

HOUSE BILL No. 6135

September 8, 2004, Introduced by Reps. Stahl, Caul, Kooiman, DeRoche, Casperson, Sheen, Mortimer, Pappageorge, Wenke, Vander Veen, Voorhees, Brandenburg, Drolet and Palmer and referred to the Committee on Regulatory Reform.

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 2002 PA 553.

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:

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,
7 MCL 333.10101 to 333.10109. If the identification card contains
8 such a statement, the statement shall include the signature of
9 the person, along with the signature of at least 1 witness.

10 (vi) Emergency contact information of the person.

11 (d) Beginning July 1, 2003, in the case of a person who is
12 less than 18 years of age at the time of issuance of the
13 identification card, the dates on which the person will become 18
14 years of age and 21 years of age.

15 (e) Beginning July 1, 2003, in the case of a person who is at
16 least 18 years of age but less than 21 years of age at the time
17 of issuance of the identification card, the date on which the
18 person will become 21 years of age.

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

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

23 (i) Written information explaining the applicant's right to
24 make an anatomical gift in the event of death pursuant to part
25 101 of the public health code, 1978 PA 368, MCL 333.10101 to
26 333.10109, and in accordance with this section.

27 (ii) Written information describing the organ donation

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

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

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

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

27 (3) The secretary of state may fulfill the requirements of

1 subsection (2) by 1 or more of the following methods:

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

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

7 (c) Through electronic information transmittals for
8 applications processed by electronic means.

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

1 (5) The secretary of state shall prescribe the form of the
2 identification card. The secretary of state shall designate on
3 the identification card a space where the applicant may place a
4 sticker or decal of the uniform size as the secretary may specify
5 to indicate that the cardholder carries a separate emergency
6 medical information card. The sticker or decal may be provided
7 by any person, hospital, school, medical group, or association
8 interested in assisting in implementing the emergency medical
9 information card, but shall meet the specifications of the
10 secretary of state. The sticker or decal also may be used to
11 indicate that the cardholder has designated 1 or more patient
12 advocates in accordance with section 5506 of the estates and
13 protected individuals code, 1998 PA 386, MCL 700.5506. The
14 emergency medical information card, carried separately by the
15 cardholder, may contain the information described in subsection
16 (2)(c), information concerning the cardholder's patient advocate
17 designation, other emergency medical information, or an
18 indication as to where the cardholder has stored or registered
19 emergency medical information. Beginning on and after July 1,
20 2003, an original identification card or the first renewal of an
21 existing identification card issued to a person less than 21
22 years of age shall be portrait or vertical in form and an
23 original identification card or the first renewal of an existing
24 identification card issued to a person 21 years of age or over
25 shall be landscape or horizontal in form. Except as otherwise
26 required in this act, other information required on the
27 identification card pursuant to this act may appear on the

1 identification card in a form prescribed by the secretary of
2 state.

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

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

24 (8) If a person presents evidence of statutory blindness as
25 provided in 1978 PA 260, MCL 393.351 to 393.368, and is issued or
26 is the holder of an official state personal identification card,
27 the secretary of state shall mark the person's identification

1 card in a manner that clearly indicates that the cardholder is
2 legally blind.

3 (9) Until July 1, 2003, if the secretary of state issues an
4 official state personal identification card to a person who at
5 the time of application is 20-1/2 years of age or less, the
6 secretary of state shall mark the person's identification card in
7 a manner that clearly indicates that the cardholder is less than
8 21 years of age.

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

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

25 (12) Except as otherwise provided in this act, an applicant
26 shall pay a fee of \$6.00 to the secretary of state for each
27 original or renewal identification card issued. A service fee of

1 \$1.00 shall be added to each fee collected for an original or
2 renewal identification card. The department of treasury shall
3 deposit the fees received and collected under this section in the
4 state treasury to the credit of the general fund. The
5 legislature shall appropriate the fees credited to the general
6 fund under this act to the secretary of state for the
7 administration of this act. Appropriations from the Michigan
8 transportation fund shall not be used to compensate the secretary
9 of state for costs incurred and services performed under this
10 section.

11 (13) An original or renewal official state personal
12 identification card shall expire on the birthday of the person to
13 whom it is issued in the fourth year following the date of
14 issuance. The secretary of state shall not issue an official
15 state personal identification card under this act for a period
16 greater than 4 years. Except as provided in this subsection, a
17 person may apply for a renewal of an official state personal
18 identification card by mail or by other methods prescribed by the
19 secretary of state. The secretary of state shall require renewal
20 in person by a person required under section 5a of the sex
21 offenders registration act, 1994 PA 295, MCL 28.725a, to maintain
22 a valid operator's or chauffeur's license or official state
23 personal identification card.

24 (14) The secretary of state shall waive the fee under this
25 section if the applicant is a person 65 years of age or older, is
26 a person who has had his or her operator's or chauffeur's license
27 suspended, revoked, or denied under the Michigan vehicle code,

1 1949 PA 300, MCL 257.1 to 257.923, because of a mental or
2 physical infirmity or disability, is a person who presents
3 evidence of statutory blindness as provided in 1978 PA 260,
4 MCL 393.351 to 393.368, or is a person who presents other good
5 cause for a fee waiver.

6 (15) A person who has been issued an official state personal
7 identification card shall apply for a renewal official state
8 personal identification card if the person changes his or her
9 name.

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

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

21 (a) The person wants to change any information on the
22 identification card.

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

25 (18) A person may indicate on an official state personal
26 identification card in a place designated by the secretary of
27 state his or her blood type, emergency contact information,

1 immunization data, medication data, a statement that the person
2 is deaf, or a statement that the person has made an anatomical
3 gift pursuant to part 101 of the public health code, 1978 PA 368,
4 MCL 333.10101 to 333.10109.

5 (19) If an applicant provides proof to the secretary of state
6 that he or she is a minor who has been emancipated pursuant to
7 1968 PA 293, MCL 722.1 to 722.6, the official state personal
8 identification card shall bear the designation of the
9 individual's emancipated status in a manner prescribed by the
10 secretary of state.

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

16 (21) Beginning on the effective date of the amendatory act
17 that added this subsection, the secretary of state, upon being
18 notified that an individual who has been issued either a Michigan
19 operator's or chauffeur's license or an official state personal
20 identification card has been convicted of a violation of section
21 625 or 625m of the Michigan vehicle code, 1949 PA 300, MCL
22 257.625 and 257.625m, shall revoke the official state personal
23 identification card and only reissue an official state personal
24 identification card that is portrait or vertical in form. The
25 portrait or vertical official state personal identification card
26 shall be carried 1 year after the date the person is convicted
27 for a first time for a violation of section 625 or 625m of the

1 Michigan vehicle code, 1949 PA 300, MCL 257.625 and 257.625m; 2
2 years after the date the person is convicted for a second time of
3 a violation of section 625 or 625m of the Michigan vehicle code,
4 1949 PA 300, MCL 257.625 and 257.625m; or 5 years after a third
5 or subsequent conviction of a violation of section 625 or 625m of
6 the Michigan vehicle code, 1949 PA 300, MCL 257.625 and
7 257.625m. However, if the individual is less than 21 years of
8 age at the time he or she is convicted, the time periods
9 prescribed under this subsection begin on that individual's
10 twenty-first birthday.

11 Enacting section 1. This amendatory act does not take
12 effect unless all of the following bills of the 92nd Legislature
13 are enacted into law:

14 (a) Senate Bill No. ____ or House Bill No. 6133 (request
15 no. 03427'03 *).

16 (b) Senate Bill No. ____ or House Bill No. 6134 (request
17 no. 03427'03 a *).