

HOUSE BILL NO. 5007

June 15, 2021, Introduced by Reps. Berman, Ellison and Brann 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 sections 2 and 2a (MCL 28.292 and 28.292a), section 2 as amended and section 2a as added by 2020 PA 306.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

5 (b) Except as provided in section 2a, the full legal name,
6 date of birth, sex, residence address, height, weight, eye color,
7 digital photographic image, signature of or verification and
8 certification by the applicant, as determined by the secretary of
9 state, and expiration date of the official state personal
10 identification card. If an official state personal identification
11 card is issued to an individual described in section 1(5) who has
12 temporary lawful status, the official state personal identification
13 card must be issued in compliance with 6 CFR 37.21 or in compliance
14 with the process established to comply with 6 CFR 37.71 by the
15 secretary of state. As used in this subdivision, "temporary lawful
16 status" means that term as defined in 6 CFR 37.3.

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

19 (i) The blood type of the individual.

20 (ii) Immunization data of the individual.

21 (iii) Medication data of the individual.

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

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

29 (e) If requested by an individual who is a veteran, ~~as that~~

1 ~~term is defined in section 1 of 1965 PA 190, MCL 35.61,~~ a
2 designation that the individual is a veteran. The designation must
3 be in a style and format considered appropriate by the secretary of
4 state. The secretary of state shall require proof of discharge or
5 separation of service from the armed forces of this state, another
6 state, or the United States, and the nature of that discharge, for
7 the purposes of verifying an individual's status as a veteran under
8 this subdivision. The secretary of state shall consult with the
9 department of military and veterans affairs in determining the
10 proof that must be required to identify an individual's status as a
11 veteran for the purposes of this subsection. The secretary of state
12 may provide the department of military and veterans affairs and
13 agencies of the counties of this state that provide veteran
14 services with information provided by an applicant under this
15 subsection for the purpose of veterans' benefits eligibility
16 referral.

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

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

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

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

28 (ii) Information describing the donor registry program
29 maintained by Michigan's federally designated organ procurement

1 organization or its successor organization under section 10120 of
2 the public health code, 1978 PA 368, MCL 333.10120. The information
3 required under this subparagraph must include the address and
4 telephone number of Michigan's federally designated organ
5 procurement organization or its successor organization as described
6 in section 10120 of the public health code, 1978 PA 368, MCL
7 333.10120.

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

11 (b) Provide the applicant with the opportunity to specify on
12 his or her official state personal identification card that he or
13 she is willing to make an anatomical gift in the event of death
14 under part 101 of the public health code, 1978 PA 368, MCL
15 333.10101 to 333.10123, and in accordance with this section.

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

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

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

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

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

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

29 (5) The official state personal identification card must not

1 contain a fingerprint or finger image of the applicant.

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

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

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

12 (c) By the secretary of state for forwarding to the department
13 of state police the images of individuals required to be registered
14 under the sex offenders registration act, 1994 PA 295, MCL 28.721
15 to ~~28.736~~, **28.730**, upon the department of state police providing
16 the secretary of state an updated list of those individuals.

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

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

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

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

7 (8) The secretary of state shall maintain a record of an
8 individual who indicates a willingness to have his or her name
9 placed on the donor registry described in subsection (2) (a) (ii).
10 Information about an individual's indication of a willingness to
11 have his or her name placed on the donor registry that is obtained
12 by the secretary of state and forwarded under this section is
13 exempt from disclosure under section 13(1) (d) of the freedom of
14 information act, 1976 PA 442, MCL 15.243. As required in section
15 10120 of the public health code, 1978 PA 368, MCL 333.10120, the
16 secretary of state shall establish and maintain the donor registry
17 in a manner that complies with that section 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 individual'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 secretary of state shall not assess a late renewal fee~~
16 ~~for an official state personal identification card that expires on~~
17 ~~or after March 1, 2020 and is renewed before March 31, 2021. The~~
18 ~~department of treasury shall deposit the fees received and~~
19 ~~collected under this section in the state treasury to the credit of~~
20 ~~the general fund. The legislature shall appropriate the fees~~
21 ~~credited to~~ **money from** ~~the general fund under this act to the~~
22 ~~secretary of state for the administration of this act.~~
23 ~~Appropriations from the Michigan transportation fund created under~~
24 ~~section 10 of 1951 PA 51, MCL 247.660, must not be used to~~
25 ~~compensate the secretary of state for costs incurred and services~~
26 ~~performed under this section.~~ **Beginning January 1, 2022, the**
27 **secretary of state shall not charge a fee for doing any of the**
28 **following:**

29 (a) Issuing an original or a renewal official state personal

1 identification card.

2 (b) Late renewal of an official state personal identification
3 card.

4 (c) Renewing a corrected official state personal
5 identification card under subsection (16) or section 2a.

6 (d) Changing a residence address in an official state personal
7 identification card.

8 (e) Correcting a department error in an official state
9 personal identification card.

10 (f) Adding or removing a heart insignia as described in
11 subsection (1) (d).

12 (13) An original or renewal official state personal
13 identification card expires on the birthday of the individual to
14 whom it is issued in the fourth year following the date of issuance
15 or on the date the individual is no longer considered to be legally
16 present in the United States under section 1, whichever is earlier.
17 The secretary of state shall not issue an official state personal
18 identification card under this act for a period greater than 4
19 years. Except as provided in this subsection, the secretary of
20 state may issue a renewal official state personal identification
21 card for 1 additional 4-year period or beginning on July 1, 2021,
22 for 2 additional 4-year periods, by mail or by other methods
23 prescribed by the secretary of state. The secretary of state shall
24 require renewal in person by an individual required under section
25 5a of the sex offenders registration act, 1994 PA 295, MCL 28.725a,
26 to maintain a valid operator's or chauffeur's license or official
27 state personal identification card.

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

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

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

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

8 (d) An individual who presents evidence of 1 or more of the
9 following:

10 (i) A notice of case action from the department of health and
11 human services indicating that the individual is a participant in 1
12 or both of the following programs and is making his or her
13 application for ~~an~~ **a duplicate** official state personal
14 identification card during a period in which he or she is receiving
15 benefits:

16 (A) The family independence program.

17 (B) The state disability assistance program.

18 (ii) A United States Social Security Administration benefit
19 award letter indicating the applicant is currently receiving
20 payments under the federal supplemental security income program as
21 that term is defined in section 57 of the social welfare act, 1939
22 PA 280, MCL 400.57, or the Social Security disability income
23 program.

24 (iii) A United States Social Security Administration benefit
25 verification letter indicating the applicant is currently receiving
26 payments under the federal supplemental security income program as
27 that term is defined in section 57 of the social welfare act, 1939
28 PA 280, MCL 400.57, or the Social Security disability income
29 program.

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

3 **(e)** ~~(f)~~ An individual who is a veteran. ~~as that term is~~
4 ~~defined in section 1 of 1965 PA 190, MCL 35.61.~~ The secretary of
5 state shall require an individual who seeks a waiver of the fee
6 under this subdivision to provide the secretary of state the same
7 documentation required for a veteran designation under subsection
8 (1) (e) before granting the fee waiver.

9 **(f)** ~~(g)~~ An individual who presents both of the following:

10 (i) A homeless verification letter that states that the
11 individual meets the definition of category 1 homeless as that term
12 is defined by the United States Department of Housing and Urban
13 Development. A letter provided as evidence under this subparagraph
14 must be submitted on the official letterhead of a public service
15 agency. The secretary of state may verify the information contained
16 in the letter with the agency of issuance before issuing ~~an a~~
17 **duplicate** official state personal identification card.

18 (ii) A photo identification card generated from the United
19 States Department of Housing and Urban Development Homeless
20 Management Information System.

21 (15) An individual who has been issued an official state
22 personal identification card shall apply for a renewal official
23 state personal identification card if the individual changes his or
24 her name.

25 (16) An individual who has been issued an official state
26 personal identification card shall apply for a corrected
27 identification card if he or she changes his or her residence
28 address. The secretary of state may correct the address on an
29 official state personal identification card by a method prescribed

1 by the secretary of state. ~~A fee must not be charged for a change~~
2 ~~of residence address.~~

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

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

9 (b) An official state personal identification card issued
10 under this act is lost, destroyed, or mutilated, or becomes
11 illegible.

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

16 (19) The secretary of state shall develop and shall, in
17 conjunction with the department of state police, implement a
18 process using the L.E.I.N. or any other appropriate system that
19 limits access to law enforcement that allows law enforcement
20 agencies of this state to access emergency contact information and,
21 beginning July 1, 2021, to view a communication impediment
22 designation that the holder of an official state personal
23 identification card has voluntarily provided to the secretary of
24 state.

25 (20) 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
28 card must bear the designation of the individual's emancipated
29 status in a manner prescribed by the secretary of state.

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

13 (22) A valid official state personal identification card
14 presented by the individual to whom the card is issued is
15 considered the same as a valid state of Michigan driver license
16 when identification is requested except as otherwise specifically
17 provided by law.

18 (23) Beginning July 1, 2021, if an official state personal
19 identification card issued under this act is lost, destroyed, or
20 mutilated, or becomes illegible, the individual to whom the
21 official state personal identification card was issued may obtain a
22 duplicate upon the payment of the fee required in subsection (24)
23 and upon furnishing proof satisfactory to the secretary of state
24 that the official state personal identification card has been lost,
25 destroyed, or mutilated, or has become illegible.

26 (24) Except as otherwise provided in subsection (25), for each
27 duplicate official state personal identification card, and for each
28 correction of an official state personal identification card,
29 beginning July 1, 2021, an individual may apply for renewal of the

1 official state personal identification card ~~and pay the renewal fee~~
2 ~~prescribed in this act~~ or the individual may, at his or her option,
3 and upon payment of the fee prescribed in this section, apply for a
4 duplicate official state personal identification card that expires
5 on the same date as the official state personal identification card
6 that was lost, destroyed, or mutilated, or became illegible. The
7 fee for a duplicate official state personal identification card is
8 \$10.00. ~~A renewal fee must not be charged for a change of address,~~
9 ~~a correction required to correct a department error, or to add or~~
10 ~~remove a heart insignia described in subsection (1)(d).~~

11 (25) Except with regard to an individual who is less than 21
12 years of age, for each duplicate official state personal
13 identification card, and for each correction of an official state
14 personal identification card, beginning July 1, 2021, an individual
15 shall apply for renewal of the official state personal
16 identification card ~~and pay the renewal fee prescribed in this act~~
17 if the official state personal identification card was due to
18 expire within the next 12 months. Except as otherwise provided in
19 this act, an official state personal identification card renewed
20 under this subsection or subsection (24) must be renewed for the
21 combined period of the time remaining on the official state
22 personal identification card before its renewal and the 4-year
23 renewal period.

24 (26) Notwithstanding subsection (13), an official state
25 personal identification card expiring on or after March 1, 2020 is
26 considered valid until March 31, 2021. If the secretary of state
27 receives an application to renew an official state personal
28 identification card that expires on or after March 1, 2020 before
29 March 31, 2021, the secretary of state shall process the

1 application as a renewal of an existing official state personal
2 identification card.

3 (27) As used in this section:

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

7 (i) Deafness or hearing loss.

8 (ii) An autism spectrum disorder.

9 (b) "Emergency contact information" means the name, telephone
10 number, or address of an individual that is used for the sole
11 purpose of contacting that individual when the holder of an
12 official state personal identification card has been involved in an
13 emergency.

14 (c) **"Veteran" means that term as defined in section 1 of 1965**
15 **PA 190, MCL 35.61.**

16 Sec. 2a. (1) ~~Beginning 180 days after the effective date of~~
17 ~~the amendatory act that added this section, **June 27, 2021,** upon~~
18 receipt of a notice from the department of the attorney general
19 that an individual who has been issued an official state personal
20 identification card under this act has been certified as a program
21 participant in the address confidentiality program, the secretary
22 of state shall issue a corrected official state personal
23 identification card to that individual by mailing the card to his
24 or her designated address. ~~Beginning 180 days after the effective~~
25 ~~date of the amendatory act that added this section, **June 27, 2021,**~~
26 an official state personal identification card issued under this
27 subsection or section 2 to a program participant must display the
28 individual's designated address and must not display the
29 individual's residence address.

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

5 (3) Beginning ~~180 days after the effective date of the~~
6 ~~amendatory act that added this section,~~ **June 27, 2021**, an
7 individual whose certification as a program participant in the
8 address confidentiality program is renewed under the address
9 confidentiality program act, **2020 PA 301, MCL 780.851 to 780.873**,
10 may renew an official state personal identification card issued
11 under this section. ~~upon payment of the renewal fee under section~~
12 ~~2.~~

13 (4) As used in this section:

14 (a) "Address confidentiality program" means a program as that
15 term is defined in section 3 of the address confidentiality program
16 act, **2020 PA 301, MCL 780.853**.

17 (b) "Designated address" means that term as defined in section
18 3 of the address confidentiality program act, **2020 PA 301, MCL**
19 **780.853**.

20 (c) "Program participant" means that term as defined in
21 section 3 of the address confidentiality program act, **2020 PA 301,**
22 **MCL 780.853**.

23 Enacting section 1. This amendatory act does not take effect
24 unless Senate Bill No. 303 of the 101st Legislature is enacted into
25 law.