

**SUBSTITUTE FOR
HOUSE BILL NO. 4985**

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 2021 PA 105.

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
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

1 as the secretary of state may require to verify the identity and
2 citizenship of the applicant. If an applicant for an official state
3 personal identification card is not a citizen of the United States,
4 the applicant shall supply a photographic identity document and
5 other sufficient documents to verify the identity of the applicant
6 and the applicant's legal presence in the United States under
7 subsection (5). The documents required under this subsection must
8 include the applicant's full legal name, date of birth, address,
9 and residency and demonstrate that the applicant is a citizen of
10 the United States or is legally present in the United States. If
11 the applicant's full legal name differs from the name of the
12 applicant that appears on a document presented under this
13 subsection, the applicant shall present documents to verify ~~his or~~
14 ~~her~~ **the applicant's** current full legal name. An application for an
15 official state personal identification card must be made in a
16 manner prescribed by the secretary of state and must contain the
17 applicant's full legal name, date of birth, residence address,
18 height, sex, eye color, signature, intent to be an organ donor,
19 other information required or permitted on the official state
20 personal identification card and, only to the extent to comply with
21 federal law, the applicant's Social Security number. The applicant
22 may provide a mailing address if the applicant receives mail at an
23 address different from ~~his or her~~ **the applicant's** residence
24 address. Beginning June 27, 2021, if the applicant is a program
25 participant in the address confidentiality program under the
26 address confidentiality program act, 2020 PA 301, MCL 780.851 to
27 780.873, ~~he or she~~ **the applicant** shall present to the secretary of
28 state ~~his or her~~ **the applicant's** participation card issued under
29 the address confidentiality program act, 2020 PA 301, MCL 780.851

1 to 780.873. ~~For~~ **Only for** ~~automatic-voter registration purposes~~
2 **transactions** under section ~~493a~~ **493a(6)** of the Michigan election
3 law, 1954 PA 116, MCL 168.493a, an applicant for an official state
4 personal identification card must indicate on the application or
5 change of address application whether ~~he or she~~ **the applicant** is a
6 citizen of the United States. ~~An~~ **Only for voter registration**
7 **transactions under section 493a(6) of the Michigan election law,**
8 **1954 PA 116, MCL 168.493a, an** application must allow the applicant
9 to indicate that the applicant declines to use the application as a
10 voter registration application.

11 (2) The secretary of state shall accept as 1 of the
12 identification documents required under subsection (1) an
13 identification card issued by the department of corrections to
14 prisoners who are placed on parole or released from a correctional
15 facility, containing the prisoner's legal name, photograph, and
16 other information identifying the prisoner as provided in section
17 37(4) of the corrections code of 1953, 1953 PA 232, MCL 791.237.

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

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

27 (5) If the applicant is not a citizen of the United States,
28 the applicant shall provide, and the department shall verify,
29 documents demonstrating ~~his or her~~ **the applicant's** legal presence

1 in the United States. Nothing in this act obligates this state to
2 comply with title II of the real ID act of 2005, Public Law 109-13.
3 The secretary of state may adopt rules under the administrative
4 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, as are
5 necessary for the administration of this subsection. A
6 determination by the secretary of state that an applicant is not
7 legally present in the United States may be appealed under section
8 631 of the revised judicature act of 1961, 1961 PA 236, MCL
9 600.631. The secretary of state shall not issue an official state
10 personal identification card to an applicant described in this
11 subsection for a term that exceeds the duration of the applicant's
12 legal presence in the United States.

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

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

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

21 (c) To the department of health and human services, for
22 comparison with vital records maintained by the department of
23 health and human services under part 28 of the public health code,
24 1978 PA 368, MCL 333.2801 to 333.2899.

25 (d) As otherwise required by law.

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

29 (8) A requirement under this section to include a Social

1 Security number on an application does not apply to an applicant
2 who demonstrates that ~~he or she~~ **the applicant** is exempt under law
3 from obtaining a Social Security number.

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

10 (10) The secretary of state shall not issue an official state
11 personal identification card to an individual holding an official
12 state personal identification card issued by another state without
13 confirmation that the individual is terminating or has terminated
14 the official state personal identification card issued by the other
15 state.

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

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

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

29 (c) Provide fraudulent document recognition programs to

1 secretary of state employees engaged in the issuance of official
2 state personal identification cards.

3 (12) If an individual meets the requirements under subsection
4 (13), beginning July 1, 2021, the secretary of state shall allow
5 the individual to elect a communication impediment designation on
6 the application maintained in the central file under section 7 or
7 in another appropriate system that limits access to ~~a person~~ **an**
8 **individual** allowed access to public record information by the
9 criminal justice information policy council under the C.J.I.S.
10 policy council act, 1974 PA 163, MCL 28.211 to 28.215, and that
11 allows ~~a person~~ **an individual** with access to view a communication
12 impediment designation with an official state personal
13 identification card.

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

17 (a) Is signed by a physician, physician assistant, certified
18 nurse practitioner, audiologist, speech-language pathologist,
19 psychologist, or physical therapist licensed to practice in this
20 state.

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

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

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

28 (15) ~~A person~~ **An individual** who intentionally makes a false
29 statement of material fact or commits or attempts to commit a

1 deception or fraud on a statement described under subsection (13)
2 is guilty of a misdemeanor punishable by imprisonment for not more
3 than 30 days or a fine of not more than \$500.00, or both.

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

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

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

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

15 (18) As used in this section, "communication impediment" means
16 an individual has a health condition that may impede communication
17 with a police officer, including, but not limited to, any of the
18 following:

19 (a) Deafness or hearing loss.

20 (b) An autism spectrum disorder.

21 Enacting section 1 This amendatory act takes effect June 30,
22 2025.

23 Enacting section 2. This amendatory act does not take effect
24 unless House Bill No. 4983 of the 102nd Legislature is enacted into
25 law.