

SUBSTITUTE FOR
SENATE BILL NO. 1264

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 176.

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) The full legal name, date of birth, sex, residence
6 address, height, weight, eye color, digital photographic image,
7 signature of or verification and certification by the applicant, as
8 determined by the secretary of state, and expiration date of the

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

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

- 11 (i) The blood type of the individual.
- 12 (ii) Immunization data of the individual.
- 13 (iii) Medication data of the individual.
- 14 (iv) A statement that the individual is deaf.

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

21 (e) If requested by an individual who is a veteran as that
22 term is defined in section 1 of 1965 PA 190, MCL 35.61, a
23 designation that the individual is a veteran. The designation shall
24 be in a style and format considered appropriate by the secretary of
25 state. The secretary of state shall require proof of discharge or
26 separation of service from the armed forces of this state, another
27 state, or the United States, and the nature of that discharge, for

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

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

14 (2) In conjunction with the application for an official state
15 personal identification card, the secretary of state shall do all
16 of the following:

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

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

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

1 organization or its successor organization as described in section
2 10120 of the public health code, 1978 PA 368, MCL 333.10120.

3 (iii) Information giving the applicant the opportunity to have
4 his or her name placed on the registry described in subparagraph
5 (ii).

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

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

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

18 (a) Providing printed material enclosed with a mailed notice
19 for the issuance or renewal of an official state personal
20 identification card.

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

23 (c) Through electronic information transmittals for
24 applications processed by electronic means.

25 (4) The secretary of state shall prescribe the form of the
26 official state personal identification card. The secretary of state
27 shall designate a space on the official state personal

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

26 (5) The official state personal identification card must not
27 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) For the secretary of state to forward to the department of
12 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) For the secretary of state to forward to the department of
17 state police a digitized photograph taken of the applicant for an
18 official state personal identification card for use as provided in
19 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, 2008 IL 1, MCL 333.26426, IF**
24 **THE DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS PROMULGATES**
25 **RULES REQUIRING A PHOTOGRAPH AS A DESIGN ELEMENT FOR AN OFFICIAL**
26 **STATE REGISTRY IDENTIFICATION CARD.**

27 **(F) ~~(e)~~—As necessary to comply with a law of this state or the**

1 United States.

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

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

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

25 (10) An official state personal identification card must
26 contain information appearing in electronic or machine readable
27 codes needed to conduct a transaction with the secretary of state.

1 The information must be limited to the information described in
2 subsection (1)(a) and (b) except for the person's digital
3 photographic image and signature or verification and certification,
4 state of issuance, and other information necessary for use with
5 electronic devices, machine readers, or automatic teller machines
6 and must not contain the individual's driving record or other
7 personal identifier. The official state personal identification
8 card must identify the encoded information.

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

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

26 (13) An original or renewal official state personal
27 identification card expires on the birthday of the individual to

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

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

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

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

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

23 (d) An individual who presents other good cause for a fee
24 waiver.

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

27 (15) An individual who has been issued an official state

1 personal identification card shall apply for a renewal official
2 state personal identification card if the individual changes his or
3 her name.

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

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

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

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

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

24 (19) No later than January 1, 2017, the secretary of state
25 shall develop and shall, in conjunction with the department of
26 state police, implement a process using the L.E.I.N. or any other
27 appropriate system that limits access to law enforcement that

1 allows law enforcement agencies of this state to access emergency
2 contact information that the holder of an official state personal
3 identification card has voluntarily provided to the secretary of
4 state. As used in this subsection, "emergency contact information"
5 means the name, telephone number, or address of an individual that
6 is used for the sole purpose of contacting that individual when the
7 holder of an official state personal identification card has been
8 involved in an emergency.

9 (20) If an applicant provides proof to the secretary of state
10 that he or she is a minor who has been emancipated under 1968 PA
11 293, MCL 722.1 to 722.6, the official state personal identification
12 card must bear the designation of the individual's emancipated
13 status in a manner prescribed by the secretary of state.

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

26 (22) A valid official state personal identification card
27 presented by the individual to whom the card is issued is

1 considered the same as a valid state of Michigan driver license
2 when identification is requested except as otherwise specifically
3 provided by law.