

HOUSE BILL No. 6007

April 26, 2006, Introduced by Reps. Ward, Taub, Kooiman, Hummel, Stahl, Vander Veen, Hoogendyk, Marleau, Shaffer, Walker, Schuitmaker, Rocca, Ball, Robertson, Farhat, Pearce, Elsenheimer and Nofs and referred to the Committee on House Oversight, Elections, and Ethics.

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 2 (MCL 28.292), as amended by 2005 PA 143.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) The official state personal identification card
2 shall contain the following:

3 (a) An identification number permanently assigned to the
4 person.

5 (b) The full name, date of birth, sex, residential address,
6 height, weight, eye color, image, and signature of the person to
7 whom the identification card is issued.

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

3 (i) The blood type of the person.

4 (ii) Immunization data of the person.

5 (iii) Medication data of the person.

6 (iv) A statement that the person is deaf.

7 (v) Until January 1, 2007, a statement that the person is an
8 organ and tissue donor under part 101 of the public health code,
9 1978 PA 368, MCL 333.10101 to 333.10109. If the identification card
10 contains ~~such a~~ **THAT** statement, the statement shall include the
11 signature of the person, along with the signature of at least 1
12 witness.

13 (vi) Emergency contact information of the person.

14 (vii) A sticker or decal as specified by the secretary of state
15 to indicate that the holder of the official state personal
16 identification card has designated 1 or more patient advocates in
17 accordance with section 5506 of the estates and protected
18 individuals code, 1998 PA 386, MCL 700.5506, or a statement that he
19 or she carries an emergency medical information card, as described
20 in subsection (5).

21 (d) In the case of a person who is less than 18 years of age
22 at the time of issuance of the identification card, the dates on
23 which the person will become 18 years of age and 21 years of age.

24 (e) In the case of a person who is not less than 18 years of
25 age but less than 21 years of age at the time of issuance of the
26 identification card, the date on which the person will become 21
27 years of age.

1 (f) Beginning January 1, 2007, in the case of a holder of an
2 official state personal identification card who has indicated his
3 or her wish to participate in the organ and tissue donor registry
4 under part 101 of the public health code, 1978 PA 368, MCL
5 333.10101 to 333.10109, a heart insignia on the front of the
6 official state personal identification card.

7 (2) In conjunction with the application for or, until January
8 1, 2007, the issuance of an official state personal identification
9 card, the secretary of state shall do all of the following:

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

11 (i) Information explaining the applicant's right to make an
12 anatomical gift in the event of death under part 101 of the public
13 health code, 1978 PA 368, MCL 333.10101 to 333.10109, and in
14 accordance with this section.

15 (ii) Information describing the organ, tissue, and eye donor
16 registry program maintained by Michigan's federally designated
17 organ procurement organization or its successor organization. The
18 information required under this subparagraph includes the address
19 and telephone number of Michigan's federally designated organ
20 procurement organization or its successor organization.

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

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

1 333.10101 to 333.10109, and in accordance with this section.

2 (c) Inform the applicant that, if he or she indicates to the
3 secretary of state under this section a willingness to have his or
4 her name placed on the registry described in subdivision (a)(ii),
5 the secretary of state will mark the applicant's record for the
6 registry.

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

9 (a) Providing printed material enclosed with a mailed notice
10 for the issuance or renewal of an official state personal
11 identification card.

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

14 (c) Through electronic information transmittals for
15 applications processed by electronic means.

16 (4) Until January 1, 2007, if an applicant indicates a
17 willingness under this section to have his or her name placed on
18 the registry described in subsection (2)(a)(ii), the secretary of
19 state shall within 10 days forward the applicant's name, address,
20 and date of birth to the organ donor registry maintained by
21 Michigan's federally designated organ procurement organization or
22 its successor organization. The secretary of state may forward
23 information under this subsection by mail or by electronic means.
24 The secretary of state shall not maintain a record of the name or
25 address of an individual who indicates a willingness to have his or
26 her name placed on the organ donor registry after forwarding that
27 information to the organ donor registry under this subsection.

1 Information about an applicant's indication of a willingness to
2 have his or her name placed on the organ donor registry obtained by
3 the secretary of state under subsection (2) and forwarded under
4 this subsection is exempt from disclosure under section 13(1)(d) of
5 the freedom of information act, 1976 PA 442, MCL 15.243.

6 (5) The secretary of state shall prescribe the form of the
7 identification card. The secretary of state shall designate on the
8 identification card a space where the applicant may place a sticker
9 or decal of the uniform size as the secretary may specify to
10 indicate that the cardholder carries a separate emergency medical
11 information card. The sticker or decal may be provided by any
12 person, hospital, school, medical group, or association interested
13 in assisting in implementing the emergency medical information
14 card, but shall meet the specifications of the secretary of state.
15 The sticker or decal also may be used to indicate that the
16 cardholder has designated 1 or more patient advocates in accordance
17 with section 5506 of the estates and protected individuals code,
18 1998 PA 386, MCL 700.5506. The emergency medical information card,
19 carried separately by the cardholder, may contain the information
20 described in subsection (2)(c), information concerning the
21 cardholder's patient advocate designation, other emergency medical
22 information, or an indication as to where the cardholder has stored
23 or registered emergency medical information. An original
24 identification card or the renewal of an existing identification
25 card issued to a person less than 21 years of age shall be portrait
26 or vertical in form and an identification card issued to a person
27 21 years of age or over shall be landscape or horizontal in form.

1 Except as otherwise required in this act, other information
2 required on the identification card under this act may appear on
3 the identification card in a form prescribed by the secretary of
4 state.

5 (6) The identification card shall not contain a fingerprint or
6 finger image of the applicant.

7 (7) Except as provided in this subsection, the secretary of
8 state may retain and use a person's image and signature described
9 in subsection (1)(b) only for programs administered by the
10 secretary of state. Except as provided in this subsection, the
11 secretary of state shall not use a person's image unless written
12 permission for that purpose is granted by the person to the
13 secretary of state or specific enabling legislation permitting the
14 use is enacted into law. A law enforcement agency of this state
15 shall have access to any information retained by the secretary of
16 state under this subsection. The information may be utilized for
17 any law enforcement purpose unless otherwise prohibited by law. The
18 department of state police shall provide to the secretary of state
19 updated lists of persons required under section 5a of the sex
20 offenders registration act, 1994 PA 295, MCL 28.725a, to maintain a
21 valid operator's or chauffeur's license or an official state
22 personal identification card and the secretary of state shall make
23 images of those persons available to the department of state police
24 as provided in the sex offenders registration act, 1994 PA 295, MCL
25 28.721 to ~~28.732~~ **28.736**.

26 (8) If a person presents evidence of statutory blindness as
27 provided in 1978 PA 260, MCL 393.351 to 393.368, and is issued or

1 is the holder of an official state personal identification card,
2 the secretary of state shall mark the person's identification card
3 in a manner that clearly indicates that the cardholder is legally
4 blind.

5 (9) Beginning January 1, 2007, the secretary of state shall
6 maintain a record of an individual who indicates a willingness to
7 have his or her name placed on the registry described in subsection
8 (2)(a)(ii). Information about a person's indication of a willingness
9 to have his or her name placed on the registry that is obtained by
10 the secretary of state and forwarded under this section is exempt
11 from disclosure under section 13(1)(d) of the freedom of
12 information act, 1976 PA 442, MCL 15.243. The secretary of state
13 shall establish and maintain the organ, tissue, and eye donor
14 registry in a manner that provides electronic access, including,
15 but not limited to, the transfer of data to this state's federally
16 designated organ procurement organizations, their successor
17 organizations, and tissue and eye banks with limitations on the use
18 of and access to the donor registry as determined by the secretary
19 of state.

20 (10) An official state personal identification card may
21 contain an identifier for voter registration purposes. An official
22 state personal identification card may contain information
23 appearing in electronic or machine readable codes needed to conduct
24 a transaction with the secretary of state. The information shall be
25 limited to the person's identification card number, birth date,
26 expiration date, and other information necessary for use with
27 electronic devices, machine readers, or automatic teller machines

1 and shall not contain the person's name, address, driving record,
2 or other personal identifier. The identification card shall
3 identify the encoded information.

4 (11) An official state personal identification card shall be
5 issued only upon authorization of the secretary of state, and shall
6 be manufactured in a manner to prohibit as nearly as possible the
7 ability to reproduce, alter, counterfeit, forge, or duplicate the
8 identification card without ready 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 identification card issued. The department of
12 treasury shall deposit the fees received and collected under this
13 section in the state treasury to the credit of the general fund.
14 The legislature shall appropriate the fees credited to the general
15 fund under this act to the secretary of state for the
16 administration of this act. Appropriations from the Michigan
17 transportation fund created under section 10 of 1951 PA 51, MCL
18 247.660, shall not be used to compensate the secretary of state for
19 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 person to whom
22 it is issued in the fourth year following the date of issuance. The
23 secretary of state shall not issue an official state personal
24 identification card under this act for a period greater than 4
25 years. Except as provided in this subsection, a person may apply
26 for a renewal of an official state personal identification card by
27 mail or by other methods prescribed by the secretary of state. The

1 secretary of state shall require renewal in person by a person
2 required under section 5a of the sex offenders registration act,
3 1994 PA 295, MCL 28.725a, to maintain a valid operator's or
4 chauffeur's license or official 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) A person 65 years of age or older.

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

12 (c) A person who presents evidence of statutory blindness as
13 provided in 1978 PA 260, MCL 393.351 to 393.368.

14 (d) A person who presents other good cause for a fee waiver.

15 (e) Beginning January 1, 2007, a person who wishes to add or
16 remove a heart insignia described in subsection (1)(f).

17 **(F) A PERSON WHO PRESENTS EVIDENCE THAT HE OR SHE IS UNABLE TO**
18 **PAY THE FEE REQUIRED IN SUBSECTION (12).**

19 (15) A person who has been issued an official state personal
20 identification card shall apply for a renewal official state
21 personal identification card if the person changes his or her name.

22 (16) A person who has been issued an official state personal
23 identification card shall apply for a corrected identification card
24 if he or she changes his or her residential address. The secretary
25 of state may correct the address on an identification card by a
26 method prescribed by the secretary of state. A fee shall not be
27 charged for a change of residential address.

1 (17) Except as otherwise provided in subsections (15) and
2 (16), a person who has been issued an official state personal
3 identification card may apply for a renewal official state personal
4 identification card for 1 or more of the following reasons:

5 (a) The person wants to change any information on the
6 identification card.

7 (b) An identification card issued under this act is lost,
8 destroyed, or mutilated, or becomes illegible.

9 (18) A person may indicate on an official state personal
10 identification card in a place designated by the secretary of state
11 his or her blood type, emergency contact information, immunization
12 data, medication data, a statement that the person is deaf, or,
13 until January 1, 2007, a statement that the person has made an
14 anatomical gift under part 101 of the public health code, 1978 PA
15 368, MCL 333.10101 to 333.10109.

16 (19) If an applicant provides proof to the secretary of state
17 that he or she is a minor who has been emancipated under 1968 PA
18 293, MCL 722.1 to 722.6, the official state personal identification
19 card shall bear the designation of the individual's emancipated
20 status in a manner prescribed by the secretary of state.

21 (20) Beginning January 1, 2007, the secretary of state shall
22 inquire of each person who applies for or who holds an official
23 state personal identification card, in person or by mail, whether
24 he or she agrees to participate in the organ, tissue, and eye donor
25 registry under part 101 of the public health code, 1978 PA 368, MCL
26 333.10101 to 333.10109. A person who has agreed to participate in
27 that registry shall not be considered to have revoked that

1 agreement solely because the person's official state personal
2 identification card has expired. Enrollment in the organ, tissue,
3 and eye donor registry constitutes a legal agreement that remains
4 binding and in effect after the donor's death regardless of the
5 expressed desires of the deceased donor's next of kin who may
6 oppose the donor's organ, tissue, or eye donation.

7 (21) A valid official state personal identification card
8 presented by the person to whom the card is issued shall be
9 considered the same as a valid state of Michigan driver license
10 when identification is requested except as otherwise specifically
11 provided by law.