

SENATE BILL NO. 544

June 16, 2021, Introduced by Senator BARRETT and referred to the Committee on Families, Seniors, and Veterans.

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 the title and sections 2 and 2a (MCL 28.292 and 28.292a), the title as amended by 2002 PA 553, section 2 as amended and section 2a as added by 2020 PA 306.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

1 An act to provide for an official personal identification
2 card; to provide for its form, issuance and use; to regulate the
3 use and disclosure of information obtained from the card; to
4 prescribe the powers and duties of the secretary of state; to
5 ~~prescribe fees;~~ **impose a fee for certain services;** to prescribe
6 certain penalties for violations; and to provide an appropriation
7 for certain purposes.

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

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

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

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

26 (i) The blood type of the individual.

27 (ii) Immunization data of the individual.

28 (iii) Medication data of the individual.

1 (iv) A statement that the individual is deaf.

2 (d) In the case of a holder of an official state personal
3 identification card who has indicated his or her wish to
4 participate in the anatomical gift donor registry under part 101 of
5 the public health code, 1978 PA 368, MCL 333.10101 to 333.10123, a
6 heart insignia on the front of the official state personal
7 identification card.

8 (e) If requested by an individual who is a veteran as that
9 term is defined in section 1 of 1965 PA 190, MCL 35.61, a
10 designation that the individual is a veteran. The designation must
11 be in a style and format considered appropriate by the secretary of
12 state. The secretary of state shall require proof of discharge or
13 separation of service from the armed forces of this state, another
14 state, or the United States, and the nature of that discharge, for
15 the purposes of verifying an individual's status as a veteran under
16 this subdivision. The secretary of state shall consult with the
17 department of military and veterans affairs in determining the
18 proof that must be required to identify an individual's status as a
19 veteran for the purposes of this subsection. The secretary of state
20 may provide the department of military and veterans affairs and
21 agencies of the counties of this state that provide veteran
22 services with information provided by an applicant under this
23 subsection for the purpose of veterans' benefits eligibility
24 referral.

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

28 (2) In conjunction with the application for an official state
29 personal identification card, the secretary of state shall do all

1 of the following:

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

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

7 (ii) Information describing the donor registry program
8 maintained by Michigan's federally designated organ procurement
9 organization or its successor organization under section 10120 of
10 the public health code, 1978 PA 368, MCL 333.10120. The information
11 required under this subparagraph must include the address and
12 telephone number of Michigan's federally designated organ
13 procurement organization or its successor organization as described
14 in section 10120 of the public health code, 1978 PA 368, MCL
15 333.10120.

16 (iii) Information giving the applicant the opportunity to have
17 his or her name placed on the registry described in subparagraph
18 (ii).

19 (b) Provide the applicant with the opportunity to specify on
20 his or her official state personal identification card that he or
21 she is willing to make an anatomical gift in the event of death
22 under part 101 of the public health code, 1978 PA 368, MCL
23 333.10101 to 333.10123, and in accordance with this section.

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

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

1 less than 21 years of age must be portrait or vertical in form, and
2 an official state personal identification card issued to an
3 individual 21 years of age or over must be landscape or horizontal
4 in form. Except as otherwise required in this act, other
5 information required on the official state personal identification
6 card under this act may appear on the official state personal
7 identification card in a form prescribed by the secretary of state.

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

10 (6) Except as provided in this subsection, the secretary of
11 state shall retain and use an individual's digital photographic
12 image and signature described in subsection (1)(b) only for
13 programs administered by the secretary of state as specifically
14 authorized by law. An individual's digital photographic image or
15 signature must only be used as follows:

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

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

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

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

29 (e) By the secretary of state for forwarding to the department

1 of licensing and regulatory affairs the images of applicants for an
2 official state registry identification card issued under section 6
3 of the Michigan Medical Marihuana Act, 2008 IL 1, MCL 333.26426, if
4 the department of licensing and regulatory affairs promulgates
5 rules requiring a photograph as a design element for an official
6 state registry identification card.

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

9 (7) If an individual presents evidence of statutory blindness
10 as provided in 1978 PA 260, MCL 393.351 to 393.368, and is issued
11 or is the holder of an official state personal identification card,
12 the secretary of state shall mark the individual's official state
13 personal identification card in a manner that clearly indicates
14 that the cardholder is legally blind.

15 (8) The secretary of state shall maintain a record of an
16 individual who indicates a willingness to have his or her name
17 placed on the donor registry described in subsection (2) (a) (ii).
18 Information about an individual's indication of a willingness to
19 have his or her name placed on the donor registry that is obtained
20 by the secretary of state and forwarded under this section is
21 exempt from disclosure under section 13(1) (d) of the freedom of
22 information act, 1976 PA 442, MCL 15.243. As required in section
23 10120 of the public health code, 1978 PA 368, MCL 333.10120, the
24 secretary of state shall establish and maintain the donor registry
25 in a manner that complies with that section and that provides
26 electronic access, including, but not limited to, the transfer of
27 data to this state's federally designated organ procurement
28 organization or its successor organization, tissue banks, and eye
29 banks.

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

3 (10) An official state personal identification card must
4 contain information appearing in electronic or machine-readable
5 codes needed to conduct a transaction with the secretary of state.
6 The information must be limited to the information described in
7 subsection (1) (a) and (b) except for the individual's digital
8 photographic image and signature or verification and certification,
9 state of issuance, and other information necessary for use with
10 electronic devices, machine readers, or automatic teller machines
11 and must not contain the individual's driving record or other
12 personal identifier. The official state personal identification
13 card must identify the encoded information.

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

20 (12) ~~Except as otherwise provided in this act, an applicant~~
21 ~~shall pay a fee of \$10.00 to the secretary of state for each~~
22 ~~original or renewal official state personal identification card~~
23 ~~issued. The secretary of state shall not assess a late renewal fee~~
24 ~~for an official state personal identification card that expires on~~
25 ~~or after March 1, 2020 and is renewed before March 31, 2021. The~~
26 ~~department of treasury shall deposit the fees received and~~
27 ~~collected under this section in the state treasury to the credit of~~
28 ~~the general fund. The legislature shall appropriate the fees~~
29 ~~credited to~~ **money from** the general fund ~~under this act~~ to the

1 secretary of state for the administration of this act.
2 ~~Appropriations from the Michigan transportation fund created under~~
3 ~~section 10 of 1951 PA 51, MCL 247.660, must not be used to~~
4 ~~compensate the secretary of state for costs incurred and services~~
5 ~~performed under this section.~~**Beginning October 1, 2021, the**
6 **secretary of state shall not charge a fee for doing any of the**
7 **following:**

8 (a) Issuing a duplicate, an original, or a renewal official
9 state personal identification card.

10 (b) Late renewal of an official state personal identification
11 card.

12 (c) Renewing a corrected official state personal
13 identification card under subsection (15) or section 2a.

14 (d) Changing a residence address in an official state personal
15 identification card.

16 (e) Correcting a department error in an official state
17 personal identification card.

18 (f) Adding or removing a heart insignia as described in
19 subsection (1) (d).

20 (13) An original or renewal official state personal
21 identification card expires on the birthday of the individual to
22 whom it is issued in the fourth year following the date of issuance
23 or on the date the individual is no longer considered to be legally
24 present in the United States under section 1, whichever is earlier.
25 The secretary of state shall not issue an official state personal
26 identification card under this act for a period greater than 4
27 years. Except as provided in this subsection, the secretary of
28 state may issue a renewal official state personal identification
29 card for 1 additional 4-year period or beginning on July 1, 2021,

1 for 2 additional 4-year periods, by mail or by other methods
 2 prescribed by the secretary of state. The secretary of state shall
 3 require renewal in person by an individual required under section
 4 5a of the sex offenders registration act, 1994 PA 295, MCL 28.725a,
 5 to maintain a valid operator's or chauffeur's license or official
 6 state personal identification card.

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

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

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

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

16 ~~(d) An individual who presents evidence of 1 or more of the~~
 17 ~~following:~~

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

23 ~~(A) The family independence program.~~

24 ~~(B) The state disability assistance program.~~

25 ~~(ii) A United States Social Security Administration benefit~~
 26 ~~award letter indicating the applicant is currently receiving~~
 27 ~~payments under the federal supplemental security income program as~~
 28 ~~that term is defined in section 57 of the social welfare act, 1939~~
 29 ~~PA 280, MCL 400.57, or the Social Security disability income~~

1 ~~program.~~

2 ~~(iii) A United States Social Security Administration benefit~~
3 ~~verification letter indicating the applicant is currently receiving~~
4 ~~payments under the federal supplemental security income program as~~
5 ~~that term is defined in section 57 of the social welfare act, 1939~~
6 ~~PA 280, MCL 400.57, or the Social Security disability income~~
7 ~~program.~~

8 ~~(c) An individual who decides to add or remove a heart~~
9 ~~insignia described in subsection (1) (d).~~

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

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

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

25 ~~(ii) A photo identification card generated from the United~~
26 ~~States Department of Housing and Urban Development Homeless~~
27 ~~Management Information System.~~

28 **(14)** ~~(15)~~ ~~An individual who has been issued an official state~~
29 ~~personal identification card shall apply for a renewal official~~

1 state personal identification card if the individual changes his or
2 her name.

3 (15) ~~(16)~~—An individual who has been issued an official state
4 personal identification card shall apply for a corrected
5 identification card if he or she changes his or her residence
6 address. The secretary of state may correct the address on an
7 official state personal identification card by a method prescribed
8 by the secretary of state. ~~A fee must not be charged for a change~~
9 ~~of residence address.~~

10 (16) ~~(17)~~—An individual who has been issued an official state
11 personal identification card may apply for a renewal official state
12 personal identification card for 1 or more of the following
13 reasons:

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

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

19 (17) ~~(18)~~—An individual may indicate on an official state
20 personal identification card in a place designated by the secretary
21 of state his or her blood type, emergency contact information,
22 immunization data, medication data, or a statement that the
23 individual is deaf.

24 (18) ~~(19)~~—The secretary of state shall develop and shall, in
25 conjunction with the department of state police, implement a
26 process using the L.E.I.N. or any other appropriate system that
27 limits access to law enforcement that allows law enforcement
28 agencies of this state to access emergency contact information and,
29 beginning July 1, 2021, to view a communication impediment

1 designation that the holder of an official state personal
2 identification card has voluntarily provided to the secretary of
3 state.

4 **(19)** ~~(20)~~—If an applicant provides proof to the secretary of
5 state that he or she is a minor who has been emancipated under 1968
6 PA 293, MCL 722.1 to 722.6, the official state personal
7 identification card must bear the designation of the individual's
8 emancipated status in a manner prescribed by the secretary of
9 state.

10 **(20)** ~~(21)~~—The secretary of state shall inquire of each
11 individual who applies for or who holds an official state personal
12 identification card, in person or by mail, whether he or she agrees
13 to participate in the anatomical gift donor registry under part 101
14 of the public health code, 1978 PA 368, MCL 333.10101 to 333.10123.
15 An individual who has agreed to participate in the donor registry
16 is not considered to have revoked that agreement solely because the
17 individual's official state personal identification card has
18 expired. Enrollment in the donor registry is a legal agreement that
19 remains binding and in effect after the donor's death regardless of
20 the expressed desires of the deceased donor's next of kin who may
21 oppose the donor's anatomical gift.

22 **(21)** ~~(22)~~—A valid official state personal identification card
23 presented by the individual to whom the card is issued is
24 considered the same as a valid state of Michigan driver license
25 when identification is requested except as otherwise specifically
26 provided by law.

27 **(22)** ~~(23)~~—Beginning July 1, 2021, if an official state
28 personal identification card issued under this act is lost,
29 destroyed, or mutilated, or becomes illegible, the individual to

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

7 **(23)** ~~(24)~~ Except as otherwise provided in subsection ~~(25)~~,
 8 **(24)**, for each duplicate official state personal identification
 9 card, and for each correction of an official state personal
 10 identification card, beginning July 1, 2021, an individual may
 11 apply for renewal of the official state personal identification
 12 card ~~and pay the renewal fee prescribed in this act or the~~
 13 individual may, at his or her option, ~~and upon payment of the fee~~
 14 ~~prescribed in this section,~~ apply for a duplicate official state
 15 personal identification card that expires on the same date as the
 16 official state personal identification card that was lost,
 17 destroyed, or mutilated, or became illegible. ~~The fee for a~~
 18 ~~duplicate official state personal identification card is \$10.00. A~~
 19 ~~renewal fee must not be charged for a change of address, a~~
 20 ~~correction required to correct a department error, or to add or~~
 21 ~~remove a heart insignia described in subsection (1)(d).~~

22 **(24)** ~~(25)~~ Except with regard to an individual who is less than
 23 21 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)~~ **(23)** must be renewed for
 3 the 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 **(25)** ~~(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, 2021. If the secretary of state
 9 receives an application to renew an official state personal
 10 identification card that expires on or after March 1, 2020 before
 11 March 31, 2021, the secretary of state shall process the
 12 application as a renewal of an existing official state personal
 13 identification card.

14 **(26)** ~~(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 Sec. 2a. (1) ~~Beginning 180 days after the effective date of~~
 26 ~~the amendatory act that added this section,~~ **June 27, 2021**, upon
 27 receipt of a notice from the department of the attorney general
 28 that an individual who has been issued an official state personal
 29 identification card under this act has been certified as a program

1 participant in the address confidentiality program, the secretary
2 of state shall issue a corrected official state personal
3 identification card to that individual by mailing the card to his
4 or her designated address. Beginning ~~180 days after the effective~~
5 ~~date of the amendatory act that added this section,~~ **June 27, 2021,**
6 an official state personal identification card issued under this
7 subsection or section 2 to a program participant must display the
8 individual's designated address and must not display the
9 individual's residence address.

10 (2) An individual who is issued a corrected official state
11 personal identification card under this section shall destroy his
12 or her old official state personal identification card and replace
13 it with the corrected official state personal identification card.

14 (3) Beginning ~~180 days after the effective date of the~~
15 ~~amendatory act that added this section,~~ **June 27, 2021,** an
16 individual whose certification as a program participant in the
17 address confidentiality program is renewed under the address
18 confidentiality program act, **2020 PA 301, MCL 780.851 to 780.873,**
19 may renew an official state personal identification card issued
20 under this section. ~~upon payment of the renewal fee under section~~
21 ~~2.~~

22 (4) As used in this section:

23 (a) "Address confidentiality program" means a program as that
24 term is defined in section 3 of the address confidentiality program
25 act, **2020 PA 301, MCL 780.853.**

26 (b) "Designated address" means that term as defined in section
27 3 of the address confidentiality program act, **2020 PA 301, MCL**
28 **780.853.**

29 (c) "Program participant" means that term as defined in

- 1 section 3 of the address confidentiality program act, **2020 PA 301**,
- 2 **MCL 780.853**.