

HOUSE BILL NO. 4365

February 25, 2021, Introduced by Reps. Sneller and Lilly and referred to the Committee on Transportation.

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 1 (MCL 28.291), as amended by 2020 PA 92.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 1. (1) An individual who is a resident of this state may
- 2 apply to the secretary of state for an official state personal

1 identification card. Upon application, the applicant shall supply a
2 photographic identity document, a birth certificate or other
3 nonphotographic identity document, and other sufficient documents
4 as the secretary of state may require to verify the identity and
5 citizenship of the applicant. If an applicant for an official state
6 personal identification card is not a citizen of the United States,
7 the applicant shall supply a photographic identity document and
8 other sufficient documents to verify the identity of the applicant
9 and the applicant's legal presence in the United States under
10 subsection (5). The documents required under this subsection must
11 include the applicant's full legal name, date of birth, address,
12 and residency and demonstrate that the applicant is a citizen of
13 the United States or is legally present in the United States. If
14 the applicant's full legal name differs from the name of the
15 applicant that appears on a document presented under this
16 subsection, the applicant shall present documents to verify his or
17 her current full legal name. An application for an official state
18 personal identification card must be made in a manner prescribed by
19 the secretary of state and must contain the applicant's full legal
20 name, date of birth, residence address, height, sex, eye color,
21 signature, intent to be an organ donor, other information required
22 or permitted on the official state personal identification card
23 and, only to the extent to comply with federal law, the applicant's
24 Social Security number. The applicant may provide a mailing address
25 if the applicant receives mail at an address different from his or
26 her residence address. For automatic voter registration purposes
27 under section 493a of the Michigan election law, 1954 PA 116, MCL
28 168.493a, an applicant for an official state personal
29 identification card must indicate on the application or change of

1 address application whether he or she is a citizen of the United
2 States. An application must allow the applicant to indicate that
3 the applicant declines to use the application as a voter
4 registration application.

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

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

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

21 (5) If the applicant is not a citizen of the United States,
22 the applicant shall provide, and the department shall verify,
23 documents demonstrating his or her legal presence in the United
24 States. Nothing in this act obligates this state to comply with
25 title II of the real ID act of 2005, Public Law 109-13. The
26 secretary of state may adopt rules under the administrative
27 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, as are
28 necessary for the administration of this subsection. A
29 determination by the secretary of state that an applicant is not

1 legally present in the United States may be appealed under section
2 631 of the revised judicature act of 1961, 1961 PA 236, MCL
3 600.631. The secretary of state shall not issue an official state
4 personal identification card to an applicant described in this
5 subsection for a term that exceeds the duration of the applicant's
6 legal presence in the United States.

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

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

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

15 (c) ~~With~~**To** the department of health and human services, for
16 comparison with vital records maintained by the department of
17 health and human services under part 28 of the public health code,
18 1978 PA 368, MCL 333.2801 to 333.2899.

19 (d) As otherwise required by law.

20 (7) The secretary of state shall not display an individual's
21 Social Security number on the individual's official state personal
22 identification card.

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

27 (9) The secretary of state, with the approval of the state
28 administrative board created under 1921 PA 2, MCL 17.1 to 17.3, may
29 enter into agreements with the United States government to verify

1 whether an applicant for an official state personal identification
2 card under this section who is not a citizen of the United States
3 is authorized under federal law to be present in the United States.

4 (10) The secretary of state shall not issue an official state
5 personal identification card to an individual holding an official
6 state personal identification card issued by another state without
7 confirmation that the individual is terminating or has terminated
8 the official state personal identification card issued by the other
9 state.

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

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

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

23 (c) Provide fraudulent document recognition programs to
24 secretary of state employees engaged in the issuance of official
25 state personal identification cards.

26 (12) If an individual meets the requirements under subsection
27 (13), the secretary of state shall allow the individual to elect a
28 communication impediment designation on the application maintained
29 in the central file under section 7 or in another appropriate

1 system that limits access to ~~law enforcement that would allow law~~
2 ~~enforcement agencies of this state~~ **a person allowed access to**
3 **public record information by the criminal justice information**
4 **policy council under the C.J.I.S. policy council act, 1974 PA 163,**
5 **MCL 28.211 to 28.215, and that allows a person with access** to view
6 a communication impediment designation with an official state
7 personal identification card.

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

11 (a) Is signed by a physician, physician assistant, certified
12 nurse practitioner, **audiologist, speech-language pathologist,** or
13 physical therapist licensed to practice in this state.

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

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

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

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

26 (16) Subject to subsection (17), the secretary of state may
27 cancel or revoke a communication impediment designation elected and
28 maintained under this section if either of the following
29 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, **any of** the
11 following:

12 (a) Deafness or hearing loss.

13 (b) An autism spectrum disorder.

14 Enacting section 1. This amendatory act takes effect July 1,
15 2021.