

SENATE BILL No. 1068

September 16, 2014, Introduced by Senator SCHUITMAKER 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 2013 PA 28.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

3 (a) An identification number permanently assigned to the
4 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

1 determined by the secretary of state, and expiration date of the
2 official state personal identification card.

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

5 (i) The blood type of the individual.

6 (ii) Immunization data of the individual.

7 (iii) Medication data of the individual.

8 (iv) A statement that the individual is deaf.

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

15 (e) If requested by an individual who is a veteran of the
16 armed forces of this state, another state, or the United States,
17 other than an individual who was dishonorably discharged from the
18 armed forces of this state, another state, or the United States, a
19 designation that the individual is a veteran. The designation shall
20 be in a style and format considered appropriate by the secretary of
21 state. The secretary of state shall require proof of discharge or
22 separation of service from the armed forces of this state, another
23 state, or the United States, and the nature of that discharge, for
24 the purposes of verifying an individual's status as a veteran under
25 this subdivision. The secretary of state shall consult with the
26 department of military and veterans affairs in determining the
27 proof that shall be required to identify an individual's status as

1 a veteran for the purposes of this subsection. The secretary of
2 state may provide the department of military and veterans affairs
3 and agencies of the counties of this state that provide veteran
4 services with information provided by an applicant under this
5 subsection for the purpose of veterans' benefits eligibility
6 referral.

7 (f) Physical security features designed to prevent tampering,
8 counterfeiting, or duplication of the official state personal
9 identification card for fraudulent purposes.

10 (2) In conjunction with the application for an official state
11 personal identification card, the secretary of state shall do all
12 of the following:

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

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

18 (ii) Information describing the donor registry program
19 maintained by Michigan's federally designated organ procurement
20 organization or its successor organization under section 10120 of
21 the public health code, 1978 PA 368, MCL 333.10120. The information
22 required under this subparagraph includes the address and telephone
23 number of Michigan's federally designated organ procurement
24 organization or its successor organization as defined in section
25 10120 of the public health code, 1978 PA 368, MCL 333.10120.

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

1 (ii) .

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

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

12 **(D) PROVIDE THE APPLICANT WITH INFORMATION EXPLAINING THE**
13 **APPLICANT'S RIGHT TO REGISTER WITH THE MEDICAL INFORMATION REGISTRY**
14 **CREATED IN SECTION 310A OF THE MICHIGAN VEHICLE CODE, 1949 PA 300,**
15 **MCL 257.310A.**

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

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

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

23 (c) Through electronic information transmittals for
24 applications processed by electronic means.

25 (4) The secretary of state shall prescribe the form of the
26 official state personal identification card. The secretary of state
27 shall designate a space on the identification card where the

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

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

26 (6) Except as provided in this subsection, the secretary of
27 state shall retain and use an individual's digital photographic

1 image and signature described in subsection (1)(b) only for
2 programs administered by the secretary of state as specifically
3 authorized by law. An individual's digital photographic image or
4 signature shall only be used as follows:

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

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

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

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

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

22 (8) The secretary of state shall maintain a record of an
23 individual who indicates a willingness to have his or her name
24 placed on the donor registry described in subsection (2)(a)(ii) **OR**
25 **ON THE MEDICAL INFORMATION REGISTRY DESCRIBED IN SECTION 310A OF**
26 **THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.310A.** Information
27 about an individual's indication of a willingness to have his or

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

12 **(9) THE SECRETARY OF STATE SHALL MAINTAIN A RECORD OF AN**
13 **INDIVIDUAL WHO INDICATES A WILLINGNESS TO HAVE HIS OR HER NAME AND**
14 **MEDICAL INFORMATION ON THE MEDICAL INFORMATION REGISTRY CREATED IN**
15 **SECTION 310A OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL**
16 **257.310A.**

17 **(10) ~~(9)~~**An official state personal identification card may
18 contain an identifier for voter registration purposes.

19 **(11) ~~(10)~~ An** **IN ADDITION TO THE INFORMATION DESCRIBED IN**
20 **SECTION 310A OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL**
21 **257.310A, AN** official state personal identification card shall
22 contain information appearing in electronic or machine readable
23 codes needed to conduct a transaction with the secretary of state.
24 ~~The~~ **EXCEPT AS PROVIDED IN SECTION 310A OF THE MICHIGAN VEHICLE**
25 **CODE, 1949 PA 300, MCL 257.310A, THE** information shall be limited
26 to the individual's identification card number, birth date,
27 expiration date, full legal name, date of transaction, gender,

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

6 (12) ~~(11)~~—An official state personal identification card shall
7 be issued only upon authorization of the secretary of state, and
8 shall be manufactured in a manner to prohibit as nearly as possible
9 the ability to reproduce, alter, counterfeit, forge, or duplicate
10 the identification card without ready detection.

11 (13) ~~(12)~~—Except as otherwise provided in this act, an
12 applicant shall pay a fee of \$10.00 to the secretary of state for
13 each original or renewal official state personal identification
14 card issued. The department of treasury shall deposit the fees
15 received and collected under this section in the state treasury to
16 the credit of the general fund. The legislature shall appropriate
17 the fees credited to the general fund under this act to the
18 secretary of state for the administration of this act.

19 Appropriations from the Michigan transportation fund created under
20 section 10 of 1951 PA 51, MCL 247.660, shall not be used to
21 compensate the secretary of state for costs incurred and services
22 performed under this section.

23 (14) ~~(13)~~—An original or renewal official state personal
24 identification card expires on the birthday of the individual to
25 whom it is issued in the fourth year following the date of issuance
26 or on the date the individual is no longer considered to be legally
27 present in the United States under section 1, whichever is earlier.

1 The secretary of state shall not issue an official state personal
2 identification card under this act for a period greater than 4
3 years. Except as provided in this subsection, the secretary of
4 state may issue a renewal official state personal identification
5 card for 1 additional 4-year period by mail or by other methods
6 prescribed by the secretary of state. The secretary of state shall
7 require renewal in person by an individual required under section
8 5a of the sex offenders registration act, 1994 PA 295, MCL 28.725a,
9 to maintain a valid operator's or chauffeur's license or official
10 state personal identification card.

11 (15) ~~(14)~~—The secretary of state shall waive the fee under
12 this section if the applicant is any of the following:

13 (a) An individual 65 years of age or older.

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

18 (c) An individual who presents evidence of statutory blindness
19 as provided in 1978 PA 260, MCL 393.351 to 393.368.

20 (d) An individual who presents other good cause for a fee
21 waiver.

22 (e) An individual who wishes to add or remove a heart insignia
23 described in subsection (1)(d).

24 (16) ~~(15)~~—An individual who has been issued an official state
25 personal identification card shall apply for a renewal official
26 state personal identification card if the individual changes his or
27 her name.

1 (17) ~~(16)~~—An individual who has been issued an official state
2 personal identification card shall apply for a corrected
3 identification card if he or she changes his or her residence
4 address. The secretary of state may correct the address on an
5 identification card by a method prescribed by the secretary of
6 state. A fee shall not be charged for a change of residence
7 address.

8 (18) ~~(17)~~—Except as otherwise provided in subsections ~~(15)~~
9 (16) and ~~(16)~~, ~~(17)~~, an individual who has been issued an official
10 state personal identification card may apply for a renewal official
11 state personal identification card for 1 or more of the following
12 reasons:

13 (a) The individual wants to change any information on the
14 identification card.

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

17 (19) ~~(18)~~ ~~An~~ **IN ADDITION TO REGISTERING WITH THE MEDICAL**
18 **INFORMATION REGISTRY DESCRIBED IN SECTION 310A OF THE MICHIGAN**
19 **VEHICLE CODE, 1949 PA 300, MCL 257.310A, AN** individual may indicate
20 on an official state personal identification card in a place
21 designated by the secretary of state his or her blood type,
22 emergency contact information, immunization data, medication data,
23 or a statement that the individual is deaf.

24 (20) ~~(19)~~—If an applicant provides proof to the secretary of
25 state that he or she is a minor who has been emancipated under 1968
26 PA 293, MCL 722.1 to 722.6, the official state personal
27 identification card shall bear the designation of the individual's

1 emancipated status in a manner prescribed by the secretary of
2 state.

3 (21) ~~(20)~~—The secretary of state shall inquire of each
4 individual who applies for or who holds an official state personal
5 identification card, in person or by mail, whether he or she agrees
6 to participate in the anatomical gift donor registry under part 101
7 of the public health code, 1978 PA 368, MCL 333.10101 to 333.10123,
8 **OR THE MEDICAL INFORMATION REGISTRY UNDER SECTION 310A OF THE**
9 **MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.310A.** An individual who
10 has agreed to participate in the donor registry **OR THE MEDICAL**
11 **INFORMATION REGISTRY** shall not be considered to have revoked that
12 agreement solely because the individual's official state personal
13 identification card has expired. Enrollment in the donor registry
14 constitutes a legal agreement that remains binding and in effect
15 after the donor's death regardless of the expressed desires of the
16 deceased donor's next of kin who may oppose the donor's anatomical
17 gift.

18 (22) ~~(21)~~—A valid official state personal identification card
19 presented by the individual to whom the card is issued shall be
20 considered the same as a valid state of Michigan driver license
21 when identification is requested except as otherwise specifically
22 provided by law.