

# SENATE BILL NO. 1112

September 15, 2020, Introduced by Senators ALEXANDER, SANTANA, NESBITT, BARRETT, WOJNO, LASATA, VANDERWALL and HOLLIER and referred to the Committee on Transportation and Infrastructure.

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 2020 PA 128.

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

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

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

3 (b) The full legal name, date of birth, sex, residence  
4 address, height, weight, eye color, digital photographic image,  
5 signature of or verification and certification by the applicant, as  
6 determined by the secretary of state, and expiration date of the  
7 official state personal identification card. If an official state  
8 personal identification card is issued to an individual described  
9 in section 1(5) who has temporary lawful status, the official state  
10 personal identification card must be issued in compliance with 6  
11 CFR 37.21 or in compliance with the process established to comply  
12 with 6 CFR 37.71 by the secretary of state. As used in this  
13 subdivision, "temporary lawful status" means that term as defined  
14 in 6 CFR 37.3.

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

17 (i) The blood type of the individual.

18 (ii) Immunization data of the individual.

19 (iii) Medication data of the individual.

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

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

27 (e) If requested by an individual who is a veteran as that  
28 term is defined in section 1 of 1965 PA 190, MCL 35.61, a  
29 designation that the individual is a veteran. The designation must

1 be in a style and format considered appropriate by the secretary of  
2 state. The secretary of state shall require proof of discharge or  
3 separation of service from the armed forces of this state, another  
4 state, or the United States, and the nature of that discharge, for  
5 the purposes of verifying an individual's status as a veteran under  
6 this subdivision. The secretary of state shall consult with the  
7 department of military and veterans affairs in determining the  
8 proof that must be required to identify an individual's status as a  
9 veteran for the purposes of this subsection. The secretary of state  
10 may provide the department of military and veterans affairs and  
11 agencies of the counties of this state that provide veteran  
12 services with information provided by an applicant under this  
13 subsection for the purpose of veterans' benefits eligibility  
14 referral.

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

18 (2) In conjunction with the application for an official state  
19 personal identification card, the secretary of state shall do all  
20 of the following:

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

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

26 (ii) Information describing the donor registry program  
27 maintained by Michigan's federally designated organ procurement  
28 organization or its successor organization under section 10120 of  
29 the public health code, 1978 PA 368, MCL 333.10120. The information

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

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 under 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.

28 (4) The secretary of state shall prescribe the form of the  
29 official state personal identification card. The secretary of state

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

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

29 (6) Except as provided in this subsection, the secretary of

1 state shall retain and use an individual's digital photographic  
2 image and signature described in subsection (1)(b) only for  
3 programs administered by the secretary of state as specifically  
4 authorized by law. An individual's digital photographic image or  
5 signature must only be used as follows:

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

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

10 (c) By the secretary of state for forwarding to the department  
11 of state police the images of individuals required to be registered  
12 under the sex offenders registration act, 1994 PA 295, MCL 28.721  
13 to 28.736, upon the department of state police providing the  
14 secretary of state an updated list of those individuals.

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

19 (e) By the secretary of state for forwarding to the department  
20 of licensing and regulatory affairs the images of applicants for an  
21 official state registry identification card issued under section 6  
22 of the Michigan Medical Marihuana Act, 2008 IL 1, MCL 333.26426, if  
23 the department of licensing and regulatory affairs promulgates  
24 rules requiring a photograph as a design element for an official  
25 state registry identification card.

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

28 (7) If an individual presents evidence of statutory blindness  
29 as provided in 1978 PA 260, MCL 393.351 to 393.368, and is issued

1 or is the holder of an official state personal identification card,  
2 the secretary of state shall mark the individual's official state  
3 personal identification card in a manner that clearly indicates  
4 that the cardholder is legally blind.

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

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

22 (10) An official state personal identification card must  
23 contain information appearing in electronic or machine-readable  
24 codes needed to conduct a transaction with the secretary of state.  
25 The information must be limited to the information described in  
26 subsection (1) (a) and (b) except for the individual's digital  
27 photographic image and signature or verification and certification,  
28 state of issuance, and other information necessary for use with  
29 electronic devices, machine readers, or automatic teller machines

1 and must not contain the individual's driving record or other  
2 personal identifier. The official state personal identification  
3 card must identify the encoded information.

4 (11) An official state personal identification card must be  
5 issued only upon authorization of the secretary of state, and must  
6 be manufactured in a manner to prohibit as nearly as possible the  
7 ability to reproduce, alter, counterfeit, forge, or duplicate the  
8 official state personal identification card without ready  
9 detection.

10 (12) Except as otherwise provided in this act, **until December**  
11 **31, 2021**, an applicant shall pay a fee of \$10.00 to the secretary  
12 of state for each original or renewal official state personal  
13 identification card issued. **Except as otherwise provided in this**  
14 **act, beginning on January 1, 2022, an applicant shall pay a fee of**  
15 **\$12.50 to the secretary of state for each original or renewal**  
16 **official state personal identification card issued.** The department  
17 of treasury shall deposit the fees received and collected under  
18 this section in the state treasury to the credit of the general  
19 fund. The legislature shall appropriate the fees credited to the  
20 general fund under this act to the secretary of state for the  
21 administration of this act. Appropriations from the Michigan  
22 transportation fund created under section 10 of 1951 PA 51, MCL  
23 247.660, must not be used to compensate the secretary of state for  
24 costs incurred and services performed under this section.

25 (13) ~~An~~ **Until December 31, 2021, except as otherwise provided**  
26 **in subsection (14), an** original or renewal official state personal  
27 identification card expires on the birthday of the individual to  
28 whom it is issued in the fourth year following the date of issuance  
29 or on the date the individual is no longer considered to be legally



1 present in the United States under section 1, whichever is earlier.  
2 ~~The Beginning on January 1, 2022, an original or renewal official~~  
3 ~~state personal identification card expires on the birthday of the~~  
4 ~~individual to whom it is issued in the fifth year following the~~  
5 ~~date of issuance or on the date the individual is no longer~~  
6 ~~considered to be legally present in the United States under section~~  
7 ~~1, whichever is earlier. Until December 31, 2021, the secretary of~~  
8 ~~state shall not issue an official state personal identification~~  
9 ~~card under this act for a period greater than 4 years. Except as~~  
10 ~~provided in this subsection, Beginning on January 1, 2022, the~~  
11 ~~secretary of state shall not issue an official state personal~~  
12 ~~identification card under this act for a period greater than 5~~  
13 ~~years. Until December 31, 2021, except as provided in this~~  
14 ~~subsection and subject to subsection (14), the secretary of state~~  
15 ~~may issue a renewal official state personal identification card for~~  
16 ~~1 additional 4-year period by mail or by other methods prescribed~~  
17 ~~by the secretary of state. Beginning on January 1, 2022, and except~~  
18 ~~as provided in this subsection, the secretary of state may issue a~~  
19 ~~renewal official state personal identification card for 1~~  
20 ~~additional 5-year period by mail or by other methods prescribed by~~  
21 ~~the secretary of state. The secretary of state shall require~~  
22 ~~renewal in person by an individual required under section 5a of the~~  
23 ~~sex offenders registration act, 1994 PA 295, MCL 28.725a, to~~  
24 ~~maintain a valid operator's or chauffeur's license or official~~  
25 ~~state personal identification card.~~

26 (14) Until December 31, 2021, the secretary of state may issue  
27 a renewal official state personal identification card to an  
28 individual who has already received the 1 additional 4-year renewal  
29 period under subsection (13) for an additional 1-year period by

1 mail or by any other method prescribed by the secretary of state.

2 (15) ~~(14)~~—The secretary of state shall waive the fee under  
3 this section if the applicant is any of the following:

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

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

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

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

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

18 (A) The family independence program.

19 (B) The state disability assistance program.

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

26 (iii) A United States Social Security Administration benefit  
27 verification letter indicating the applicant is currently receiving  
28 payments under the federal supplemental security income program as  
29 that term is defined in section 57 of the social welfare act, 1939

1 PA 280, MCL 400.57, or the Social Security disability income  
2 program.

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

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

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

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

20 (ii) A photo identification card generated from the United  
21 States Department of Housing and Urban Development Homeless  
22 Management Information System.

23 **(16)** ~~(15)~~—An individual who has been issued an official state  
24 personal identification card shall apply for a renewal official  
25 state personal identification card if the individual changes his or  
26 her name.

27 **(17)** ~~(16)~~—An individual who has been issued an official state  
28 personal identification card shall apply for a corrected  
29 identification card if he or she changes his or her residence

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

5 **(18)** ~~(17)~~—An individual who has been issued an official state  
6 personal identification card may apply for a renewal official state  
7 personal identification card for 1 or more of the following  
8 reasons:

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

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

14 **(19)** ~~(18)~~—An individual may indicate on an official state  
15 personal identification card in a place designated by the secretary  
16 of state his or her blood type, emergency contact information,  
17 immunization data, medication data, or a statement that the  
18 individual is deaf.

19 **(20)** ~~(19)~~—The secretary of state shall develop and shall, in  
20 conjunction with the department of state police, implement a  
21 process using the L.E.I.N. or any other appropriate system that  
22 limits access to law enforcement that allows law enforcement  
23 agencies of this state to access emergency contact information and  
24 to view a communication impediment designation that the holder of  
25 an official state personal identification card has voluntarily  
26 provided to the secretary of state.

27 **(21)** ~~(20)~~—If an applicant provides proof to the secretary of  
28 state that he or she is a minor who has been emancipated under 1968  
29 PA 293, MCL 722.1 to 722.6, the official state personal

1 identification card must bear the designation of the individual's  
2 emancipated status in a manner prescribed by the secretary of  
3 state.

4       **(22)** ~~(21)~~—The secretary of state shall inquire of each  
5 individual who applies for or who holds an official state personal  
6 identification card, in person or by mail, whether he or she agrees  
7 to participate in the anatomical gift donor registry under part 101  
8 of the public health code, 1978 PA 368, MCL 333.10101 to 333.10123.  
9 An individual who has agreed to participate in the donor registry  
10 is not considered to have revoked that agreement solely because the  
11 individual's official state personal identification card has  
12 expired. Enrollment in the donor registry is a legal agreement that  
13 remains binding and in effect after the donor's death regardless of  
14 the expressed desires of the deceased donor's next of kin who may  
15 oppose the donor's anatomical gift.

16       **(23)** ~~(22)~~—A valid official state personal identification card  
17 presented by the individual to whom the card is issued is  
18 considered the same as a valid state of Michigan driver license  
19 when identification is requested except as otherwise specifically  
20 provided by law.

21       **(24)** ~~(23)~~—If an official state personal identification card  
22 issued under this act is lost, destroyed, or mutilated, or becomes  
23 illegible, the individual to whom the official state personal  
24 identification card was issued may obtain a duplicate upon the  
25 payment of the fee required in subsection ~~(24)~~ **(25)** and upon  
26 furnishing proof satisfactory to the secretary of state that the  
27 official state personal identification card has been lost,  
28 destroyed, or mutilated, or has become illegible.

29       **(25)** ~~(24)~~—Except as otherwise provided in subsection ~~(25)~~,

1 (26), for each duplicate official state personal identification  
 2 card, and for each correction of an official state personal  
 3 identification card, an individual may apply for renewal of the  
 4 official state personal identification card and pay the renewal fee  
 5 prescribed in this act or the individual may, at his or her option  
 6 and upon payment of the fee prescribed in this section, apply for a  
 7 duplicate official state personal identification card that expires  
 8 on the same date as the official state personal identification card  
 9 that was lost, destroyed, or mutilated, or became illegible. ~~The~~  
 10 **Until December 31, 2021, the** fee for a duplicate official state  
 11 personal identification card is \$10.00. **Beginning on January 1,**  
 12 **2022, the fee for a duplicate official state personal**  
 13 **identification card is \$12.50.** A renewal fee must not be charged  
 14 for a change of address, a correction required to correct a  
 15 department error, or to add or remove a heart insignia described in  
 16 subsection (1)(d).

17 (26) ~~(25)~~—Except with regard to an individual who is less than  
 18 21 years of age, for each duplicate official state personal  
 19 identification card, and for each correction of an official state  
 20 personal identification card, an individual shall apply for renewal  
 21 of the official state personal identification card and pay the  
 22 renewal fee prescribed in this act if the official state personal  
 23 identification card was due to expire within the next 12 months.  
 24 ~~Except~~ **Until December 31, 2021, and except** as otherwise provided in  
 25 this act, an official state personal identification card renewed  
 26 under this subsection or subsection ~~(24)~~ **(25)** must be renewed for  
 27 the combined period of the time remaining on the official state  
 28 personal identification card before its renewal and the 4-year  
 29 renewal period. **Beginning on January 1, 2022, and except as**

1 otherwise provided in this act, an official state personal  
2 identification card renewed under this subsection or subsection  
3 (25) must be renewed for the combined period of time remaining on  
4 the official state personal identification card before its renewal  
5 and the 5-year renewal period.

6 (27) ~~(26)~~ Notwithstanding subsection (13), an official state  
7 personal identification card expiring on or after March 1, 2020 is  
8 considered valid until September 30, 2020. If the secretary of  
9 state receives an application to renew an official state personal  
10 identification card that expires on or after March 1, 2020 before  
11 September 30, 2020, the secretary of state shall process the  
12 application as a renewal of an existing official state personal  
13 identification card.

14 (28) ~~(27)~~ As used in this section:

15 (a) "Communication impediment" means an individual has a  
16 health condition that may impede communication with a police  
17 officer, including, but not limited to, the following:

18 (i) Deafness or hearing loss.

19 (ii) An autism spectrum disorder.

20 (b) "Emergency contact information" means the name, telephone  
21 number, or address of an individual that is used for the sole  
22 purpose of contacting that individual when the holder of an  
23 official state personal identification card has been involved in an  
24 emergency.