

**HOUSE 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 2020 PA 92 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 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, 2008 IL 1, MCL 333.26426, if
21 the department of licensing and regulatory affairs promulgates
22 rules requiring a photograph as a design element for an official
23 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 **machine-readable** codes needed to conduct a transaction with the
23 secretary of state. The information must be limited to the
24 information described in subsection (1) (a) and (b) except for the
25 individual's digital photographic image and signature or
26 verification and certification, state of issuance, and other
27 information necessary for use with electronic devices, machine
28 readers, or automatic teller machines and must not contain the
29 individual's driving record or other personal identifier. The



1 official state personal identification card must identify the
2 encoded information.

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

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

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



1 prescribed by the secretary of state. The secretary of state shall
2 require renewal in person by an individual required under section
3 5a of the sex offenders registration act, 1994 PA 295, MCL 28.725a,
4 to maintain a valid operator's or chauffeur's license or official
5 state personal identification card.

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

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

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

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

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

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

22 (A) The family independence program.

23 (B) The state disability assistance program.

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



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

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

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

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

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

24 (ii) A photo identification card generated from the United
 25 States Department of Housing and Urban Development Homeless
 26 Management Information System.

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



1 her name.

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

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

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

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

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

22 (19) The secretary of state shall develop and shall, in
23 conjunction with the department of state police, implement a
24 process using the L.E.I.N. or any other appropriate system that
25 limits access to law enforcement that allows law enforcement
26 agencies of this state to access emergency contact information and
27 to view a communication impediment designation that the holder of
28 an official state personal identification card has voluntarily
29 provided to the secretary of state.



1 (20) If an applicant provides proof to the secretary of state
2 that he or she is a minor who has been emancipated under 1968 PA
3 293, MCL 722.1 to 722.6, the official state personal identification
4 card must bear the designation of the individual's emancipated
5 status in a manner prescribed by the secretary of state.

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

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

23 (23) If an official state personal identification card issued
24 under this act is lost, destroyed, or mutilated, or becomes
25 illegible, the individual to whom the official state personal
26 identification card was issued may obtain a duplicate upon the
27 payment of the fee required in subsection (24) and upon furnishing
28 proof satisfactory to the secretary of state that the official
29 state personal identification card has been lost, destroyed, or



1 mutilated, or has become illegible.

2 (24) Except as otherwise provided in subsection (25), for each
3 duplicate official state personal identification card, and for each
4 correction of an official state personal identification card, an
5 individual may apply for renewal of the official state personal
6 identification card and pay the renewal fee prescribed in this act
7 or the individual may, at his or her option and upon payment of the
8 fee prescribed in this section, apply for a duplicate official
9 state personal identification card that expires on the same date as
10 the official state personal identification card that was lost,
11 destroyed, or mutilated, or became illegible. The fee for a
12 duplicate official state personal identification card is \$10.00. A
13 renewal fee must not be charged for a change of address, a
14 correction required to correct a department error, or to add or
15 remove a heart insignia described in subsection (1)(d).

16 (25) Except with regard to an individual who is less than 21
17 years of age, for each duplicate official state personal
18 identification card, and for each correction of an official state
19 personal identification card, an individual shall apply for renewal
20 of the official state personal identification card and pay the
21 renewal fee prescribed in this act if the official state personal
22 identification card was due to expire within the next 12 months.
23 Except as otherwise provided in this act, an official state
24 personal identification card renewed under this subsection or
25 subsection (24) must be renewed for the combined period of the time
26 remaining on the official state personal identification card before
27 its renewal and the 4-year renewal period.

28 **(26) Notwithstanding subsection (13), an official state**
29 **personal identification card expiring on or after March 1, 2020 is**



1 considered valid until September 30, 2020. If the secretary of
2 state receives an application to renew an official state personal
3 identification card that expires on or after March 1, 2020 before
4 September 30, 2020, the secretary of state shall process the
5 application as a renewal of an existing official state personal
6 identification card.

7 (27) ~~(26)~~—As used in this section:

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

11 (i) Deafness or hearing loss.

12 (ii) An autism spectrum disorder.

13 (b) "Emergency contact information" means the name, telephone
14 number, or address of an individual that is used for the sole
15 purpose of contacting that individual when the holder of an
16 official state personal identification card has been involved in an
17 emergency.

18 Sec. 9a. The department ~~shall~~**must** examine and determine the
19 genuineness, regularity, and legality of every application for an
20 official state identification card, and may in all cases ~~make~~
21 ~~investigation~~**investigate** as the department considers necessary or
22 require additional information. The department ~~shall~~**must** reject
23 any application for an official state identification card if not
24 satisfied of the genuineness, regularity, or legality of the
25 application or the truth of any statement contained in the
26 application, or for any other reason when authorized by law.

