

HOUSE BILL No. 4418

March 1, 2005, Introduced by Reps. Stahl, Hoogendyk, Nofs, Hummel, Shaffer, Gosselin, Stakoe, Accavitti, Taub, Elsenheimer, Van Regenmorter, Spade, Sheen, Lipsey, Robertson, Schuitmaker, Casperson, Moolenaar, Walker, Pearce and Lemmons, III 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 2003 PA 143.

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 is an organ and tissue donor
8 ~~pursuant to~~ **UNDER** part 101 of the public health code, 1978 PA 368,
9 MCL 333.10101 to 333.10109. If the identification card contains
10 such a statement, the statement shall include the signature of the
11 person, along with the signature of at least 1 witness.

12 (vi) Emergency contact information of the person.

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

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

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

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

25 (i) Written information explaining the applicant's right to
26 make an anatomical gift in the event of death ~~pursuant to~~ **UNDER**
27 part 101 of the public health code, 1978 PA 368, MCL 333.10101 to

1 333.10109, and in accordance with this section.

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

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

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

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

1 subsection (4).

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

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

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

9 (c) Through electronic information transmittals for
10 applications processed by electronic means.

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

1 information act, 1976 PA 442, MCL 15.243.

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

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

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

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

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

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

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

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

26 The department of treasury shall deposit the fees received and
27 collected under this section in the state treasury to the credit of

1 the general fund. The legislature shall appropriate the fees
2 credited to the general fund under this act to the secretary of
3 state for the administration of this act. Appropriations from the
4 Michigan transportation fund shall not be used to compensate the
5 secretary of state for costs incurred and services performed under
6 this section.

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

20 (14) The secretary of state shall waive the fee under this
21 section if the applicant is a person 65 years of age or older, is a
22 person who has had his or her operator's or chauffeur's license
23 suspended, revoked, or denied under the Michigan vehicle code, 1949
24 PA 300, MCL 257.1 to 257.923, because of a mental or physical
25 infirmity or disability, is a person who presents evidence of
26 statutory blindness as provided in 1978 PA 260, MCL 393.351 to
27 393.368, or is a person who presents other good cause for a fee

1 waiver.

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

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

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

15 (a) The person wants to change any information on the
16 identification card.

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

19 (18) A person may indicate on an official state personal
20 identification card in a place designated by the secretary of state
21 his or her blood type, emergency contact information, immunization
22 data, medication data, a statement that the person is deaf, or a
23 statement that the person has made an anatomical gift ~~pursuant to~~
24 **UNDER** part 101 of the public health code, 1978 PA 368, MCL
25 333.10101 to 333.10109.

26 (19) If an applicant provides proof to the secretary of state
27 that he or she is a minor who has been emancipated ~~pursuant to~~

1 UNDER 1968 PA 293, MCL 722.1 to 722.6, the official state personal
2 identification card shall bear the designation of the individual's
3 emancipated status in a manner prescribed by the secretary of
4 state.

5 (20) A valid official state personal identification card
6 presented by the person to whom the card is issued shall be
7 considered the same as a valid state of Michigan driver license
8 when identification is requested except as otherwise specifically
9 provided by law.

10 (21) BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT
11 THAT ADDED THIS SUBSECTION, THE SECRETARY OF STATE, UPON BEING
12 NOTIFIED THAT AN INDIVIDUAL WHO HAS BEEN ISSUED EITHER A MICHIGAN
13 OPERATOR'S OR CHAUFFEUR'S LICENSE OR AN OFFICIAL STATE PERSONAL
14 IDENTIFICATION CARD HAS BEEN CONVICTED OF A VIOLATION OF SECTION
15 625 OR 625M OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.625
16 AND 257.625M, SHALL REVOKE THE OFFICIAL STATE PERSONAL
17 IDENTIFICATION CARD AND ONLY REISSUE AN OFFICIAL STATE PERSONAL
18 IDENTIFICATION CARD THAT IS PORTRAIT OR VERTICAL IN FORM. THE
19 PORTRAIT OR VERTICAL OFFICIAL STATE PERSONAL IDENTIFICATION CARD
20 SHALL BE CARRIED 1 YEAR AFTER THE DATE THE PERSON IS CONVICTED FOR
21 A FIRST TIME FOR A VIOLATION OF SECTION 625 OR 625M OF THE MICHIGAN
22 VEHICLE CODE, 1949 PA 300, MCL 257.625 AND 257.625M; 2 YEARS AFTER
23 THE DATE THE PERSON IS CONVICTED FOR A SECOND TIME OF A VIOLATION
24 OF SECTION 625 OR 625M OF THE MICHIGAN VEHICLE CODE, 1949 PA 300,
25 MCL 257.625 AND 257.625M; OR 5 YEARS AFTER A THIRD OR SUBSEQUENT
26 CONVICTION OF A VIOLATION OF SECTION 625 OF 625M OF THE MICHIGAN
27 VEHICLE CODE, 1949 PA 300, MCL 257.625 AND 257.625M. HOWEVER, IF

1 THE INDIVIDUAL IS LESS THAN 21 YEARS OF AGE AT THE TIME HE OR SHE
2 IS CONVICTED, THE TIME PERIODS PRESCRIBED UNDER THIS SUBSECTION
3 BEGIN ON THAT INDIVIDUAL'S TWENTY-FIRST BIRTHDAY.

4 Enacting section 1. This amendatory act does not take effect
5 unless all of the following bills of the 93rd Legislature are
6 enacted into law:

7 (a) Senate Bill No.____ or House Bill No. 4416(request no.
8 00080'05).

9 (b) Senate Bill No.____ or House Bill No. 4417(request no.
10 00080'05 a).