

SENATE BILL No. 955

April 19, 2018, Introduced by Senator JONES and referred to the Committee on Judiciary.

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 1a and 2 (MCL 28.291a and 28.292), section 1a as amended by 2008 PA 31 and section 2 as amended by 2017 PA 31, and by adding section 2a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

2 (a) "Highly restricted personal information" includes an
3 individual's photograph or image, ~~social security~~ **SOCIAL SECURITY**
4 number, digitized signature, and medical and disability information
5 and source documents presented by an applicant to obtain a personal
6 identification card under section 1. **HIGHLY RESTRICTED PERSONAL**

1 INFORMATION ALSO INCLUDES THE CONFIDENTIAL ADDRESS OF AN INDIVIDUAL
2 ENROLLED IN THE ADDRESS CONFIDENTIALITY PROGRAM UNDER THE ADDRESS
3 CONFIDENTIALITY PROGRAM ACT. AS USED IN THIS SUBDIVISION,
4 "CONFIDENTIAL ADDRESS" MEANS THAT TERM AS DEFINED IN THE ADDRESS
5 CONFIDENTIALITY PROGRAM ACT.

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

11 (c) "Residence address" means the place that is the settled
12 home or domicile at which a person legally resides, which meets the
13 definition of residence as defined in section 11 of the Michigan
14 election law, 1954 PA 116, MCL 168.11.

15 (d) "Resident" means every person who resides in this state
16 and establishes that he or she is legally present in the United
17 States. This definition applies to the provisions of this act only.

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

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

22 (b) ~~The~~ **EXCEPT AS PROVIDED IN SECTION 2A, THE** full legal name,
23 date of birth, sex, residence address, height, weight, eye color,
24 digital photographic image, signature of or verification and
25 certification by the applicant, as determined by the secretary of
26 state, and expiration date of the official state personal
27 identification card.

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

3 (i) The blood type of the individual.

4 (ii) Immunization data of the individual.

5 (iii) Medication data of the individual.

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

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

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

1 subsection for the purpose of veterans' benefits eligibility
2 referral.

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

6 (2) In conjunction with the application for an official state
7 personal identification card, the secretary of state shall do all
8 of the following:

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

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

14 (ii) Information describing the donor registry program
15 maintained by Michigan's federally designated organ procurement
16 organization or its successor organization under section 10120 of
17 the public health code, 1978 PA 368, MCL 333.10120. The information
18 required under this subparagraph includes the address and telephone
19 number of Michigan's federally designated organ procurement
20 organization or its successor organization as described in section
21 10120 of the public health code, 1978 PA 368, MCL 333.10120.

22 (iii) Information giving the applicant the opportunity to have
23 his or her name placed on the registry described in subparagraph
24 (ii).

25 (b) Provide the applicant with the opportunity to specify on
26 his or her official state personal identification card that he or
27 she is willing to make an anatomical gift in the event of death

1 under part 101 of the public health code, 1978 PA 368, MCL
2 333.10101 to 333.10123, and in accordance with this section.

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

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

10 (a) Providing printed material enclosed with a mailed notice
11 for the issuance or renewal of an official state personal
12 identification card.

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

15 (c) Through electronic information transmittals for
16 applications processed by electronic means.

17 (4) The secretary of state shall prescribe the form of the
18 official state personal identification card. The secretary of state
19 shall designate a space on the official state personal
20 identification card where the applicant may place a sticker or
21 decal of a uniform size as the secretary may specify to indicate
22 that the cardholder carries a separate emergency medical
23 information card. The sticker or decal may be provided by any
24 person, hospital, school, medical group, or association interested
25 in assisting in implementing the emergency medical information
26 card, but must meet the specifications of the secretary of state.
27 The sticker or decal also may be used to indicate that the

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

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

20 (6) Except as provided in this subsection, the secretary of
21 state shall retain and use an individual's digital photographic
22 image and signature described in subsection (1)(b) only for
23 programs administered by the secretary of state as specifically
24 authorized by law. An individual's digital photographic image or
25 signature must only be used as follows:

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

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

3 (c) For the secretary of state to forward to the department of
4 state police the images of individuals required to be registered
5 under the sex offenders registration act, 1994 PA 295, MCL 28.721
6 to 28.736, upon the department of state police providing the
7 secretary of state an updated list of those individuals.

8 (d) For the secretary of state to forward to the department of
9 state police a digitized photograph taken of the applicant for an
10 official state personal identification card for use as provided in
11 section 5c of 1927 PA 372, MCL 28.425c.

12 (e) As necessary to comply with a law of this state or the
13 United States.

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

20 (8) The secretary of state shall maintain a record of an
21 individual who indicates a willingness to have his or her name
22 placed on the donor registry described in subsection (2)(a)(ii).
23 Information about an individual's indication of a willingness to
24 have his or her name placed on the donor registry that is obtained
25 by the secretary of state and forwarded under this section is
26 exempt from disclosure under section 13(1)(d) of the freedom of
27 information act, 1976 PA 442, MCL 15.243. As required in section

1 10120 of the public health code, 1978 PA 368, MCL 333.10120, the
2 secretary of state shall establish and maintain the donor registry
3 in a manner that complies with that section and that provides
4 electronic access, including, but not limited to, the transfer of
5 data to this state's federally designated organ procurement
6 organization or its successor organization, tissue banks, and eye
7 banks.

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

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

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

27 (12) Except as otherwise provided in this act, an applicant

1 shall pay a fee of \$10.00 to the secretary of state for each
2 original or renewal official state personal identification card
3 issued. The department of treasury shall deposit the fees received
4 and collected under this section in the state treasury to the
5 credit of the general fund. The legislature shall appropriate the
6 fees credited to the general fund under this act to the secretary
7 of state for the administration of this act. Appropriations from
8 the Michigan transportation fund created under section 10 of 1951
9 PA 51, MCL 247.660, must not be used to compensate the secretary of
10 state for costs incurred and services performed under this section.

11 (13) ~~An~~ **EXCEPT AS PROVIDED IN SECTION 2A, AN** original or
12 renewal official state personal identification card expires on the
13 birthday of the individual to whom it is issued in the fourth year
14 following the date of issuance or on the date the individual is no
15 longer considered to be legally present in the United States under
16 section 1, whichever is earlier. The secretary of state shall not
17 issue an official state personal identification card under this act
18 for a period greater than 4 years. Except as provided in this
19 subsection, the secretary of state may issue a renewal official
20 state personal identification card for 1 additional 4-year period
21 by mail or by other methods prescribed by the secretary of state.
22 The secretary of state shall require renewal in person by an
23 individual required under section 5a of the sex offenders
24 registration act, 1994 PA 295, MCL 28.725a, to maintain a valid
25 operator's or chauffeur's license or official state personal
26 identification card.

27 (14) The secretary of state shall waive the fee under this

1 section if the applicant is any of the following:

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

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

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

9 (d) An individual who presents other good cause for a fee
10 waiver.

11 (e) An individual who decides to add or remove a heart
12 insignia described in subsection (1)(d).

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

17 (16) An individual who has been issued an official state
18 personal identification card shall apply for a corrected
19 identification card if he or she changes his or her residence
20 address. The secretary of state may correct the address on an
21 official state personal identification card by a method prescribed
22 by the secretary of state. A fee must not be charged for a change
23 of residence address.

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

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

3 (b) An official state personal identification card issued
4 under this act is lost, destroyed, or mutilated, or becomes
5 illegible.

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

10 (19) No later than January 1, 2017, the secretary of state
11 shall develop and shall, in conjunction with the department of
12 state police, implement a process using the L.E.I.N. or any other
13 appropriate system that limits access to law enforcement that
14 allows law enforcement agencies of this state to access emergency
15 contact information that the holder of an official state personal
16 identification card has voluntarily provided to the secretary of
17 state. As used in this subsection, "emergency contact information"
18 means the name, telephone number, or address of an individual that
19 is used for the sole purpose of contacting that individual when the
20 holder of an official state personal identification card has been
21 involved in an emergency.

22 (20) If an applicant provides proof to the secretary of state
23 that he or she is a minor who has been emancipated under 1968 PA
24 293, MCL 722.1 to 722.6, the official state personal identification
25 card must bear the designation of the individual's emancipated
26 status in a manner prescribed by the secretary of state.

27 (21) The secretary of state shall inquire of each individual

1 who applies for or who holds an official state personal
2 identification card, in person or by mail, whether he or she agrees
3 to participate in the anatomical gift donor registry under part 101
4 of the public health code, 1978 PA 368, MCL 333.10101 to 333.10123.
5 An individual who has agreed to participate in the donor registry
6 is not considered to have revoked that agreement solely because the
7 individual's official state personal identification card has
8 expired. Enrollment in the donor registry is a legal agreement that
9 remains binding and in effect after the donor's death regardless of
10 the expressed desires of the deceased donor's next of kin who may
11 oppose the donor's anatomical gift.

12 (22) A valid official state personal identification card
13 presented by the individual to whom the card is issued is
14 considered the same as a valid state of Michigan driver license
15 when identification is requested except as otherwise specifically
16 provided by law.

17 **SEC. 2A. (1) UPON RECEIPT OF A NOTICE FROM THE DEPARTMENT OF**
18 **THE ATTORNEY GENERAL THAT AN INDIVIDUAL WHO HAS BEEN ISSUED AN**
19 **OFFICIAL STATE PERSONAL IDENTIFICATION CARD UNDER THIS ACT HAS BEEN**
20 **CERTIFIED AS A PARTICIPANT IN THE ADDRESS CONFIDENTIALITY PROGRAM,**
21 **THE SECRETARY OF STATE SHALL ISSUE A CORRECTED OFFICIAL STATE**
22 **PERSONAL IDENTIFICATION CARD TO THAT INDIVIDUAL BY MAILING THE CARD**
23 **TO HIS OR HER DESIGNATED ADDRESS. THE OFFICIAL STATE PERSONAL**
24 **IDENTIFICATION CARD SHALL DISPLAY THE INDIVIDUAL'S DESIGNATED**
25 **ADDRESS AND SHALL NOT DISPLAY THE INDIVIDUAL'S RESIDENCE ADDRESS.**

26 (2) AN INDIVIDUAL WHO IS ISSUED A CORRECTED OFFICIAL STATE
27 PERSONAL IDENTIFICATION CARD UNDER THIS SECTION SHALL DESTROY HIS

1 OR HER OLD OFFICIAL STATE PERSONAL IDENTIFICATION CARD AND REPLACE
2 IT WITH THE CORRECTED OFFICIAL STATE PERSONAL IDENTIFICATION CARD.

3 (3) AN INDIVIDUAL WHOSE CERTIFICATION AS A PARTICIPANT IN THE
4 ADDRESS CONFIDENTIALITY PROGRAM IS RENEWED UNDER SECTION 5(8) OF
5 THE ADDRESS CONFIDENTIALITY PROGRAM ACT MAY RENEW AN OFFICIAL STATE
6 PERSONAL IDENTIFICATION CARD ISSUED UNDER THIS SECTION UPON PAYMENT
7 OF THE RENEWAL FEE UNDER SECTION 292.

8 (4) AS USED IN THIS SECTION:

9 (A) "ADDRESS CONFIDENTIALITY PROGRAM" MEANS A PROGRAM AS THAT
10 TERM IS DEFINED IN SECTION 3 OF THE ADDRESS CONFIDENTIALITY PROGRAM
11 ACT.

12 (B) "DESIGNATED ADDRESS" MEANS THAT TERM AS DEFINED IN SECTION
13 3 OF THE ADDRESS CONFIDENTIALITY PROGRAM ACT.

14 Enacting section 1. This amendatory act takes effect 180 days
15 after the date it is enacted into law.

16 Enacting section 2. This amendatory act does not take effect
17 unless Senate Bill No. 655 of the 99th Legislature is enacted into
18 law.