

HOUSE BILL NO. 4763

May 04, 2021, Introduced by Reps. Whitsett, O'Malley, Berman, Cambensy, O'Neal, Coleman, Garza, Tyrone Carter, Hertel, Hoitenga and Jones 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 2020 PA 306.

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) Except as provided in section 2a, the full legal name,
4 date of birth, sex, residence address, height, weight, eye color,
5 digital photographic image, signature of or verification and
6 certification by the applicant, as determined by the secretary of
7 state, and expiration date of the official state personal
8 identification card. If an official state personal identification
9 card is issued to an individual described in section 1(5) who has
10 temporary lawful status, the official state personal identification
11 card must be issued in compliance with 6 CFR 37.21 or in compliance
12 with the process established to comply with 6 CFR 37.71 by the
13 secretary of state. As used in this subdivision, "temporary lawful
14 status" means that term as defined 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) If requested by an individual issued a concealed pistol**
16 **license under 1927 PA 372, MCL 28.421 to 28.435, a designation that**
17 **the individual has a concealed pistol license. The designation must**
18 **be in a style and format considered appropriate by the secretary of**
19 **state. The secretary of state shall require proof of the**
20 **individual's unexpired concealed pistol license for purposes of**
21 **verifying that the individual's official state personal**
22 **identification card is eligible for the concealed pistol license**
23 **designation under this subdivision. The secretary of state may**
24 **consult with the county clerk in which the individual resides for**
25 **purposes of verifying the status of an individual's concealed**
26 **pistol license. A concealed pistol license designation may be**
27 **removed from an individual's official state personal identification**
28 **card at the request of that individual or by the secretary of state**
29 **if the secretary of state determines that the individual's**

1 **concealed pistol license has expired.**

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

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

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

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

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

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
28 under part 101 of the public health code, 1978 PA 368, MCL
29 333.10101 to 333.10123, and in accordance with this section.

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

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

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

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

13 (c) Through electronic information transmittals for
14 applications processed by electronic means.

15 (4) The secretary of state shall prescribe the form of the
16 official state personal identification card. The secretary of state
17 shall designate a space on the official state personal
18 identification card where the applicant may place a sticker or
19 decal of a uniform size as the secretary may specify to indicate
20 that the cardholder carries a separate emergency medical
21 information card. The sticker or decal may be provided by any
22 person, hospital, school, medical group, or association interested
23 in assisting in implementing the emergency medical information
24 card, but must meet the specifications of the secretary of state.
25 The sticker or decal also may be used to indicate that the
26 cardholder has designated 1 or more patient advocates in accordance
27 with section 5506 of the estates and protected individuals code,
28 1998 PA 386, MCL 700.5506. The emergency medical information card,
29 carried separately by the cardholder, may contain the information

1 described in subsection (2)(c), information concerning the
2 cardholder's patient advocate designation, other emergency medical
3 information, or an indication as to where the cardholder has stored
4 or registered emergency medical information. An original official
5 state personal identification card or the renewal of an existing
6 official state personal identification card issued to an individual
7 less than 21 years of age must be portrait or vertical in form, and
8 an official state personal identification card issued to an
9 individual 21 years of age or over must be landscape or horizontal
10 in form. Except as otherwise required in this act, other
11 information required on the official state personal identification
12 card under this act may appear on the official state personal
13 identification card in a form prescribed by the secretary of state.

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

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

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

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

26 (c) By the secretary of state for forwarding to the department
27 of state police the images of individuals required to be registered
28 under the sex offenders registration act, 1994 PA 295, MCL 28.721
29 to 28.736, upon the department of state police providing the

1 secretary of state an updated list of those individuals.

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

6 (e) By the secretary of state for forwarding to the department
7 of licensing and regulatory affairs the images of applicants for an
8 official state registry identification card issued under section 6
9 of the Michigan Medical Marihuana Act, 2008 IL 1, MCL 333.26426, if
10 the department of licensing and regulatory affairs promulgates
11 rules requiring a photograph as a design element for an official
12 state registry identification card.

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

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

21 (8) The secretary of state shall maintain a record of an
22 individual who indicates a willingness to have his or her name
23 placed on the donor registry described in subsection (2)(a)(ii).
24 Information about an individual's indication of a willingness to
25 have his or her name placed on the donor registry that is obtained
26 by the secretary of state and forwarded under this section is
27 exempt from disclosure under section 13(1)(d) of the freedom of
28 information act, 1976 PA 442, MCL 15.243. As required in section
29 10120 of the public health code, 1978 PA 368, MCL 333.10120, the

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

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

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

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

26 (12) Except as otherwise provided in this act, an applicant
27 shall pay a fee of \$10.00 to the secretary of state for each
28 original or renewal official state personal identification card
29 issued. The secretary of state shall not assess a late renewal fee

1 for an official state personal identification card that expires on
2 or after March 1, 2020 and is renewed before March 31, 2021. The
3 department of treasury shall deposit the fees received and
4 collected under this section in the state treasury to the credit of
5 the general fund. The legislature shall appropriate the fees
6 credited to the general fund under this act to the secretary of
7 state for the administration of this act. Appropriations from the
8 Michigan transportation fund created under section 10 of 1951 PA
9 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 original or renewal official state personal
12 identification card expires on the birthday of the individual to
13 whom it is issued in the fourth year following the date of issuance
14 or on the date the individual is no longer considered to be legally
15 present in the United States under section 1, whichever is earlier.
16 The secretary of state shall not issue an official state personal
17 identification card under this act for a period greater than 4
18 years. Except as provided in this subsection, the secretary of
19 state may issue a renewal official state personal identification
20 card for 1 additional 4-year period or beginning on July 1, 2021,
21 for 2 additional 4-year periods, by mail or by other methods
22 prescribed by the secretary of state. The secretary of state shall
23 require renewal in person by an individual required under section
24 5a of the sex offenders registration act, 1994 PA 295, MCL 28.725a,
25 to maintain a valid operator's or chauffeur's license or official
26 state personal identification card.

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

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

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

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

7 (d) An individual who presents evidence of 1 or more of the
8 following:

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

14 (A) The family independence program.

15 (B) The state disability assistance program.

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

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

28 (e) An individual who decides to add or remove a heart
29 insgnia described in subsection (1)(d).

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

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

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

16 (ii) A photo identification card generated from the United
17 States Department of Housing and Urban Development Homeless
18 Management Information System.

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

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

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

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

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

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

14 (19) The secretary of state shall develop and shall, in
15 conjunction with the department of state police, implement a
16 process using the L.E.I.N. or any other appropriate system that
17 limits access to law enforcement that allows law enforcement
18 agencies of this state to access emergency contact information and,
19 beginning July 1, 2021, to view a communication impediment
20 designation that the holder of an official state personal
21 identification card has voluntarily provided to the secretary of
22 state.

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

28 (21) The secretary of state shall inquire of each individual
29 who applies for or who holds an official state personal

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

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

16 (23) Beginning July 1, 2021, if an official state personal
17 identification card issued under this act is lost, destroyed, or
18 mutilated, or becomes illegible, the individual to whom the
19 official state personal identification card was issued may obtain a
20 duplicate upon the payment of the fee required in subsection (24)
21 and upon furnishing proof satisfactory to the secretary of state
22 that the official state personal identification card has been lost,
23 destroyed, or mutilated, or has become illegible.

24 (24) Except as otherwise provided in subsection (25), for each
25 duplicate official state personal identification card, and for each
26 correction of an official state personal identification card,
27 beginning July 1, 2021, an individual may apply for renewal of the
28 official state personal identification card and pay the renewal fee
29 prescribed in this act or the individual may, at his or her option

1 and upon payment of the fee prescribed in this section, apply for a
2 duplicate official state personal identification card that expires
3 on the same date as the official state personal identification card
4 that was lost, destroyed, or mutilated, or became illegible. The
5 fee for a duplicate official state personal identification card is
6 \$10.00. A renewal fee must not be charged for a change of address,
7 a correction required to correct a department error, or to add or
8 remove a heart insignia described in subsection (1)(d).

9 (25) Except with regard to an individual who is less than 21
10 years of age, for each duplicate official state personal
11 identification card, and for each correction of an official state
12 personal identification card, beginning July 1, 2021, an individual
13 shall apply for renewal of the official state personal
14 identification card and pay the renewal fee prescribed in this act
15 if the official state personal identification card was due to
16 expire within the next 12 months. Except as otherwise provided in
17 this act, an official state personal identification card renewed
18 under this subsection or subsection (24) must be renewed for the
19 combined period of the time remaining on the official state
20 personal identification card before its renewal and the 4-year
21 renewal period.

22 (26) Notwithstanding subsection (13), an official state
23 personal identification card expiring on or after March 1, 2020 is
24 considered valid until March 31, 2021. If the secretary of state
25 receives an application to renew an official state personal
26 identification card that expires on or after March 1, 2020 before
27 March 31, 2021, the secretary of state shall process the
28 application as a renewal of an existing official state personal
29 identification card.

1 (27) As used in this section:

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

5 (i) Deafness or hearing loss.

6 (ii) An autism spectrum disorder.

7 (b) "Emergency contact information" means the name, telephone
8 number, or address of an individual that is used for the sole
9 purpose of contacting that individual when the holder of an
10 official state personal identification card has been involved in an
11 emergency.

12 Enacting section 1. This amendatory act takes effect October
13 1, 2021.