

HOUSE BILL NO. 4635

(As amended December 9, 1997)

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 provide for certain duties of the secretary of state; and to prescribe certain penalties for violations,"

by amending sections 2 and 3 (MCL 28.292 and 28.293), section 2 as amended by 1996 PA 204.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) The official state personal identification card
2 shall contain the following:

3 (a) An identification number permanently assigned to the
4 person.

5 (b) The full name, date of birth, sex, residential address,
6 height, weight, eye color, image, and signature of the person to
7 whom the identification card is issued.

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

3 (i) The blood type of the person.

4 (ii) Immunization data of the person.

5 (iii) Medication data of the person.

6 (iv) A statement that the person is deaf.

7 (v) A statement that the person has made an anatomical
8 gift.

9 (vi) Emergency contact information of the person.

10 (2) The secretary of state shall prescribe the form of the
11 identification card. Except as otherwise required in this act,
12 other information required on the identification card pursuant
13 to this act may appear on the identification card in a form
14 prescribed by the secretary of state.

15 (3) The identification card shall not contain a fingerprint
16 or finger image of the applicant.

17 (4) The secretary of state may retain and use a person's
18 image described in subsection (1)(b) only for programs adminis-
19 tered by the secretary of state. Except as provided in this sub-
20 section, the secretary of state shall not use a person's image
21 unless written permission for that purpose is granted by the
22 person to the secretary of state or specific enabling legislation
23 permitting the use is enacted into law. A law enforcement agency
24 of this state shall have access to any information retained by
25 the secretary of state under this subsection. The information
26 may be utilized for any law enforcement purpose unless otherwise
27 prohibited by law.

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

6 (6) If the secretary of state issues an official state per-
7 sonal identification card to a person who at the time of applica-
8 tion is 20-1/2 years of age or less, the secretary of state shall
9 mark the person's identification card in a manner that clearly
10 indicates that the cardholder is less than 21 years of age.

11 (7) An official state personal identification card may con-
12 tain an identifier for voter registration purposes. An official
13 state personal identification card may contain information
14 appearing in electronic or machine readable codes needed to con-
15 duct a transaction with the secretary of state. The information
16 shall be limited to the person's identification card number,
17 birth date, expiration date, and other information necessary for
18 use with electronic devices, machine readers, or automatic teller
19 machines and shall not contain the person's name, address, driv-
20 ing record, or other personal identifier. The identification
21 card shall identify the encoded information.

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

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1 (9) Except as otherwise provided in this act, an applicant
2 shall pay a fee of \$6.00 to the secretary of state for each orig-
3 inal or renewal identification card issued. Until January 1,
4 2002, a service fee of \$1.00 shall be added to each fee collected
5 for an original or renewal identification card. The department
6 of treasury shall deposit the fees received and collected under
7 this section in the state treasury to the credit of the general
8 fund. The legislature shall appropriate the fees credited to the
9 general fund under this act to the secretary of state for the
10 administration of this act. Appropriations from the Michigan
11 transportation fund shall not be used to compensate the secretary
12 of state for costs incurred and services performed under this
13 section.

14 (10) An original or renewal official state personal identi-
15 fication card shall expire on the birthday of the person to whom
16 it is issued in the fourth year following the date of issuance.
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. A person may apply for a renewal of an official state
20 personal identification card by mail or by other methods pre-
21 scribed by the secretary of state.

22 (11) The secretary of state shall waive the fee under this
23 section if the applicant is a person 65 years of age or older, is
24 a person who has had his or her operator's or chauffeur's license
25 suspended, revoked, or denied under the Michigan vehicle code,
26 1949 PA 300, MCL 257.1 TO 257.923, because of a mental
27 or physical infirmity or disability, is a person who presents

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1 evidence of statutory blindness as provided in 1978 PA 260,
2 MCL 393.351 to 393.368, or is a person who presents other good
3 cause for a fee waiver.

4 (12) A person who has been issued an official state personal
5 identification card shall apply for a renewal official state per-
6 sonal identification card if the person changes his or her name.

7 (13) A person who has been issued an official state personal
8 identification card shall apply for a corrected identification
9 card if he or she changes his or her residential address. The
10 secretary of state may correct the address on an identification
11 card by a method prescribed by the secretary of state. A fee
12 shall not be charged for a change of residential address.

13 (14) Except as otherwise provided in subsections (12) and
14 (13), a person who has been issued an official state personal
15 identification card may apply for a renewal official state per-
16 sonal identification card for 1 or more of the following
17 reasons:

18 (a) The person wants to change any information on the
19 identification card.

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

22 (15) A person may indicate on an official state personal
23 identification card in a place designated by the secretary of
24 state his or her blood type, emergency contact information, immu-
25 nization data, medication data, a statement that the person is
26 deaf, or a statement that the person has made an anatomical gift
27 pursuant to part 101 of the public health code, 1978 PA 368, MCL

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1 333.10101 to 333.10109.

2 (16) If an applicant provides proof to the secretary of
3 state that he or she is a minor who has been emancipated pursuant
4 to 1968 PA 293, MCL 722.1 to 722.6, the official state personal
5 identification card shall bear the designation of the individual's
6 emancipated status in a manner prescribed by the secretary of state.

7 (17) A VALID OFFICIAL STATE PERSONAL IDENTIFICATION CARD
8 PRESENTED BY THE PERSON TO WHOM THE CARD IS ISSUED SHALL BE
9 CONSIDERED THE SAME AS A VALID STATE OF MICHIGAN DRIVER LICENSE
10 WHEN IDENTIFICATION IS REQUESTED EXCEPT AS OTHERWISE SPECIFICALLY
11 PROVIDED BY LAW.

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5 Sec. 3. (1) A person who ~~shall~~ falsely ~~represent~~
6 REPRESENTS information upon application for an official state
7 personal identification card is guilty of a ~~misdemeanor~~ FELONY
8 PUNISHABLE BY IMPRISONMENT FOR NOT LESS THAN 1 YEAR BUT NOT MORE
9 THAN 5 YEARS, OR BY A FINE OF NOT LESS THAN \$500.00 BUT NOT MORE
10 THAN \$5,000.00, OR BOTH.

11 (2) A PERSON WHO IS CONVICTED OF A SECOND VIOLATION OF THIS
12 SECTION IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT
13 LESS THAN 2 YEARS OR MORE THAN 7 YEARS, OR BY A FINE OF NOT LESS
14 THAN \$1,500.00 OR MORE THAN \$7,000.00, OR BOTH.

15 (3) A PERSON WHO IS CONVICTED OF A THIRD OR SUBSEQUENT VIO-
16 LATION OF THIS SECTION IS GUILTY OF A FELONY PUNISHABLE BY
17 IMPRISONMENT FOR NOT LESS THAN 5 YEARS OR MORE THAN 15 YEARS, OR
18 BY A FINE OF NOT LESS THAN \$5,000.00 OR MORE THAN \$15,000.00, OR
19 BOTH.

20 Enacting section 1. This amendatory act takes effect
21 July 1, 1998.