

HOUSE BILL NO. 5541

February 25, 2020, Introduced by Reps. Liberati, Frederick, Calley and Brenda Carter and referred to the Committee on Health Policy.

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 2018 PA 605 and section 2 as amended by 2018 PA 669.



THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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



1 address. For automatic voter registration purposes under section
 2 493a of the Michigan election law, 1954 PA 116, MCL 168.493a, an
 3 applicant for an official state personal identification card must
 4 indicate on the application or change of address application
 5 whether he or she is a citizen of the United States. An application
 6 must allow the applicant to indicate that the applicant declines to
 7 use the application as a voter registration application.

8 (2) The secretary of state shall accept as 1 of the
 9 identification documents required under subsection (1) an
 10 identification card issued by the department of corrections to
 11 prisoners who are placed on parole or released from a correctional
 12 facility, containing the prisoner's legal name, photograph, and
 13 other information identifying the prisoner as provided in section
 14 37(4) of the corrections code of 1953, 1953 PA 232, MCL 791.237.

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

19 (4) The secretary of state shall not issue an official state
 20 personal identification card to ~~a person~~ **an individual** who holds an
 21 operator's or chauffeur's license issued under the Michigan vehicle
 22 code, 1949 PA 300, MCL 257.1 to 257.923, unless the license has
 23 been suspended, revoked, or restricted.

24 (5) If the applicant is not a citizen of the United States,
 25 the applicant shall provide, and the department shall verify,
 26 documents demonstrating his or her legal presence in the United
 27 States. Nothing in this act ~~shall obligate or be construed to~~
 28 ~~obligate~~ **obligates** this state to comply with title II of the real
 29 ID act of 2005, Public Law 109-13. The secretary of state may adopt



1 rules under the administrative procedures act of 1969, 1969 PA 306,
2 MCL 24.201 to 24.328, as are necessary for the administration of
3 this subsection. A determination by the secretary of state that an
4 applicant is not legally present in the United States may be
5 appealed under section 631 of the revised judicature act of 1961,
6 1961 PA 236, MCL 600.631. The secretary of state shall not issue an
7 official state personal identification card to an applicant
8 described in this subsection for a term that exceeds the duration
9 of the applicant's legal presence in the United States.

10 (6) The secretary of state shall not disclose a Social
11 Security number obtained under subsection (1) to another person
12 except for use for 1 or more of the following purposes:

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

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

18 (c) With the department of health and human services, for
19 comparison with vital records maintained by the department of
20 health and human services under part 28 of the public health code,
21 1978 PA 368, MCL 333.2801 to 333.2899.

22 (d) As otherwise required by law.

23 (7) The secretary of state shall not display ~~a person's~~ **an**
24 **individual's** Social Security number on the ~~person's~~ **individual's**
25 official state personal identification card.

26 (8) A requirement under this section to include a Social
27 Security number on an application does not apply to an applicant
28 who demonstrates he or she is exempt under law from obtaining a
29 Social Security number.



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

7 (10) The secretary of state shall not issue an official state
8 personal identification card to ~~a person~~ **an individual** holding an
9 official state personal identification card issued by another state
10 without confirmation that the ~~person~~ **individual** is terminating or
11 has terminated the official state personal identification card
12 issued by the other state.

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

14 (a) Ensure the physical security of locations where official
15 state personal identification cards are produced and the security
16 of document materials and papers from which official state personal
17 identification cards are produced.

18 (b) Subject ~~all persons~~ **each person** authorized to manufacture
19 or produce official state personal identification cards and ~~all~~
20 ~~persons~~ **each person** who ~~have~~ **has** the ability to affect the identity
21 information that appears on official state personal identification
22 cards to appropriate security clearance requirements. The security
23 requirements of this subdivision and subdivision (a) may require
24 that official state personal identification cards be manufactured
25 or produced in this state.

26 (c) Provide fraudulent document recognition programs to
27 ~~department~~ **secretary** of state employees engaged in the issuance of
28 official state personal identification cards.

29 (12) **If an individual meets the requirements under subsection**



(13), the secretary of state shall allow the individual to elect a communication impediment designation on the application maintained in the central file under section 7 or in another appropriate system that limits access to law enforcement that would allow law enforcement agencies of this state to view a communication impediment designation with an official state personal identification card.

(13) An individual seeking an election for a communication impediment designation under subsection (12) shall provide the secretary of state a certification that meets all of the following:

(a) Is signed by a physician, physician assistant, certified nurse practitioner, or physical therapist licensed to practice in this state.

(b) Identifies the individual for whom the communication impediment designation is being elected.

(c) Attests to the nature of the health condition that may impede communication.

(14) The secretary of state shall not display an individual's communication impediment designation on the individual's official state personal identification card.

(15) A person who intentionally makes a false statement of material fact or commits or attempts to commit a deception or fraud on a statement described under subsection (13) is guilty of a misdemeanor punishable by imprisonment for not more than 30 days or a fine of not more than \$500.00, or both.

(16) Subject to subsection (17), the secretary of state may cancel or revoke a communication impediment designation elected and maintained under this section if either of the following circumstances applies:



1 (a) The secretary of state determines that a communication
2 impediment designation was fraudulently or erroneously elected.

3 (b) The secretary of state determines the communication
4 impediment designation was abused during a traffic stop.

5 (17) The secretary of state shall provide an individual notice
6 and an opportunity to be heard before canceling or revoking a
7 communication impediment designation under subsection (16).

8 (18) As used in this section, "communication impediment" means
9 an individual has a health condition that may impede communication
10 with a police officer, including, but not limited to, the
11 following:

12 (a) Deafness or hearing loss.

13 (b) An autism spectrum disorder.

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

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

18 (b) The full legal name, date of birth, sex, residence
19 address, height, weight, eye color, digital photographic image,
20 signature of or verification and certification by the applicant, as
21 determined by the secretary of state, and expiration date of the
22 official state personal identification card. If an official state
23 personal identification card is issued to an individual described
24 in section 1(5) who has temporary lawful status, the official state
25 personal identification card must be issued in compliance with 6
26 CFR 37.21 or in compliance with the process established to comply
27 with 6 CFR 37.71 by the secretary of state. As used in this
28 subdivision, "temporary lawful status" means that term as defined
29 in 6 CFR 37.3.



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

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

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

(e) If requested by an individual who is a veteran as that term is defined in section 1 of 1965 PA 190, MCL 35.61, a designation that the individual is a veteran. The designation must be in a style and format considered appropriate by the secretary of state. The secretary of state shall require proof of discharge or separation of service from the armed forces of this state, another state, or the United States, and the nature of that discharge, for the purposes of verifying an individual's status as a veteran under this subdivision. The secretary of state shall consult with the department of military and veterans affairs in determining the proof that must be required to identify an individual's status as a veteran for the purposes of this subsection. The secretary of state may provide the department of military and veterans affairs and agencies of the counties of this state that provide veteran services with information provided by an applicant under this subsection for the purpose of veterans' benefits eligibility referral.

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

4 (2) In conjunction with the application for an official state
5 personal identification card, the secretary of state shall do all
6 of the following:

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

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

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

20 (iii) Information giving the applicant the opportunity to have
21 his or her name placed on the registry described in subparagraph
22 (ii) .

23 (b) Provide the applicant with the opportunity to specify on
24 his or her official state personal identification card that he or
25 she is willing to make an anatomical gift in the event of death
26 under part 101 of the public health code, 1978 PA 368, MCL
27 333.10101 to 333.10123, and in accordance with this section.

28 (c) Inform the applicant that, if he or she indicates to the
29 secretary of state under this section a willingness to have his or



1 her name placed on the donor registry described in subdivision
2 (a)(ii), the secretary of state will mark the applicant's record for
3 the donor registry.

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

6 (a) Providing printed material enclosed with a mailed notice
7 for the issuance or renewal of an official state personal
8 identification card.

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

11 (c) Through electronic information transmittals for
12 applications processed by electronic means.

13 (4) The secretary of state shall prescribe the form of the
14 official state personal identification card. The secretary of state
15 shall designate a space on the official state personal
16 identification card where the applicant may place a sticker or
17 decal of a uniform size as the secretary may specify to indicate
18 that the cardholder carries a separate emergency medical
19 information card. The sticker or decal may be provided by any
20 person, hospital, school, medical group, or association interested
21 in assisting in implementing the emergency medical information
22 card, but must meet the specifications of the secretary of state.
23 The sticker or decal also may be used to indicate that the
24 cardholder has designated 1 or more patient advocates in accordance
25 with section 5506 of the estates and protected individuals code,
26 1998 PA 386, MCL 700.5506. The emergency medical information card,
27 carried separately by the cardholder, may contain the information
28 described in subsection (2)(c), information concerning the
29 cardholder's patient advocate designation, other emergency medical



1 information, or an indication as to where the cardholder has stored
2 or registered emergency medical information. An original official
3 state personal identification card or the renewal of an existing
4 official state personal identification card issued to an individual
5 less than 21 years of age must be portrait or vertical in form, and
6 an official state personal identification card issued to an
7 individual 21 years of age or over must be landscape or horizontal
8 in form. Except as otherwise required in this act, other
9 information required on the official state personal identification
10 card under this act may appear on the official state personal
11 identification card in a form prescribed by the secretary of state.

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

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

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

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

24 (c) By the secretary of state for forwarding to the department
25 of state police the images of individuals required to be registered
26 under the sex offenders registration act, 1994 PA 295, MCL 28.721
27 to 28.736, upon the department of state police providing the
28 secretary of state an updated list of those individuals.

29 (d) By the secretary of state for forwarding to the department



1 of state police a digitized photograph taken of the applicant for
2 an official state personal identification card for use as provided
3 in section 5c of 1927 PA 372, MCL 28.425c.

4 (e) By the secretary of state for forwarding to the department
5 of licensing and regulatory affairs the images of applicants for an
6 official state registry identification card issued under section 6
7 of the Michigan ~~medical marihuana act~~, **Medical Marihuana Act**, 2008
8 IL 1, MCL 333.26426, if the department of licensing and regulatory
9 affairs promulgates rules requiring a photograph as a design
10 element for an official state registry identification card.

11 (f) As necessary to comply with a law of this state or the
12 United States.

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

19 (8) The secretary of state shall maintain a record of an
20 individual who indicates a willingness to have his or her name
21 placed on the donor registry described in subsection (2)(a)(ii).
22 Information about an individual's indication of a willingness to
23 have his or her name placed on the donor registry that is obtained
24 by the secretary of state and forwarded under this section is
25 exempt from disclosure under section 13(1)(d) of the freedom of
26 information act, 1976 PA 442, MCL 15.243. As required in section
27 10120 of the public health code, 1978 PA 368, MCL 333.10120, the
28 secretary of state shall establish and maintain the donor registry
29 in a manner that complies with that section and that provides



1 electronic access, including, but not limited to, the transfer of
2 data to this state's federally designated organ procurement
3 organization or its successor organization, tissue banks, and eye
4 banks.

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

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

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

24 (12) Except as otherwise provided in this act, an applicant
25 shall pay a fee of \$10.00 to the secretary of state for each
26 original or renewal official state personal identification card
27 issued. The department of treasury shall deposit the fees received
28 and collected under this section in the state treasury to the
29 credit of the general fund. The legislature shall appropriate the



1 fees credited to the general fund under this act to the secretary
2 of state for the administration of this act. Appropriations from
3 the Michigan transportation fund created under section 10 of 1951
4 PA 51, MCL 247.660, must not be used to compensate the secretary of
5 state for costs incurred and services performed under this section.

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

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

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

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

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



(d) An individual who presents evidence of 1 or more of the following:

(i) A notice of case action from the department of health and human services indicating that the individual is a participant in 1 or both of the following programs and is making his or her application for an official state personal identification card during a period in which he or she is receiving benefits:

(A) The family independence program.

(B) The state disability assistance program.

(ii) A United States Social Security Administration benefit award letter indicating the applicant is currently receiving payments under the federal supplemental security income program as that term is defined in section 57 of the social welfare act, 1939 PA 280, MCL 400.57, or the Social Security disability income program.

(iii) A United States Social Security Administration benefit verification letter indicating the applicant is currently receiving payments under the federal supplemental security income program as that term is defined in section 57 of the social welfare act, 1939 PA 280, MCL 400.57, or the Social Security disability income program.

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

(f) An individual who is a veteran as that term is defined in section 1 of 1965 PA 190, MCL 35.61. The secretary of state shall require an individual who seeks a waiver of the fee under this subdivision to provide the secretary of state the same documentation required for a veteran designation under subsection (1)(e) before granting the fee waiver.



1 (g) An individual who presents both of the following:

2 (i) A homeless verification letter that states that the
3 individual meets the definition of category 1 homeless as that term
4 is defined by the United States Department of Housing and Urban
5 Development. A letter provided as evidence under this subparagraph
6 must be submitted on the official letterhead of a public service
7 agency. The ~~department~~**secretary of state** may verify the
8 information contained in the letter with the agency of issuance
9 before issuing an official state personal identification card.

10 (ii) A photo identification card generated from the United
11 States Department of Housing and Urban Development ~~homeless~~
12 ~~management information system.~~**Homeless Management Information**
13 **System.**

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

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

25 (17) An individual who has been issued an official state
26 personal identification card may apply for a renewal official state
27 personal identification card for 1 or more of the following
28 reasons:

29 (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~~ **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 **and to view a communication impediment**
15 **designation** that the holder of an official state personal
16 identification card has voluntarily provided to the secretary of
17 state. ~~As used in this subsection, "emergency contact information"~~
18 ~~means the name, telephone number, or address of an individual that~~
19 ~~is used for the sole purpose of contacting that individual when the~~
20 ~~holder of an official state personal identification card has been~~
21 ~~involved in an emergency.~~

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

27 (21) The secretary of state shall inquire of each individual
28 who applies for or who holds an official state personal
29 identification card, in person or by mail, whether he or she agrees

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

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

15 **(23) As used in this section:**

16 **(a) "Communication impediment" means an individual has a**
 17 **health condition that may impede communication with a police**
 18 **officer, including, but not limited to, the following:**

19 **(i) Deafness or hearing loss.**

20 **(ii) An autism spectrum disorder.**

21 **(b) "Emergency contact information" means the name, telephone**
 22 **number, or address of an individual that is used for the sole**
 23 **purpose of contacting that individual when the holder of an**
 24 **official state personal identification card has been involved in an**
 25 **emergency.**

