

SENATE BILL No. 404

May 24, 2017, Introduced by Senators O'BRIEN and KNEZEK and referred to the
Committee on Veterans, Military Affairs and Homeland Security.

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 2017 PA 31.

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

1 services with information provided by an applicant under this
2 subsection for the purpose of veterans' benefits eligibility
3 referral.

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

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

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

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

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

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

26 (b) Provide the applicant with the opportunity to specify on
27 his or her official state personal identification card that he or

1 she is willing to make an anatomical gift in the event of death
2 under part 101 of the public health code, 1978 PA 368, MCL
3 333.10101 to 333.10123, and in accordance with this section.

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

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

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

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

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

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

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

19 (5) The official state personal identification card must not
20 contain a fingerprint or finger image of the applicant.

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

27 (a) By a federal, state, or local governmental agency for a

1 law enforcement purpose authorized by law.

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

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

9 (d) For the secretary of state to forward to the department of
10 state police a digitized photograph taken of the applicant for an
11 official state personal identification card for use as provided in
12 section 5c of 1927 PA 372, MCL 28.425c.

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

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

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

1 information act, 1976 PA 442, MCL 15.243. As required in section
2 10120 of the public health code, 1978 PA 368, MCL 333.10120, the
3 secretary of state shall establish and maintain the donor registry
4 in a manner that complies with that section 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 must
12 contain information appearing in electronic or machine readable
13 codes needed to conduct a transaction with the secretary of state.
14 The information must 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 must not contain the individual's driving record or other
20 personal identifier. The official state personal identification
21 card must identify the encoded information.

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

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

13 **(F) AN INDIVIDUAL WHO IS A VETERAN AS THAT TERM IS DEFINED IN**
14 **SECTION 1 OF 1965 PA 190, MCL 35.61. THE SECRETARY OF STATE SHALL**
15 **REQUIRE AN INDIVIDUAL WHO SEEKS A WAIVER OF THE FEE UNDER THIS**
16 **SUBDIVISION TO PROVIDE THE SECRETARY OF STATE THE SAME**
17 **DOCUMENTATION REQUIRED FOR A VETERAN DESIGNATION UNDER SUBSECTION**
18 **(1)(E) BEFORE GRANTING THE FEE WAIVER.**

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

23 (16) An individual who has been issued an official state
24 personal identification card shall apply for a corrected
25 identification card if he or she changes his or her residence
26 address. The secretary of state may correct the address on an
27 official state personal identification card by a method prescribed

1 by the secretary of state. A fee must not be charged for a change
2 of residence address.

3 (17) An individual who has been issued an official state
4 personal identification card may apply for a renewal official state
5 personal identification card for 1 or more of the following
6 reasons:

7 (a) The individual wants to change any information on the
8 official state personal identification card.

9 (b) An official state personal identification card issued
10 under this act is lost, destroyed, or mutilated, or becomes
11 illegible.

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

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

1 (20) If an applicant provides proof to the secretary of state
2 that he or she is a minor who has been emancipated under 1968 PA
3 293, MCL 722.1 to 722.6, the official state personal identification
4 card must bear the designation of the individual's emancipated
5 status in a manner prescribed by the secretary of state.

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

18 (22) A valid official state personal identification card
19 presented by the individual to whom the card is issued is
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.

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