

HOUSE BILL No. 4957

June 20, 2007, Introduced by Reps. Agema, Rocca, Garfield, Moss, Meekhof, Palsrok, Nofs, Rick Jones, Moore, Emmons, Calley, Marleau, Pavlov, Green, Hildenbrand, Shaffer, Casperson, Moolenaar, Booher, Walker, Elsenheimer, Stakoe, LaJoy, Pastor, Horn, Hoogendyk, Nitz, Pearce, Stahl, Hune, Gaffney, Sheen, DeRoche, David Law, Hansen, Knollenberg, Palmer, Acciavatti, Meadows, Ward, Caul and Ball and referred to the Committee on Government Operations.

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 sections 1, 1a, and 2 (MCL 28.291, 28.291a, and 28.292), sections 1 and 2 as amended by 2005 PA 143 and section 1a as added by 1997 PA 99, and by adding sections 2a and 2b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) A person who is a resident of this state may apply
2 to the department of state for an official state personal
3 identification card. Upon application the applicant shall supply a
4 birth certificate attesting to his or her age, ~~or~~ **A PHOTO IDENTITY**
5 **DOCUMENT, A NONPHOTO IDENTITY DOCUMENT IF IT INCLUDES BOTH THE**

1 PERSON'S FULL LEGAL NAME AND DATE OF BIRTH, PROOF OF THE PERSON'S
2 SOCIAL SECURITY NUMBER OR VERIFICATION THAT THE PERSON IS NOT
3 ELIGIBLE FOR A SOCIAL SECURITY NUMBER, DOCUMENTATION SHOWING THE
4 PERSON'S NAME AND THE ADDRESS OF HIS OR HER PRINCIPAL RESIDENCE,
5 ANY VALID DOCUMENTARY EVIDENCE OF LAWFUL STATUS, AND ANY other
6 sufficient documents or identification as the secretary of state
7 may require. **THE SECRETARY OF STATE SHALL NOT ACCEPT A DOCUMENT**
8 **ISSUED BY ANOTHER COUNTRY, OTHER THAN AN OFFICIAL PASSPORT, TO**
9 **SATISFY THESE REQUIREMENTS.** An application for a state personal
10 identification card shall be made in a manner prescribed by the
11 secretary of state and shall contain the applicant's full name,
12 date of birth, residence address, height, sex, eye color,
13 signature, and, beginning January 1, 2007, intent to be an organ
14 donor, and other information required or permitted on the official
15 state personal identification card. The applicant may provide a
16 mailing address if the applicant receives mail at an address
17 different from his or her residence address.

18 (2) The secretary of state shall not issue an official state
19 personal identification card to a person who holds an operator's or
20 chauffeur's license issued under the Michigan vehicle code, 1949 PA
21 300, MCL 257.1 to 257.923, unless the license has been suspended,
22 revoked, or restricted. **THE SECRETARY OF STATE SHALL NOT ISSUE AN**
23 **OFFICIAL STATE PERSONAL IDENTIFICATION CARD TO A PERSON WHO DOES**
24 **NOT HAVE LAWFUL STATUS IN THIS STATE.**

25 Sec. 1a. (1) As used in this act:

26 (a) "Highly restricted personal information" includes an
27 individual's photograph or image, social security number, digitized

1 signature, and medical and disability information.

2 (B) "LAWFUL STATUS" MEANS THAT THE PERSON MEETS 1 OF THE
3 FOLLOWING CRITERIA:

4 (i) HE OR SHE IS A CITIZEN OR NATIONAL OF THE UNITED STATES.

5 (ii) HE OR SHE IS AN ALIEN LAWFULLY ADMITTED FOR PERMANENT OR
6 TEMPORARY RESIDENCE IN THE UNITED STATES.

7 (iii) HE OR SHE HAS CONDITIONAL PERMANENT RESIDENT STATUS IN THE
8 UNITED STATES.

9 (iv) HE OR SHE HAS AN APPROVED APPLICATION FOR ASYLUM IN THE
10 UNITED STATES OR HAS ENTERED INTO THE UNITES STATES IN REFUGEE
11 STATUS.

12 (v) HE OR SHE HAS A VALID, UNEXPIRED NONIMMIGRANT VISA OR
13 NONIMMIGRANT VISA STATUS FOR ENTRY INTO THE UNITED STATES.

14 (vi) HE OR SHE HAS A PENDING APPLICATION FOR ASYLUM IN THE
15 UNITED STATES.

16 (vii) HE OR SHE HAS A PENDING OR APPROVED APPLICATION FOR
17 TEMPORARY PROTECTED STATUS IN THE UNITED STATES.

18 (viii) HE OR SHE HAS APPROVED DEFERRED ACTION STATUS.

19 (ix) HE OR SHE HAS A PENDING APPLICATION FOR ADJUSTMENT OF
20 STATUS TO THAT OF AN ALIEN LAWFULLY ADMITTED FOR PERMANENT
21 RESIDENCE IN THE UNITED STATES OR CONDITIONAL PERMANENT RESIDENT
22 STATUS IN THE UNITED STATES.

23 (C) ~~(b)~~—"Personal information" means information that
24 identifies an individual, including the individual's photograph or
25 image, name, address (but not the 5-digit zip code), driver license
26 number, social security number, telephone number, digitized
27 signature, and medical and disability information.

1 (D) "RESIDENT" MEANS EVERY PERSON WHO HAS LAWFUL STATUS IN THE
2 UNITED STATES AND WHO RESIDES IN A SETTLED OR PERMANENT HOME OR
3 DOMICILE WITH THE INTENTION OF REMAINING IN THIS STATE. A PERSON
4 WHO OBTAINS EMPLOYMENT IN THIS STATE IS PRESUMED TO HAVE THE
5 INTENTION OF REMAINING IN THIS STATE. THIS DEFINITION APPLIES TO
6 THE PROVISIONS OF THIS ACT ONLY.

7 (2) NOTWITHSTANDING SUBSECTION (1) (B) (v) THROUGH (ix), A PERSON
8 WHO IS A FOREIGN EXCHANGE STUDENT DOES NOT HAVE LAWFUL STATUS IN
9 THE UNITED STATES FOR THE PURPOSES OF THIS ACT.

10 Sec. 2. (1) The official state personal identification card
11 shall contain the following:

12 (a) An identification number permanently assigned to the
13 person.

14 (b) The full name, date of birth, sex, residential address,
15 height, weight, eye color, image, and signature of the person to
16 whom the identification card is issued.

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

19 (i) The blood type of the person.

20 (ii) Immunization data of the person.

21 (iii) Medication data of the person.

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

23 (v) Until January 1, 2007, a statement that the person is an
24 organ and tissue donor under part 101 of the public health code,
25 1978 PA 368, MCL 333.10101 to 333.10109. If the identification card
26 contains such a statement, the statement shall include the
27 signature of the person, along with the signature of at least 1

1 witness.

2 (vi) Emergency contact information of the person.

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

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

13 (e) In the case of a person who is not less than 18 years of
14 age but less than 21 years of age at the time of issuance of the
15 identification card, the date on which the person will become 21
16 years of age.

17 (f) Beginning January 1, 2007, in the case of a holder of an
18 official state personal identification card who has indicated his
19 or her wish to participate in the organ and tissue donor registry
20 under part 101 of the public health code, 1978 PA 368, MCL
21 333.10101 to 333.10109, a heart insignia on the front of the
22 official state personal identification card.

23 (2) In conjunction with the application for or, until January
24 1, 2007, the issuance of an official state personal identification
25 card, the secretary of state shall do all of the following:

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

27 (i) Information explaining the applicant's right to make an

1 anatomical gift in the event of death under part 101 of the public
2 health code, 1978 PA 368, MCL 333.10101 to 333.10109, and in
3 accordance with this section.

4 (ii) Information describing the organ, tissue, and eye donor
5 registry program maintained by Michigan's federally designated
6 organ procurement organization or its successor organization. The
7 information required under this subparagraph includes the address
8 and telephone number of Michigan's federally designated organ
9 procurement organization or its successor organization.

10 (iii) Information giving the applicant the opportunity to have
11 his or her name placed on the registry described in subparagraph
12 (ii).

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

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

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

25 (a) Providing printed material enclosed with a mailed notice
26 for the issuance or renewal of an official state personal
27 identification card.

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

3 (c) Through electronic information transmittals for
4 applications processed by electronic means.

5 (4) Until January 1, 2007, if an applicant indicates a
6 willingness under this section to have his or her name placed on
7 the registry described in subsection (2)(a)(ii), the secretary of
8 state shall within 10 days forward the applicant's name, address,
9 and date of birth to the organ donor registry maintained by
10 Michigan's federally designated organ procurement organization or
11 its successor organization. The secretary of state may forward
12 information under this subsection by mail or by electronic means.
13 The secretary of state shall not maintain a record of the name or
14 address of an individual who indicates a willingness to have his or
15 her name placed on the organ donor registry after forwarding that
16 information to the organ donor registry under this subsection.
17 Information about an applicant's indication of a willingness to
18 have his or her name placed on the organ donor registry obtained by
19 the secretary of state under subsection (2) and forwarded under
20 this subsection is exempt from disclosure under section 13(1)(d) of
21 the freedom of information act, 1976 PA 442, MCL 15.243.

22 (5) The secretary of state shall prescribe the form of the
23 identification card. The secretary of state shall designate on the
24 identification card a space where the applicant may place a sticker
25 or decal of the uniform size as the secretary may specify to
26 indicate that the cardholder carries a separate emergency medical
27 information card. The sticker or decal may be provided by any

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

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

23 (7) Except as provided in this subsection, the secretary of
24 state may retain and use a person's image and signature described
25 in subsection (1)(b) only for programs administered by the
26 secretary of state. Except as provided in this subsection, the
27 secretary of state shall not use a person's image unless written

1 permission for that purpose is granted by the person to the
2 secretary of state or specific enabling legislation permitting the
3 use is enacted into law. A law enforcement agency of this state
4 shall have access to any information retained by the secretary of
5 state under this subsection. The information may be utilized for
6 any law enforcement purpose unless otherwise prohibited by law. The
7 department of state police shall provide to the secretary of state
8 updated lists of persons required under section 5a of the sex
9 offenders registration act, 1994 PA 295, MCL 28.725a, to maintain a
10 valid operator's or chauffeur's license or an official state
11 personal identification card and the secretary of state shall make
12 images of those persons available to the department of state police
13 as provided in the sex offenders registration act, 1994 PA 295, MCL
14 28.721 to ~~28.732~~ **28.736**.

15 (8) If a person presents evidence of statutory blindness as
16 provided in 1978 PA 260, MCL 393.351 to 393.368, and is issued or
17 is the holder of an official state personal identification card,
18 the secretary of state shall mark the person's identification card
19 in a manner that clearly indicates that the cardholder is legally
20 blind.

21 (9) Beginning January 1, 2007, the secretary of state shall
22 maintain a record of an individual who indicates a willingness to
23 have his or her name placed on the registry described in subsection
24 (2)(a)(ii). Information about a person's indication of a willingness
25 to have his or her name placed on the registry that is obtained by
26 the secretary of state and forwarded under this section is exempt
27 from disclosure under section 13(1)(d) of the freedom of

1 information act, 1976 PA 442, MCL 15.243. The secretary of state
2 shall establish and maintain the organ, tissue, and eye donor
3 registry in a manner that provides electronic access, including,
4 but not limited to, the transfer of data to this state's federally
5 designated organ procurement organizations, their successor
6 organizations, and tissue and eye banks with limitations on the use
7 of and access to the donor registry as determined by the secretary
8 of state.

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

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

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

1 treasury shall deposit the fees received and collected under this
2 section in the state treasury to the credit of the general fund.
3 The legislature shall appropriate the fees credited to the general
4 fund under this act to the secretary of state for the
5 administration of this act. Appropriations from the Michigan
6 transportation fund created under section 10 of 1951 PA 51, MCL
7 247.660, shall not be used to compensate the secretary of state for
8 costs incurred and services performed under this section.

9 (13) An original or renewal official state personal
10 identification card expires on the birthday of the person to whom
11 it is issued in the fourth year following the date of issuance. The
12 secretary of state shall not issue an official state personal
13 identification card under this act for a period greater than 4
14 years. Except as provided in this subsection, a person may apply
15 for a renewal of an official state personal identification card by
16 mail or by other methods prescribed by the secretary of state. The
17 secretary of state shall require renewal in person by a person
18 **REQUIRING A CLASS 2 LICENSE OR BY A PERSON** required under section
19 5a of the sex offenders registration act, 1994 PA 295, MCL 28.725a,
20 to maintain a valid operator's or chauffeur's license or official
21 state personal identification card.

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

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

25 (b) A person who has had his or her operator's or chauffeur's
26 license suspended, revoked, or denied under the Michigan vehicle
27 code, 1949 PA 300, MCL 257.1 to 257.923, because of a mental or

1 physical infirmity or disability.

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

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

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

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

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

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

20 (a) The person wants to change any information on the
21 identification card.

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

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

1 until January 1, 2007, a statement that the person has made an
2 anatomical gift under part 101 of the public health code, 1978 PA
3 368, MCL 333.10101 to 333.10109.

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

9 (20) Beginning January 1, 2007, the secretary of state shall
10 inquire of each person who applies for or who holds an official
11 state personal identification card, in person or by mail, whether
12 he or she agrees to participate in the organ, tissue, and eye donor
13 registry under part 101 of the public health code, 1978 PA 368, MCL
14 333.10101 to 333.10109. A person who has agreed to participate in
15 that registry shall not be considered to have revoked that
16 agreement solely because the person's official state personal
17 identification card has expired. Enrollment in the organ, tissue,
18 and eye donor registry constitutes a legal agreement that remains
19 binding and in effect after the donor's death regardless of the
20 expressed desires of the deceased donor's next of kin who may
21 oppose the donor's organ, tissue, or eye donation.

22 (21) A valid official state personal identification card
23 presented by the person to whom the card is issued shall be
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 **SEC. 2A. BEFORE ISSUING AN OFFICIAL STATE PERSONAL**

1 IDENTIFICATION CARD, THE SECRETARY OF STATE SHALL VERIFY, IN REAL
2 TIME, THAT THE APPLICANT'S SOCIAL SECURITY NUMBER MATCHES THE
3 APPLICANT'S NAME. BEFORE ISSUING AN OFFICIAL STATE PERSONAL
4 IDENTIFICATION CARD, THE SECRETARY OF STATE SHALL VERIFY, WITH THE
5 ISSUING AGENCY, THE ISSUANCE, VALIDITY, AND COMPLETENESS OF EACH
6 DOCUMENT REQUIRED TO BE PRESENTED BY THE PERSON UNDER SECTION 1(1).

7 SEC. 2B. (1) IF A PERSON PRESENTS DOCUMENTS TO SHOW LAWFUL
8 STATUS UNDER SECTION 1A(1)(B)(v) THROUGH (ix), THE SECRETARY OF
9 STATE MAY ONLY ISSUE A CLASS 2 STATE PERSONAL IDENTIFICATION CARD
10 TO THE PERSON. A CLASS 2 STATE PERSONAL IDENTIFICATION CARD IS
11 VALID ONLY DURING THE PERIOD OF TIME THE APPLICANT IS AUTHORIZED TO
12 STAY IN THE UNITED STATES OR, IF THERE IS NO DEFINITE END TO THE
13 PERIOD OF AUTHORIZED STAY, A PERIOD NOT TO EXCEED 1 YEAR. A CLASS 2
14 STATE PERSONAL IDENTIFICATION CARD SHALL CLEARLY INDICATE THAT IT
15 IS TEMPORARY, SHALL BE OF A DIFFERENT COLOR THAN OTHER STATE
16 PERSONAL IDENTIFICATION CARDS, AND SHALL PROMINENTLY DISPLAY THE
17 DATE ON WHICH IT EXPIRES.

18 (2) A CLASS 2 STATE PERSONAL IDENTIFICATION CARD MAY ONLY BE
19 RENEWED UPON PRESENTATION OF VALID DOCUMENTARY EVIDENCE THAT THE
20 STATUS BY WHICH THE APPLICANT QUALIFIED FOR THE CLASS 2 STATE
21 PERSONAL IDENTIFICATION CARD HAS BEEN EXTENDED BY THE UNITED STATES
22 SECRETARY OF HOMELAND SECURITY.