

SUBSTITUTE FOR  
HOUSE BILL NO. 5336

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 2016 PA 5.

**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  
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 individual.

5 (ii) Immunization data of the individual.

6 (iii) Medication data of the individual.

7 (iv) A statement that the 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,~~ **AS**  
18 **DEFINED IN SECTION 1 OF 1965 PA 190, MCL 35.61**, a designation that  
19 the individual is a veteran. The designation shall be in a style  
20 and format considered appropriate by the secretary of state. The  
21 secretary of state shall require proof of discharge or separation  
22 of service from the armed forces of this state, another state, or  
23 the United States, and the nature of that discharge, for the  
24 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~~**DESCRIBED** in  
25 section 10120 of the public health code, 1978 PA 368, MCL  
26 333.10120.

27 (iii) Information giving the applicant the opportunity to have

1 his or her name placed on the registry described in subparagraph  
2 (ii) .

3 (b) Provide the applicant with the opportunity to specify on  
4 his or her official state personal identification card that he or  
5 she is willing to make an anatomical gift in the event of death  
6 pursuant to part 101 of the public health code, 1978 PA 368, MCL  
7 333.10101 to 333.10123, and in accordance with this section.

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

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

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

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

20 (c) Through electronic information transmittals for  
21 applications processed by electronic means.

22 (4) The secretary of state shall prescribe the form of the  
23 official state personal identification card. The secretary of state  
24 shall designate a space on the identification card where the  
25 applicant may place a sticker or decal of a uniform size as the  
26 secretary may specify to indicate that the cardholder carries a  
27 separate emergency medical information card. The sticker or decal

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

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

23 (6) Except as provided in this subsection, the secretary of  
24 state shall retain and use an individual's digital photographic  
25 image and signature described in subsection (1)(b) only for  
26 programs administered by the secretary of state as specifically  
27 authorized by law. An individual's digital photographic image or

1 signature shall only be used as follows:

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

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

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

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

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

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

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

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

9 (10) An official state personal identification card shall  
10 contain information appearing in electronic or machine readable  
11 codes needed to conduct a transaction with the secretary of state.  
12 The information shall be limited to the information described in  
13 subsection (1)(a) and (b) except for the person's digital  
14 photographic image and signature or verification and certification,  
15 state of issuance, and other information necessary for use with  
16 electronic devices, machine readers, or automatic teller machines  
17 and shall not contain the individual's driving record or other  
18 personal identifier. The identification card shall identify the  
19 encoded information.

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

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

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

10 (13) An original or renewal official state personal  
11 identification card expires on the birthday of the individual to  
12 whom it is issued in the fourth year following the date of issuance  
13 or on the date the individual is no longer considered to be legally  
14 present in the United States under section 1, whichever is earlier.  
15 The secretary of state shall not issue an official state personal  
16 identification card under this act for a period greater than 4  
17 years. Except as provided in this subsection, the secretary of  
18 state may issue a renewal official state personal identification  
19 card for 1 additional 4-year period by mail or by other methods  
20 prescribed by the secretary of state. The secretary of state shall  
21 require renewal in person by an individual required under section  
22 5a of the sex offenders registration act, 1994 PA 295, MCL 28.725a,  
23 to maintain a valid operator's or chauffeur's license or official  
24 state personal 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) An individual 65 years of age or older.

1 (b) An individual who has had his or her operator's or  
2 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) An individual who presents evidence of statutory blindness  
6 as provided in 1978 PA 260, MCL 393.351 to 393.368.

7 (d) An individual who presents other good cause for a fee  
8 waiver.

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

11 (15) An individual who has been issued an official state  
12 personal identification card shall apply for a renewal official  
13 state personal identification card if the individual changes his or  
14 her name.

15 (16) An individual who has been issued an official state  
16 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), an individual who has been issued an official state personal  
24 identification card may apply for a renewal official state personal  
25 identification card for 1 or more of the following reasons:

26 (a) The individual wants to change any information on the  
27 identification card.

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

3 (18) An individual may indicate on an official state personal  
4 identification card in a place designated by the secretary of state  
5 his or her blood type, emergency contact information, immunization  
6 data, medication data, or a statement that the individual is deaf.

7 (19) No later than January 1, 2017, the secretary of state  
8 shall develop and shall, in conjunction with the department of  
9 state police, implement a process using the L.E.I.N. or any other  
10 appropriate system that limits access to law enforcement that would  
11 allow law enforcement agencies of this state to access emergency  
12 contact information that the holder of an official state personal  
13 identification card has voluntarily provided to the secretary of  
14 state. As used in this subsection, "emergency contact information"  
15 means the name, telephone number, or address of an individual that  
16 is used for the sole purpose of contacting that individual when the  
17 holder of an official state personal identification card has been  
18 involved in an emergency.

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

24 (21) The secretary of state shall inquire of each individual  
25 who applies for or who holds an official state personal  
26 identification card, in person or by mail, whether he or she agrees  
27 to participate in the anatomical gift donor registry under part 101

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

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

14 Enacting section 1. This amendatory act takes effect 90 days  
15 after the date it is enacted into law.

16 Enacting section 2. This amendatory act does not take effect  
17 unless House Bill No. 5332 of the 98th Legislature is enacted into  
18 law.