

HOUSE BILL No. 4287

February 19, 2013, Introduced by Rep. Darany and referred to the Committee on Military and Veterans Affairs.

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 2011 PA 158.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) ~~The~~ **AN** official state personal identification card
2 shall contain the following:

3 (a) An identification number permanently assigned to the
4 ~~person~~ **INDIVIDUAL TO WHOM THE CARD IS ISSUED.**

5 (b) The full legal name, date of birth, sex, residence
6 address, height, weight, eye color, digital photographic image,
7 signature of or verification and certification by the applicant, as
8 determined by the secretary of state, and expiration date of the

1 official 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~~ **INDIVIDUAL**.

5 (ii) Immunization data of the ~~person~~ **INDIVIDUAL**.

6 (iii) Medication data of the ~~person~~ **INDIVIDUAL**.

7 (iv) A statement that the ~~person~~ **INDIVIDUAL** 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) IF REQUESTED BY AN INDIVIDUAL WHO IS A VETERAN OF THE**
15 **ARMED FORCES OF THIS STATE, ANOTHER STATE, OR THE UNITED STATES,**
16 **OTHER THAN AN INDIVIDUAL WHO WAS DISHONORABLY DISCHARGED FROM THE**
17 **ARMED FORCES OF THIS STATE, ANOTHER STATE, OR THE UNITED STATES, A**
18 **DESIGNATION THAT THE INDIVIDUAL IS A VETERAN. THE DESIGNATION SHALL**
19 **BE IN A STYLE AND FORMAT CONSIDERED APPROPRIATE BY THE SECRETARY OF**
20 **STATE. THE SECRETARY OF STATE SHALL REQUIRE PROOF OF DISCHARGE OR**
21 **SEPARATION OF SERVICE FROM THE ARMED FORCES OF THIS STATE, ANOTHER**
22 **STATE, OR THE UNITED STATES, AND THE NATURE OF THAT DISCHARGE, FOR**
23 **THE PURPOSES OF VERIFYING AN INDIVIDUAL'S STATUS AS A VETERAN UNDER**
24 **THIS SUBDIVISION. THE SECRETARY OF STATE SHALL CONSULT WITH THE**
25 **DEPARTMENT OF MILITARY AND VETERANS AFFAIRS IN DETERMINING THE**
26 **PROOF THAT SHALL BE REQUIRED TO IDENTIFY AN INDIVIDUAL'S STATUS AS**
27 **A VETERAN FOR THE PURPOSES OF THIS SUBSECTION. THE SECRETARY OF**

1 STATE MAY PROVIDE THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS
2 AND AGENCIES OF THE COUNTIES OF THIS STATE THAT PROVIDE VETERAN
3 SERVICES WITH INFORMATION PROVIDED BY AN APPLICANT UNDER THIS
4 SUBSECTION FOR THE PURPOSE OF VETERANS' BENEFITS ELIGIBILITY
5 REFERRAL.

6 (F) ~~(e)~~—Physical security features designed to prevent
7 tampering, counterfeiting, or duplication of the official state
8 personal identification card for fraudulent purposes.

9 (2) In conjunction with the application for an official state
10 personal identification card, the secretary of state shall do all
11 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 333.10123, and in
16 accordance with this section.

17 (ii) Information describing the donor registry program
18 maintained by Michigan's federally designated organ procurement
19 organization or its successor organization under section 10120 of
20 the public health code, 1978 PA 368, MCL 333.10120. The information
21 required under this subparagraph includes the address and telephone
22 number of Michigan's federally designated organ procurement
23 organization or its successor organization as defined in section
24 10120 of the public health code, 1978 PA 368, MCL 333.10120.

25 (iii) Information giving the applicant the opportunity to have
26 his or her name placed on the registry described in subparagraph
27 (ii) .

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

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

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

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

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

18 (c) Through electronic information transmittals for
19 applications processed by electronic means.

20 (4) The secretary of state shall prescribe the form of the
21 official state personal identification card. The secretary of state
22 shall designate **A SPACE** on the identification card ~~a space~~ where
23 the applicant may place a sticker or decal of ~~the~~ **A** uniform size as
24 the secretary may specify to indicate that the cardholder carries a
25 separate emergency medical information card. The sticker or decal
26 may be provided by any person, hospital, school, medical group, or
27 association interested in assisting in implementing the emergency

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

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

21 (6) Except as provided in this subsection, the secretary of
22 state shall retain and use ~~a person's~~ **AN INDIVIDUAL'S** digital
23 photographic image and signature described in subsection (1)(b)
24 only for programs administered by the secretary of state as
25 specifically authorized by law. ~~A person's~~ **AN INDIVIDUAL'S** digital
26 photographic image or signature shall only be used as follows:

27 (a) By a federal, state, or local governmental agency for a

1 law enforcement purpose authorized by law.

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

4 (c) The secretary of state shall forward to the department of
5 state police the images of ~~persons~~**INDIVIDUALS** required to be
6 registered under the sex offenders registration act, 1994 PA 295,
7 MCL 28.721 to 28.736, upon the department of state police providing
8 the secretary of state an updated list of those
9 ~~persons~~**INDIVIDUALS**.

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

12 (7) If ~~a person~~**AN INDIVIDUAL** presents evidence of statutory
13 blindness as provided in 1978 PA 260, MCL 393.351 to 393.368, and
14 is issued or is the holder of an official state personal
15 identification card, the secretary of state shall mark the ~~person's~~
16 **INDIVIDUAL'S** identification card in a manner that clearly indicates
17 that the cardholder is legally blind.

18 (8) The secretary of state shall maintain a record of an
19 individual who indicates a willingness to have his or her name
20 placed on the donor registry described in subsection (2)(a)(ii).
21 Information about ~~a person's~~**AN INDIVIDUAL'S** indication of a
22 willingness to have his or her name placed on the donor registry
23 that is obtained by the secretary of state and forwarded under this
24 section is exempt from disclosure under section 13(1)(d) of the
25 freedom of information act, 1976 PA 442, MCL 15.243. As required in
26 section 10120 of the public health code, 1978 PA 368, MCL
27 333.10120, the secretary of state shall establish and maintain the

1 donor registry in a manner that complies with that section and that
2 provides electronic access, including, but not limited to, the
3 transfer of data to this state's federally designated organ
4 procurement organization or its successor organization, tissue
5 banks, and eye banks.

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

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

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

24 (12) Except as otherwise provided in this act, an applicant
25 shall pay a fee of \$10.00 to the secretary of state for each
26 original or renewal official state personal identification card
27 issued. The department of treasury shall deposit the fees received

1 and collected under this section in the state treasury to the
2 credit of the general fund. The legislature shall appropriate the
3 fees credited to the general fund under this act to the secretary
4 of state for the administration of this act. Appropriations from
5 the Michigan transportation fund created under section 10 of 1951
6 PA 51, MCL 247.660, shall not be used to compensate the secretary
7 of state for costs incurred and services performed under this
8 section.

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

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

27 (a) ~~A person~~**AN INDIVIDUAL** 65 years of age or older.

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

5 (c) ~~A person~~ **AN INDIVIDUAL** who presents evidence of statutory
6 blindness as provided in 1978 PA 260, MCL 393.351 to 393.368.

7 (d) ~~A person~~ **AN INDIVIDUAL** who presents other good cause for a
8 fee waiver.

9 (e) ~~A person~~ **AN INDIVIDUAL** who wishes to add or remove a heart
10 insignia described in subsection (1)(d).

11 (15) ~~A person~~ **AN INDIVIDUAL** who has been issued an official
12 state personal identification card shall apply for a renewal
13 official state personal identification card if the ~~person~~
14 **INDIVIDUAL** changes his or her name.

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

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

27 (a) The ~~person~~ **INDIVIDUAL** wants to change any information on

1 the identification card.

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

4 (18) ~~A person~~ **AN INDIVIDUAL** may indicate on an official state
5 personal identification card in a place designated by the secretary
6 of state his or her blood type, emergency contact information,
7 immunization data, medication data, or a statement that the ~~person~~
8 **INDIVIDUAL** is deaf.

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

14 (20) The secretary of state shall inquire of each ~~person~~
15 **INDIVIDUAL** who applies for or who holds an official state personal
16 identification card, in person or by mail, whether he or she agrees
17 to participate in the anatomical gift donor registry under part 101
18 of the public health code, 1978 PA 368, MCL 333.10101 to 333.10123.
19 ~~A person~~ **AN INDIVIDUAL** who has agreed to participate in the donor
20 registry shall not be considered to have revoked that agreement
21 solely because the ~~person's~~ **INDIVIDUAL'S** official state personal
22 identification card has expired. Enrollment in the donor registry
23 constitutes a legal agreement that remains binding and in effect
24 after the donor's death regardless of the expressed desires of the
25 deceased donor's next of kin who may oppose the donor's anatomical
26 gift.

27 (21) A valid official state personal identification card

1 presented by the ~~person~~**INDIVIDUAL** to whom the card is issued shall
2 be 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 Enacting section 1. This amendatory act takes effect May 1,
6 2014.