

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 509

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 2020 PA 306.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) An official state personal identification card
2 must contain the following:

3 (a) An identification number permanently assigned to the
4 individual to whom the card is issued.

5 (b) Except as provided in section 2a, the full legal name,

1 date of birth, sex, residence address, height, weight, eye color,
2 digital photographic image, signature of or verification and
3 certification by the applicant, as determined by the secretary of
4 state, and expiration date of the official state personal
5 identification card. If an official state personal identification
6 card is issued to an individual described in section 1(5) who has
7 temporary lawful status, the official state personal identification
8 card must be issued in compliance with 6 CFR 37.21 or in compliance
9 with the process established to comply with 6 CFR 37.71 by the
10 secretary of state. As used in this subdivision, "temporary lawful
11 status" means that term as defined in 6 CFR 37.3.

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

- 14 (i) The blood type of the individual.
15 (ii) Immunization data of the individual.
16 (iii) Medication data of the individual.
17 (iv) A statement that the individual is deaf.

18 (d) In the case of a holder of an official state personal
19 identification card who has indicated his or her wish to
20 participate in the anatomical gift donor registry under part 101 of
21 the public health code, 1978 PA 368, MCL 333.10101 to 333.10123, a
22 heart insignia on the front of the official state personal
23 identification card.

24 (e) If requested by an individual who is a veteran as that
25 term is defined in section 1 of 1965 PA 190, MCL 35.61, a
26 designation that the individual is a veteran. The designation must
27 be in a style and format considered appropriate by the secretary of
28 state. The secretary of state shall require proof of discharge or
29 separation of service from the armed forces of this state, another

1 state, or the United States, and the nature of that discharge, for
2 the purposes of verifying an individual's status as a veteran under
3 this subdivision. The secretary of state shall consult with the
4 department of military and veterans affairs in determining the
5 proof that must be required to identify an individual's status as a
6 veteran for the purposes of this subsection. The secretary of state
7 may provide the department of military and veterans affairs and
8 agencies of the counties of this state that provide veteran
9 services with information provided by an applicant under this
10 subsection for the purpose of veterans' benefits eligibility
11 referral.

12 (f) Physical security features designed to prevent tampering,
13 counterfeiting, or duplication of the official state personal
14 identification card for fraudulent purposes.

15 (2) In conjunction with the application for an official state
16 personal identification card, the secretary of state shall do all
17 of the following:

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

19 (i) Information explaining the applicant's right to make an
20 anatomical gift in the event of death under part 101 of the public
21 health code, 1978 PA 368, MCL 333.10101 to 333.10123, and in
22 accordance with this section.

23 (ii) Information describing the donor registry program
24 maintained by Michigan's federally designated organ procurement
25 organization or its successor organization under section 10120 of
26 the public health code, 1978 PA 368, MCL 333.10120. The information
27 required under this subparagraph must include the address and
28 telephone number of Michigan's federally designated organ
29 procurement organization or its successor organization as described

1 in section 10120 of the public health code, 1978 PA 368, MCL
2 333.10120.

3 (iii) Information giving the applicant the opportunity to have
4 his or her name placed on the registry described in subparagraph
5 (ii).

6 (b) Provide the applicant with the opportunity to specify on
7 his or her official state personal identification card that he or
8 she is willing to make an anatomical gift in the event of death
9 under part 101 of the public health code, 1978 PA 368, MCL
10 333.10101 to 333.10123, and in accordance with this section.

11 (c) Inform the applicant that, if he or she indicates to the
12 secretary of state under this section a willingness to have his or
13 her name placed on the donor registry described in subdivision
14 (a) (ii), the secretary of state will mark the applicant's record for
15 the donor registry.

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

18 (a) Providing printed material enclosed with a mailed notice
19 for the issuance or renewal of an official state personal
20 identification card.

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

23 (c) Through electronic information transmittals for
24 applications processed by electronic means.

25 (4) The secretary of state shall prescribe the form of the
26 official state personal identification card. The secretary of state
27 shall designate a space on the official state personal
28 identification card where the applicant may place a sticker or
29 decal of a uniform size as the secretary may specify to indicate

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

24 (5) The official state personal identification card must not
25 contain a fingerprint or finger image of the applicant.

26 (6) Except as provided in this subsection, the secretary of
27 state shall retain and use an individual's digital photographic
28 image and signature described in subsection (1)(b) only for
29 programs administered by the secretary of state as specifically

1 authorized by law. An individual's digital photographic image or
2 signature must only be used as follows:

3 (a) By a federal, state, or local governmental agency for a
4 law enforcement purpose authorized by law.

5 (b) By the secretary of state for a use specifically
6 authorized by law.

7 (c) By the secretary of state for forwarding to the department
8 of state police the images of individuals required to be registered
9 under the sex offenders registration act, 1994 PA 295, MCL 28.721
10 to ~~28.736~~, **28.730**, upon the department of state police providing
11 the secretary of state an updated list of those individuals.

12 (d) By the secretary of state for forwarding to the department
13 of state police a digitized photograph taken of the applicant for
14 an official state personal identification card for use as provided
15 in section 5c of 1927 PA 372, MCL 28.425c.

16 (e) By the secretary of state for forwarding to the department
17 of licensing and regulatory affairs the images of applicants for an
18 official state registry identification card issued under section 6
19 of the Michigan Medical Marihuana Act, 2008 IL 1, MCL 333.26426, if
20 the department of licensing and regulatory affairs promulgates
21 rules requiring a photograph as a design element for an official
22 state registry identification card.

23 (f) As necessary to comply with a law of this state or the
24 United States.

25 (7) If an individual presents evidence of statutory blindness
26 as provided in 1978 PA 260, MCL 393.351 to 393.368, and is issued
27 or is the holder of an official state personal identification card,
28 the secretary of state shall mark the individual's official state
29 personal identification card in a manner that clearly indicates

1 that the cardholder is legally blind.

2 (8) The secretary of state shall maintain a record of an
3 individual who indicates a willingness to have his or her name
4 placed on the donor registry described in subsection (2) (a) (ii).
5 Information about an individual's indication of a willingness to
6 have his or her name placed on the donor registry that is obtained
7 by the secretary of state and forwarded under this section is
8 exempt from disclosure under section 13(1)(d) of the freedom of
9 information act, 1976 PA 442, MCL 15.243. As required in section
10 10120 of the public health code, 1978 PA 368, MCL 333.10120, the
11 secretary of state shall establish and maintain the donor registry
12 in a manner that complies with that section and that provides
13 electronic access, including, but not limited to, the transfer of
14 data to this state's federally designated organ procurement
15 organization or its successor organization, tissue banks, and eye
16 banks.

17 (9) An official state personal identification card may contain
18 an identifier for voter registration purposes.

19 (10) An official state personal identification card must
20 contain information appearing in electronic or machine-readable
21 codes needed to conduct a transaction with the secretary of state.
22 The information must be limited to the information described in
23 subsection (1) (a) and (b) except for the individual's digital
24 photographic image and signature or verification and certification,
25 state of issuance, and other information necessary for use with
26 electronic devices, machine readers, or automatic teller machines
27 and must not contain the individual's driving record or other
28 personal identifier. The official state personal identification
29 card must identify the encoded information.

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

7 (12) Except as otherwise provided in this act, an applicant
8 shall pay a fee of \$10.00 to the secretary of state for each
9 original or renewal official state personal identification card
10 issued. The secretary of state shall not assess a late renewal fee
11 for an official state personal identification card that expires on
12 or after March 1, 2020 and is renewed before March 31, 2021. **The**
13 **secretary of state shall not assess a late renewal fee for an**
14 **official state personal identification card that expires after**
15 **March 31, 2021 but before August 1, 2021 and is renewed within 120**
16 **days after the date of the expiration. The secretary of state**
17 **shall, upon an applicant's request, reimburse a late renewal fee**
18 **assessed and collected for an official state personal**
19 **identification card that expires after March 31, 2021 but before**
20 **August 1, 2021 and is renewed within 120 days after the date of the**
21 **expiration of the official state personal identification card.** The
22 department of treasury shall deposit the fees received and
23 collected under this section in the state treasury to the credit of
24 the general fund. The legislature shall appropriate the fees
25 credited to the general fund under this act to the secretary of
26 state for the administration of this act. Appropriations from the
27 Michigan transportation fund created under section 10 of 1951 PA
28 51, MCL 247.660, must not be used to compensate the secretary of
29 state for costs incurred and services performed under this section.

1 (13) An original or renewal official state personal
2 identification card expires on the birthday of the individual to
3 whom it is issued in the fourth year following the date of issuance
4 or on the date the individual is no longer considered to be legally
5 present in the United States under section 1, whichever is earlier.
6 The secretary of state shall not issue an official state personal
7 identification card under this act for a period greater than 4
8 years. Except as provided in this subsection, the secretary of
9 state may issue a renewal official state personal identification
10 card for 1 additional 4-year period or beginning on July 1, 2021,
11 for 2 additional 4-year periods, by mail or by other methods
12 prescribed by the secretary of state. The secretary of state shall
13 require renewal in person by an individual required under section
14 5a of the sex offenders registration act, 1994 PA 295, MCL 28.725a,
15 to maintain a valid operator's or chauffeur's license or official
16 state personal identification card.

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

19 (a) An individual 65 years of age or older.

20 (b) An individual who has had his or her operator's or
21 chauffeur's license suspended, revoked, or denied under the
22 Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, because
23 of a mental or physical infirmity or disability.

24 (c) An individual who presents evidence of statutory blindness
25 as provided in 1978 PA 260, MCL 393.351 to 393.368.

26 (d) An individual who presents evidence of 1 or more of the
27 following:

28 (i) A notice of case action from the department of health and
29 human services indicating that the individual is a participant in 1

1 or both of the following programs and is making his or her
2 application for an official state personal identification card
3 during a period in which he or she is receiving benefits:

4 (A) The family independence program.

5 (B) The state disability assistance program.

6 (ii) A United States Social Security Administration benefit
7 award letter indicating the applicant is currently receiving
8 payments under the federal supplemental security income program as
9 that term is defined in section 57 of the social welfare act, 1939
10 PA 280, MCL 400.57, or the Social Security disability income
11 program.

12 (iii) A United States Social Security Administration benefit
13 verification letter indicating the applicant is currently receiving
14 payments under the federal supplemental security income program as
15 that term is defined in section 57 of the social welfare act, 1939
16 PA 280, MCL 400.57, or the Social Security disability income
17 program.

18 (e) An individual who decides to add or remove a heart
19 insignia described in subsection (1)(d).

20 (f) An individual who is a veteran as that term is defined in
21 section 1 of 1965 PA 190, MCL 35.61. The secretary of state shall
22 require an individual who seeks a waiver of the fee under this
23 subdivision to provide the secretary of state the same
24 documentation required for a veteran designation under subsection
25 (1)(e) before granting the fee waiver.

26 (g) An individual who presents both of the following:

27 (i) A homeless verification letter that states that the
28 individual meets the definition of category 1 homeless as that term
29 is defined by the United States Department of Housing and Urban

1 Development. A letter provided as evidence under this subparagraph
2 must be submitted on the official letterhead of a public service
3 agency. The secretary of state may verify the information contained
4 in the letter with the agency of issuance before issuing an
5 official state personal identification card.

6 (ii) A photo identification card generated from the United
7 States Department of Housing and Urban Development Homeless
8 Management Information System.

9 (15) An individual who has been issued an official state
10 personal identification card shall apply for a renewal official
11 state personal identification card if the individual changes his or
12 her name.

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

20 (17) An individual who has been issued an official state
21 personal identification card may apply for a renewal official state
22 personal identification card for 1 or more of the following
23 reasons:

24 (a) The individual wants to change any information on the
25 official state personal identification card.

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

29 (18) An individual may indicate on an official state personal

1 identification card in a place designated by the secretary of state
2 his or her blood type, emergency contact information, immunization
3 data, medication data, or a statement that the individual is deaf.

4 (19) The secretary of state shall develop and shall, in
5 conjunction with the department of state police, implement a
6 process using the L.E.I.N. or any other appropriate system that
7 limits access to law enforcement that allows law enforcement
8 agencies of this state to access emergency contact information and,
9 beginning July 1, 2021, to view a communication impediment
10 designation that the holder of an official state personal
11 identification card has voluntarily provided to the secretary of
12 state.

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

18 (21) The secretary of state shall inquire of each individual
19 who applies for or who holds an official state personal
20 identification card, in person or by mail, whether he or she agrees
21 to participate in the anatomical gift donor registry under part 101
22 of the public health code, 1978 PA 368, MCL 333.10101 to 333.10123.
23 An individual who has agreed to participate in the donor registry
24 is not considered to have revoked that agreement solely because the
25 individual's official state personal identification card has
26 expired. Enrollment in the donor registry is a legal agreement that
27 remains binding and in effect after the donor's death regardless of
28 the expressed desires of the deceased donor's next of kin who may
29 oppose the donor's anatomical gift.

1 (22) A valid official state personal identification card
2 presented by the individual to whom the card is issued is
3 considered the same as a valid state of Michigan driver license
4 when identification is requested except as otherwise specifically
5 provided by law.

6 (23) Beginning July 1, 2021, if an official state personal
7 identification card issued under this act is lost, destroyed, or
8 mutilated, or becomes illegible, the individual to whom the
9 official state personal identification card was issued may obtain a
10 duplicate upon the payment of the fee required in subsection (24)
11 and upon furnishing proof satisfactory to the secretary of state
12 that the official state personal identification card has been lost,
13 destroyed, or mutilated, or has become illegible.

14 (24) Except as otherwise provided in subsection (25), for each
15 duplicate official state personal identification card, and for each
16 correction of an official state personal identification card,
17 beginning July 1, 2021, an individual may apply for renewal of the
18 official state personal identification card and pay the renewal fee
19 prescribed in this act or the individual may, at his or her option
20 and upon payment of the fee prescribed in this section, apply for a
21 duplicate official state personal identification card that expires
22 on the same date as the official state personal identification card
23 that was lost, destroyed, or mutilated, or became illegible. The
24 fee for a duplicate official state personal identification card is
25 \$10.00. A renewal fee must not be charged for a change of address,
26 a correction required to correct a department error, or to add or
27 remove a heart insignia described in subsection (1)(d).

28 (25) Except with regard to an individual who is less than 21
29 years of age, for each duplicate official state personal

1 identification card, and for each correction of an official state
2 personal identification card, beginning July 1, 2021, an individual
3 shall apply for renewal of the official state personal
4 identification card and pay the renewal fee prescribed in this act
5 if the official state personal identification card was due to
6 expire within the next 12 months. Except as otherwise provided in
7 this act, an official state personal identification card renewed
8 under this subsection or subsection (24) must be renewed for the
9 combined period of the time remaining on the official state
10 personal identification card before its renewal and the 4-year
11 renewal period.

12 (26) Notwithstanding subsection (13), an official state
13 personal identification card ~~expiring~~**that expires** on or after
14 March 1, 2020 is considered valid until March 31, 2021.

15 **Notwithstanding subsection (13), an official state personal**
16 **identification card that expires after March 31, 2021 but before**
17 **August 1, 2021 is considered valid until 120 days after the date of**
18 **the expiration.** If the secretary of state receives an application
19 to renew an official state personal identification card that
20 expires on or after March 1, 2020 before March 31, 2021, the
21 secretary of state shall process the application as a renewal of an
22 existing official state personal identification card. **If the**
23 **secretary of state receives an application to renew an official**
24 **state personal identification card that expires after March 31,**
25 **2021 but before August 1, 2021, the secretary of state shall**
26 **process the application as a renewal of an existing official state**
27 **personal identification card until 120 days after the date of the**
28 **expiration.**

29 (27) As used in this section:

1 (a) "Communication impediment" means an individual has a
2 health condition that may impede communication with a police
3 officer, including, but not limited to, the following:

4 (i) Deafness or hearing loss.

5 (ii) An autism spectrum disorder.

6 (b) "Emergency contact information" means the name, telephone
7 number, or address of an individual that is used for the sole
8 purpose of contacting that individual when the holder of an
9 official state personal identification card has been involved in an
10 emergency.

11 Enacting section 1. Section 2(12) and (26) of 1972 PA 222, MCL
12 28.292, as amended by this amendatory act, is intended to be
13 retroactive and apply retroactively.

14 Enacting section 2. This amendatory act does not take effect
15 unless all of the following bills of the 101st Legislature are
16 enacted into law:

17 (a) Senate Bill No. 507.

18 (b) Senate Bill No. 508.