

SUBSTITUTE FOR
HOUSE BILL NO. 5336

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 2016 PA 5.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) An official state personal identification card
2 shall 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.

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

4 (i) The blood type of the individual.

5 (ii) Immunization data of the individual.

6 (iii) Medication data of the individual.

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

8 (d) In the case of a holder of an official state personal
9 identification card who has indicated his or her wish to
10 participate in the anatomical gift donor registry under part 101 of
11 the public health code, 1978 PA 368, MCL 333.10101 to 333.10123, a
12 heart insignia on the front of the official state personal
13 identification card.

14 (e) If requested by an individual who is a veteran ~~of the~~
15 ~~armed forces of this state, another state, or the United States,~~
16 ~~other than an individual who was dishonorably discharged from the~~
17 ~~armed forces of this state, another state, or the United States,~~ **AS**
18 **DEFINED IN SECTION 1 OF 1965 PA 190, MCL 35.61,** a designation that
19 the individual is a veteran. The designation shall be in a style
20 and format considered appropriate by the secretary of state. The
21 secretary of state shall require proof of discharge or separation
22 of service from the armed forces of this state, another state, or
23 the United States, and the nature of that discharge, for the
24 purposes of verifying an individual's status as a veteran under
25 this subdivision. The secretary of state shall consult with the
26 department of military and veterans affairs in determining the
27 proof that shall be required to identify an individual's status as

1 a veteran for the purposes of this subsection. The secretary of
2 state may provide the department of military and veterans affairs
3 and agencies of the counties of this state that provide veteran
4 services with information provided by an applicant under this
5 subsection for the purpose of veterans' benefits eligibility
6 referral.

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

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

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

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

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

27 (iii) Information giving the applicant the opportunity to have

1 his or her name placed on the registry described in subparagraph
2 (ii) .

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

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

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

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

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

20 (c) Through electronic information transmittals for
21 applications processed by electronic means.

22 (4) The secretary of state shall prescribe the form of the
23 official state personal identification card. The secretary of state
24 shall designate a space on the identification card where the
25 applicant may place a sticker or decal of a uniform size as the
26 secretary may specify to indicate that the cardholder carries a
27 separate emergency medical information card. The sticker or decal

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

21 (5) The identification card shall not contain a fingerprint or
22 finger image of the applicant.

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

1 signature shall only be used as follows:

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

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

6 (c) The secretary of state shall forward to the department of
7 state police the images of individuals required to be registered
8 under the sex offenders registration act, 1994 PA 295, MCL 28.721
9 to 28.736, upon the department of state police providing the
10 secretary of state an updated list of those individuals.

11 (d) 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 identification
17 card in a manner that clearly indicates that the cardholder is
18 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

1 secretary of state shall establish and maintain the donor registry
2 in a manner that complies with that section and that provides
3 electronic access, including, but not limited to, the transfer of
4 data to this state's federally designated organ procurement
5 organization or its successor organization, tissue banks, and eye
6 banks.

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

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

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

25 (12) Except as otherwise provided in this act, an applicant
26 shall pay a fee of \$10.00 to the secretary of state for each
27 original or renewal official state personal identification card

1 issued. The department of treasury shall deposit the fees received
2 and collected under this section in the state treasury to the
3 credit of the general fund. The legislature shall appropriate the
4 fees credited to the general fund under this act to the secretary
5 of state for the administration of this act. Appropriations from
6 the Michigan transportation fund created under section 10 of 1951
7 PA 51, MCL 247.660, shall not be used to compensate the secretary
8 of state for costs incurred and services performed under this
9 section.

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

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

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

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

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

7 (d) An individual who presents other good cause for a fee
8 waiver.

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

11 (15) An individual who has been issued an official state
12 personal identification card shall apply for a renewal official
13 state personal identification card if the individual changes his or
14 her name.

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

22 (17) Except as otherwise provided in subsections (15) and
23 (16), an individual who has been issued an official state personal
24 identification card may apply for a renewal official state personal
25 identification card for 1 or more of the following reasons:

26 (a) The individual wants to change any information on the
27 identification card.

1 (b) An identification card issued under this act is lost,
2 destroyed, or mutilated, or becomes illegible.

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

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

19 (20) If an applicant provides proof to the secretary of state
20 that he or she is a minor who has been emancipated under 1968 PA
21 293, MCL 722.1 to 722.6, the official state personal identification
22 card shall bear the designation of the individual's emancipated
23 status in a manner prescribed by the secretary of state.

24 (21) The secretary of state shall inquire of each individual
25 who applies for or who holds an official state personal
26 identification card, in person or by mail, whether he or she agrees
27 to participate in the anatomical gift donor registry under part 101

1 of the public health code, 1978 PA 368, MCL 333.10101 to 333.10123.
2 An individual who has agreed to participate in the donor registry
3 shall not be considered to have revoked that agreement solely
4 because the individual's official state personal identification
5 card has expired. Enrollment in the donor registry constitutes a
6 legal agreement that remains binding and in effect after the
7 donor's death regardless of the expressed desires of the deceased
8 donor's next of kin who may oppose the donor's anatomical gift.

9 (22) A valid official state personal identification card
10 presented by the individual to whom the card is issued shall be
11 considered the same as a valid state of Michigan driver license
12 when identification is requested except as otherwise specifically
13 provided by law.

14 Enacting section 1. This amendatory act takes effect 90 days
15 after the date it is enacted into law.

16 Enacting section 2. This amendatory act does not take effect
17 unless House Bill No. 5332 of the 98th Legislature is enacted into
18 law.