

**SUBSTITUTE FOR
SENATE BILL NO. 75**

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), section 1 as amended by 2018 PA 605, section 1a as amended by 2008 PA 31, and section 2 as amended by 2018 PA 669, and by adding section 2a.

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



1 identification card. Upon application, the applicant shall supply a
2 photographic identity document, a birth certificate or other
3 nonphotographic identity document, and other sufficient documents
4 as the secretary of state may require to verify the identity and
5 citizenship of the applicant. If an applicant for an official state
6 personal identification card is not a citizen of the United States,
7 the applicant shall supply a photographic identity document and
8 other sufficient documents to verify the identity of the applicant
9 and the applicant's legal presence in the United States under
10 subsection (5). The documents required under this subsection must
11 include the applicant's full legal name, date of birth, address,
12 and residency and demonstrate that the applicant is a citizen of
13 the United States or is legally present in the United States. If
14 the applicant's full legal name differs from the name of the
15 applicant that appears on a document presented under this
16 subsection, the applicant shall present documents to verify his or
17 her current full legal name. An application for a state personal
18 identification card must be made in a manner prescribed by the
19 secretary of state and must contain the applicant's full legal
20 name, date of birth, residence address, height, sex, eye color,
21 signature, intent to be an organ donor, other information required
22 or permitted on the official state personal identification card
23 and, only to the extent to comply with federal law, the applicant's
24 Social Security number. The applicant may provide a mailing address
25 if the applicant receives mail at an address different from his or
26 her residence address. **If the applicant is a participant in the
27 address confidentiality program under the address confidentiality
28 program act, he or she shall provide to the secretary of state his
29 or her participation card issued under the address confidentiality**



1 **program act.** For automatic voter registration purposes under
2 section 493a of the Michigan election law, 1954 PA 116, MCL
3 168.493a, an applicant for an official state personal
4 identification card must indicate on the application or change of
5 address application whether he or she is a citizen of the United
6 States. An application must allow the applicant to indicate that
7 the applicant declines to use the application as a voter
8 registration application.

9 (2) The secretary of state shall accept as 1 of the
10 identification documents required under subsection (1) an
11 identification card issued by the department of corrections to
12 prisoners who are placed on parole or released from a correctional
13 facility, containing the prisoner's legal name, photograph, and
14 other information identifying the prisoner as provided in section
15 37(4) of the corrections code of 1953, 1953 PA 232, MCL 791.237.

16 (3) The secretary of state shall have electronic access to
17 prisoner information maintained by the department of corrections
18 for the purpose of verifying the identity of a prisoner who applies
19 for an official state identification card under subsection (1).

20 (4) The secretary of state shall not issue an official state
21 personal identification card to a person who holds an operator's or
22 chauffeur's license issued under the Michigan vehicle code, 1949 PA
23 300, MCL 257.1 to 257.923, unless the license has been suspended,
24 revoked, or restricted.

25 (5) If the applicant is not a citizen of the United States,
26 the applicant shall provide, and the department shall verify,
27 documents demonstrating his or her legal presence in the United
28 States. Nothing in this act shall obligate or be construed to
29 obligate this state to comply with title II of the real ID act of



1 2005, Public Law 109-13. The secretary of state may adopt rules
2 under the administrative procedures act of 1969, 1969 PA 306, MCL
3 24.201 to 24.328, as are necessary for the administration of this
4 subsection. A determination by the secretary of state that an
5 applicant is not legally present in the United States may be
6 appealed under section 631 of the revised judicature act of 1961,
7 1961 PA 236, MCL 600.631. The secretary of state shall not issue an
8 official state personal identification card to an applicant
9 described in this subsection for a term that exceeds the duration
10 of the applicant's legal presence in the United States.

11 (6) The secretary of state shall not disclose a Social
12 Security number obtained under subsection (1) to another person
13 except for use for 1 or more of the following purposes:

14 (a) Compliance with 49 USC 31301 to 31317 and regulations and
15 rules related to this act.

16 (b) To carry out the purposes of section 466(a) of the social
17 security act, 42 USC 666, in connection with matters relating to
18 paternity, child support, or overdue child support.

19 (c) With the department of health and human services, for
20 comparison with vital records maintained by the department of
21 health and human services under part 28 of the public health code,
22 1978 PA 368, MCL 333.2801 to 333.2899.

23 (d) As otherwise required by law.

24 (7) The secretary of state shall not display a person's Social
25 Security number on the person's official state personal
26 identification card.

27 (8) A requirement under this section to include a Social
28 Security number on an application does not apply to an applicant
29 who demonstrates he or she is exempt under law from obtaining a



1 Social Security number.

2 (9) The secretary of state, with the approval of the state
3 administrative board created under 1921 PA 2, MCL 17.1 to 17.3, may
4 enter into agreements with the United States government to verify
5 whether an applicant for an official state personal identification
6 card under this section who is not a citizen of the United States
7 is authorized under federal law to be present in the United States.

8 (10) The secretary of state shall not issue an official state
9 personal identification card to a person holding an official state
10 personal identification card issued by another state without
11 confirmation that the person is terminating or has terminated the
12 official state personal identification card issued by the other
13 state.

14 (11) The secretary of state shall do all of the following:

15 (a) Ensure the physical security of locations where official
16 state personal identification cards are produced and the security
17 of document materials and papers from which official state personal
18 identification cards are produced.

19 (b) Subject all persons authorized to manufacture or produce
20 official state personal identification cards and all persons who
21 have the ability to affect the identity information that appears on
22 official state personal identification cards to appropriate
23 security clearance requirements. The security requirements of this
24 subdivision and subdivision (a) may require that official state
25 personal identification cards be manufactured or produced in this
26 state.

27 (c) Provide fraudulent document recognition programs to
28 department of state employees engaged in the issuance of official
29 state personal identification cards.



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**
7 **information also includes the confidential address of an individual**
8 **enrolled in the address confidentiality program under the address**
9 **confidentiality program act. As used in this subdivision,**
10 **"confidential address" means that term as defined in the address**
11 **confidentiality program act.**

12 (b) "Personal information" means information that identifies
13 an individual, including the individual's photograph or image,
14 name, address (but not the 5-digit zip code), driver license
15 number, ~~social security~~**Social Security** number, telephone number,
16 digitized signature, and medical and disability information.

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

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

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

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

28 (b) ~~The~~**Except as provided in section 2a, the** full legal name,
29 date of birth, sex, residence address, height, weight, eye color,



1 digital photographic image, signature of or verification and
2 certification by the applicant, as determined by the secretary of
3 state, and expiration date of the official state personal
4 identification card. If an official state personal identification
5 card is issued to an individual described in section 1(5) who has
6 temporary lawful status, the official state personal identification
7 card must be issued in compliance with 6 CFR 37.21 or in compliance
8 with the process established to comply with 6 CFR 37.71 by the
9 secretary of state. As used in this subdivision, "temporary lawful
10 status" means that term as defined in 6 CFR 37.3.

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

13 (i) The blood type of the individual.

14 (ii) Immunization data of the individual.

15 (iii) Medication data of the individual.

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

17 (d) In the case of a holder of an official state personal
18 identification card who has indicated his or her wish to
19 participate in the anatomical gift donor registry under part 101 of
20 the public health code, 1978 PA 368, MCL 333.10101 to 333.10123, a
21 heart insignia on the front of the official state personal
22 identification card.

23 (e) If requested by an individual who is a veteran as that
24 term is defined in section 1 of 1965 PA 190, MCL 35.61, a
25 designation that the individual is a veteran. The designation must
26 be in a style and format considered appropriate by the secretary of
27 state. The secretary of state shall require proof of discharge or
28 separation of service from the armed forces of this state, another
29 state, or the United States, and the nature of that discharge, for



1 the purposes of verifying an individual's status as a veteran under
2 this subdivision. The secretary of state shall consult with the
3 department of military and veterans affairs in determining the
4 proof that must be required to identify an individual's status as a
5 veteran for the purposes of this subsection. The secretary of state
6 may provide the department of military and veterans affairs and
7 agencies of the counties of this state that provide veteran
8 services with information provided by an applicant under this
9 subsection for the purpose of veterans' benefits eligibility
10 referral.

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

14 (2) In conjunction with the application for an official state
15 personal identification card, the secretary of state shall do all
16 of the following:

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

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

22 (ii) Information describing the donor registry program
23 maintained by Michigan's federally designated organ procurement
24 organization or its successor organization under section 10120 of
25 the public health code, 1978 PA 368, MCL 333.10120. The information
26 required under this subparagraph includes the address and telephone
27 number of Michigan's federally designated organ procurement
28 organization or its successor organization as described in section
29 10120 of the public health code, 1978 PA 368, MCL 333.10120.



1 (iii) Information giving the applicant the opportunity to have
2 his or her name placed on the registry described in subparagraph
3 (ii) .

4 (b) Provide the applicant with the opportunity to specify on
5 his or her official state personal identification card that he or
6 she is willing to make an anatomical gift in the event of death
7 under part 101 of the public health code, 1978 PA 368, MCL
8 333.10101 to 333.10123, and in accordance with this section.

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

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

16 (a) Providing printed material enclosed with a mailed notice
17 for the issuance or renewal of an official state personal
18 identification card.

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

21 (c) Through electronic information transmittals for
22 applications processed by electronic means.

23 (4) The secretary of state shall prescribe the form of the
24 official state personal identification card. The secretary of state
25 shall designate a space on the official state personal
26 identification card where the applicant may place a sticker or
27 decal of a uniform size as the secretary may specify to indicate
28 that the cardholder carries a separate emergency medical
29 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 must 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 official
13 state personal identification card or the renewal of an existing
14 official state personal identification card issued to an individual
15 less than 21 years of age must be portrait or vertical in form, and
16 an official state personal identification card issued to an
17 individual 21 years of age or over must be landscape or horizontal
18 in form. Except as otherwise required in this act, other
19 information required on the official state personal identification
20 card under this act may appear on the official state personal
21 identification card in a form prescribed by the secretary of state.

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

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



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

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

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

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

14 (e) By the secretary of state for forwarding to the department
15 of licensing and regulatory affairs the images of applicants for an
16 official state registry identification card issued under section 6
17 of the Michigan ~~medical marihuana act~~, **Medical Marihuana Act**, 2008
18 IL 1, MCL 333.26426, if the department of licensing and regulatory
19 affairs promulgates rules requiring a photograph as a design
20 element for an official state registry identification card.

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

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

29 (8) The secretary of state shall maintain a record of an



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

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

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

28 (11) An official state personal identification card must be
29 issued only upon authorization of the secretary of state, and must



1 be manufactured in a manner to prohibit as nearly as possible the
 2 ability to reproduce, alter, counterfeit, forge, or duplicate the
 3 official state personal identification card without ready
 4 detection.

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

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



1 operator's or chauffeur's license or official state personal
2 identification card.

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

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

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

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

12 (d) An individual who presents evidence of 1 or more of the
13 following:

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

19 (A) The family independence program.

20 (B) The state disability assistance program.

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

27 (iii) A United States Social Security Administration benefit
28 verification letter indicating the applicant is currently receiving
29 payments under the federal supplemental security income program as



1 that term is defined in section 57 of the social welfare act, 1939
2 PA 280, MCL 400.57, or the Social Security disability income
3 program.

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

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

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

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

21 (ii) A photo identification card generated from the United
22 States Department of Housing and Urban Development homeless
23 management information system.

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

28 (16) An individual who has been issued an official state
29 personal identification card shall apply for a corrected



1 identification card if he or she changes his or her residence
2 address. The secretary of state may correct the address on an
3 official state personal identification card by a method prescribed
4 by the secretary of state. A fee must not be charged for a change
5 of residence address.

6 (17) An individual who has been issued an official state
7 personal identification card may apply for a renewal official state
8 personal identification card for 1 or more of the following
9 reasons:

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

12 (b) An official state personal identification card issued
13 under this act is lost, destroyed, or mutilated, or becomes
14 illegible.

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

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



1 involved in an emergency.

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

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

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

24 **Sec. 2a. (1) Beginning on February 16, 2021, upon receipt of a**
25 **notice from the department of the attorney general that an**
26 **individual who has been issued an official state personal**
27 **identification card under this act has been certified as a**
28 **participant in the address confidentiality program, the secretary**
29 **of state shall issue a corrected official state personal**



1 identification card to that individual by mailing the card to his
2 or her designated address. The official state personal
3 identification card must display the individual's designated
4 address and must not display the individual's residence address.

5 (2) An individual who is issued a corrected official state
6 personal identification card under this section shall destroy his
7 or her old official state personal identification card and replace
8 it with the corrected official state personal identification card.

9 (3) An individual whose certification as a participant in the
10 address confidentiality program is renewed under the address
11 confidentiality program act may renew an official state personal
12 identification card issued under this section upon payment of the
13 renewal fee under section 2.

14 (4) As used in this section:

15 (a) "Address confidentiality program" means a program as that
16 term is defined in the address confidentiality program act.

17 (b) "Designated address" means that term as defined in the
18 address confidentiality program act.

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

21 Enacting section 2. This amendatory act does not take effect
22 unless Senate Bill No. 70 of the 100th Legislature is enacted into
23 law.

