

HOUSE BILL No. 5637

May 10, 2016, Introduced by Rep. Lucido and referred to the Committee on Elections.

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 address

6 OR, UPON THE REQUEST OF THE INDIVIDUAL TO WHOM THE CARD IS ISSUED,
7 MAILING ADDRESS, height, weight, eye color, digital photographic

1 image, signature of or verification and certification by the
2 applicant, ~~INDIVIDUAL~~, as determined by the secretary of state, and
3 expiration date of the official state personal identification card.

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

6 (i) The blood type of the individual.

7 (ii) Immunization data of the individual.

8 (iii) Medication data of the individual.

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

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

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

1 proof that shall be required to identify an individual's status as
2 a veteran for the purposes of this subsection. The secretary of
3 state may provide the department of military and veterans affairs
4 and agencies of the counties of this state that provide veteran
5 services with information provided by an applicant under this
6 subsection for the purpose of veterans' benefits eligibility
7 referral.

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

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

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

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

19 (ii) Information describing the donor registry program
20 maintained by Michigan's federally designated organ procurement
21 organization or its successor organization under section 10120 of
22 the public health code, 1978 PA 368, MCL 333.10120. The information
23 required under this subparagraph includes the address and telephone
24 number of Michigan's federally designated organ procurement
25 organization or its successor organization as defined in section
26 ~~10120-10102~~ of the public health code, 1978 PA 368, MCL ~~333.10120-~~
27 **333.10102.**

1 (iii) Information giving the applicant the opportunity to have
2 his or her name placed on the registry described in subparagraph
3 (ii) .

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

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

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

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

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

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

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

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

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

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

1 authorized by law. An individual's digital photographic image or
2 signature shall only be used as follows:

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

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

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

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

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

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

1 ~~10120 of the public health code, 1978 PA 368, MCL 333.10120, the~~
2 **THE** secretary of state shall establish and maintain the donor
3 registry in a manner that complies with ~~that~~ section **10120 OF THE**
4 **PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.10120,** and that provides
5 electronic access, including, but not limited to, the transfer of
6 data to this state's federally designated organ procurement
7 organization or its successor organization, tissue banks, and eye
8 banks.

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

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

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

27 (12) Except as otherwise provided in this act, an applicant

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

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

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

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

9 (d) An individual who presents other good cause for a fee
10 waiver.

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

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

17 (16) An individual who has been issued an official state
18 personal identification card shall apply for a corrected
19 identification card if he or she changes his or her residence
20 address **OR MAILING ADDRESS IF THE INDIVIDUAL REQUESTED TO USE A**
21 **MAILING ADDRESS AS THE ADDRESS REQUIRED TO APPEAR ON HIS OR HER**
22 **IDENTIFICATION CARD UNDER SUBSECTION (1)(B).** The secretary of state
23 may correct the address on an identification card by a method
24 prescribed by the secretary of state. A fee shall not be charged
25 for a change of residence **OR MAILING address, AS APPLICABLE.**

26 (17) Except as otherwise provided in subsections (15) and
27 (16), an individual who has been issued an official state personal

1 identification card may apply for a renewal official state personal
2 identification card for 1 or more of the following reasons:

3 (a) The individual wants to change any information on the
4 identification card.

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

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

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

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

1 (21) The secretary of state shall inquire of each individual
2 who applies for or who holds an official state personal
3 identification card, in person or by mail, whether he or she agrees
4 to participate in the anatomical gift donor registry under part 101
5 of the public health code, 1978 PA 368, MCL 333.10101 to 333.10123.
6 An individual who has agreed to participate in the donor registry
7 shall not be considered to have revoked that agreement solely
8 because the individual's official state personal identification
9 card has expired. Enrollment in the donor registry constitutes a
10 legal agreement that remains binding and in effect after the
11 donor's death regardless of the expressed desires of the deceased
12 donor's next of kin who may oppose the donor's anatomical gift.

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

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

20 Enacting section 2. This amendatory act does not take effect
21 unless all of the following bills of the 98th Legislature are
22 enacted into law:

23 (a) House Bill No. 5540.

24 (b) House Bill No. 5541.