

# SENATE BILL NO. 864

April 24, 2020, Introduced by Senator LUCIDO 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 section 2 (MCL 28.292), as amended by 2018 PA 669.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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

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

3 (b) The full legal name, date of birth, sex, residence address  
4 **or, upon the request of the individual to whom the card is issued,**  
5 **mailing address,** height, weight, eye color, digital photographic  
6 image, signature of or verification and certification by the  
7 ~~applicant, individual,~~ as determined by the secretary of state, and  
8 expiration date of the official state personal identification card.  
9 If an official state personal identification card is issued to an  
10 individual described in section 1(5) who has temporary lawful  
11 status, the official state personal identification card must be  
12 issued in compliance with 6 CFR 37.21 or in compliance with the  
13 process established to comply with 6 CFR 37.71 by the secretary of  
14 state. As used in this subdivision, "temporary lawful status" means  
15 that term as defined in 6 CFR 37.3.

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

- 18 (i) The blood type of the individual.  
19 (ii) Immunization data of the individual.  
20 (iii) Medication data of the individual.  
21 (iv) A statement that the individual is deaf.

22 (d) In the case of a holder of an official state personal  
23 identification card who has indicated his or her wish to  
24 participate in the anatomical gift donor registry under part 101 of  
25 the public health code, 1978 PA 368, MCL 333.10101 to 333.10123, a  
26 heart insignia on the front of the official state personal  
27 identification card.

28 (e) If requested by an individual who is a veteran as that  
29 term is defined in section 1 of 1965 PA 190, MCL 35.61, a

1 designation that the individual is a veteran. The designation must  
2 be in a style and format considered appropriate by the secretary of  
3 state. The secretary of state shall require proof of discharge or  
4 separation of service from the armed forces of this state, another  
5 state, or the United States, and the nature of that discharge, for  
6 the purposes of verifying an individual's status as a veteran under  
7 this subdivision. The secretary of state shall consult with the  
8 department of military and veterans affairs in determining the  
9 proof that must be required to identify an individual's status as a  
10 veteran for the purposes of this subsection. The secretary of state  
11 may provide the department of military and veterans affairs and  
12 agencies of the counties of this state that provide veteran  
13 services with information provided by an applicant under this  
14 subsection for the purpose of veterans' benefits eligibility  
15 referral.

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

19 (2) In conjunction with the application for an official state  
20 personal identification card, the secretary of state shall do all  
21 of the following:

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

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

27 (ii) Information describing the donor registry program  
28 maintained by ~~Michigan's~~ **this state's** federally designated organ  
29 procurement organization or its successor organization under

1 section 10120 of the public health code, 1978 PA 368, MCL  
2 333.10120. The information required under this subparagraph  
3 includes the address and telephone number of ~~Michigan's~~**this**  
4 **state's** federally designated organ procurement organization or its  
5 successor organization as described in section 10120 of the public  
6 health code, 1978 PA 368, MCL 333.10120.

7 (iii) Information giving the applicant the opportunity to have  
8 his or her name placed on the registry described in subparagraph  
9 (ii).

10 (b) Provide the applicant with the opportunity to specify on  
11 his or her official state personal identification card that he or  
12 she is willing to make an anatomical gift in the event of death  
13 under part 101 of the public health code, 1978 PA 368, MCL  
14 333.10101 to 333.10123, and ~~in accordance with~~**under** this section.

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

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

22 (a) Providing printed material enclosed with a mailed notice  
23 for the issuance or renewal of an official state personal  
24 identification card.

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

27 (c) Through electronic information transmittals for  
28 applications processed by electronic means.

29 (4) The secretary of state shall prescribe the form of the

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

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

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

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

9           (b) By the secretary of state for a use specifically  
10 authorized by law.

11           (c) By the secretary of state for forwarding to the department  
12 of state police the images of individuals required to be registered  
13 under the sex offenders registration act, 1994 PA 295, MCL 28.721  
14 to 28.736, upon the department of state police providing the  
15 secretary of state an updated list of those individuals.

16           (d) By the secretary of state for forwarding to the department  
17 of state police a digitized photograph taken of the applicant for  
18 an official state personal identification card for use as provided  
19 in section 5c of 1927 PA 372, MCL 28.425c.

20           (e) By the secretary of state for forwarding to the department  
21 of licensing and regulatory affairs the images of applicants for an  
22 official state registry identification card issued under section 6  
23 of the Michigan ~~medical-marihuana act~~, **Medical Marihuana Act**, 2008  
24 IL 1, MCL 333.26426, if the department of licensing and regulatory  
25 affairs promulgates rules requiring a photograph as a design  
26 element for an official state registry identification card.

27           (f) As necessary to comply with a law of this state or the  
28 United States.

29           (7) If an individual presents evidence of statutory blindness

1 as provided in 1978 PA 260, MCL 393.351 to 393.368, and is issued  
2 or is the holder of an official state personal identification card,  
3 the secretary of state shall mark the individual's official state  
4 personal identification card in a manner that clearly indicates  
5 that the cardholder is legally blind.

6 (8) The secretary of state shall maintain a record of an  
7 individual who indicates a willingness to have his or her name  
8 placed on the donor registry described in subsection (2) (a) (ii).  
9 Information about an individual's indication of a willingness to  
10 have his or her name placed on the donor registry that is obtained  
11 by the secretary of state and forwarded under this section is  
12 exempt from disclosure under section 13(1) (d) of the freedom of  
13 information act, 1976 PA 442, MCL 15.243. ~~As required in section~~  
14 ~~10120 of the public health code, 1978 PA 368, MCL 333.10120, the~~  
15 **The** secretary of state shall establish and maintain the donor  
16 registry in a manner that complies with ~~that~~ **section 10120 of the**  
17 **public health code, 1978 PA 368, MCL 333.10120**, and that provides  
18 electronic access, including, but not limited to, the transfer of  
19 data to this state's federally designated organ procurement  
20 organization or its successor organization, tissue banks, and eye  
21 banks.

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

24 (10) An official state personal identification card must  
25 contain information appearing in electronic or machine readable  
26 codes needed to conduct a transaction with the secretary of state.  
27 The information must be limited to the information described in  
28 subsection (1) (a) and (b) except for the person's digital  
29 photographic image and signature or verification and certification,

1 state of issuance, and other information necessary for use with  
2 electronic devices, machine readers, or automatic teller machines  
3 and must not contain the individual's driving record or other  
4 personal identifier. The official state personal identification  
5 card must identify the encoded information.

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

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

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



1 years. Except as provided in this subsection, the secretary of  
2 state may issue a renewal official state personal identification  
3 card for 1 additional 4-year period by mail or by other methods  
4 prescribed by the secretary of state. The secretary of state shall  
5 require renewal in person by an individual required under section  
6 5a of the sex offenders registration act, 1994 PA 295, MCL 28.725a,  
7 to maintain a valid operator's or chauffeur's license or official  
8 state personal identification card.

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

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

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

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

18 (d) An individual who presents evidence of 1 or more of the  
19 following:

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

25 (A) The family independence program.

26 (B) The state disability assistance program.

27 (ii) A United States Social Security Administration benefit  
28 award letter indicating the applicant is currently receiving  
29 payments under the federal ~~supplemental security income~~

1 **Supplemental Security Income** program as that term is defined in  
 2 section 57 of the social welfare act, 1939 PA 280, MCL 400.57, or  
 3 the Social Security disability income program.

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

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

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

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

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

27 (ii) A photo identification card generated from the United  
 28 States Department of Housing and Urban Development ~~homeless~~  
 29 ~~management information system.~~**Homeless Management Information**

1 **System.**

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

6 (16) An individual who has been issued an official state  
7 personal identification card shall apply for a corrected  
8 identification card if he or she changes his or her residence  
9 address **or mailing address if the individual requested to use a**  
10 **mailing address as the address required to appear on his or her**  
11 **identification card under subsection (1) (b).** The secretary of state  
12 may correct the address on an official state personal  
13 identification card by a method prescribed by the secretary of  
14 state. A fee must not be charged for a change of residence **or**  
15 **mailing** address.

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

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

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

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

29 (19) ~~No later than January 1, 2017, the~~ **The** secretary of state

1 shall develop and shall, in conjunction with the department of  
2 state police, implement a process using the L.E.I.N. or any other  
3 appropriate system that limits access to law enforcement that  
4 allows law enforcement agencies of this state to access emergency  
5 contact information that the holder of an official state personal  
6 identification card has voluntarily provided to the secretary of  
7 state. As used in this subsection, "emergency contact information"  
8 means the name, telephone number, or address of an individual that  
9 is used for the sole purpose of contacting that individual when the  
10 holder of an official state personal identification card has been  
11 involved in an emergency.

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

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

29 (22) A valid official state personal identification card

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