

SENATE BILL NO. 1191

October 08, 2020, Introduced by Senator SCHMIDT and referred to the Committee on Government Operations.

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 2020 PA 128.

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

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

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

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

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

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

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

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

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

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

26 (ii) Information describing the donor registry program
27 maintained by Michigan's federally designated organ procurement
28 organization or its successor organization under section 10120 of
29 the public health code, 1978 PA 368, MCL 333.10120. The information

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

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

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

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

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

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

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

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

28 (4) The secretary of state shall prescribe the form of the
29 official state personal identification card. The secretary of state

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

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

29 (6) Except as provided in this subsection, the secretary of

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

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

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

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

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

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

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

28 (7) If an individual presents evidence of statutory blindness
29 as provided in 1978 PA 260, MCL 393.351 to 393.368, and is issued

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

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

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

22 (10) An official state personal identification card must
23 contain information appearing in electronic or machine-readable
24 codes needed to conduct a transaction with the secretary of state.
25 The information must be limited to the information described in
26 subsection (1) (a) and (b) except for the individual's digital
27 photographic image and signature or verification and certification,
28 state of issuance, and other information necessary for use with
29 electronic devices, machine readers, or automatic teller machines

1 and must not contain the individual's driving record or other
2 personal identifier. The official state personal identification
3 card must identify the encoded information.

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

10 (12) Except as otherwise provided in this act, an applicant
11 shall pay a fee of \$10.00 to the secretary of state for each
12 original or renewal official state personal identification card
13 issued. **The secretary of state shall not assess a late renewal fee**
14 **for an official state personal identification card that expires on**
15 **or after March 1, 2020 and is renewed before December 31, 2020.** The
16 department of treasury shall deposit the fees received and
17 collected under this section in the state treasury to the credit of
18 the general fund. The legislature shall appropriate the fees
19 credited to the general fund under this act to the secretary of
20 state for the administration of this act. Appropriations from the
21 Michigan transportation fund created under section 10 of 1951 PA
22 51, MCL 247.660, must not be used to compensate the secretary of
23 state for costs incurred and services performed under this section.

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

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

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

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

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

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

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

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

26 (A) The family independence program.

27 (B) The state disability assistance program.

28 (ii) A United States Social Security Administration benefit
29 award letter indicating the applicant is currently receiving

1 payments under the federal supplemental security income program as
2 that term is defined in section 57 of the social welfare act, 1939
3 PA 280, MCL 400.57, or the Social Security disability income
4 program.

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

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

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

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

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

28 (ii) A photo identification card generated from the United
29 States Department of Housing and Urban Development Homeless

1 Management Information 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. The secretary of state may correct the address on an
10 official state personal identification card by a method prescribed
11 by the secretary of state. A fee must not be charged for a change
12 of residence address.

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

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

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

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

26 (19) The secretary of state shall develop and shall, in
27 conjunction with the department of state police, implement a
28 process using the L.E.I.N. or any other appropriate system that
29 limits access to law enforcement that allows law enforcement

1 agencies of this state to access emergency contact information and
2 to view a communication impediment designation that the holder of
3 an official state personal identification card has voluntarily
4 provided to the secretary of state.

5 (20) If an applicant provides proof to the secretary of state
6 that he or she is a minor who has been emancipated under 1968 PA
7 293, MCL 722.1 to 722.6, the official state personal identification
8 card must bear the designation of the individual's emancipated
9 status in a manner prescribed by the secretary of state.

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

22 (22) A valid official state personal identification card
23 presented by the individual to whom the card is issued is
24 considered the same as a valid state of Michigan driver license
25 when identification is requested except as otherwise specifically
26 provided by law.

27 (23) If an official state personal identification card issued
28 under this act is lost, destroyed, or mutilated, or becomes
29 illegible, the individual to whom the official state personal

1 identification card was issued may obtain a duplicate upon the
2 payment of the fee required in subsection (24) and upon furnishing
3 proof satisfactory to the secretary of state that the official
4 state personal identification card has been lost, destroyed, or
5 mutilated, or has become illegible.

6 (24) Except as otherwise provided in subsection (25), for each
7 duplicate official state personal identification card, and for each
8 correction of an official state personal identification card, an
9 individual may apply for renewal of the official state personal
10 identification card and pay the renewal fee prescribed in this act
11 or the individual may, at his or her option and upon payment of the
12 fee prescribed in this section, apply for a duplicate official
13 state personal identification card that expires on the same date as
14 the official state personal identification card that was lost,
15 destroyed, or mutilated, or became illegible. The fee for a
16 duplicate official state personal identification card is \$10.00. A
17 renewal fee must not be charged for a change of address, a
18 correction required to correct a department error, or to add or
19 remove a heart insignia described in subsection (1)(d).

20 (25) Except with regard to an individual who is less than 21
21 years of age, for each duplicate official state personal
22 identification card, and for each correction of an official state
23 personal identification card, an individual shall apply for renewal
24 of the official state personal identification card and pay the
25 renewal fee prescribed in this act if the official state personal
26 identification card was due to expire within the next 12 months.
27 Except as otherwise provided in this act, an official state
28 personal identification card renewed under this subsection or
29 subsection (24) must be renewed for the combined period of the time

1 remaining on the official state personal identification card before
2 its renewal and the 4-year renewal period.

3 (26) Notwithstanding subsection (13), an official state
4 personal identification card expiring on or after March 1, 2020 is
5 considered valid until September 30, 2020. If the secretary of
6 state receives an application to renew an official state personal
7 identification card that expires on or after March 1, 2020 before
8 September 30, 2020, the secretary of state shall process the
9 application as a renewal of an existing official state personal
10 identification card.

11 (27) As used in this section:

12 (a) "Communication impediment" means an individual has a
13 health condition that may impede communication with a police
14 officer, including, but not limited to, the following:

15 (i) Deafness or hearing loss.

16 (ii) An autism spectrum disorder.

17 (b) "Emergency contact information" means the name, telephone
18 number, or address of an individual that is used for the sole
19 purpose of contacting that individual when the holder of an
20 official state personal identification card has been involved in an
21 emergency.