

SUBSTITUTE FOR
HOUSE BILL NO. 5537

[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 1, 1a, 2, and 8 (MCL 28.291, 28.291a, 28.292, and 28.298), sections 1 and 2 as amended by 2005 PA 143, sections 1a and 8 as added by 1997 PA 99, and to add section 9a.]

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) A person who is a resident of this state may apply
2 to the department of state for an official state personal
3 identification card. ~~Upon application~~ **IF** the applicant **IS A CITIZEN**
4 **OF THE UNITED STATES, HE OR SHE** shall supply **A PHOTOGRAPHIC**
5 **IDENTITY DOCUMENT**, a birth certificate ~~attesting to his or her age~~

1 or OTHER NONPHOTOGRAPHIC IDENTITY DOCUMENT, AND other sufficient
2 documents or identification as the secretary of state may require
3 TO VERIFY THE IDENTITY AND CITIZENSHIP OF THE APPLICANT. IF AN
4 APPLICANT IS NOT A CITIZEN OF THE UNITED STATES, THE APPLICANT
5 SHALL SUPPLY A PHOTOGRAPHIC IDENTITY DOCUMENT AND OTHER SUFFICIENT
6 DOCUMENTS TO VERIFY HIS OR HER IDENTITY AND HIS OR HER LEGAL
7 PRESENCE IN THE UNITED STATES UNDER SUBDIVISION (B). THE DOCUMENTS
8 REQUIRED UNDER THIS SUBSECTION SHALL INCLUDE THE APPLICANT'S FULL
9 LEGAL NAME, DATE OF BIRTH, AND ADDRESS AND RESIDENCY AND SHALL
10 DEMONSTRATE THAT THE APPLICANT IS A CITIZEN OF THE UNITED STATES OR
11 LEGALLY PRESENT IN THE UNITED STATES. IF THE APPLICANT'S FULL LEGAL
12 NAME DIFFERS FROM THE NAME OF THE APPLICANT THAT APPEARS ON A
13 DOCUMENT PRESENTED UNDER THIS SUBSECTION, THE APPLICANT SHALL
14 PRESENT DOCUMENTS TO VERIFY HIS OR HER CURRENT FULL LEGAL NAME. An
15 application for a state personal identification card shall be made
16 in a manner prescribed by the secretary of state and shall contain
17 ALL OF the FOLLOWING:

18 (A) THE applicant's full LEGAL name, date of birth, residence
19 address, height, sex, eye color, signature, and ~~beginning January~~
20 ~~1, 2007,~~ intent to be an organ donor, ~~and~~ other information
21 required or permitted on the official state personal identification
22 card, AND, ONLY TO THE EXTENT REQUIRED TO COMPLY WITH FEDERAL LAW,
23 THE APPLICANT'S SOCIAL SECURITY NUMBER. The applicant may provide a
24 mailing address if the applicant receives mail at an address
25 different from his or her residence address.

26 (B) IF THE APPLICANT IS NOT A CITIZEN OF THE UNITED STATES,
27 THE APPLICANT SHALL PROVIDE DOCUMENTS DEMONSTRATING HIS OR HER

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1 LEGAL PRESENCE IN THE UNITED STATES. A PERSON LEGALLY PRESENT IN
2 THE UNITED STATES INCLUDES, BUT IS NOT LIMITED TO, A PERSON
3 FEDERALLY AUTHORIZED FOR EMPLOYMENT IN THE UNITED STATES, A PERSON
4 WITH NONIMMIGRANT STATUS AUTHORIZED UNDER FEDERAL LAW, AND A PERSON
5 WHO IS THE BENEFICIARY OF AN APPROVED IMMIGRANT VISA PETITION OR [AN
6 APPROVED]
7 LABOR CERTIFICATION. THE SECRETARY OF STATE SHALL ADOPT RULES UNDER
8 THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201
9 TO 24.328, NECESSARY FOR THE ADMINISTRATION OF THIS SUBDIVISION. A
10 DETERMINATION BY THE SECRETARY OF STATE THAT AN APPLICANT IS NOT
11 LEGALLY PRESENT IN THE UNITED STATES MAY BE APPEALED UNDER SECTION
12 631 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL
13 600.631.

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

19 (3) UNLESS OTHERWISE ELIGIBLE UNDER SUBSECTION (1), THE
20 SECRETARY OF STATE SHALL NOT ISSUE AN OFFICIAL STATE PERSONAL
21 IDENTIFICATION CARD TO A PERSON WHO IS NOT A CITIZEN OF THE UNITED
22 STATES.

23 (4) THE SECRETARY OF STATE SHALL NOT DISCLOSE A SOCIAL
24 SECURITY NUMBER OBTAINED UNDER SUBSECTION (1) TO ANOTHER PERSON
25 EXCEPT FOR USE FOR 1 OR MORE OF THE FOLLOWING PURPOSES:

26 (A) COMPLIANCE WITH 49 USC 31301 TO 31317 AND FEDERAL
27 REGULATIONS AND RULES RELATED TO THOSE PROVISIONS OF FEDERAL LAW.

(B) TO CARRY OUT THE PURPOSES OF SECTION 666(A) OF THE SOCIAL

1 SECURITY ACT, 42 USC 666, IN CONNECTION WITH MATTERS RELATING TO
2 PATERNITY, CHILD SUPPORT, AND OVERDUE CHILD SUPPORT.

3 (C) AS OTHERWISE SPECIFICALLY REQUIRED BY LAW.

4 (5) THE SECRETARY OF STATE SHALL NOT DISPLAY A PERSON'S SOCIAL
5 SECURITY NUMBER ON AN OFFICIAL STATE PERSONAL IDENTIFICATION CARD.

6 (6) A REQUIREMENT UNDER THIS SECTION TO INCLUDE A SOCIAL
7 SECURITY NUMBER ON AN APPLICATION DOES NOT APPLY TO AN APPLICANT
8 WHO WAS NOT ISSUED A SOCIAL SECURITY NUMBER.

9 (7) THE SECRETARY OF STATE MAY EXAMINE AND DETERMINE THE
10 LEGALITY OF AN APPLICATION FOR AN OFFICIAL STATE PERSONAL
11 IDENTIFICATION CARD UNDER THIS SECTION. THE SECRETARY OF STATE MAY
12 REJECT AN APPLICATION FOR AN OFFICIAL STATE PERSONAL IDENTIFICATION
13 CARD IF NOT SATISFIED WITH THE LEGALITY OF THE APPLICATION OR THE
14 TRUTH OF A STATEMENT CONTAINED IN THE APPLICATION.

15 (8) THE SECRETARY OF STATE, WITH THE APPROVAL OF THE STATE
16 ADMINISTRATIVE BOARD, MAY ENTER INTO AGREEMENTS WITH THE UNITED
17 STATES GOVERNMENT TO VERIFY WHETHER AN APPLICANT UNDER THIS SECTION
18 FOR AN OFFICIAL STATE PERSONAL IDENTIFICATION CARD WHO IS NOT A
19 CITIZEN OF THE UNITED STATES IS LEGALLY AUTHORIZED TO BE PRESENT IN
20 THE UNITED STATES.

21 Sec. 1a. As used in this act:

22 (a) "Highly restricted personal information" includes an
23 individual's photograph or image, social security number, digitized
24 signature, ~~and~~ medical and disability information, AND SOURCE
25 DOCUMENTS PRESENTED BY AN APPLICANT TO OBTAIN A PERSONAL
26 IDENTIFICATION CARD UNDER SECTION 1.

27 (b) "Personal information" means information that identifies

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1 an individual, including the individual's photograph or image,
 2 name, address (but not the 5-digit zip code), driver license
 3 number, social security number, telephone number, digitized
 4 signature, and medical and disability information.

5 (C) "RESIDENCE ADDRESS" MEANS THE PLACE THAT IS THE SETTLED
 6 HOME OR DOMICILE AT WHICH A PERSON LEGALLY RESIDES, WHICH MEETS THE
 7 DEFINITION OF RESIDENCE AS DEFINED IN SECTION 11 OF THE MICHIGAN
 8 ELECTION LAW, 1954 PA 116, MCL 168.11.

9 [(D) "RESIDENT" MEANS EVERY PERSON WHO RESIDES IN THIS STATE AND
 10 ESTABLISHES THAT HE OR SHE IS LEGALLY PRESENT IN THE UNITED STATES. THIS
 11 DEFINITION APPLIES TO THE PROVISIONS OF THIS ACT ONLY.

12
 13
 14]

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

17 (a) An identification number permanently assigned to the
 18 person.

19 (b) The full **LEGAL** name, date of birth, sex, ~~residential~~
 20 **RESIDENCE** address, height, weight, eye color, **DIGITAL PHOTOGRAPHIC**
 21 image, and signature of the ~~person to whom the identification card~~
 22 ~~is issued~~ **APPLICANT AND THE EXPIRATION DATE OF THE PERSONAL**
 23 **IDENTIFICATION CARD.**

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

26 (i) The blood type of the person.

27 (ii) Immunization data of the person.

1 (iii) Medication data of the person.

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

3 ~~(v) Until January 1, 2007, a statement that the person is an~~
4 ~~organ and tissue donor under part 101 of the public health code,~~
5 ~~1978 PA 368, MCL 333.10101 to 333.10109. If the identification card~~
6 ~~contains such a statement, the statement shall include the~~
7 ~~signature of the person, along with the signature of at least 1~~
8 ~~witness.~~

9 ~~(vi) Emergency contact information of the person.~~

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

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

20 ~~(e) In the case of a person who is not less than 18 years of~~
21 ~~age but less than 21 years of age at the time of issuance of the~~
22 ~~identification card, the date on which the person will become 21~~
23 ~~years of age.~~

24 (D) ~~(f) Beginning January 1, 2007, in IN~~ the case of a holder
25 of an official state personal identification card who has indicated
26 his or her wish to participate in the organ and tissue donor
27 registry under part 101 of the public health code, 1978 PA 368, MCL

1 333.10101 to 333.10109, a heart insignia on the front of the
2 official state personal identification card.

3 **(E) PHYSICAL SECURITY FEATURES DESIGNED TO PREVENT TAMPERING**
4 **WITH, COUNTERFEITING OF, OR DUPLICATION OF THE OFFICIAL STATE**
5 **PERSONAL IDENTIFICATION CARD FOR FRAUDULENT PURPOSES.**

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

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

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

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

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

22 (ii).

23 (b) Provide the applicant with the opportunity to specify on
24 his or her official state personal identification card that he or
25 she is willing to make an anatomical gift in the event of death
26 pursuant to part 101 of the public health code, 1978 PA 368, MCL
27 333.10101 to 333.10109, and in accordance with this section.

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

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

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

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

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

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

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

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

1 required on the identification card under this act may appear on
2 the identification card in a form prescribed by the secretary of
3 state.

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

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

27 (A) BY A FEDERAL, STATE, OR LOCAL GOVERNMENTAL AGENCY FOR A

1 LAW ENFORCEMENT PURPOSE AUTHORIZED BY LAW.

2 (B) BY THE SECRETARY OF STATE FOR A PURPOSE SPECIFICALLY
3 AUTHORIZED BY LAW. THE SECRETARY OF STATE SHALL FORWARD TO THE
4 DEPARTMENT OF STATE POLICE THE IMAGES OF PERSONS REQUIRED TO BE
5 REGISTERED UNDER THE SEX OFFENDER'S REGISTRATION ACT, 1994 PA 295,
6 MCL 28.721 TO 28.736, UPON THE DEPARTMENT OF STATE POLICE PROVIDING
7 THE SECRETARY OF STATE WITH AN UPDATED LIST OF THOSE PERSONS.

8 (C) AS NECESSARY TO COMPLY WITH A LAW OF THIS STATE OR THE
9 UNITED STATES.

10 (8) If a person presents evidence of statutory blindness as
11 provided in 1978 PA 260, MCL 393.351 to 393.368, and is issued or
12 is the holder of an official state personal identification card,
13 the secretary of state shall mark the person's identification card
14 in a manner that clearly indicates that the cardholder is legally
15 blind.

16 (9) ~~Beginning January 1, 2007, the~~ ~~THE~~ secretary of state
17 shall maintain a record of an individual who indicates a
18 willingness to have his or her name placed on the registry
19 described in subsection (2) (a) (ii). Information about a person's
20 indication of a willingness to have his or her name placed on the
21 registry that is obtained by the secretary of state and forwarded
22 under this section is exempt from disclosure under section 13(1)(d)
23 of the freedom of information act, 1976 PA 442, MCL 15.243. The
24 secretary of state shall establish and maintain the organ, tissue,
25 and eye donor registry in a manner that provides electronic access,
26 including, but not limited to, the transfer of data to this state's
27 federally designated organ procurement organizations, their

1 successor organizations, and tissue and eye banks with limitations
2 on the use of and access to the donor registry as determined by the
3 secretary of state.

4 (10) An official state personal identification card may
5 contain an identifier for voter registration purposes. An official
6 state personal identification card may contain information
7 appearing in electronic or machine readable codes needed to conduct
8 a transaction with the secretary of state. The information shall be
9 limited to the person's identification card number, birth date,
10 expiration date, and other information necessary for use with
11 electronic devices, machine readers, or automatic teller machines
12 and shall not contain the person's name, address, driving record,
13 or other personal identifier. The identification card shall
14 identify the encoded information.

15 (11) An official state personal identification card shall be
16 issued only upon authorization of the secretary of state, and shall
17 be manufactured in a manner to prohibit as nearly as possible the
18 ability to reproduce, alter, counterfeit, forge, or duplicate the
19 identification card without ready detection.

20 (12) Except as otherwise provided in this act, an applicant
21 shall pay a fee of \$10.00 to the secretary of state for each
22 original or renewal identification card issued. The department of
23 treasury shall deposit the fees received and collected under this
24 section in the state treasury to the credit of the general fund.
25 The legislature shall appropriate the fees credited to the general
26 fund under this act to the secretary of state for the
27 administration of this act. Appropriations from the Michigan

1 transportation fund created under section 10 of 1951 PA 51, MCL
2 247.660, shall not be used to compensate the secretary of state for
3 costs incurred and services performed under this section.

4 (13) An original or renewal official state personal
5 identification card expires on the birthday of the person to whom
6 it is issued in the fourth year following the date of issuance. The
7 secretary of state shall not issue an official state personal
8 identification card under this act for a period greater than 4
9 years. Except as provided in this subsection, a person may apply
10 for a renewal of an official state personal identification card by
11 mail or by other methods prescribed by the secretary of state. The
12 secretary of state shall require renewal in person by a person
13 required under section 5a of the sex offenders registration act,
14 1994 PA 295, MCL 28.725a, to maintain a valid operator's or
15 chauffeur's license or official state personal identification card.

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

18 (a) A person 65 years of age or older.

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

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

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

26 (e) ~~Beginning January 1, 2007, a~~ A person who wishes to add or
27 remove a heart insignia described in subsection ~~(1)(f)~~ (1)(D).

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

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

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

14 (a) The person wants to change any information on the
15 identification card.

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

18 (18) A person 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, a statement that the person is deaf, or,
22 until January 1, 2007, a statement that the person has made an
23 anatomical gift under part 101 of the public health code, 1978 PA
24 368, MCL 333.10101 to 333.10109.

25 (19) If an applicant provides proof to the secretary of state
26 that he or she is a minor who has been emancipated under 1968 PA
27 293, MCL 722.1 to 722.6, the official state personal identification

1 card shall bear the designation of the individual's emancipated
2 status in a manner prescribed by the secretary of state.

3 (20) ~~Beginning January 1, 2007, the~~ **THE** secretary of state
4 shall inquire of each person who applies for or who holds an
5 official state personal identification card, in person or by mail,
6 whether he or she agrees to participate in the organ, tissue, and
7 eye donor registry under part 101 of the public health code, 1978
8 PA 368, MCL 333.10101 to 333.10109. A person who has agreed to
9 participate in that registry shall not be considered to have
10 revoked that agreement solely because the person's official state
11 personal identification card has expired. Enrollment in the organ,
12 tissue, and eye donor registry constitutes a legal agreement that
13 remains binding and in effect after the donor's death regardless of
14 the expressed desires of the deceased donor's next of kin who may
15 oppose the donor's organ, tissue, or eye donation.

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

21 Sec. 8. (1) Except as provided in this section and in section
22 10, personal information in a record maintained under this act
23 shall not be disclosed, unless the person requesting the
24 information furnishes proof of identity satisfactory to the
25 secretary of state and certifies that the personal information
26 requested will be used for a permissible purpose identified in this
27 section or in section 10. ~~However, highly~~ **HIGHLY** restricted

1 personal information shall be used and disclosed only as expressly
2 permitted in section 2 or in another applicable provision of law.

3 (2) Personal information in a record maintained under this act
4 shall be disclosed by the secretary of state if required to carry
5 out the purposes of a specified federal law. As used in this
6 section, "specified federal law" means the automobile information
7 disclosure act, ~~Public Law 85-506, 15 U.S.C. USC 1231 to 1232 and~~
8 ~~1233, the former motor vehicle information and cost savings act,~~
9 ~~Public Law 92-513, the former national traffic and motor vehicle~~
10 ~~safety act of 1966, Public Law 89-563, the anti-car theft act of~~
11 ~~1992, Public Law 102-519, 106 Stat. 3384, the clean air act,~~
12 ~~chapter 360, 69 Stat. 322, 42 U.S.C. 7401 to 7431, 7470 to 7479,~~
13 ~~7491 to 7492, 7501 to 7509a, 7511 to 7515, 7521 to 7525, 7541 to~~
14 ~~7545, 7547 to 7550, 7552 to 7554, 7571 to 7574, 7581 to 7590, 7601~~
15 ~~to 7612, 7614 to 7617, 7619 to 7622, 7624 to 7627, 7641 to 7642,~~
16 ~~7651 to 7651o, 7661 to 7661f, and 7671 to 7671q, and all federal~~
17 regulations promulgated to implement these federal laws.

18 (3) Personal information in a record maintained under this act
19 may be disclosed by the secretary of state as follows:

20 (a) For use by a federal, state, or local governmental agency,
21 including a court or law enforcement agency, in carrying out the
22 agency's functions, or by a private person or entity acting on
23 behalf of a governmental agency in carrying out the agency's
24 functions.

25 (b) For use in connection with matters of motor vehicle and
26 driver safety or auto theft; motor vehicle emissions; motor vehicle
27 product alterations, recalls, or advisories; performance monitoring

1 of motor vehicles; motor vehicle market research activities,
2 including survey research; and the removal of nonowner records from
3 the original records of motor vehicle manufacturers.

4 (c) For use in the normal course of business by a legitimate
5 business, including the agents, employees, and contractors of the
6 business, but only to verify the accuracy of personal information
7 submitted by an individual to the business or its agents,
8 employees, or contractors, and if the information as so submitted
9 is no longer correct, to obtain the correct information, for the
10 sole purpose of preventing fraud by pursuing legal remedies
11 against, or recovering on a debt against, the individual.

12 (d) For use in connection with a civil, criminal,
13 administrative, or arbitral proceeding in a federal, state, or
14 local court or governmental agency or before a self-regulatory
15 body, including use for service of process, investigation in
16 anticipation of litigation, and the execution or enforcement of
17 judgments and orders, or pursuant to an order of a federal, state,
18 or local court, an administrative agency, or a self-regulatory
19 body.

20 (e) For use in legitimate research activities and in preparing
21 statistical reports for commercial, scholarly, or academic purposes
22 by a bona fide research organization, if the personal information
23 is not published, redisclosed, or used to contact individuals.

24 (f) For use by an insurer or insurance support organization,
25 or by a self-insured entity, or its agents, employees, or
26 contractors, in connection with claims investigating activity,
27 antifraud activity, rating, or underwriting.

1 (g) For use in providing notice to the owner of an abandoned,
2 towed, or impounded vehicle.

3 (h) For use either by a private detective or private
4 investigator licensed under the private detective license act, ~~of~~
5 ~~1965,~~ 1965 PA 285, MCL 338.821 to 338.851, or by a private security
6 guard agency or alarm system contractor licensed under the private
7 security ~~guard act of 1968~~ **BUSINESS AND SECURITY ALARM ACT**, 1968 PA
8 330, MCL 338.1051 to ~~338.1085~~ **338.1083**, only for a purpose
9 permitted under this section.

10 (i) For use by an employer, or the employer's agent or
11 insurer, to obtain or verify information relating either to the
12 holder of a commercial driver license that is required under the
13 commercial motor vehicle safety act of ~~1966~~ **1986**, ~~title XII of~~
14 Public Law 99-570, ~~100 Stat. 3207-170,~~ or to the holder of a
15 chauffeur's license that is required under chapter 3 of the
16 Michigan vehicle code, 1949 PA 300, MCL 257.301 to 257.329.

17 (j) For use by a car rental business, or its employees,
18 agents, contractors, or service firms, for the purpose of making
19 rental decisions.

20 (k) For use by a news medium in the preparation and
21 dissemination of a report related in part or in whole to the
22 operation of a motor vehicle or public safety. "News medium"
23 includes a newspaper, a magazine or periodical published at regular
24 intervals, a news service, a broadcast network, a television
25 station, a radio station, a cablecaster, or an entity employed by
26 any of the foregoing.

27 (l) For any use by an individual requesting information

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1 pertaining to himself or herself or requesting in writing that the
2 secretary of state provide information pertaining to himself or
3 herself to the individual's designee. A request for disclosure to a
4 designee, however, may be submitted only by the individual.

5 (4) COPIES OF DIGITAL PHOTOGRAPHIC IMAGES AND SOURCE DOCUMENTS
6 RETAINED BY THE SECRETARY OF STATE UNDER SECTION 1(1) MAY BE USED
7 AND DISCLOSED FOR THE PURPOSES OF SUBSECTION (3) (A) AND (I).

[SEC. 9A. (1) THE SECRETARY OF STATE SHALL NOT ISSUE AN OFFICIAL
STATE PERSONAL IDENTIFICATION CARD TO A PERSON HOLDING AN OPERATOR'S
LICENSE, CHAUFFEUR'S LICENSE, OR AN OFFICIAL STATE GOVERNMENT PERSONAL
IDENTIFICATION CARD ISSUED BY ANOTHER STATE WITHOUT CONFIRMATION THAT THE
PERSON IS TERMINATING OR HAS TERMINATED THE OPERATOR'S LICENSE,
CHAUFFEUR'S LICENSE, OR OFFICIAL STATE GOVERNMENT PERSONAL IDENTIFICATION
CARD ISSUED BY THE OTHER STATE.

(2) THE SECRETARY OF STATE SHALL DO ALL OF THE FOLLOWING:

(A) ENSURE THE PHYSICAL SECURITY OF LOCATIONS WHERE OFFICIAL STATE
PERSONAL IDENTIFICATION CARDS ARE PRODUCED AND THE SECURITY OF DOCUMENT
MATERIALS AND PAPERS FROM WHICH OFFICIAL STATE PERSONAL IDENTIFICATION
CARDS ARE PRODUCED.

(B) SUBJECT ALL PERSONS AUTHORIZED TO MANUFACTURE OR PRODUCE
OFFICIAL STATE PERSONAL IDENTIFICATION CARDS AND ALL PERSONS WHO HAVE THE
ABILITY TO AFFECT THE IDENTITY INFORMATION THAT APPEARS ON OFFICIAL STATE
PERSONAL IDENTIFICATION CARDS TO APPROPRIATE SECURITY CLEARANCE
REQUIREMENTS. THE SECURITY REQUIREMENTS OF THIS SUBDIVISION AND
SUBDIVISION (A) MAY REQUIRE THAT OFFICIAL STATE PERSONAL IDENTIFICATION
CARDS BE MANUFACTURED OR PRODUCED IN THIS STATE.

(C) PROVIDE FRAUDULENT DOCUMENT RECOGNITION PROGRAMS TO DEPARTMENT
OF STATE EMPLOYEES ENGAGED IN THE ISSUANCE OF OFFICIAL STATE PERSONAL
IDENTIFICATION CARDS.]