

**SUBSTITUTE FOR
SENATE BILL NO. 877**

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 2 and 9a (MCL 28.292 and 28.299a), section 2 as amended by 2018 PA 669 and section 9a as added by 2008 PA 32.

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.



1 (b) The full legal name, date of birth, sex, residence
2 address, height, weight, eye color, digital photographic image,
3 signature of or verification and certification by the applicant, as
4 determined by the secretary of state, and expiration date of the
5 official state personal identification card. If an official state
6 personal identification card is issued to an individual described
7 in section 1(5) who has temporary lawful status, the official state
8 personal identification card must be issued in compliance with 6
9 CFR 37.21 or in compliance with the process established to comply
10 with 6 CFR 37.71 by the secretary of state. As used in this
11 subdivision, "temporary lawful status" means that term as defined
12 in 6 CFR 37.3.

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

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

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

25 (e) If requested by an individual who is a veteran as that
26 term is defined in section 1 of 1965 PA 190, MCL 35.61, a
27 designation that the individual is a veteran. The designation must
28 be in a style and format considered appropriate by the secretary of
29 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 must be required to identify an individual's status as a
 7 veteran for the purposes of this subsection. The secretary of state
 8 may provide the department of military and veterans affairs and
 9 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
 28 required under this subparagraph ~~includes~~ **must include** the address
 29 and telephone number of Michigan's federally designated organ



1 procurement organization or its successor organization as described
2 in section 10120 of the public health code, 1978 PA 368, MCL
3 333.10120.

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

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

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

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

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

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

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

26 (4) The secretary of state shall prescribe the form of the
27 official state personal identification card. The secretary of state
28 shall designate a space on the official state personal
29 identification card where the applicant may place a sticker or



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

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

27 (6) Except as provided in this subsection, the secretary of
28 state shall retain and use an individual's digital photographic
29 image and signature described in subsection (1)(b) only for



1 programs administered by the secretary of state as specifically
2 authorized by law. An individual's digital photographic image or
3 signature must only be used as follows:

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

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

8 (c) By the secretary of state for forwarding to the department
9 of state police the images of individuals required to be registered
10 under the sex offenders registration act, 1994 PA 295, MCL 28.721
11 to 28.736, ~~upon~~**on** the department of state police providing the
12 secretary of state an updated list of those individuals.

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

17 (e) By the secretary of state for forwarding to the department
18 of licensing and regulatory affairs the images of applicants for an
19 official state registry identification card issued under section 6
20 of the Michigan ~~medical-marihuana act,~~ **Medical Marihuana Act**, 2008
21 IL 1, MCL 333.26426, if the department of licensing and regulatory
22 affairs promulgates rules requiring a photograph as a design
23 element for an official state registry identification card.

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

26 (7) If an individual presents evidence of statutory blindness
27 as provided in 1978 PA 260, MCL 393.351 to 393.368, and is issued
28 or is the holder of an official state personal identification card,
29 the secretary of state shall mark the individual's official state



1 personal identification card in a manner that clearly indicates
2 that the cardholder is legally blind.

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

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

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



1 card must identify the encoded information.

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

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

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

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

21 (A) The family independence program.

22 (B) The state disability assistance program.

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

29 (iii) A United States Social Security Administration benefit



1 verification letter indicating the applicant is currently receiving
2 payments under the federal supplemental security income program as
3 that term is defined in section 57 of the social welfare act, 1939
4 PA 280, MCL 400.57, or the Social Security disability income
5 program.

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

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

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

15 (i) A homeless verification letter that states that the
16 individual meets the definition of category 1 homeless as that term
17 is defined by the United States Department of Housing and Urban
18 Development. A letter provided as evidence under this subparagraph
19 must be submitted on the official letterhead of a public service
20 agency. The department may verify the information contained in the
21 letter with the agency of issuance before issuing an official state
22 personal identification card.

23 (ii) A photo identification card generated from the United
24 States Department of Housing and Urban Development homeless
25 management information system.

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



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

8 (17) An individual who has been issued an official state
9 personal identification card may apply for a renewal official state
10 personal identification card for 1 or more of the following
11 reasons:

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

14 (b) An official state personal identification card issued
15 under this act is lost, destroyed, or mutilated, or becomes
16 illegible.

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

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



1 is used for the sole purpose of contacting that individual when the
2 holder of an official state personal identification card has been
3 involved in an emergency.

4 (20) If an applicant provides proof to the secretary of state
5 that he or she is a minor who has been emancipated under 1968 PA
6 293, MCL 722.1 to 722.6, the official state personal identification
7 card must bear the designation of the individual's emancipated
8 status in a manner prescribed by the secretary of state.

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

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

26 **(23) Notwithstanding subsection (13), an official state**
27 **personal identification card expiring between February 1, 2020 and**
28 **May 31, 2020 is considered valid until June 30, 2020. If the**
29 **secretary of state receives an application to renew an official**



1 state personal identification card that expires between February 1,
2 2020 and May 31, 2020 before June 30, 2020, the secretary of state
3 shall process the application as a renewal of an existing official
4 state personal identification card.

5 Sec. 9a. The department ~~shall~~**must** examine and determine the
6 genuineness, regularity, and legality of every application for an
7 official state identification card, and may in all cases ~~make~~
8 ~~investigation~~**investigate** as the department considers necessary or
9 require additional information. The department ~~shall~~**must** reject
10 any application for an official state identification card if not
11 satisfied of the genuineness, regularity, or legality of the
12 application or the truth of any statement contained in the
13 application, or for any other reason when authorized by law.

