

# SENATE BILL No. 1436

June 27, 2008, Introduced by Senators BRATER, SCOTT, CLARKE, CLARK-COLEMAN, HUNTER and THOMAS 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 section 2 (MCL 28.292), as amended by 2008 PA 40.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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

3           (a) An identification number permanently assigned to the  
4 person.

5           (b) The full legal name, date of birth, sex, residence  
6 address, height, weight, eye color, digital photographic image,  
7 signature of the applicant, and expiration date of the official

1 state personal identification card.

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

4 (i) The blood type of the person.

5 (ii) Immunization data of the person.

6 (iii) Medication data of the person.

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

8 (d) In the case of a holder of an official state personal  
9 identification card who has indicated his or her wish to  
10 participate in the anatomical gift donor registry under part 101 of  
11 the public health code, 1978 PA 368, MCL 333.10101 to 333.10123, a  
12 heart insignia on the front of the official state personal  
13 identification card.

14 (e) 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

1 the public health code, 1978 PA 368, MCL 333.10120. The information  
2 required under this subparagraph includes the address and telephone  
3 number of Michigan's federally designated organ procurement  
4 organization or its successor organization as defined in section  
5 10120 of the public health code, 1978 PA 368, MCL 333.10120.

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

9 (b) Provide the applicant with the opportunity to specify on  
10 his or her official state personal identification card that he or  
11 she is willing to make an anatomical gift in the event of death  
12 pursuant to part 101 of the public health code, 1978 PA 368, MCL  
13 333.10101 to 333.10123, and in accordance with this section.

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

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

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

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

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

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

27           (5) The identification card shall not contain a fingerprint or

1 finger image of the applicant.

2 (6) Except as provided in this subsection, the secretary of  
3 state shall retain and use a person's digital photographic image  
4 and signature described in subsection (1) (b) only for programs  
5 administered by the secretary of state as specifically authorized  
6 by law. A person's digital photographic image or signature shall  
7 only be used as follows:

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

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

12 (c) The secretary of state shall forward to the department of  
13 state police the images of persons required to be registered under  
14 the sex offenders registration act, 1994 PA 295, MCL 28.721 to  
15 28.736, upon the department of state police providing the secretary  
16 of state an updated list of those persons.

17 (d) As necessary to comply with a law of this state or the  
18 United States.

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

25 (8) The secretary of state shall maintain a record of an  
26 individual who indicates a willingness to have his or her name  
27 placed on the donor registry described in subsection (2) (a) (ii).

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

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

15 (10) An official state personal identification card shall  
16 contain information appearing in electronic or machine readable  
17 codes needed to conduct a transaction with the secretary of state.  
18 The information shall be limited to the person's identification  
19 card number, birth date, expiration date, full legal name, date of  
20 transaction, gender, address, state of issuance, and other  
21 information necessary for use with electronic devices, machine  
22 readers, or automatic teller machines and shall not contain the  
23 person's driving record or other personal identifier. The  
24 identification card shall identify the encoded information.

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 to the secretary of state for each  
5 original or renewal identification card issued. The department of  
6 treasury shall deposit the fees received and collected under this  
7 section in the state treasury to the credit of the general fund.  
8 The legislature shall appropriate the fees credited to the general  
9 fund under this act to the secretary of state for the  
10 administration of this act. Appropriations from the Michigan  
11 transportation fund created under section 10 of 1951 PA 51, MCL  
12 247.660, shall not be used to compensate the secretary of state for  
13 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 or  
17 on the date the person is no longer considered to be legally  
18 present in the United States under section 1, whichever is earlier.  
19 The secretary of state shall not issue an official state personal  
20 identification card under this act for a period greater than 4  
21 years. Except as provided in this subsection, a person may apply  
22 for a renewal of an official state personal identification card by  
23 mail or by other methods prescribed by the secretary of state. The  
24 secretary of state shall require renewal in person by a person  
25 required under section 5a of the sex offenders registration act,  
26 1994 PA 295, MCL 28.725a, to maintain a valid operator's or  
27 chauffeur's license or official state personal identification card.

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

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

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

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

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

11 (e) A person who wishes to add or remove a heart insignia  
12 described in subsection (1)(d).

13 **(F) A PERSON WHO IS INDIGENT. THE SECRETARY OF STATE MAY**  
14 **REQUIRE PROOF OF INDIGENCE. AS USED IN THIS SUBDIVISION, "INDIGENT"**  
15 **MEANS THE INDIVIDUAL'S INCOME IS NOT GREATER THAN 125% OF THE**  
16 **OFFICIAL POVERTY LINE PUBLISHED ANNUALLY IN THE FEDERAL REGISTER BY**  
17 **THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES UNDER ITS**  
18 **AUTHORITY TO REVISE THE POVERTY LINE UNDER 42 USC 9902.**

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

22 (16) A person who has been issued an official state personal  
23 identification card shall apply for a corrected identification card  
24 if he or she changes his or her residence address. The secretary of  
25 state may correct the address on an identification card by a method  
26 prescribed by the secretary of state. A fee shall not be charged  
27 for a change of residence address.



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

5           (a) The person wants to change any information on the  
6 identification card.

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

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

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

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

1 the expressed desires of the deceased donor's next of kin who may  
2 oppose the donor's anatomical gift.

3 (21) A valid official state personal identification card  
4 presented by the person to whom the card is issued shall be  
5 considered the same as a valid state of Michigan driver license  
6 when identification is requested except as otherwise specifically  
7 provided by law.