organization under section 10120 of
27 the public health code, 1978 PA 368, MCL 333.10120. The information

1 required under this subparagraph includes the address and telephone
2 number of Michigan's federally designated organ procurement
3 organization or its successor organization as defined in section
4 10120 of the public health code, 1978 PA 368, MCL 333.10120.

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

8 (b) Provide the applicant with the opportunity to specify on
9 his or her official state personal identification card that he or
10 she is willing to make an anatomical gift in the event of death
11 pursuant to part 101 of the public health code, 1978 PA 368, MCL
12 333.10101 to 333.10123, and in accordance with this section.

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

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

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

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

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

27 (4) The secretary of state shall prescribe the form of the

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

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

1 (6) Except as provided in this subsection, the secretary of
2 state shall retain and use a person's digital photographic image
3 and signature described in subsection (1)(b) only for programs
4 administered by the secretary of state as specifically authorized
5 by law. A person's digital photographic image or signature shall
6 only be used as follows:

7 (a) By a federal, state, or local governmental agency for a
8 law enforcement purpose authorized by law.

9 (b) By the secretary of state for a use specifically
10 authorized by law.

11 (c) The secretary of state shall forward to the department of
12 state police the images of persons required to be registered under
13 the sex offenders registration act, 1994 PA 295, MCL 28.721 to
14 28.736, upon the department of state police providing the secretary
15 of state an updated list of those persons.

16 (d) As necessary to comply with a law of this state or the
17 United States.

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

24 (8) The secretary of state shall maintain a record of an
25 individual who indicates a willingness to have his or her name
26 placed on the donor registry described in subsection (2)(a)(ii).
27 Information about a person's indication of a willingness to have

1 his or her name placed on the donor registry that is obtained by
2 the secretary of state and forwarded under this section is exempt
3 from disclosure under section 13(1)(d) of the freedom of
4 information act, 1976 PA 442, MCL 15.243. As required in section
5 10120 of the public health code, 1978 PA 368, MCL 333.10120, the
6 secretary of state shall establish and maintain the donor registry
7 in a manner that complies with that section and that provides
8 electronic access, including, but not limited to, the transfer of
9 data to this state's federally designated organ procurement
10 organization or its successor organization, tissue banks, and eye
11 banks.

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

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

24 (11) An official state personal identification card shall be
25 issued only upon authorization of the secretary of state, and shall
26 be manufactured in a manner to prohibit as nearly as possible the
27 ability to reproduce, alter, counterfeit, forge, or duplicate the

1 identification card without ready detection.

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

13 (13) An original or renewal official state personal
14 identification card expires on the birthday of the person to whom
15 it is issued in the fourth year following the date of issuance or
16 on the date the person is no longer considered to be legally
17 present in the United States under section 1, whichever is earlier.
18 The secretary of state shall not issue an official state personal
19 identification card under this act for a period greater than 4
20 years. Except as provided in this subsection, a person may apply
21 for a renewal of an official state personal identification card by
22 mail or by other methods prescribed by the secretary of state. The
23 secretary of state shall require renewal in person by a person
24 required under section 5a of the sex offenders registration act,
25 1994 PA 295, MCL 28.725a, to maintain a valid operator's or
26 chauffeur's license or official state personal identification card.

27 (14) The secretary of state shall waive the fee under this

1 section if the applicant is any of the following:

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

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

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

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

10 (e) A person who wishes to add or remove a heart insignia
11 described in subsection (1)(d).

12 (F) A HOMELESS INDIVIDUAL. AS USED IN THIS SUBDIVISION,
13 "HOMELESS INDIVIDUAL" MEANS AN INDIVIDUAL WHO MEETS ANY OF THE
14 FOLLOWING CRITERIA:

15 (i) HE OR SHE LACKS A FIXED, REGULAR, AND ADEQUATE NIGHTTIME
16 PLACE OF ABODE.

17 (ii) HE OR SHE HAS A PRIMARY NIGHTTIME PLACE OF ABODE THAT IS
18 ANY OF THE FOLLOWING:

19 (A) A SUPERVISED PUBLICLY OR PRIVATELY OPERATED SHELTER
20 DESIGNED TO PROVIDE TEMPORARY LIVING ACCOMMODATIONS, INCLUDING
21 WELFARE HOTELS, CONGREGATE SHELTERS, AND TRANSITIONAL HOUSING.

22 (B) AN INSTITUTION THAT PROVIDES A TEMPORARY RESIDENCE FOR
23 INDIVIDUALS INTENDED TO BE INSTITUTIONALIZED.

24 (C) A PUBLIC OR PRIVATE PLACE NOT DESIGNED FOR OR ORDINARILY
25 USED AS A REGULAR SLEEPING ACCOMMODATION FOR HUMAN BEINGS.

26 (15) A person who has been issued an official state personal
27 identification card shall apply for a renewal official state

1 personal identification card if the person changes his or her name.

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

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

12 (a) The person wants to change any information on the
13 identification card.

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

16 (18) A person may indicate on an official state personal
17 identification card in a place designated by the secretary of state
18 his or her blood type, emergency contact information, immunization
19 data, medication data, or a statement that the person is deaf.

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

25 (20) The secretary of state shall inquire of each person who
26 applies for or who holds an official state personal identification
27 card, in person or by mail, whether he or she agrees to participate

1 in the anatomical gift donor registry under part 101 of the public
2 health code, 1978 PA 368, MCL 333.10101 to 333.10123. A person who
3 has agreed to participate in the donor registry shall not be
4 considered to have revoked that agreement solely because the
5 person's official state personal identification card has expired.
6 Enrollment in the donor registry constitutes a legal agreement that
7 remains binding and in effect after the donor's death regardless of
8 the expressed desires of the deceased donor's next of kin who may
9 oppose the donor's anatomical gift.

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