

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 404

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 2018 PA 176.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) An official state personal identification card
2 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. If an official state
3 personal identification card is issued to an individual described
4 in section 1(5) who has temporary lawful status, the official state
5 personal identification card ~~shall~~**MUST** be issued in compliance
6 with 6 CFR 37.21 or in compliance with the process established to
7 comply with 6 CFR 37.71 by the secretary of state. As used in this
8 subdivision, "temporary lawful status" means that term as defined
9 in 6 CFR 37.3.

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

- 12 (i) The blood type of the individual.
- 13 (ii) Immunization data of the individual.
- 14 (iii) Medication data of the individual.
- 15 (iv) A statement that the individual is deaf.

16 (d) In the case of a holder of an official state personal
17 identification card who has indicated his or her wish to
18 participate in the anatomical gift donor registry under part 101 of
19 the public health code, 1978 PA 368, MCL 333.10101 to 333.10123, a
20 heart insignia on the front of the official state personal
21 identification card.

22 (e) If requested by an individual who is a veteran as that
23 term is defined in section 1 of 1965 PA 190, MCL 35.61, a
24 designation that the individual is a veteran. The designation ~~shall~~
25 **MUST** be in a style and format considered appropriate by the
26 secretary of state. The secretary of state shall require proof of
27 discharge or separation of service from the armed forces of this

1 state, another state, or the United States, and the nature of that
2 discharge, for the purposes of verifying an individual's status as
3 a veteran under this subdivision. The secretary of state shall
4 consult with the department of military and veterans affairs in
5 determining the proof that ~~shall~~**MUST** be required to identify an
6 individual's status as a veteran for the purposes of this
7 subsection. The secretary of state may provide the department of
8 military and veterans affairs and agencies of the counties of this
9 state that provide veteran services with information provided by an
10 applicant under this subsection for the purpose of veterans'
11 benefits eligibility referral.

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

15 (2) In conjunction with the application for an official state
16 personal identification card, the secretary of state shall do all
17 of the following:

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

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

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

1 number of Michigan's federally designated organ procurement
2 organization or its successor organization as described in section
3 10120 of the public health code, 1978 PA 368, MCL 333.10120.

4 (iii) Information giving the applicant the opportunity to have
5 his or her name placed on the registry described in subparagraph
6 (ii) .

7 (b) Provide the applicant with the opportunity to specify on
8 his or her official state personal identification card that he or
9 she is willing to make an anatomical gift in the event of death
10 under part 101 of the public health code, 1978 PA 368, MCL
11 333.10101 to 333.10123, and in accordance with this section.

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

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

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

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

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

26 (4) The secretary of state shall prescribe the form of the
27 official state personal identification card. The secretary of state

1 shall designate a space on the official state personal
2 identification card where the applicant may place a sticker or
3 decal of a uniform size as the secretary may specify to indicate
4 that the cardholder carries a separate emergency medical
5 information card. The sticker or decal may be provided by any
6 person, hospital, school, medical group, or association interested
7 in assisting in implementing the emergency medical information
8 card, but must meet the specifications of the secretary of state.
9 The sticker or decal also may be used to indicate that the
10 cardholder has designated 1 or more patient advocates in accordance
11 with section 5506 of the estates and protected individuals code,
12 1998 PA 386, MCL 700.5506. The emergency medical information card,
13 carried separately by the cardholder, may contain the information
14 described in subsection (2)(c), information concerning the
15 cardholder's patient advocate designation, other emergency medical
16 information, or an indication as to where the cardholder has stored
17 or registered emergency medical information. An original official
18 state personal identification card or the renewal of an existing
19 official state personal identification card issued to an individual
20 less than 21 years of age must be portrait or vertical in form, and
21 an official state personal identification card issued to an
22 individual 21 years of age or over must be landscape or horizontal
23 in form. Except as otherwise required in this act, other
24 information required on the official state personal identification
25 card under this act may appear on the official state personal
26 identification card in a form prescribed by the secretary of state.
27 (5) The official state personal identification card must not

1 contain a fingerprint or finger image of the applicant.

2 (6) Except as provided in this subsection, the secretary of
3 state shall retain and use an individual's digital photographic
4 image and signature described in subsection (1)(b) only for
5 programs administered by the secretary of state as specifically
6 authorized by law. An individual's digital photographic image or
7 signature must only be used as follows:

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

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

12 (c) ~~For~~**BY** the secretary of state ~~to forward~~**FOR FORWARDING** to
13 the department of state police the images of individuals required
14 to be registered under the sex offenders registration act, 1994 PA
15 295, MCL 28.721 to 28.736, upon the department of state police
16 providing the secretary of state an updated list of those
17 individuals.

18 (d) ~~For~~**BY** the secretary of state ~~to forward~~**FOR FORWARDING** to
19 the department of state police a digitized photograph taken of the
20 applicant for an official state personal identification card for
21 use as provided in section 5c of 1927 PA 372, MCL 28.425c.

22 **(E) BY THE SECRETARY OF STATE FOR FORWARDING TO THE DEPARTMENT**
23 **OF LICENSING AND REGULATORY AFFAIRS THE IMAGES OF APPLICANTS FOR AN**
24 **OFFICIAL STATE REGISTRY IDENTIFICATION CARD ISSUED UNDER SECTION 6**
25 **OF THE MICHIGAN MEDICAL MARIHUANA ACT, 2008 IL 1, MCL 333.26426, IF**
26 **THE DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS PROMULGATES**
27 **RULES REQUIRING A PHOTOGRAPH AS A DESIGN ELEMENT FOR AN OFFICIAL**

1 **STATE REGISTRY IDENTIFICATION CARD.**

2 **(F)** ~~(e)~~—As necessary to comply with a law of this state or the
3 United States.

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

10 (8) The secretary of state shall maintain a record of an
11 individual who indicates a willingness to have his or her name
12 placed on the donor registry described in subsection (2) (a) (ii) .
13 Information about an individual's indication of a willingness to
14 have his or her name placed on the donor registry that is obtained
15 by the secretary of state and forwarded under this section is
16 exempt from disclosure under section 13(1)(d) of the freedom of
17 information act, 1976 PA 442, MCL 15.243. As required in section
18 10120 of the public health code, 1978 PA 368, MCL 333.10120, the
19 secretary of state shall establish and maintain the donor registry
20 in a manner that complies with that section and that provides
21 electronic access, including, but not limited to, the transfer of
22 data to this state's federally designated organ procurement
23 organization or its successor organization, tissue banks, and eye
24 banks.

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

27 (10) An official state personal identification card must

1 contain information appearing in electronic or machine readable
2 codes needed to conduct a transaction with the secretary of state.
3 The information must be limited to the information described in
4 subsection (1)(a) and (b) except for the person's digital
5 photographic image and signature or verification and certification,
6 state of issuance, and other information necessary for use with
7 electronic devices, machine readers, or automatic teller machines
8 and must not contain the individual's driving record or other
9 personal identifier. The official state personal identification
10 card must identify the encoded information.

11 (11) An official state personal identification card must be
12 issued only upon authorization of the secretary of state, and must
13 be manufactured in a manner to prohibit as nearly as possible the
14 ability to reproduce, alter, counterfeit, forge, or duplicate the
15 official state personal identification card without ready
16 detection.

17 (12) Except as otherwise provided in this act, an applicant
18 shall pay a fee of \$10.00 to the secretary of state for each
19 original or renewal official state personal identification card
20 issued. The department of treasury shall deposit the fees received
21 and collected under this section in the state treasury to the
22 credit of the general fund. The legislature shall appropriate the
23 fees credited to the general fund under this act to the secretary
24 of state for the administration of this act. Appropriations from
25 the Michigan transportation fund created under section 10 of 1951
26 PA 51, MCL 247.660, must not be used to compensate the secretary of
27 state for costs incurred and services performed under this section.

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

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

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

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

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

25 (d) An individual who presents ~~other good cause for a fee~~
26 ~~waiver.~~ **EVIDENCE OF 1 OR MORE OF THE FOLLOWING:**

27 (i) **A NOTICE OF CASE ACTION FROM THE DEPARTMENT OF HEALTH AND**

1 HUMAN SERVICES INDICATING THAT THE INDIVIDUAL IS A PARTICIPANT IN 1
2 OR BOTH OF THE FOLLOWING PROGRAMS AND IS MAKING HIS OR HER
3 APPLICATION FOR AN OFFICIAL STATE PERSONAL IDENTIFICATION CARD
4 DURING A PERIOD IN WHICH HE OR SHE IS RECEIVING BENEFITS:

5 (A) THE FAMILY INDEPENDENCE PROGRAM.

6 (B) THE STATE DISABILITY ASSISTANCE PROGRAM.

7 (ii) A UNITED STATES SOCIAL SECURITY ADMINISTRATION BENEFIT
8 AWARD LETTER INDICATING THE APPLICANT IS CURRENTLY RECEIVING
9 PAYMENTS UNDER THE FEDERAL SUPPLEMENTAL SECURITY INCOME PROGRAM AS
10 THAT TERM IS DEFINED IN SECTION 57 OF THE SOCIAL WELFARE ACT, 1939
11 PA 280, MCL 400.57, OR THE SOCIAL SECURITY DISABILITY INCOME
12 PROGRAM.

13 (iii) A UNITED STATES SOCIAL SECURITY ADMINISTRATION BENEFIT
14 VERIFICATION LETTER INDICATING THE APPLICANT IS CURRENTLY RECEIVING
15 PAYMENTS UNDER THE FEDERAL SUPPLEMENTAL SECURITY INCOME PROGRAM AS
16 THAT TERM IS DEFINED IN SECTION 57 OF THE SOCIAL WELFARE ACT, 1939
17 PA 280, MCL 400.57, OR THE SOCIAL SECURITY DISABILITY INCOME
18 PROGRAM.

19 (e) An individual who decides to add or remove a heart
20 insignia described in subsection (1)(d).

21 (F) AN INDIVIDUAL WHO IS A VETERAN AS THAT TERM IS DEFINED IN
22 SECTION 1 OF 1965 PA 190, MCL 35.61. THE SECRETARY OF STATE SHALL
23 REQUIRE AN INDIVIDUAL WHO SEEKS A WAIVER OF THE FEE UNDER THIS
24 SUBDIVISION TO PROVIDE THE SECRETARY OF STATE THE SAME
25 DOCUMENTATION REQUIRED FOR A VETERAN DESIGNATION UNDER SUBSECTION
26 (1)(E) BEFORE GRANTING THE FEE WAIVER.

27 (G) AN INDIVIDUAL WHO PRESENTS BOTH OF THE FOLLOWING:

1 (i) A HOMELESS VERIFICATION LETTER THAT STATES THAT THE
2 INDIVIDUAL MEETS THE DEFINITION OF CATEGORY 1 HOMELESS AS THAT TERM
3 IS DEFINED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN
4 DEVELOPMENT. A LETTER PROVIDED AS EVIDENCE UNDER THIS SUBPARAGRAPH
5 MUST BE SUBMITTED ON THE OFFICIAL LETTERHEAD OF A PUBLIC SERVICE
6 AGENCY. THE DEPARTMENT MAY VERIFY THE INFORMATION CONTAINED IN THE
7 LETTER WITH THE AGENCY OF ISSUANCE BEFORE ISSUING AN OFFICIAL STATE
8 PERSONAL IDENTIFICATION CARD.

9 (ii) A PHOTO IDENTIFICATION CARD GENERATED FROM THE UNITED
10 STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT HOMELESS
11 MANAGEMENT INFORMATION SYSTEM.

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

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

23 (17) 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 individual wants to change any information on the

1 official state personal identification card.

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

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

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

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

26 (21) The secretary of state shall inquire of each individual
27 who applies for or who holds an official state personal

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

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

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