

HOUSE BILL No. 5266

October 17, 2001, Introduced by Reps. Murphy, George, Richardville, Stewart, Julian, Howell, Woronchak, Basham, Scranton, Patterson, Voorhees, Shulman, Raczkowski, Ehardt, Jelinek, Shackleton, Vear, Plakas, Kuipers, Pappageorge, Anderson, Meyer, Vander Veen, Hummel, Gilbert, Stamas, Allen, Kooiman, Middaugh, Faunce, Kowall, Birkholz, Van Woerkom, Cassis, DeVuyst, Pumford, Cameron Brown, Sanborn and Neumann and referred to the Committee on Health Policy.

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; and to prescribe certain penalties for violations,"

by amending section 2 (MCL 28.292), as amended by 1999 PA 89.

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.

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

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- 1 (i) The blood type of the person.
- 2 (ii) Immunization data of the person.
- 3 (iii) Medication data of the person.
- 4 (iv) A statement that the person is deaf.
- 5 (v) A statement that the person is an organ and tissue donor
- 6 pursuant to part 101 of the public health code, 1978 PA 368, MCL
- 7 333.10101 to 333.10109. If the identification card contains such
- 8 a statement, the statement shall include the signature of the
- 9 person, along with the signature of at least 1 witness.
- 10 (vi) Emergency contact information of the person.
- 11 (vii) AN INDICATION THAT THE PERSON HAS EXECUTED A
- 12 DO-NOT-RESUSCITATE ORDER UNDER THE PROCEDURE DESCRIBED IN THE
- 13 MICHIGAN DO-NOT-RESUSCITATE PROCEDURE ACT, 1996 PA 193, MCL
- 14 333.1051 TO 333.1067, OR THAT THE PERSON HAS EXECUTED A DURABLE
- 15 POWER OF ATTORNEY OR DESIGNATED 1 OR MORE PATIENT ADVOCATES IN
- 16 ACCORDANCE WITH SECTIONS 5501 TO 5513 OF THE ESTATES AND PRO-
- 17 TECTED INDIVIDUALS CODE, 1998 PA 386, MCL 700.5501 TO 700.5513.
- 18 (2) In conjunction with the issuance of 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) Written information explaining the applicant's right to
- 23 make an anatomical gift in the event of death pursuant to part
- 24 101 of the public health code, 1978 PA 368, MCL 333.10101 to
- 25 333.10109, and in accordance with this section.
- 26 (ii) Written information describing the organ donation
- 27 registry program maintained by Michigan's federally designated

1 organ procurement organization or its successor organization.
2 The written information required under this subparagraph shall
3 include, in a type size and format that is conspicuous in rela-
4 tion to the surrounding material, the address and telephone
5 number of Michigan's federally designated organ procurement
6 organization or its successor organization, along with an
7 advisory to call Michigan's federally designated organ procure-
8 ment organization or its successor organization with questions
9 about the organ donor registry program.

10 (iii) Written information giving the applicant the opportu-
11 nity to have his or her name placed on the organ donor registry
12 described in subparagraph (ii).

13 (b) Provide the applicant with the opportunity to specify on
14 his or her official state personal identification card that he or
15 she is willing to make an anatomical gift in the event of death
16 pursuant to part 101 of the public health code, 1978 PA 368, MCL
17 333.10101 to 333.10109, and in accordance with this section.

18 (c) Inform the applicant in writing that, if he or she indi-
19 cates to the secretary of state under this section a willingness
20 to have his or her name placed on the organ donor registry
21 described in subdivision (a)(ii), the secretary of state will
22 forward the applicant's name and address to the organ donation
23 registry maintained by Michigan's federally designated organ pro-
24 curement organization or its successor organization, pursuant to
25 subsection (4).

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

1 (a) Providing printed material enclosed with a mailed notice
2 for the issuance or renewal of an official state personal identi-
3 fication card.

4 (b) Providing printed material to an applicant who person-
5 ally appears at a secretary of state branch office.

6 (c) Through electronic information transmittals for applica-
7 tions processed by electronic means.

8 (4) If an applicant indicates a willingness under this sec-
9 tion to have his or her name placed on the organ donor registry
10 described in subsection (2)(a)(ii), the secretary of state shall
11 within 10 days forward the applicant's name and address to the
12 organ donor registry maintained by Michigan's federally desig-
13 nated organ procurement organization or its successor
14 organization. The secretary of state may forward information
15 under this subsection by mail or by electronic means. The secre-
16 tary of state shall not maintain a record of the name or address
17 of an individual who indicates a willingness to have his or her
18 name placed on the organ donor registry after forwarding that
19 information to the organ donor registry under this subsection.
20 Information about an applicant's indication of a willingness to
21 have his or her name placed on the organ donor registry obtained
22 by the secretary of state under subsection (2) and forwarded
23 under this subsection is exempt from disclosure under the freedom
24 of information act, 1976 PA 442, MCL 15.231 to 15.246, pursuant
25 to section 13(1)(d) of the freedom of information act, 1976 PA
26 442, MCL 15.243.

1 (5) The secretary of state shall prescribe the form of the
2 identification card. Except as otherwise required in this act,
3 other information required on the identification card pursuant to
4 this act may appear on the identification card in a form pre-
5 scribed by the secretary of state.

6 (6) The identification card shall not contain a fingerprint
7 or finger image of the applicant.

8 (7) Except as provided in this subsection, the secretary of
9 state may retain and use a person's image described in subsection
10 (1)(b) only for programs administered by the secretary of state.
11 Except as provided in this subsection, the secretary of state
12 shall not use a person's image unless written permission for that
13 purpose is granted by the person to the secretary of state or
14 specific enabling legislation permitting the use is enacted into
15 law. A law enforcement agency of this state shall have access to
16 any information retained by the secretary of state under this
17 subsection. The information may be utilized for any law enforce-
18 ment purpose unless otherwise prohibited by law. The department
19 of state police shall provide to the secretary of state updated
20 lists of persons required under section 5a of the sex offenders
21 registration act, 1994 PA 295, MCL 28.725a, to maintain a valid
22 operator's or chauffeur's license or an official state personal
23 identification card and the secretary of state shall make images
24 of those persons available to the department of state police as
25 provided in the sex offenders registration act, 1994 PA 295, MCL
26 28.721 to 28.732.

1 (8) 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
3 is the holder of an official state personal identification card,
4 the secretary of state shall mark the person's identification
5 card in a manner that clearly indicates that the cardholder is
6 legally blind.

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

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

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

1 (12) 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 (13) 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. Except as provided in this subsection, a person may apply
20 for a renewal of an official state personal identification card
21 by mail or by other methods prescribed by the secretary of
22 state. The secretary of state shall require renewal in person by
23 a person required under section 5a of the sex offenders registra-
24 tion act, 1994 PA 295, MCL 28.725a, to maintain a valid
25 operator's or chauffeur's license or official state personal
26 identification card.

1 (14) The secretary of state shall waive the fee under this
2 section if the applicant is a person 65 years of age or older, is
3 a person who has had his or her operator's or chauffeur's license
4 suspended, revoked, or denied under the Michigan vehicle code,
5 1949 PA 300, MCL 257.1 to 257.923, because of a mental or physi-
6 cal infirmity or disability, is a person who presents evidence of
7 statutory blindness as provided in 1978 PA 260, MCL 393.351 to
8 393.368, or is a person who presents other good cause for a fee
9 waiver.

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

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

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

24 (a) The person wants to change any information on the iden-
25 tification card.

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

1 (18) A person may indicate on an official state personal
2 identification card in a place designated by the secretary of
3 state his or her blood type, emergency contact information, immu-
4 nization data, medication data, a statement that the person is
5 deaf, A STATEMENT THAT THE PERSON HAS EXECUTED A
6 DO-NOT-RESUSCITATE ORDER UNDER THE PROCEDURE DESCRIBED IN THE
7 MICHIGAN DO-NOT-RESUSCITATE PROCEDURE ACT, 1996 PA 193, MCL
8 333.1051 TO 333.1067, OR THAT THE PERSON HAS EXECUTED A DURABLE
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11 TECTED INDIVIDUALS CODE, 1998 PA 386, MCL 700.5501 TO 700.5513,
12 or a statement that the person has made an anatomical gift pursu-
13 ant to part 101 of the public health code, 1978 PA 368,
14 MCL 333.10101 to 333.10109.

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

21 (20) A valid official state personal identification card
22 presented by the person to whom the card is issued shall be con-
23 sidered the same as a valid state of Michigan driver license when
24 identification is requested except as otherwise specifically pro-
25 vided by law.