

HOUSE BILL No. 5519

December 4, 2007, Introduced by Reps. Nofs, Agema, Calley, Marleau, Moss, Acciavatti, Pavlov, Palmer, Garfield, Shaffer, Horn, Hoogendyk, Emmons, Amos, Booher, David Law, LaJoy, Robertson, Steil, Rick Jones, Brandenburg, Pastor, Casperson, Huizenga, Green, Meekhof, Hildenbrand, Meltzer, Caswell, Moore, Knollenberg and Stahl and referred to the Committee on Transportation.

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, 2, and 8 (MCL 28.291, 28.291a, 28.292, and 28.298), sections 1 and 2 as amended by 2005 PA 143 and sections 1a and 8 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 **PHOTOGRAPHIC IDENTITY DOCUMENT**, a birth certificate ~~attesting to~~

1 ~~his or her age~~ or **OTHER NONPHOTOGRAPHIC IDENTITY DOCUMENT, AND**
2 other sufficient documents or identification as the secretary of
3 state may require. **THESE DOCUMENTS SHALL DEMONSTRATE THE**
4 **APPLICANT'S FULL LEGAL NAME HISTORY, DATE OF BIRTH, SOCIAL SECURITY**
5 **NUMBER, AND HIS OR HER ADDRESS AND RESIDENCY, AND THAT THE**
6 **APPLICANT IS A CITIZEN OF THE UNITED STATES, IS AN ALIEN LAWFULLY**
7 **ADMITTED FOR PERMANENT OR TEMPORARY RESIDENCE IN THE UNITED STATES,**
8 **OR HAS CONDITIONAL PERMANENT RESIDENT STATUS IN THE UNITED STATES.**

9 An application for a state personal identification card shall be
10 made in a manner prescribed by the secretary of state and shall
11 contain the applicant's full **LEGAL** name, date of birth, **SOCIAL**
12 **SECURITY NUMBER**, 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.

23 (3) **UNLESS OTHERWISE ELIGIBLE UNDER SECTION 2A, THE SECRETARY**
24 **OF STATE SHALL NOT ISSUE AN OFFICIAL STATE PERSONAL IDENTIFICATION**
25 **CARD TO A PERSON WHO IS NOT A CITIZEN OF THE UNITED STATES.**

26 Sec. 1a. As used in this act:

27 (a) "Highly restricted personal information" includes an

1 individual's photograph or image, social security number, digitized
2 signature, ~~and~~ medical and disability information, **AND SOURCE**
3 **DOCUMENTS PRESENTED BY AN APPLICANT TO OBTAIN A PERSONAL**
4 **IDENTIFICATION CARD UNDER SECTION 2.**

5 (b) "Personal information" means information that identifies
6 an individual, including the individual's photograph or image,
7 name, address (but not the 5-digit zip code), driver license
8 number, social security number, telephone number, digitized
9 signature, and medical and disability information.

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 **LEGAL** name, date of birth, sex, residential
15 address, height, weight, eye color, **DIGITAL PHOTOGRAPHIC** image, and
16 signature of the person to 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 (D) ~~(f) Beginning January 1, 2007, in~~ IN the case of a holder
 18 of an official state personal identification card who has indicated
 19 his or her wish to participate in the organ and tissue donor
 20 registry 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 (E) PHYSICAL SECURITY FEATURES DESIGNED TO PREVENT TAMPERING,
 24 COUNTERFEITING, OR DUPLICATION OF THE OFFICIAL STATE PERSONAL
 25 IDENTIFICATION CARD FOR FRAUDULENT PURPOSES.

26 (2) In conjunction with the application for or, until January
 27 1, 2007, the issuance of an official state personal identification

1 card, the secretary of state shall do all 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 333.10109, and in
6 accordance with this section.

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

13 (iii) Information giving the applicant the opportunity to have
14 his or her name placed on the registry described in subparagraph
15 (ii).

16 (b) Provide the applicant with the opportunity to specify on
17 his or her official state personal identification card that he or
18 she is willing to make an anatomical gift in the event of death
19 pursuant to part 101 of the public health code, 1978 PA 368, MCL
20 333.10101 to 333.10109, and in accordance with this section.

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

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

1 (a) Providing printed material enclosed with a mailed notice
2 for the issuance or renewal of an official state personal
3 identification card.

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

6 (c) Through electronic information transmittals for
7 applications processed by electronic means.

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

25 (5) The secretary of state shall prescribe the form of the
26 identification card. The secretary of state shall designate on the
27 identification card a space where the applicant may place a sticker

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

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

26 (7) Except as provided in this subsection, the secretary of
27 state ~~may~~ **SHALL** retain and use a person's **DIGITAL PHOTOGRAPHIC**

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

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

24 (9) ~~Beginning January 1, 2007, the~~ ~~THE~~ secretary of state
25 shall maintain a record of an individual who indicates a
26 willingness to have his or her name placed on the registry
27 described in subsection (2)(a)(ii). Information about a person's

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

12 (10) An official state personal identification card may
13 contain an identifier for voter registration purposes. An official
14 state personal identification card may contain information
15 appearing in electronic or machine readable codes **WITH DEFINED**
16 **MINIMUM DATA ELEMENTS** needed to conduct a transaction with the
17 secretary of state. ~~The information shall be limited to the~~
18 ~~person's identification card number, birth date, expiration date,~~
19 ~~and other information necessary for use with electronic devices,~~
20 ~~machine readers, or automatic teller machines and shall not contain~~
21 ~~the person's name, address, driving record, or other personal~~
22 ~~identifier. The identification card shall identify the encoded~~
23 ~~information.~~ **AS USED IN THIS SUBSECTION, "DEFINED MINIMUM ELEMENTS"**
24 **MEANS THAT PHRASE AS DEFINED IN 6 CFR 37.19.**

25 (11) An official state personal identification card shall be
26 issued only upon authorization of the secretary of state, and shall
27 be manufactured in a manner to prohibit as nearly as possible the

1 ability to reproduce, alter, counterfeit, forge, or duplicate the
2 identification card without ready detection.

3 (12) Except as otherwise provided in this act, an applicant
4 shall pay a fee of ~~\$10.00~~ **NOT MORE THAN \$20.00** to the secretary of
5 state for each original or renewal identification card issued. The
6 department of treasury shall deposit the fees received and
7 collected under this section in the state treasury to the credit of
8 the general fund. The legislature shall appropriate the fees
9 credited to the general fund under this act to the secretary of
10 state for the administration of this act. Appropriations from the
11 Michigan transportation fund created under section 10 of 1951 PA
12 51, MCL 247.660, shall not be used to compensate the secretary of
13 state for costs incurred and services performed under this section.

14 (13) An original or renewal official state personal
15 identification card expires on the birthday of the person to whom
16 it is issued in the fourth year following the date of issuance. The
17 secretary of state shall not issue an official state personal
18 identification card under this act for a period greater than 4
19 years. Except as provided in this subsection, a person may apply
20 for a renewal of an official state personal identification card by
21 mail or by other methods prescribed by the secretary of state. The
22 secretary of state shall require renewal in person by a person
23 required under section 5a of the sex offenders registration act,
24 1994 PA 295, MCL 28.725a, to maintain a valid operator's or
25 chauffeur's license or official state personal identification card.

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

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

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

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

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

9 (e) ~~Beginning January 1, 2007, a~~ A person who wishes to add or
10 remove a heart insignia described in subsection (1)(f).

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

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

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

24 (a) The person wants to change any information on the
25 identification card.

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

1 (18) A person may indicate on an official state personal
2 identification card in a place designated by the secretary of state
3 his or her blood type, emergency contact information, immunization
4 data, medication data, a statement that the person is deaf, or,
5 until January 1, 2007, a statement that the person has made an
6 anatomical gift under part 101 of the public health code, 1978 PA
7 368, MCL 333.10101 to 333.10109.

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

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

26 (21) A valid official state personal identification card
27 presented by the person to whom the card is issued shall be

1 considered the same as a valid state of Michigan driver license
2 when identification is requested except as otherwise specifically
3 provided by law.

4 SEC. 2A. (1) BEFORE ISSUING AN OFFICIAL STATE PERSONAL
5 IDENTIFICATION CARD TO AN APPLICANT, THE SECRETARY OF STATE SHALL
6 REQUIRE AND THE APPLICANT SHALL PRODUCE DOCUMENTARY EVIDENCE AS THE
7 SECRETARY OF STATE REQUIRES SHOWING THAT 1 OR MORE OF THE FOLLOWING
8 APPLIES TO THE APPLICANT:

9 (A) THE APPLICANT IS A CITIZEN OF THE UNITED STATES.

10 (B) THE APPLICANT IS AN ALIEN LAWFULLY ADMITTED FOR PERMANENT
11 OR TEMPORARY RESIDENCE IN THE UNITED STATES.

12 (C) THE APPLICANT HAS CONDITIONAL PERMANENT RESIDENCE STATUS
13 IN THE UNITED STATES.

14 (D) THE APPLICANT HAS A VALID, UNEXPIRED NONIMMIGRANT VISA OR
15 NONIMMIGRANT VISA STATUS FOR ENTRY INTO THE UNITED STATES.

16 (E) THE APPLICANT HAS AN APPROVED APPLICATION FOR ASYLUM IN
17 THE UNITED STATES.

18 (F) THE APPLICANT HAS ENTERED INTO THE UNITED STATES IN
19 REFUGEE STATUS.

20 (G) THE APPLICANT HAS A PENDING OR APPROVED APPLICATION FOR
21 TEMPORARY PROTECTED STATUS IN THE UNITED STATES.

22 (H) THE APPLICANT HAS APPROVED DEFERRED ACTION STATUS.

23 (I) THE APPLICANT HAS A PENDING APPLICATION FOR ADJUSTMENT OF
24 STATUS TO THAT OF AN ALIEN LAWFULLY ADMITTED FOR PERMANENT
25 RESIDENCE IN THE UNITED STATES OR CONDITIONAL PERMANENT RESIDENCE
26 STATUS IN THE UNITED STATES.

27 (2) IF AN APPLICANT PRESENTS EVIDENCE DESCRIBED IN SUBSECTION

1 (1) (D) THROUGH (I), THE SECRETARY OF STATE SHALL NOT ISSUE AN
2 OFFICIAL STATE PERSONAL IDENTIFICATION CARD, BUT MAY ISSUE A
3 TEMPORARY OFFICIAL STATE PERSONAL IDENTIFICATION CARD TO THE
4 APPLICANT. A TEMPORARY OFFICIAL STATE PERSONAL IDENTIFICATION CARD
5 ISSUED UNDER THIS SUBSECTION IS VALID ONLY DURING THE PERIOD OF
6 TIME THAT THE APPLICANT IS AUTHORIZED TO STAY IN THE UNITED STATES
7 OR, IF THERE IS NO DEFINITE END TO THE PERIOD OF AUTHORIZED STAY,
8 FOR 1 YEAR.

9 (3) A TEMPORARY OFFICIAL STATE PERSONAL IDENTIFICATION CARD
10 ISSUED UNDER THIS SECTION SHALL CLEARLY INDICATE THAT IT IS
11 TEMPORARY AND SHALL STATE THE DATE ON WHICH IT EXPIRES.

12 (4) A TEMPORARY OFFICIAL STATE PERSONAL IDENTIFICATION CARD
13 ISSUED UNDER THIS SECTION MAY BE RENEWED ONLY UPON PRESENTATION OF
14 VALID DOCUMENTARY EVIDENCE THAT THE STATUS BY WHICH THE APPLICANT
15 QUALIFIED FOR THE TEMPORARY OFFICIAL STATE PERSONAL IDENTIFICATION
16 CARD HAS BEEN EXTENDED BY THE UNITED STATES SECRETARY OF HOMELAND
17 SECURITY.

18 (5) THE SECRETARY OF STATE SHALL VERIFY WITH THE ISSUING
19 AGENCY THE VALIDITY AND COMPLETENESS OF EACH DOCUMENT PRESENTED BY
20 AN APPLICANT FOR AN OFFICIAL STATE PERSONAL IDENTIFICATION CARD.
21 THE SECRETARY OF STATE SHALL NOT ACCEPT A FOREIGN DOCUMENT, OTHER
22 THAN AN OFFICIAL PASSPORT, TO SATISFY THE APPLICATION REQUIREMENTS
23 UNDER THIS ACT.

24 (6) THE SECRETARY OF STATE SHALL USE TECHNOLOGY TO CAPTURE
25 DIGITAL IMAGES OF IDENTITY SOURCE DOCUMENTS SO THAT THE IMAGES ARE
26 CAPABLE OF BEING RETAINED IN ELECTRONIC STORAGE IN A TRANSFERABLE
27 FORMAT.

1 (7) THE SECRETARY OF STATE SHALL RETAIN PAPER COPIES OF SOURCE
2 DOCUMENTS PRESENTED BY AN APPLICANT TO OBTAIN AN OFFICIAL STATE
3 PERSONAL IDENTIFICATION CARD FOR NOT LESS THAN 7 YEARS OR IMAGES OF
4 THOSE SOURCE DOCUMENTS FOR NOT LESS THAN 10 YEARS.

5 (8) THE SECRETARY OF STATE SHALL ESTABLISH AN EFFECTIVE
6 PROCEDURE TO CONFIRM OR VERIFY A RENEWING APPLICANT'S INFORMATION.

7 (9) THE SECRETARY OF STATE SHALL CONFIRM WITH THE SOCIAL
8 SECURITY ADMINISTRATION A SOCIAL SECURITY ACCOUNT NUMBER PRESENTED
9 BY AN APPLICANT USING THE FULL SOCIAL SECURITY ACCOUNT NUMBER OR
10 CONFIRM THE APPLICANT'S INELIGIBILITY FOR ISSUANCE OF A SOCIAL
11 SECURITY NUMBER.

12 (10) THE SECRETARY OF STATE SHALL REFUSE TO ISSUE AN OFFICIAL
13 STATE PERSONAL IDENTIFICATION CARD TO AN APPLICANT HOLDING AN
14 OFFICIAL STATE PERSONAL IDENTIFICATION CARD ISSUED BY ANOTHER STATE
15 WITHOUT CONFIRMATION THAT THE APPLICANT IS TERMINATING OR HAS
16 TERMINATED THE OFFICIAL STATE PERSONAL IDENTIFICATION CARD ISSUED
17 BY THE OTHER STATE.

18 (11) THE SECRETARY OF STATE SHALL DO ALL OF THE FOLLOWING:

19 (A) ENSURE THE PHYSICAL SECURITY OF LOCATIONS WHERE OFFICIAL
20 STATE PERSONAL IDENTIFICATION CARDS ARE PRODUCED AND THE SECURITY
21 OF DOCUMENT MATERIALS AND PAPERS FROM WHICH OFFICIAL STATE PERSONAL
22 IDENTIFICATION CARDS ARE PRODUCED.

23 (B) SUBJECT ALL PERSONS AUTHORIZED TO MANUFACTURE OR PRODUCE
24 OFFICIAL STATE PERSONAL IDENTIFICATION CARDS TO APPROPRIATE
25 SECURITY CLEARANCE REQUIREMENTS.

26 (C) ESTABLISH FRAUDULENT DOCUMENT RECOGNITION TRAINING
27 PROGRAMS FOR APPROPRIATE EMPLOYEES ENGAGED IN THE ISSUANCE OF

1 OFFICIAL STATE PERSONAL IDENTIFICATION CARDS.

2 (12) FOR PURPOSES OF THIS ACT, THE SECRETARY OF STATE SHALL
3 PRESUME THAT AN OFFICIAL STATE PERSONAL IDENTIFICATION CARD FOR
4 WHICH AN APPLICATION HAS BEEN MADE FOR RENEWAL, DUPLICATION, OR
5 REISSUANCE WAS ISSUED IN ACCORDANCE WITH THE PROVISIONS OF THIS ACT
6 IF AT THE TIME THE APPLICATION IS MADE THE OFFICIAL PERSONAL STATE
7 IDENTIFICATION CARD IS NOT EXPIRED, CANCELED, SUSPENDED, OR
8 REVOKED. THE PRESUMPTION CREATED UNDER THIS SUBSECTION DOES NOT
9 APPLY IF THE SECRETARY OF STATE IS NOTIFIED BY A LOCAL, STATE, OR
10 FEDERAL GOVERNMENTAL AGENCY THAT THE PERSON SEEKING A RENEWAL,
11 DUPLICATION, OR REISSUANCE IS EITHER OF THE FOLLOWING:

12 (A) NOT A CITIZEN OF THE UNITED STATES.

13 (B) NOT LEGALLY IN THE UNITED STATES.

14 SEC. 2B. THIS STATE SHALL ENTER INTO A MEMORANDUM OF
15 UNDERSTANDING WITH THE UNITED STATES SECRETARY OF HOMELAND SECURITY
16 TO ROUTINELY UTILIZE THE AUTOMATED SYSTEM KNOWN AS SYSTEMATIC ALIEN
17 VERIFICATION FOR ENTITLEMENTS, AS PROVIDED BY SECTION 404 OF THE
18 ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF
19 1996, 110 STAT. 3009-664, TO VERIFY THE LEGAL PRESENCE STATUS OF A
20 PERSON, OTHER THAN A UNITED STATES CITIZEN, APPLYING FOR AN
21 OFFICIAL PERSONAL STATE IDENTIFICATION CARD.

22 Sec. 8. (1) Except as provided in this section and in section
23 10, personal information in a record maintained under this act
24 shall not be disclosed, unless the person requesting the
25 information furnishes proof of identity satisfactory to the
26 secretary of state and certifies that the personal information
27 requested will be used for a permissible purpose identified in this

1 section or in section 10. ~~However, highly~~ **HIGHLY** restricted
2 personal information shall be used and disclosed only as expressly
3 permitted in section 2 or in another applicable provision of law.

4 (2) Personal information in a record maintained under this act
5 shall be disclosed by the secretary of state if required to carry
6 out the purposes of a specified federal law. As used in this
7 section, "specified federal law" means the automobile information
8 disclosure act, ~~Public Law 85-506, 15 U.S.C. USC 1231 to 1232 and~~
9 ~~1233, the former motor vehicle information and cost savings act,~~
10 ~~Public Law 92-513, the former national traffic and motor vehicle~~
11 ~~safety act of 1966, Public Law 89-563, the anti-car theft act of~~
12 ~~1992, Public Law 102-519, 106 Stat. 3384, the clean air act,~~
13 ~~chapter 360, 69 Stat. 322, 42 U.S.C. 7401 to 7431, 7470 to 7479,~~
14 ~~7491 to 7492, 7501 to 7509a, 7511 to 7515, 7521 to 7525, 7541 to~~
15 ~~7545, 7547 to 7550, 7552 to 7554, 7571 to 7574, 7581 to 7590, 7601~~
16 ~~to 7612, 7614 to 7617, 7619 to 7622, 7624 to 7627, 7641 to 7642,~~
17 ~~7651 to 7651e, 7661 to 7661f, and 7671 to 7671g,~~ and all federal
18 regulations promulgated to implement these federal laws.

19 (3) Personal information in a record maintained under this act
20 may be disclosed by the secretary of state as follows:

21 (a) For use by a federal, state, or local governmental agency,
22 including a court or law enforcement agency, in carrying out the
23 agency's functions, or by a private person or entity acting on
24 behalf of a governmental agency in carrying out the agency's
25 functions.

26 (b) For use in connection with matters of motor vehicle and
27 driver safety or auto theft; motor vehicle emissions; motor vehicle

1 product alterations, recalls, or advisories; performance monitoring
2 of motor vehicles; motor vehicle market research activities,
3 including survey research; and the removal of nonowner records from
4 the original records of motor vehicle manufacturers.

5 (c) For use in the normal course of business by a legitimate
6 business, including the agents, employees, and contractors of the
7 business, but only to verify the accuracy of personal information
8 submitted by an individual to the business or its agents,
9 employees, or contractors, and if the information as so submitted
10 is no longer correct, to obtain the correct information, for the
11 sole purpose of preventing fraud by pursuing legal remedies
12 against, or recovering on a debt against, the individual.

13 (d) For use in connection with a civil, criminal,
14 administrative, or arbitral proceeding in a federal, state, or
15 local court or governmental agency or before a self-regulatory
16 body, including use for service of process, investigation in
17 anticipation of litigation, and the execution or enforcement of
18 judgments and orders, or pursuant to an order of a federal, state,
19 or local court, an administrative agency, or a self-regulatory
20 body.

21 (e) For use in legitimate research activities and in preparing
22 statistical reports for commercial, scholarly, or academic purposes
23 by a bona fide research organization, if the personal information
24 is not published, redisclosed, or used to contact individuals.

25 (f) For use by an insurer or insurance support organization,
26 or by a self-insured entity, or its agents, employees, or
27 contractors, in connection with claims investigating activity,

1 antifraud activity, rating, or underwriting.

2 (g) For use in providing notice to the owner of an abandoned,
3 towed, or impounded vehicle.

4 (h) For use either by a private detective or private
5 investigator licensed under the private detective license act, ~~of~~
6 ~~1965,~~ 1965 PA 285, MCL 338.821 to 338.851, or by a private security
7 guard agency or alarm system contractor licensed under the private
8 security ~~guard act of 1968~~ **BUSINESS AND SECURITY ALARM ACT**, 1968 PA
9 330, MCL 338.1051 to 338.1085, only for a purpose permitted under
10 this section.

11 (i) For use by an employer, or the employer's agent or
12 insurer, to obtain or verify information relating either to the
13 holder of a commercial driver license that is required under the
14 commercial motor vehicle safety act of ~~1966~~ **1986**, ~~title XII of~~
15 Public Law 99-570, ~~100 Stat. 3207-170,~~ or to the holder of a
16 chauffeur's license that is required under chapter 3 of the
17 Michigan vehicle code, 1949 PA 300, MCL 257.301 to 257.329.

18 (j) For use by a car rental business, or its employees,
19 agents, contractors, or service firms, for the purpose of making
20 rental decisions.

21 (k) For use by a news medium in the preparation and
22 dissemination of a report related in part or in whole to the
23 operation of a motor vehicle or public safety. "News medium"
24 includes a newspaper, a magazine or periodical published at regular
25 intervals, a news service, a broadcast network, a television
26 station, a radio station, a cablecaster, or an entity employed by
27 any of the foregoing.

1 (l) For any use by an individual requesting information
2 pertaining to himself or herself or requesting in writing that the
3 secretary of state provide information pertaining to himself or
4 herself to the individual's designee. A request for disclosure to a
5 designee, however, may be submitted only by the individual.

6 **(4) COPIES OR IMAGES OF SOURCE DOCUMENTS RETAINED BY THE**
7 **SECRETARY OF STATE UNDER SECTION 2A MAY BE USED AND DISCLOSED FOR**
8 **THE PURPOSES OF SUBSECTION (3) (A) AND (l) .**

9 Enacting section 1. This amendatory act takes effect January
10 1, 2009.

11 Enacting section 2. This amendatory act does not take effect
12 unless Senate Bill No. _____ or House Bill No. 5518 (request no.
13 01674'07) of the 94th Legislature is enacted into law.