

SENATE BILL No. 494

June 16, 2011, Introduced by Senator PAVLOV and referred to the Committee on Transportation.

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 and 2 (MCL 28.291 and 28.292), section 1 as amended by 2008 PA 31 and section 2 as amended by 2008 PA 40.

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, the applicant shall supply a
4 photographic identity document, a birth certificate or other
5 nonphotographic identity document, and other sufficient documents
6 as the secretary of state may require to verify the identity and

1 citizenship of the applicant. If an applicant for an official state
2 personal identification card is not a citizen of the United States,
3 the applicant shall supply a photographic identity document and
4 other sufficient documents to verify the identity of the applicant
5 and the applicant's legal presence in the United States under
6 subsection (3). The documents required under this subsection shall
7 include the applicant's full legal name, date of birth, ~~and~~
8 address, and residency and demonstrate that the applicant is a
9 citizen of the United States or is legally present in the United
10 States. If the applicant's full legal name differs from the name of
11 the applicant that appears on a document presented under this
12 subsection, the applicant shall present documents to verify his or
13 her current full legal name. An application for a state personal
14 identification card shall be made in a manner prescribed by the
15 secretary of state and shall contain the applicant's full legal
16 name, date of birth, residence address, height, sex, eye color,
17 signature, intent to be an organ donor, other information required
18 or permitted on the official state personal identification card
19 and, only to the extent to comply with federal law, the applicant's
20 social security number. The applicant may provide a mailing address
21 if the applicant receives mail at an address different from his or
22 her residence address.

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

1 (3) If the applicant is not a citizen of the United States,
2 the applicant shall provide documents demonstrating ~~his or her~~
3 ~~legal presence~~ **THAT HE OR SHE IS AUTHORIZED UNDER FEDERAL LAW TO BE**
4 **PRESENT** in the United States. ~~A person legally present in the~~
5 ~~United States includes, but is not limited to, a person authorized~~
6 ~~by the United States government for employment in the United~~
7 ~~States, a person with nonimmigrant status authorized under federal~~
8 ~~law, and a person who is the beneficiary of an approved immigrant~~
9 ~~visa petition or an approved labor certification.~~ The secretary of
10 state ~~shall~~ **MAY** adopt rules under the administrative procedures act
11 of 1969, 1969 PA 306, MCL 24.201 to 24.328, as are necessary for
12 the administration of this subsection. A determination by the
13 secretary of state that an applicant is not legally present in the
14 United States may be appealed under section 631 of the revised
15 judicature act of 1961, 1961 PA 236, MCL 600.631.

16 (4) The secretary of state shall not disclose a social
17 security number obtained under subsection (1) to another person
18 except for use for 1 or more of the following purposes:

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

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

24 (c) With the department of community health, for comparison
25 with vital records maintained by the department of community health
26 under part 28 of the public health code, 1978 PA 368, MCL 333.2801
27 to 333.2899.

1 (d) As otherwise required by law.

2 (5) The secretary of state shall not display a person's social
3 security number on the person's official state personal
4 identification card.

5 (6) A requirement under this section to include a social
6 security number on an application does not apply to an applicant
7 who demonstrates he or she is exempt under law from obtaining a
8 social security number.

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

15 (8) The secretary of state shall not issue an official state
16 personal identification card to a person holding an official state
17 personal identification card issued by another state without
18 confirmation that the person is terminating or has terminated the
19 official state personal identification card issued by the other
20 state.

21 (9) The secretary of state shall do all of the following:

22 (a) Ensure the physical security of locations where official
23 state personal identification cards are produced and the security
24 of document materials and papers from which official state personal
25 identification cards are produced.

26 (b) Subject all persons authorized to manufacture or produce
27 official state personal identification cards and all persons who

1 have the ability to affect the identity information that appears on
2 official state personal identification cards to appropriate
3 security clearance requirements. The security requirements of this
4 subdivision and subdivision (a) may require that official state
5 personal identification cards be manufactured or produced in this
6 state.

7 (c) Provide fraudulent document recognition programs to
8 department of state employees engaged in the issuance of official
9 state personal identification cards.

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

12 (a) An identification number permanently assigned to the
13 person.

14 (b) The full legal name, date of birth, sex, residence
15 address, height, weight, eye color, digital photographic image,
16 signature of **OR VERIFICATION AND CERTIFICATION BY** the applicant, **AS**
17 **DETERMINED BY THE SECRETARY OF STATE**, and expiration date of the
18 official state personal identification card.

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

21 (i) The blood type of the person.

22 (ii) Immunization data of the person.

23 (iii) Medication data of the person.

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

25 (d) In the case of a holder of an official state personal
26 identification card who has indicated his or her wish to
27 participate in the anatomical gift donor registry under part 101 of

1 the public health code, 1978 PA 368, MCL 333.10101 to 333.10123, a
2 heart insignia on the front of the official state personal
3 identification card.

4 (e) Physical security features designed to prevent tampering,
5 counterfeiting, or duplication of the official state personal
6 identification card for fraudulent purposes.

7 (2) In conjunction with the application for an official state
8 personal identification card, the secretary of state shall do all
9 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 333.10123, and in
14 accordance with this section.

15 (ii) Information describing the donor registry program
16 maintained by Michigan's federally designated organ procurement
17 organization or its successor organization under section 10120 of
18 the public health code, 1978 PA 368, MCL 333.10120. The information
19 required under this subparagraph includes the address and telephone
20 number of Michigan's federally designated organ procurement
21 organization or its successor organization as defined in section
22 10120 of the public health code, 1978 PA 368, MCL 333.10120.

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

25 (ii).

26 (b) Provide the applicant with the opportunity to specify on
27 his or her official state personal identification card that he or

1 she is willing to make an anatomical gift in the event of death
2 pursuant to part 101 of the public health code, 1978 PA 368, MCL
3 333.10101 to 333.10123, and in accordance with this section.

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

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

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

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

16 (c) Through electronic information transmittals for
17 applications processed by electronic means.

18 (4) The secretary of state shall prescribe the form of the
19 **OFFICIAL STATE PERSONAL** identification card. The secretary of state
20 shall designate on the identification card a space where the
21 applicant may place a sticker or decal of the uniform size as the
22 secretary may specify to indicate that the cardholder carries a
23 separate emergency medical information card. The sticker or decal
24 may be provided by any person, hospital, school, medical group, or
25 association interested in assisting in implementing the emergency
26 medical information card, but shall meet the specifications of the
27 secretary of state. The sticker or decal also may be used to

1 indicate that the cardholder has designated 1 or more patient
2 advocates in accordance with section 5506 of the estates and
3 protected individuals code, 1998 PA 386, MCL 700.5506. The
4 emergency medical information card, carried separately by the
5 cardholder, may contain the information described in subsection
6 (2)(c), information concerning the cardholder's patient advocate
7 designation, other emergency medical information, or an indication
8 as to where the cardholder has stored or registered emergency
9 medical information. An original identification card or the renewal
10 of an existing identification card issued to a person less than 21
11 years of age shall be portrait or vertical in form and an
12 identification card issued to a person 21 years of age or over
13 shall be landscape or horizontal in form. Except as otherwise
14 required in this act, other information required on the
15 identification card under this act may appear on the identification
16 card in a form prescribed by the secretary of state.

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

19 (6) Except as provided in this subsection, the secretary of
20 state shall retain and use a person's digital photographic image
21 and signature described in subsection (1)(b) only for programs
22 administered by the secretary of state as specifically authorized
23 by law. A person's digital photographic image or signature shall
24 only be used as follows:

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

27 (b) By the secretary of state for a use specifically

1 authorized by law.

2 (c) The secretary of state shall forward to the department of
3 state police the images of persons required to be registered under
4 the sex offenders registration act, 1994 PA 295, MCL 28.721 to
5 28.736, upon the department of state police providing the secretary
6 of state an updated list of those persons.

7 (d) As necessary to comply with a law of this state or the
8 United States.

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

15 (8) The secretary of state shall maintain a record of an
16 individual who indicates a willingness to have his or her name
17 placed on the donor registry described in subsection (2) (a) (ii) .
18 Information about a person's indication of a willingness to have
19 his or her name placed on the donor registry that is obtained by
20 the secretary of state and forwarded under this section is exempt
21 from disclosure under section 13(1)(d) of the freedom of
22 information act, 1976 PA 442, MCL 15.243. As required in section
23 10120 of the public health code, 1978 PA 368, MCL 333.10120, the
24 secretary of state shall establish and maintain the donor registry
25 in a manner that complies with that section and that provides
26 electronic access, including, but not limited to, the transfer of
27 data to this state's federally designated organ procurement

1 organization or its successor organization, tissue banks, and eye
2 banks.

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

5 (10) An official state personal identification card shall
6 contain information appearing in electronic or machine readable
7 codes needed to conduct a transaction with the secretary of state.
8 The information shall be limited to the person's identification
9 card number, birth date, expiration date, full legal name, date of
10 transaction, gender, address, state of issuance, and other
11 information necessary for use with electronic devices, machine
12 readers, or automatic teller machines and shall not contain the
13 person's driving record or other personal identifier. The
14 identification card shall 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 **OFFICIAL STATE PERSONAL** identification card
23 issued. The department of treasury shall deposit the fees received
24 and collected under this section in the state treasury to the
25 credit of the general fund. The legislature shall appropriate the
26 fees credited to the general fund under this act to the secretary
27 of state for the administration of this act. Appropriations from

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

5 (13) An original or renewal official state personal
6 identification card expires on the birthday of the person to whom
7 it is issued in the fourth year following the date of issuance or
8 on the date the person is no longer considered to be legally
9 present in the United States under section 1, whichever is earlier.
10 The secretary of state shall not issue an official state personal
11 identification card under this act for a period greater than 4
12 years. Except as provided in this subsection, a person may apply
13 for a renewal of an official state personal identification card by
14 mail or by other methods prescribed by the secretary of state. The
15 secretary of state shall require renewal in person by a person
16 required under section 5a of the sex offenders registration act,
17 1994 PA 295, MCL 28.725a, to maintain a valid operator's or
18 chauffeur's license or official state personal identification card.

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

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

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

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

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

2 (e) A person who wishes to add or remove a heart insignia
3 described in subsection (1)(d).

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

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

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

17 (a) The person wants to change any information on the
18 identification card.

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

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

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

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