

SENATE BILL No. 1447

August 11, 2010, Introduced by Senator BROWN 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 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

1 state personal identification card.

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

4 (i) The blood type of the person.

5 (ii) Immunization data of the person.

6 (iii) Medication data of the person.

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

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

14 (E) IN THE CASE OF AN APPLICANT WHO IS LEGALLY PRESENT IN THE
15 UNITED STATES BUT IS NOT A CITIZEN OF THE UNITED STATES, AN
16 INDICATION OF HIS OR HER STATUS AS A LEGAL ALIEN. THE SECRETARY OF
17 STATE MAY IMPLEMENT THIS SUBDIVISION BY PLACING A STATEMENT TO THAT
18 EFFECT ON THE OFFICIAL STATE PERSONAL IDENTIFICATION CARD, BY
19 ISSUING THE OFFICIAL STATE PERSONAL IDENTIFICATION CARD IN A
20 DIFFERENT COLOR, OR BY OTHER SUITABLE METHOD, AS DETERMINED BY THE
21 SECRETARY OF STATE.

22 (F) ~~(e)~~Physical security features designed to prevent
23 tampering, counterfeiting, or duplication of the official state
24 personal identification card for fraudulent purposes.

25 (2) In conjunction with the application for an official state
26 personal identification card, the secretary of state shall do all
27 of the following:

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

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

6 (ii) Information describing the donor registry program
7 maintained by Michigan's federally designated organ procurement
8 organization or its successor organization under section 10120 of
9 the public health code, 1978 PA 368, MCL 333.10120. The information
10 required under this subparagraph includes the address and telephone
11 number of Michigan's federally designated organ procurement
12 organization or its successor organization as defined in section
13 10120 of the public health code, 1978 PA 368, MCL 333.10120.

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

17 (b) Provide the applicant with the opportunity to specify on
18 his or her official state personal identification card that he or
19 she is willing to make an anatomical gift in the event of death
20 pursuant to part 101 of the public health code, 1978 PA 368, MCL
21 333.10101 to 333.10123, and in accordance with this section.

22 (c) Inform the applicant that, if he or she indicates to the
23 secretary of state under this section a willingness to have his or
24 her name placed on the donor registry described in subdivision

25 (a) (ii) , the secretary of state will mark the applicant's record for
26 the donor registry.

27 (3) The secretary of state may fulfill the requirements of

1 subsection (2) by 1 or more of the following methods:

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

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

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

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

1 card issued to a person less than 21 years of age shall be portrait
2 or vertical in form and an identification card issued to a person
3 21 years of age or over shall be landscape or horizontal in form.

4 Except as otherwise required in this act, other information
5 required on the identification card under this act may appear on
6 the identification card in a form prescribed by the secretary of
7 state.

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

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

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

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

20 (c) The secretary of state shall forward to the department of
21 state police the images of persons required to be registered under
22 the sex offenders registration act, 1994 PA 295, MCL 28.721 to
23 28.736, upon the department of state police providing the secretary
24 of state an updated list of those persons.

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

27 (7) If a person presents evidence of statutory blindness as

1 provided in 1978 PA 260, MCL 393.351 to 393.368, and is issued or
2 is the holder of an official state personal identification card,
3 the secretary of state shall mark the person's identification card
4 in a manner that clearly indicates that the cardholder is legally
5 blind.

6 (8) The secretary of state shall maintain a record of an
7 individual who indicates a willingness to have his or her name
8 placed on the donor registry described in subsection (2)(a)(ii).
9 Information about a person's indication of a willingness to have
10 his or her name placed on the donor registry that is obtained by
11 the secretary of state and forwarded under this section is exempt
12 from disclosure under section 13(1)(d) of the freedom of
13 information act, 1976 PA 442, MCL 15.243. As required in section
14 10120 of the public health code, 1978 PA 368, MCL 333.10120, the
15 secretary of state shall establish and maintain the donor registry
16 in a manner that complies with that section and that provides
17 electronic access, including, but not limited to, the transfer of
18 data to this state's federally designated organ procurement
19 organization or its successor organization, tissue banks, and eye
20 banks.

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

23 (10) An official state personal identification card shall
24 contain information appearing in electronic or machine readable
25 codes needed to conduct a transaction with the secretary of state.
26 The information shall be limited to the person's identification
27 card number, birth date, expiration date, full legal name, date of

1 transaction, gender, address, state of issuance, and other
2 information necessary for use with electronic devices, machine
3 readers, or automatic teller machines and shall not contain the
4 person's driving record or other personal identifier. The
5 identification card shall identify the encoded information.

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

11 (12) Except as otherwise provided in this act, an applicant
12 shall pay a fee of \$10.00 to the secretary of state for each
13 original or renewal identification card issued. The department of
14 treasury shall deposit the fees received and collected under this
15 section in the state treasury to the credit of the general fund.
16 The legislature shall appropriate the fees credited to the general
17 fund under this act to the secretary of state for the
18 administration of this act. Appropriations from the Michigan
19 transportation fund created under section 10 of 1951 PA 51, MCL
20 247.660, shall not be used to compensate the secretary of state for
21 costs incurred and services performed under this section.

22 (13) An original or renewal official state personal
23 identification card expires on the birthday of the person to whom
24 it is issued in the fourth year following the date of issuance or
25 on the date the person is no longer considered to be legally
26 present in the United States under section 1, whichever is earlier.
27 The secretary of state shall not issue an official state personal

1 identification card under this act for a period greater than 4
2 years. Except as provided in this subsection, a person may apply
3 for a renewal of an official state personal identification card by
4 mail or by other methods prescribed by the secretary of state. The
5 secretary of state shall require renewal in person by a person
6 required under section 5a of the sex offenders registration act,
7 1994 PA 295, MCL 28.725a, to maintain a valid operator's or
8 chauffeur's license or official state personal identification card.

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

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

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

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

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

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

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

24 (16) A person who has been issued an official state personal
25 identification card shall apply for a corrected identification card
26 if he or she changes his or her residence address. The secretary of
27 state may correct the address on an identification card by a method

1 prescribed by the secretary of state. A fee shall not be charged
2 for a change of residence address.

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

7 (a) The person wants to change any information on the
8 identification card.

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

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

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

20 (20) The secretary of state shall inquire of each person who
21 applies for or who holds an official state personal identification
22 card, in person or by mail, whether he or she agrees to participate
23 in the anatomical gift donor registry under part 101 of the public
24 health code, 1978 PA 368, MCL 333.10101 to 333.10123. A person who
25 has agreed to participate in the donor registry shall not be
26 considered to have revoked that agreement solely because the
27 person's official state personal identification card has expired.

1 Enrollment in the donor registry constitutes a legal agreement that
2 remains binding and in effect after the donor's death regardless of
3 the expressed desires of the deceased donor's next of kin who may
4 oppose the donor's anatomical gift.

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.