

HOUSE BILL No. 4503

March 21, 2007, Introduced by Reps. Ward, Rocca, Wenke and LaJoy and referred to the Committee on Oversight and Investigations.

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 2005 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.

8 (c) An indication that the identification card contains 1 or

1 more of the following:

2 (i) The blood type of the person.

3 (ii) Immunization data of the person.

4 (iii) Medication data of the person.

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

6 (v) Until January 1, 2007, a statement that the person is an
7 organ and tissue donor under part 101 of the public health code,
8 1978 PA 368, MCL 333.10101 to 333.10109. If the identification card
9 contains ~~such a~~ **THAT** statement, the statement shall include the
10 signature of the person, along with the signature of at least 1
11 witness.

12 (vi) Emergency contact information of the person.

13 (vii) A sticker or decal as specified by the secretary of state
14 to indicate that the holder of the official state personal
15 identification card has designated 1 or more patient advocates in
16 accordance with section 5506 of the estates and protected
17 individuals code, 1998 PA 386, MCL 700.5506, or a statement that he
18 or she carries an emergency medical information card, as described
19 in subsection (5).

20 (d) In the case of a person who is less than 18 years of age
21 at the time of issuance of the identification card, the dates on
22 which the person will become 18 years of age and 21 years of age.

23 (e) In the case of a person who is not less than 18 years of
24 age but less than 21 years of age at the time of issuance of the
25 identification card, the date on which the person will become 21
26 years of age.

27 (f) Beginning January 1, 2007, in the case of a holder of an

1 official state personal identification card who has indicated his
2 or her wish to participate in the organ and tissue donor registry
3 under part 101 of the public health code, 1978 PA 368, MCL
4 333.10101 to 333.10109, a heart insignia on the front of the
5 official state personal identification card.

6 (2) In conjunction with the application for or, until January
7 1, 2007, the issuance of an official state personal identification
8 card, the secretary of state shall do all of the following:

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

10 (i) Information explaining the applicant's right to make an
11 anatomical gift in the event of death under part 101 of the public
12 health code, 1978 PA 368, MCL 333.10101 to 333.10109, and in
13 accordance with this section.

14 (ii) Information describing the organ, tissue, and eye donor
15 registry program maintained by Michigan's federally designated
16 organ procurement organization or its successor organization. The
17 information required under this subparagraph includes the address
18 and telephone number of Michigan's federally designated organ
19 procurement organization or its successor organization.

20 (iii) Information giving the applicant the opportunity to have
21 his or her name placed on the registry described in subparagraph

22 (ii) .

23 (b) Provide the applicant with the opportunity to specify on
24 his or her official state personal identification card that he or
25 she is willing to make an anatomical gift in the event of death
26 pursuant to part 101 of the public health code, 1978 PA 368, MCL
27 333.10101 to 333.10109, and in accordance with this section.

1 (c) Inform the applicant that, if he or she indicates to the
2 secretary of state under this section a willingness to have his or
3 her name placed on the registry described in subdivision (a)(ii),
4 the secretary of state will mark the applicant's record for the
5 registry.

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

8 (a) Providing printed material enclosed with a mailed notice
9 for the issuance or renewal of an official state personal
10 identification card.

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

13 (c) Through electronic information transmittals for
14 applications processed by electronic means.

15 (4) Until January 1, 2007, if an applicant indicates a
16 willingness under this section to have his or her name placed on
17 the registry described in subsection (2)(a)(ii), the secretary of
18 state shall within 10 days forward the applicant's name, address,
19 and date of birth to the organ donor registry maintained by
20 Michigan's federally designated organ procurement organization or
21 its successor organization. The secretary of state may forward
22 information under this subsection by mail or by electronic means.
23 The secretary of state shall not maintain a record of the name or
24 address of an individual who indicates a willingness to have his or
25 her name placed on the organ donor registry after forwarding that
26 information to the organ donor registry under this subsection.
27 Information about an applicant's indication of a willingness to

1 have his or her name placed on the organ donor registry obtained by
2 the secretary of state under subsection (2) and forwarded under
3 this subsection is exempt from disclosure under section 13(1)(d) of
4 the freedom of information act, 1976 PA 442, MCL 15.243.

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

1 required on the identification card under this act may appear on
2 the identification card in a form prescribed by the secretary of
3 state.

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

6 (7) Except as provided in this subsection, the secretary of
7 state may retain and use a person's image and signature described
8 in subsection (1)(b) only for programs administered by the
9 secretary of state. Except as provided in this subsection, the
10 secretary of state shall not use a person's image unless written
11 permission for that purpose is granted by the person to the
12 secretary of state or specific enabling legislation permitting the
13 use is enacted into law. A law enforcement agency of this state
14 shall have access to any information retained by the secretary of
15 state under this subsection. The information may be utilized for
16 any law enforcement purpose unless otherwise prohibited by law. The
17 department of state police shall provide to the secretary of state
18 updated lists of persons required under section 5a of the sex
19 offenders registration act, 1994 PA 295, MCL 28.725a, to maintain a
20 valid operator's or chauffeur's license or an official state
21 personal identification card and the secretary of state shall make
22 images of those persons available to the department of state police
23 as provided in the sex offenders registration act, 1994 PA 295, MCL
24 28.721 to ~~28.732~~ **28.736**.

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

1 the secretary of state shall mark the person's identification card
2 in a manner that clearly indicates that the cardholder is legally
3 blind.

4 (9) Beginning January 1, 2007, the secretary of state shall
5 maintain a record of an individual who indicates a willingness to
6 have his or her name placed on the registry described in subsection
7 (2)(a)(ii). Information about a person's indication of a willingness
8 to have his or her name placed on the registry that is obtained by
9 the secretary of state and forwarded under this section is exempt
10 from disclosure under section 13(1)(d) of the freedom of
11 information act, 1976 PA 442, MCL 15.243. The secretary of state
12 shall establish and maintain the organ, tissue, and eye donor
13 registry in a manner that provides electronic access, including,
14 but not limited to, the transfer of data to this state's federally
15 designated organ procurement organizations, their successor
16 organizations, and tissue and eye banks with limitations on the use
17 of and access to the donor registry as determined by the secretary
18 of state.

19 (10) An official state personal identification card may
20 contain an identifier for voter registration purposes. An official
21 state personal identification card may contain information
22 appearing in electronic or machine readable codes needed to conduct
23 a transaction with the secretary of state. The information shall be
24 limited to the person's identification card number, birth date,
25 expiration date, and other information necessary for use with
26 electronic devices, machine readers, or automatic teller machines
27 and shall not contain the person's name, address, driving record,

1 or other personal identifier. The identification card shall
2 identify the encoded information.

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

8 (12) Except as otherwise provided in this act, an applicant
9 shall pay a fee of \$10.00 to the secretary of state for each
10 original or renewal identification card issued. The department of
11 treasury shall deposit the fees received and collected under this
12 section in the state treasury to the credit of the general fund.
13 The legislature shall appropriate the fees credited to the general
14 fund under this act to the secretary of state for the
15 administration of this act. Appropriations from the Michigan
16 transportation fund created under section 10 of 1951 PA 51, MCL
17 247.660, shall not be used to compensate the secretary of state for
18 costs incurred and services performed under this section.

19 (13) An original or renewal official state personal
20 identification card expires on the birthday of the person to whom
21 it is issued in the fourth year following the date of issuance. The
22 secretary of state shall not issue an official state personal
23 identification card under this act for a period greater than 4
24 years. Except as provided in this subsection, a person may apply
25 for a renewal of an official state personal identification card by
26 mail or by other methods prescribed by the secretary of state. The
27 secretary of state shall require renewal in person by a person

1 required under section 5a of the sex offenders registration act,
2 1994 PA 295, MCL 28.725a, to maintain a valid operator's or
3 chauffeur's license or official state personal identification card.

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

6 (a) A person 65 years of age or older.

7 (b) A person who has had his or her operator's or chauffeur's
8 license suspended, revoked, or denied under the Michigan vehicle
9 code, 1949 PA 300, MCL 257.1 to 257.923, because of a mental or
10 physical infirmity or disability.

11 (c) A person who presents evidence of statutory blindness as
12 provided in 1978 PA 260, MCL 393.351 to 393.368.

13 (d) A person who presents other good cause for a fee waiver.

14 (e) Beginning January 1, 2007, a person who wishes to add or
15 remove a heart insignia described in subsection (1)(f).

16 **(F) A PERSON WHO PRESENTS EVIDENCE THAT HE OR SHE IS UNABLE TO**
17 **PAY THE FEE REQUIRED IN SUBSECTION (12).**

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

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

27 (17) Except as otherwise provided in subsections (15) and

1 (16), a person who has been issued an official state personal
2 identification card may apply for a renewal official state personal
3 identification card for 1 or more of the following reasons:

4 (a) The person wants to change any information on the
5 identification card.

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

8 (18) A person may indicate on an official state personal
9 identification card in a place designated by the secretary of state
10 his or her blood type, emergency contact information, immunization
11 data, medication data, a statement that the person is deaf, or,
12 until January 1, 2007, a statement that the person has made an
13 anatomical gift under part 101 of the public health code, 1978 PA
14 368, MCL 333.10101 to 333.10109.

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

20 (20) Beginning January 1, 2007, the secretary of state shall
21 inquire of each person who applies for or who holds an official
22 state personal identification card, in person or by mail, whether
23 he or she agrees to participate in the organ, tissue, and eye donor
24 registry under part 101 of the public health code, 1978 PA 368, MCL
25 333.10101 to 333.10109. A person who has agreed to participate in
26 that registry shall not be considered to have revoked that
27 agreement solely because the person's official state personal

1 identification card has expired. Enrollment in the organ, tissue,
2 and eye donor registry constitutes a legal agreement that remains
3 binding and in effect after the donor's death regardless of the
4 expressed desires of the deceased donor's next of kin who may
5 oppose the donor's organ, tissue, or eye donation.

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

11 (22) THE SECRETARY OF STATE SHALL TAKE ALL REASONABLE STEPS TO
12 EDUCATE CITIZENS ABOUT THEIR RIGHTS AND RESPONSIBILITIES RELATED TO
13 RECEIVING THE OFFICIAL STATE PERSONAL IDENTIFICATION CARD UNDER
14 SUBSECTION (14) (F) .