

HOUSE BILL No. 4203

February 14, 2017, Introduced by Reps. LaFave, Griffin, Marino, Hornberger, Alexander, Barrett, Hoitenga, Cole, Tedder, Lucido, Kivela, Glenn, Lower, Miller, Sneller and Hughes and referred to the Committee on Judiciary.

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 203.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) An official state personal identification card
2 ~~shall~~**MUST** 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 as **THAT**
16 **TERM IS** defined in section 1 of 1965 PA 190, MCL 35.61, a
17 designation that the individual is a veteran. The designation shall
18 be in a style and format considered appropriate by the secretary of
19 state. The secretary of state shall require proof of discharge or
20 separation of service from the armed forces of this state, another
21 state, or the United States, and the nature of that discharge, for
22 the purposes of verifying an individual's status as a veteran under
23 this subdivision. The secretary of state shall consult with the
24 department of military and veterans affairs in determining the
25 proof that shall be required to identify an individual's status as
26 a veteran for the purposes of this subsection. The secretary of
27 state may provide the department of military and veterans affairs

1 and agencies of the counties of this state that provide veteran
2 services with information provided by an applicant under this
3 subsection for the purpose of veterans' benefits eligibility
4 referral.

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

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

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

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

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

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

27 (b) Provide the applicant with the opportunity to specify on

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

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

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

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

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

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

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

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

20 (5) The **OFFICIAL STATE PERSONAL** identification card ~~shall~~**MUST**
21 not contain a fingerprint or finger image of the applicant.

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

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

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

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

10 **(D) FOR THE SECRETARY OF STATE TO FORWARD TO THE DEPARTMENT OF**
11 **STATE POLICE A DIGITIZED PHOTOGRAPH TAKEN OF THE APPLICANT FOR AN**
12 **OFFICIAL STATE PERSONAL IDENTIFICATION CARD FOR USE AS PROVIDED IN**
13 **SECTION 5C OF 1927 PA 372, MCL 28.425C.**

14 **(E)** ~~(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 **OFFICIAL STATE**
20 **PERSONAL** identification card in a manner that clearly indicates
21 that the cardholder is 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).
25 Information about an individual's indication of a willingness to
26 have his or her name placed on the donor registry that is obtained
27 by the secretary of state and forwarded under this section is

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

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

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

23 (11) An official state personal identification card ~~shall~~**MUST**
24 be issued only upon authorization of the secretary of state, and
25 ~~shall~~**MUST** be manufactured in a manner to prohibit as nearly as
26 possible the ability to reproduce, alter, counterfeit, forge, or
27 duplicate the **OFFICIAL STATE PERSONAL** identification card without

1 ready detection.

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

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

1 state personal identification card.

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

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

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

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

11 (d) An individual who presents other good cause for a fee
12 waiver.

13 (e) An individual who ~~wishes~~ **DECIDES** to add or remove a heart
14 insignia described in subsection (1)(d).

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

19 (16) An individual who has been issued an official state
20 personal identification card shall apply for a corrected
21 identification card if he or she changes his or her residence
22 address. The secretary of state may correct the address on an
23 **OFFICIAL STATE PERSONAL** identification card by a method prescribed
24 by the secretary of state. A fee ~~shall~~ **MUST** not be charged for a
25 change of residence address.

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

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

4 (a) The individual wants to change any information on the
5 **OFFICIAL STATE PERSONAL** identification card.

6 (b) An **OFFICIAL STATE PERSONAL** identification card issued
7 under this act is lost, destroyed, or mutilated, or becomes
8 illegible.

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

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

25 (20) If an applicant provides proof to the secretary of state
26 that he or she is a minor who has been emancipated under 1968 PA
27 293, MCL 722.1 to 722.6, the official state personal identification

1 card ~~shall~~**MUST** bear the designation of the individual's
2 emancipated status in a manner prescribed by the secretary of
3 state.

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

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

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