

# SENATE BILL No. 1264

December 6, 2018, Introduced by Senator MEEKHOF and referred to the Committee on Government Operations.

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,

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

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

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

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

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

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

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

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

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

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

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

1 required under this subparagraph includes the address and telephone  
2 number of Michigan's federally designated organ procurement  
3 organization or its successor organization as described in section  
4 10120 of the public health code, 1978 PA 368, MCL 333.10120.

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

8 (b) Provide the applicant with the opportunity to specify on  
9 his or her official state personal identification card that he or  
10 she is willing to make an anatomical gift in the event of death  
11 under part 101 of the public health code, 1978 PA 368, MCL  
12 333.10101 to 333.10123, and in accordance with this section.

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

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

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

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

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

27 (4) The secretary of state shall prescribe the form of the

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

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

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

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

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

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

18 (d) For the secretary of state to forward to the department of  
19 state police a digitized photograph taken of the applicant for an  
20 official state personal identification card for use as provided in  
21 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 **A PHOTOGRAPH IS REQUIRED FOR AN OFFICIAL STATE REGISTRATION CARD BY**  
27 **THE DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS.**

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

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

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

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

26           (10) An official state personal identification card must  
27 contain information appearing in electronic or machine readable

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

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

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

27 (13) An original or renewal official state personal

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

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

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

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

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

24 (d) An individual who presents other good cause for a fee  
25 waiver.

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

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

5           (16) An individual who has been issued an official state  
6 personal identification card shall apply for a corrected  
7 identification card if he or she changes his or her residence  
8 address. The secretary of state may correct the address on an  
9 official state personal identification card by a method prescribed  
10 by the secretary of state. A fee must not be charged for a change  
11 of residence address.

12           (17) An individual who has been issued an official state  
13 personal identification card may apply for a renewal official state  
14 personal identification card for 1 or more of the following  
15 reasons:

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

18           (b) An official state personal identification card issued  
19 under this act is lost, destroyed, or mutilated, or becomes  
20 illegible.

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

25           (19) No later than January 1, 2017, the secretary of state  
26 shall develop and shall, in conjunction with the department of  
27 state police, implement a process using the L.E.I.N. or any other

1 appropriate system that limits access to law enforcement that  
2 allows law enforcement agencies of this state to access emergency  
3 contact information that the holder of an official state personal  
4 identification card has voluntarily provided to the secretary of  
5 state. As used in this subsection, "emergency contact information"  
6 means the name, telephone number, or address of an individual that  
7 is used for the sole purpose of contacting that individual when the  
8 holder of an official state personal identification card has been  
9 involved in an emergency.

10 (20) If an applicant provides proof to the secretary of state  
11 that he or she is a minor who has been emancipated under 1968 PA  
12 293, MCL 722.1 to 722.6, the official state personal identification  
13 card must bear the designation of the individual's emancipated  
14 status in a manner prescribed by the secretary of state.

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

27 (22) A valid official state personal identification card

1 presented by the individual to whom the card is issued is  
2 considered the same as a valid state of Michigan driver license  
3 when identification is requested except as otherwise specifically  
4 provided by law.