

HOUSE BILL No. 5686

March 6, 2018, Introduced by Reps. Hornberger and Griffin and referred to the Committee on Transportation and Infrastructure.

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 sections 1 and 2 (MCL 28.291 and 28.292), section 1 as amended by 2012 PA 25 and section 2 as amended by 2017 PA 31.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) A person who is a resident of this state may apply
2 to the department of state for an official state personal
3 identification card. Upon application, the applicant shall supply a
4 photographic identity document, a birth certificate or other
5 nonphotographic identity document, and other sufficient documents
6 as the secretary of state may require to verify the identity and
7 citizenship of the applicant. If an applicant for an official state

1 personal identification card is not a citizen of the United States,
2 the applicant shall supply a photographic identity document and
3 other sufficient documents to verify the identity of the applicant
4 and the applicant's legal presence in the United States under
5 subsection (5). The documents required under this subsection shall
6 include the applicant's full legal name, date of birth, address,
7 and residency and demonstrate that the applicant is a citizen of
8 the United States or is legally present in the United States. If
9 the applicant's full legal name differs from the name of the
10 applicant that appears on a document presented under this
11 subsection, the applicant shall present documents to verify his or
12 her current full legal name. An application for a state personal
13 identification card shall be made in a manner prescribed by the
14 secretary of state and shall contain the applicant's full legal
15 name, date of birth, residence address, height, sex, eye color,
16 signature, intent to be an organ donor, other information required
17 or permitted on the official state personal identification card
18 and, only to the extent to comply with federal law, the applicant's
19 social security number. The applicant may provide a mailing address
20 if the applicant receives mail at an address different from his or
21 her residence address.

22 (2) The secretary of state shall accept as 1 of the
23 identification documents required under subsection (1) an
24 identification card issued by the department of corrections to
25 prisoners who are placed on parole or released from a correctional
26 facility, containing the prisoner's legal name, photograph, and
27 other information identifying the prisoner as provided in section

1 37(4) of the corrections code of 1953, 1953 PA 232, MCL 791.237.

2 (3) The secretary of state shall have electronic access to
3 prisoner information maintained by the department of corrections
4 for the purpose of verifying the identity of a prisoner who applies
5 for an official state identification card under subsection (1).

6 (4) The secretary of state shall not issue an official state
7 personal identification card to a person who holds an operator's or
8 chauffeur's license issued under the Michigan vehicle code, 1949 PA
9 300, MCL 257.1 to 257.923, unless the license has been suspended,
10 revoked, or restricted.

11 (5) If the applicant is not a citizen of the United States,
12 the applicant shall provide, and the department shall verify,
13 documents demonstrating his or her legal presence in the United
14 States. Nothing in this act shall obligate or be construed to
15 obligate this state to comply with title II of the real ID act of
16 2005, Public Law 109-13. The secretary of state may adopt rules
17 under the administrative procedures act of 1969, 1969 PA 306, MCL
18 24.201 to 24.328, as are necessary for the administration of this
19 subsection. A determination by the secretary of state that an
20 applicant is not legally present in the United States may be
21 appealed under section 631 of the revised judicature act of 1961,
22 1961 PA 236, MCL 600.631. **THE SECRETARY OF STATE SHALL NOT ISSUE AN**
23 **OFFICIAL STATE PERSONAL IDENTIFICATION CARD TO AN APPLICANT**
24 **DESCRIBED IN THIS SUBSECTION FOR A TERM THAT EXCEEDS THE DURATION**
25 **OF THE APPLICANT'S LEGAL PRESENCE IN THE UNITED STATES.**

26 (6) The secretary of state shall not disclose a social
27 security number obtained under subsection (1) to another person

1 except for use for 1 or more of the following purposes:

2 (a) Compliance with 49 USC 31301 to 31317 and regulations and
3 rules related to this act.

4 (b) To carry out the purposes of section 466(a) of the social
5 security act, 42 USC 666, in connection with matters relating to
6 paternity, child support, or overdue child support.

7 (c) With the department of community health, for comparison
8 with vital records maintained by the department of community health
9 under part 28 of the public health code, 1978 PA 368, MCL 333.2801
10 to 333.2899.

11 (d) As otherwise required by law.

12 (7) The secretary of state shall not display a person's social
13 security number on the person's official state personal
14 identification card.

15 (8) A requirement under this section to include a social
16 security number on an application does not apply to an applicant
17 who demonstrates he or she is exempt under law from obtaining a
18 social security number.

19 (9) The secretary of state, with the approval of the state
20 administrative board created under 1921 PA 2, MCL 17.1 to 17.3, may
21 enter into agreements with the United States government to verify
22 whether an applicant for an official state personal identification
23 card under this section who is not a citizen of the United States
24 is authorized under federal law to be present in the United States.

25 (10) The secretary of state shall not issue an official state
26 personal identification card to a person holding an official state
27 personal identification card issued by another state without

1 confirmation that the person is terminating or has terminated the
2 official state personal identification card issued by the other
3 state.

4 (11) The secretary of state shall do all of the following:

5 (a) Ensure the physical security of locations where official
6 state personal identification cards are produced and the security
7 of document materials and papers from which official state personal
8 identification cards are produced.

9 (b) Subject all persons authorized to manufacture or produce
10 official state personal identification cards and all persons who
11 have the ability to affect the identity information that appears on
12 official state personal identification cards to appropriate
13 security clearance requirements. The security requirements of this
14 subdivision and subdivision (a) may require that official state
15 personal identification cards be manufactured or produced in this
16 state.

17 (c) Provide fraudulent document recognition programs to
18 department of state employees engaged in the issuance of official
19 state personal identification cards.

20 Sec. 2. (1) An official state personal identification card
21 must contain the following:

22 (a) An identification number permanently assigned to the
23 individual to whom the card is issued.

24 (b) The full legal name, date of birth, sex, residence
25 address, height, weight, eye color, digital photographic image,
26 signature of or verification and certification by the applicant, as
27 determined by the secretary of state, and expiration date of the

1 official state personal identification card. **IF THE OFFICIAL STATE**
2 **PERSONAL IDENTIFICATION CARD IS ISSUED TO AN INDIVIDUAL DESCRIBED**
3 **IN SECTION 1(5), THE OFFICIAL STATE PERSONAL IDENTIFICATION CARD**
4 **SHALL BE VISUALLY MARKED INDICATING THAT IT IS ISSUED FOR A TERM**
5 **THAT EXPIRES ON THE DATE THE INDIVIDUAL IS NO LONGER CONSIDERED TO**
6 **BE LEGALLY PRESENT IN THE UNITED STATES.**

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

- 9 (i) The blood type of the individual.
10 (ii) Immunization data of the individual.
11 (iii) Medication data of the individual.
12 (iv) A statement that the individual is deaf.

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

19 (e) If requested by an individual who is a veteran as that
20 term is defined in section 1 of 1965 PA 190, MCL 35.61, a
21 designation that the individual is a veteran. The designation shall
22 be in a style and format considered appropriate by the secretary of
23 state. The secretary of state shall require proof of discharge or
24 separation of service from the armed forces of this state, another
25 state, or the United States, and the nature of that discharge, for
26 the purposes of verifying an individual's status as a veteran under
27 this subdivision. The secretary of state shall consult with the

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

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

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

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

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

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

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 under part 101 of the public health code, 1978 PA 368, MCL
8 333.10101 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 official state personal
26 identification card where the applicant may place a sticker or
27 decal of a uniform size as the secretary may specify to indicate

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

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

26 (6) Except as provided in this subsection, the secretary of
27 state shall retain and use an individual's digital photographic

1 image and signature described in subsection (1)(b) only for
2 programs administered by the secretary of state as specifically
3 authorized by law. An individual's digital photographic image or
4 signature must only be used as follows:

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

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

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

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

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

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

26 (8) The secretary of state shall maintain a record of an
27 individual who indicates a willingness to have his or her name

1 placed on the donor registry described in subsection (2) (a) (ii) .
2 Information about an individual's indication of a willingness to
3 have his or her name placed on the donor registry that is obtained
4 by the secretary of state and forwarded under this section is
5 exempt from disclosure under section 13(1)(d) of the freedom of
6 information act, 1976 PA 442, MCL 15.243. As required in section
7 10120 of the public health code, 1978 PA 368, MCL 333.10120, the
8 secretary of state shall establish and maintain the donor registry
9 in a manner that complies with that section and that provides
10 electronic access, including, but not limited to, the transfer of
11 data to this state's federally designated organ procurement
12 organization or its successor organization, tissue banks, and eye
13 banks.

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

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

27 (11) An official state personal identification card must be

1 issued only upon authorization of the secretary of state, and must
2 be manufactured in a manner to prohibit as nearly as possible the
3 ability to reproduce, alter, counterfeit, forge, or duplicate the
4 official state personal identification card without ready
5 detection.

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

17 (13) An original or renewal official state personal
18 identification card expires on the birthday of the individual to
19 whom it is issued in the fourth year following the date of issuance
20 or on the date the individual is no longer considered to be legally
21 present in the United States under section 1, whichever is earlier.
22 The secretary of state shall not issue an official state personal
23 identification card under this act for a period greater than 4
24 years. Except as provided in this subsection, the secretary of
25 state may issue a renewal official state personal identification
26 card for 1 additional 4-year period by mail or by other methods
27 prescribed by the secretary of state. The secretary of state shall

1 require renewal in person by an individual required under section
2 5a of the sex offenders registration act, 1994 PA 295, MCL 28.725a,
3 to maintain a valid operator's or chauffeur's license or official
4 state personal identification card.

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

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

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

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

14 (d) An individual who presents other good cause for a fee
15 waiver.

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

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

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

1 of residence address.

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

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

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

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

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

27 (20) If an applicant provides proof to the secretary of state

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

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

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

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