

# SENATE BILL NO. 75

January 29, 2019, Introduced by Senators THEIS, JOHNSON, HOLLIER, IRWIN, CHANG, WOJNO, POLEHANKI, MCMORROW, MOSS, BAYER, BARRETT and DALEY and referred to the Committee on Judiciary and Public Safety.

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, and 2 (MCL 28.291, 28.291a, and 28.292), sections 1 and 2 as amended by 2018 PA 176 and section 1a as amended by 2008 PA 31, and by adding section 2a.

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

1 participant in the address confidentiality program under the  
2 address confidentiality program act, he or she shall provide to the  
3 secretary of state his or her participation card issued under the  
4 address confidentiality program act.

5 (2) The secretary of state shall accept as 1 of the  
6 identification documents required under subsection (1) an  
7 identification card issued by the department of corrections to  
8 prisoners who are placed on parole or released from a correctional  
9 facility, containing the prisoner's legal name, photograph, and  
10 other information identifying the prisoner as provided in section  
11 37(4) of the corrections code of 1953, 1953 PA 232, MCL 791.237.

12 (3) The secretary of state shall have electronic access to  
13 prisoner information maintained by the department of corrections  
14 for the purpose of verifying the identity of a prisoner who applies  
15 for an official state identification card under subsection (1).

16 (4) The secretary of state shall not issue an official state  
17 personal identification card to a person who holds an operator's or  
18 chauffeur's license issued under the Michigan vehicle code, 1949 PA  
19 300, MCL 257.1 to 257.923, unless the license has been suspended,  
20 revoked, or restricted.

21 (5) If the applicant is not a citizen of the United States,  
22 the applicant shall provide, and the department shall verify,  
23 documents demonstrating his or her legal presence in the United  
24 States. Nothing in this act shall obligate or be construed to  
25 obligate this state to comply with title II of the real ID act of  
26 2005, Public Law 109-13. The secretary of state may adopt rules  
27 under the administrative procedures act of 1969, 1969 PA 306, MCL  
28 24.201 to 24.328, as are necessary for the administration of this  
29 subsection. A determination by the secretary of state that an

1 applicant is not legally present in the United States may be  
2 appealed under section 631 of the revised judicature act of 1961,  
3 1961 PA 236, MCL 600.631. The secretary of state shall not issue an  
4 official state personal identification card to an applicant  
5 described in this subsection for a term that exceeds the duration  
6 of the applicant's legal presence in the United States.

7 (6) The secretary of state shall not disclose a ~~social~~  
8 ~~security~~**Social Security** number obtained under subsection (1) to  
9 another person except for use for 1 or more of the following  
10 purposes:

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

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

16 (c) With the department of community health, for comparison  
17 with vital records maintained by the department of community health  
18 under part 28 of the public health code, 1978 PA 368, MCL 333.2801  
19 to 333.2899.

20 (d) As otherwise required by law.

21 (7) The secretary of state shall not display a person's ~~social~~  
22 ~~security~~**Social Security** number on the person's official state  
23 personal identification card.

24 (8) A requirement under this section to include a ~~social~~  
25 ~~security~~**Social Security** number on an application does not apply to  
26 an applicant who demonstrates he or she is exempt under law from  
27 obtaining a ~~social security~~**Social Security** number.

28 (9) The secretary of state, with the approval of the state  
29 administrative board created under 1921 PA 2, MCL 17.1 to 17.3, may

1 enter into agreements with the United States government to verify  
2 whether an applicant for an official state personal identification  
3 card under this section who is not a citizen of the United States  
4 is authorized under federal law to be present in the United States.

5 (10) The secretary of state shall not issue an official state  
6 personal identification card to a person holding an official state  
7 personal identification card issued by another state without  
8 confirmation that the person is terminating or has terminated the  
9 official state personal identification card issued by the other  
10 state.

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

12 (a) Ensure the physical security of locations where official  
13 state personal identification cards are produced and the security  
14 of document materials and papers from which official state personal  
15 identification cards are produced.

16 (b) Subject all persons authorized to manufacture or produce  
17 official state personal identification cards and all persons who  
18 have the ability to affect the identity information that appears on  
19 official state personal identification cards to appropriate  
20 security clearance requirements. The security requirements of this  
21 subdivision and subdivision (a) may require that official state  
22 personal identification cards be manufactured or produced in this  
23 state.

24 (c) Provide fraudulent document recognition programs to  
25 department of state employees engaged in the issuance of official  
26 state personal identification cards.

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

28 (a) "Highly restricted personal information" includes an  
29 individual's photograph or image, ~~social security~~ **Social Security**

1 number, digitized signature, and medical and disability information  
2 and source documents presented by an applicant to obtain a personal  
3 identification card under section 1. **Highly restricted personal**  
4 **information also includes the confidential address of an individual**  
5 **enrolled in the address confidentiality program under the address**  
6 **confidentiality program act. As used in this subdivision,**  
7 **"confidential address" means that term as defined in the address**  
8 **confidentiality program act.**

9 (b) "Personal information" means information that identifies  
10 an individual, including the individual's photograph or image,  
11 name, address (but not the 5-digit zip code), driver license  
12 number, ~~social security~~ **Social Security** number, telephone number,  
13 digitized signature, and medical and disability information.

14 (c) "Residence address" means the place that is the settled  
15 home or domicile at which a person legally resides, which meets the  
16 definition of residence as defined in section 11 of the Michigan  
17 election law, 1954 PA 116, MCL 168.11.

18 (d) "Resident" means every person who resides in this state  
19 and establishes that he or she is legally present in the United  
20 States. This definition applies to the provisions of this act only.

21 Sec. 2. (1) An official state personal identification card  
22 must contain the following:

23 (a) An identification number permanently assigned to the  
24 individual to whom the card is issued.

25 (b) ~~The~~ **Except as provided in section 2a, the** full legal name,  
26 date of birth, sex, residence address, height, weight, eye color,  
27 digital photographic image, signature of or verification and  
28 certification by the applicant, as determined by the secretary of  
29 state, and expiration date of the official state personal

1 identification card. If an official state personal identification  
2 card is issued to an individual described in section 1(5) who has  
3 temporary lawful status, the official state personal identification  
4 card shall be issued in compliance with 6 CFR 37.21 or in  
5 compliance with the process established to comply with 6 CFR 37.71  
6 by the secretary of state. As used in this subdivision, "temporary  
7 lawful status" means that term as defined in 6 CFR 37.3.

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

10 (i) The blood type of the individual.

11 (ii) Immunization data of the individual.

12 (iii) Medication data of the individual.

13 (iv) A statement that the individual is deaf.

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

20 (e) If requested by an individual who is a veteran as that  
21 term is defined in section 1 of 1965 PA 190, MCL 35.61, a  
22 designation that the individual is a veteran. The designation shall  
23 be in a style and format considered appropriate by the secretary of  
24 state. The secretary of state shall require proof of discharge or  
25 separation of service from the armed forces of this state, another  
26 state, or the United States, and the nature of that discharge, for  
27 the purposes of verifying an individual's status as a veteran under  
28 this subdivision. The secretary of state shall consult with the  
29 department of military and veterans affairs in determining the

1 proof that shall be required to identify an individual's status as  
2 a veteran for the purposes of this subsection. The secretary of  
3 state may provide the department of military and veterans affairs  
4 and agencies of the counties of this state that provide veteran  
5 services with information provided by an applicant under this  
6 subsection for the purpose of veterans' benefits eligibility  
7 referral.

8 (f) Physical security features designed to prevent tampering,  
9 counterfeiting, or duplication of the official state personal  
10 identification card for fraudulent purposes.

11 (2) In conjunction with the application for an official state  
12 personal identification card, the secretary of state shall do all  
13 of the following:

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

15 (i) Information explaining the applicant's right to make an  
16 anatomical gift in the event of death under part 101 of the public  
17 health code, 1978 PA 368, MCL 333.10101 to 333.10123, and in  
18 accordance with this section.

19 (ii) Information describing the donor registry program  
20 maintained by Michigan's federally designated organ procurement  
21 organization or its successor organization under section 10120 of  
22 the public health code, 1978 PA 368, MCL 333.10120. The information  
23 required under this subparagraph includes the address and telephone  
24 number of Michigan's federally designated organ procurement  
25 organization or its successor organization as described in section  
26 10120 of the public health code, 1978 PA 368, MCL 333.10120.

27 (iii) Information giving the applicant the opportunity to have  
28 his or her name placed on the registry described in subparagraph  
29 (ii).



1 (b) Provide the applicant with the opportunity to specify on  
2 his or her official state personal identification card that he or  
3 she is willing to make an anatomical gift in the event of death  
4 under part 101 of the public health code, 1978 PA 368, MCL  
5 333.10101 to 333.10123, and in accordance with this section.

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

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

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

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

18 (c) Through electronic information transmittals for  
19 applications processed by electronic means.

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

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

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

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

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

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

1 authorized by law.

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

7 (d) For the secretary of state to forward to the department of  
8 state police a digitized photograph taken of the applicant for an  
9 official state personal identification card for use as provided in  
10 section 5c of 1927 PA 372, MCL 28.425c.

11 (e) As necessary to comply with a law of this state or the  
12 United States.

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

19 (8) The secretary of state shall maintain a record of an  
20 individual who indicates a willingness to have his or her name  
21 placed on the donor registry described in subsection (2) (a) (ii).  
22 Information about an individual's indication of a willingness to  
23 have his or her name placed on the donor registry that is obtained  
24 by the secretary of state and forwarded under this section is  
25 exempt from disclosure under section 13(1)(d) of the freedom of  
26 information act, 1976 PA 442, MCL 15.243. As required in section  
27 10120 of the public health code, 1978 PA 368, MCL 333.10120, the  
28 secretary of state shall establish and maintain the donor registry  
29 in a manner that complies with that section and that provides

1 electronic access, including, but not limited to, the transfer of  
2 data to this state's federally designated organ procurement  
3 organization or its successor organization, tissue banks, and eye  
4 banks.

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

7 (10) An official state personal identification card must  
8 contain information appearing in electronic or machine readable  
9 codes needed to conduct a transaction with the secretary of state.  
10 The information must be limited to the information described in  
11 subsection (1) (a) and (b) except for the person's digital  
12 photographic image and signature or verification and certification,  
13 state of issuance, and other information necessary for use with  
14 electronic devices, machine readers, or automatic teller machines  
15 and must not contain the individual's driving record or other  
16 personal identifier. The official state personal identification  
17 card must identify the encoded information.

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

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

1 fees credited to the general fund under this act to the secretary  
2 of state for the administration of this act. Appropriations from  
3 the Michigan transportation fund created under section 10 of 1951  
4 PA 51, MCL 247.660, must not be used to compensate the secretary of  
5 state for costs incurred and services performed under this section.

6 (13) ~~An~~ **Except as provided in section 2a, an** original or  
7 renewal official state personal identification card expires on the  
8 birthday of the individual to whom it is issued in the fourth year  
9 following the date of issuance or on the date the individual is no  
10 longer considered to be legally present in the United States under  
11 section 1, whichever is earlier. The secretary of state shall not  
12 issue an official state personal identification card under this act  
13 for a period greater than 4 years. Except as provided in this  
14 subsection, the secretary of state may issue a renewal official  
15 state personal identification card for 1 additional 4-year period  
16 by mail or by other methods prescribed by the secretary of state.  
17 The secretary of state shall require renewal in person by an  
18 individual required under section 5a of the sex offenders  
19 registration act, 1994 PA 295, MCL 28.725a, to maintain a valid  
20 operator's or chauffeur's license or official state personal  
21 identification card.

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

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

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

29 (c) An individual who presents evidence of statutory blindness

1 as provided in 1978 PA 260, MCL 393.351 to 393.368.

2 (d) An individual who presents other good cause for a fee  
3 waiver.

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

6 (15) An individual who has been issued an official state  
7 personal identification card shall apply for a renewal official  
8 state personal identification card if the individual changes his or  
9 her name.

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

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

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

23 (b) An official state personal identification card issued  
24 under this act is lost, destroyed, or mutilated, or becomes  
25 illegible.

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

1           (19) No later than January 1, 2017, the secretary of state  
2 shall develop and shall, in conjunction with the department of  
3 state police, implement a process using the L.E.I.N. or any other  
4 appropriate system that limits access to law enforcement that  
5 allows law enforcement agencies of this state to access emergency  
6 contact information that the holder of an official state personal  
7 identification card has voluntarily provided to the secretary of  
8 state. As used in this subsection, "emergency contact information"  
9 means the name, telephone number, or address of an individual that  
10 is used for the sole purpose of contacting that individual when the  
11 holder of an official state personal identification card has been  
12 involved in an emergency.

13           (20) If an applicant provides proof to the secretary of state  
14 that he or she is a minor who has been emancipated under 1968 PA  
15 293, MCL 722.1 to 722.6, the official state personal identification  
16 card must bear the designation of the individual's emancipated  
17 status in a manner prescribed by the secretary of state.

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

1 (22) A valid official state personal identification card  
2 presented by the individual to whom the card is issued is  
3 considered the same as a valid state of Michigan driver license  
4 when identification is requested except as otherwise specifically  
5 provided by law.

6 Sec. 2a. (1) Beginning on February 16, 2021, upon receipt of a  
7 notice from the department of the attorney general that an  
8 individual who has been issued an official state personal  
9 identification card under this act has been certified as a  
10 participant in the address confidentiality program, the secretary  
11 of state shall issue a corrected official state personal  
12 identification card to that individual by mailing the card to his  
13 or her designated address. The official state personal  
14 identification card shall display the individual's designated  
15 address and shall not display the individual's residence address.

16 (2) An individual who is issued a corrected official state  
17 personal identification card under this section shall destroy his  
18 or her old official state personal identification card and replace  
19 it with the corrected official state personal identification card.

20 (3) An individual whose certification as a participant in the  
21 address confidentiality program is renewed under the address  
22 confidentiality program act may renew an official state personal  
23 identification card issued under this section upon payment of the  
24 renewal fee under section 292.

25 (4) As used in this section:

26 (a) "Address confidentiality program" means a program as that  
27 term is defined in the address confidentiality program act.

28 (b) "Designated address" means that term as defined in the  
29 address confidentiality program act.



1           Enacting section 1. This amendatory act takes effect 180 days  
2 after the date it is enacted into law.

3           Enacting section 2. This amendatory act does not take effect  
4 unless Senate Bill No. 70  
5           of the 100th Legislature is enacted into law.