

# SENATE BILL NO. 509

June 03, 2021, Introduced by Senators VANDERWALL, JOHNSON and DALEY and referred to the Committee of the Whole.

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

1 individual to whom the card is issued.

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

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

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

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

26 (e) If requested by an individual who is a veteran as that  
27 term is defined in section 1 of 1965 PA 190, MCL 35.61, a  
28 designation that the individual is a veteran. The designation must  
29 be in a style and format considered appropriate by the secretary of

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

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

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

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

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

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

1 telephone number of Michigan's federally designated organ  
2 procurement organization or its successor organization as described  
3 in section 10120 of the public health code, 1978 PA 368, MCL  
4 333.10120.

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

8 (b) Provide the applicant with the opportunity to specify on  
9 his or her official state personal identification card that he or  
10 she is willing to make an anatomical gift in the event of death  
11 under part 101 of the public health code, 1978 PA 368, MCL  
12 333.10101 to 333.10123, and in accordance with this section.

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

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

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

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

25 (c) Through electronic information transmittals for  
26 applications processed by electronic means.

27 (4) The secretary of state shall prescribe the form of the  
28 official state personal identification card. The secretary of state  
29 shall designate a space on the official state personal

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

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

28 (6) Except as provided in this subsection, the secretary of  
29 state shall retain and use an individual's digital photographic

1 image and signature described in subsection (1)(b) only for  
2 programs administered by the secretary of state as specifically  
3 authorized by law. An individual's digital photographic image or  
4 signature must only be used as follows:

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

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

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

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

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

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

27 (7) If an individual presents evidence of statutory blindness  
28 as provided in 1978 PA 260, MCL 393.351 to 393.368, and is issued  
29 or is the holder of an official state personal identification card,

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

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

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

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

1 personal identifier. The official state personal identification  
2 card must identify the encoded information.

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

9 (12) Except as otherwise provided in this act, an applicant  
10 shall pay a fee of \$10.00 to the secretary of state for each  
11 original or renewal official state personal identification card  
12 issued. The secretary of state shall not assess a late renewal fee  
13 for an official state personal identification card that expires on  
14 or after March 1, 2020 and is renewed before ~~March 31,~~ **September**  
15 **30,** 2021. The department of treasury shall deposit the fees  
16 received and collected under this section in the state treasury to  
17 the credit of the general fund. The legislature shall appropriate  
18 the fees credited to the general fund under this act to the  
19 secretary of state for the administration of this act.  
20 Appropriations from the Michigan transportation fund created under  
21 section 10 of 1951 PA 51, MCL 247.660, must not be used to  
22 compensate the secretary of state for costs incurred and services  
23 performed under this section.

24 (13) An original or renewal official state personal  
25 identification card expires on the birthday of the individual to  
26 whom it is issued in the fourth year following the date of issuance  
27 or on the date the individual is no longer considered to be legally  
28 present in the United States under section 1, whichever is earlier.  
29 The secretary of state shall not issue an official state personal

1 identification card under this act for a period greater than 4  
2 years. Except as provided in this subsection, the secretary of  
3 state may issue a renewal official state personal identification  
4 card for 1 additional 4-year period or beginning on July 1, 2021,  
5 for 2 additional 4-year periods, by mail or by other methods  
6 prescribed by the secretary of state. The secretary of state shall  
7 require renewal in person by an individual required under section  
8 5a of the sex offenders registration act, 1994 PA 295, MCL 28.725a,  
9 to maintain a valid operator's or chauffeur's license or official  
10 state personal identification card.

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

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

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

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

20 (d) An individual who presents evidence of 1 or more of the  
21 following:

22 (i) A notice of case action from the department of health and  
23 human services indicating that the individual is a participant in 1  
24 or both of the following programs and is making his or her  
25 application for an official state personal identification card  
26 during a period in which he or she is receiving benefits:

27 (A) The family independence program.

28 (B) The state disability assistance program.

29 (ii) A United States Social Security Administration benefit

1 award letter indicating the applicant is currently receiving  
2 payments under the federal supplemental security income program as  
3 that term is defined in section 57 of the social welfare act, 1939  
4 PA 280, MCL 400.57, or the Social Security disability income  
5 program.

6 (iii) A United States Social Security Administration benefit  
7 verification 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 (e) An individual who decides to add or remove a heart  
13 insignia described in subsection (1) (d).

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

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

21 (i) A homeless verification letter that states that the  
22 individual meets the definition of category 1 homeless as that term  
23 is defined by the United States Department of Housing and Urban  
24 Development. A letter provided as evidence under this subparagraph  
25 must be submitted on the official letterhead of a public service  
26 agency. The secretary of state may verify the information contained  
27 in the letter with the agency of issuance before issuing an  
28 official state personal identification card.

29 (ii) A photo identification card generated from the United

1 States Department of Housing and Urban Development Homeless  
2 Management Information System.

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

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

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

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

20 (b) An official state personal identification card issued  
21 under this act is lost, destroyed, or mutilated, or becomes  
22 illegible.

23 (18) An individual may indicate on an official state personal  
24 identification card in a place designated by the secretary of state  
25 his or her blood type, emergency contact information, immunization  
26 data, medication data, or a statement that the individual is deaf.

27 (19) The secretary of state shall develop and shall, in  
28 conjunction with the department of state police, implement a  
29 process using the L.E.I.N. or any other appropriate system that

1 limits access to law enforcement that allows law enforcement  
2 agencies of this state to access emergency contact information and,  
3 beginning July 1, 2021, to view a communication impediment  
4 designation that the holder of an official state personal  
5 identification card has voluntarily provided to the secretary of  
6 state.

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

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

24 (22) A valid official state personal identification card  
25 presented by the individual to whom the card is issued is  
26 considered the same as a valid state of Michigan driver license  
27 when identification is requested except as otherwise specifically  
28 provided by law.

29 (23) Beginning July 1, 2021, if an official state personal

1 identification card issued under this act is lost, destroyed, or  
2 mutilated, or becomes illegible, the individual to whom the  
3 official state personal identification card was issued may obtain a  
4 duplicate upon the payment of the fee required in subsection (24)  
5 and upon furnishing proof satisfactory to the secretary of state  
6 that the official state personal identification card has been lost,  
7 destroyed, or mutilated, or has become illegible.

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

22 (25) Except with regard to an individual who is less than 21  
23 years of age, for each duplicate official state personal  
24 identification card, and for each correction of an official state  
25 personal identification card, beginning July 1, 2021, an individual  
26 shall apply for renewal of the official state personal  
27 identification card and pay the renewal fee prescribed in this act  
28 if the official state personal identification card was due to  
29 expire within the next 12 months. Except as otherwise provided in

1 this act, an official state personal identification card renewed  
2 under this subsection or subsection (24) must be renewed for the  
3 combined period of the time remaining on the official state  
4 personal identification card before its renewal and the 4-year  
5 renewal period.

6 (26) Notwithstanding subsection (13), an official state  
7 personal identification card expiring on or after March 1, 2020 is  
8 considered valid until ~~March 31,~~ **September 30**, 2021. If the  
9 secretary of state receives an application to renew an official  
10 state personal identification card that expires on or after March  
11 1, 2020 before ~~March 31,~~ **September 30**, 2021, the secretary of state  
12 shall process the application as a renewal of an existing official  
13 state personal identification card.

14 (27) As used in this section:

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

18 (i) Deafness or hearing loss.

19 (ii) An autism spectrum disorder.

20 (b) "Emergency contact information" means the name, telephone  
21 number, or address of an individual that is used for the sole  
22 purpose of contacting that individual when the holder of an  
23 official state personal identification card has been involved in an  
24 emergency.

25 Enacting section 1. Section 2(12) and (26) of 1972 PA 222, MCL  
26 28.292, as amended by this amendatory act, is intended to be  
27 retroactive and apply retroactively from April 1, 2021.

28 Enacting section 2. This amendatory act does not take effect  
29 unless all of the following bills of the 101st Legislature are

1 enacted into law:

2 (a) Senate Bill No. 507.

3 (b) Senate Bill No. 508.