

# SENATE BILL No. 43

January 22, 2003, Introduced by Senators SANBORN, PATTERSON, JOHNSON, CASSIS, STAMAS, CROPEY and GOSCHKA 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 1, 1a, and 2 (MCL 28.291, 28.291a, and 28.292), section 1 as amended and section 1a as added by 1997 PA 99 and section 2 as amended by 2002 PA 553.

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

1       Sec. 1. (1) A person who is a resident of this state may  
2 apply to the department of state for an official state personal  
3 identification card. Upon application the applicant shall supply  
4 a birth certificate attesting to his age or other sufficient  
5 documents or identification as the secretary of state may  
6 require. **If the department has reasonable cause to believe that**  
7 **an application under this subsection contains information that**

SENATE BILL No. 43

1 the applicant is an illegal alien, the department may report that  
2 information to an appropriate United States government agency.

3 (2) The secretary of state shall not issue an official state  
4 personal identification card to ~~a~~ either of the following:

5 (a) A person who holds an operator's or chauffeur's license  
6 issued pursuant to the Michigan vehicle code, 1949 PA 300,  
7 MCL 257.1 to 257.923, unless the license has been suspended,  
8 revoked, or restricted.

9 (b) A person who is in the United States unlawfully.

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

11 (a) "Cancellation" means that a personal identification card  
12 is annulled and terminated because of an error or defect or  
13 because the holder is no longer entitled to such identification.  
14 Cancellation of a personal identification card is without  
15 prejudice, and application for a new personal identification card  
16 may be made at any time after that cancellation.

17 (b) ~~(a)~~ "Highly restricted personal information" includes  
18 an individual's photograph or image, social security number,  
19 digitized signature, and medical and disability information.

20 (c) ~~(b)~~ "Personal information" means information that  
21 identifies an individual, including the individual's photograph  
22 or image, name, address ~~(~~ but not the ~~5-digit~~ zip code, ~~)~~,  
23 driver license number, social security number, telephone number,  
24 digitized signature, and medical and disability information.

25 (d) "Resident" means a person who resides in a settled or  
26 permanent home or domicile with the intention of remaining in  
27 this state. A person who obtains employment in this state is

1 presumed to have the intention of remaining in this state. A  
2 United States citizen or an alien lawfully in the United States  
3 is presumed to be a resident of this state if he or she has  
4 resided in this state for at least 30 days. This definition only  
5 applies to this act.

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

8 (a) An identification number permanently assigned to the  
9 person.

10 (b) The full name, date of birth, sex, residential address,  
11 height, weight, eye color, image, and signature of the person to  
12 whom the identification card is issued.

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

15 (i) The blood type of the person.

16 (ii) Immunization data of the person.

17 (iii) Medication data of the person.

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

19 (v) A statement that the person is an organ and tissue donor  
20 pursuant to part 101 of the public health code, 1978 PA 368,  
21 MCL 333.10101 to 333.10109. If the identification card contains  
22 such a statement, the statement shall include the signature of  
23 the person, along with the signature of at least 1 witness.

24 (vi) Emergency contact information of the person.

25 (d) Beginning July 1, 2003, in the case of a person who is  
26 less than 18 years of age at the time of issuance of the  
27 identification card, the dates on which the person will become 18

1 years of age and 21 years of age.

2 (e) Beginning July 1, 2003, in the case of a person who is at  
3 least 18 years of age but less than 21 years of age at the time  
4 of issuance of the identification card, the date on which the  
5 person will become 21 years of age.

6 (2) In conjunction with the issuance of 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) Written information explaining the applicant's right to  
11 make an anatomical gift in the event of death pursuant to part  
12 101 of the public health code, 1978 PA 368, MCL 333.10101 to  
13 333.10109, and in accordance with this section.

14 (ii) Written information describing the organ donation  
15 registry program maintained by Michigan's federally designated  
16 organ procurement organization or its successor organization.  
17 The written information required under this subparagraph shall  
18 include, in a type size and format that is conspicuous in  
19 relation to the surrounding material, the address and telephone  
20 number of Michigan's federally designated organ procurement  
21 organization or its successor organization, along with an  
22 advisory to call Michigan's federally designated organ  
23 procurement organization or its successor organization with  
24 questions about the organ donor registry program.

25 (iii) Written information giving the applicant the  
26 opportunity to have his or her name placed on the organ donor  
27 registry described in subparagraph (ii).

1 (b) Provide the applicant with the opportunity to specify on  
2 his or her official state personal identification card that he or  
3 she is willing to make an anatomical gift in the event of death  
4 pursuant to part 101 of the public health code, 1978 PA 368,  
5 MCL 333.10101 to 333.10109, and in accordance with this section.

6 (c) Inform the applicant in writing that, if he or she  
7 indicates to the secretary of state under this section a  
8 willingness to have his or her name placed on the organ donor  
9 registry described in subdivision (a)(ii), the secretary of state  
10 will forward the applicant's name and address to the organ  
11 donation registry maintained by Michigan's federally designated  
12 organ procurement organization or its successor organization,  
13 pursuant to subsection (4).

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) If an applicant indicates a willingness under this  
24 section to have his or her name placed on the organ donor  
25 registry described in subsection (2)(a)(ii), the secretary of  
26 state shall within 10 days forward the applicant's name and  
27 address to the organ donor registry maintained by Michigan's

1 federally designated organ procurement organization or its  
2 successor organization. The secretary of state may forward  
3 information under this subsection by mail or by electronic  
4 means. The secretary of state shall not maintain a record of the  
5 name or address of an individual who indicates a willingness to  
6 have his or her name placed on the organ donor registry after  
7 forwarding that information to the organ donor registry under  
8 this subsection. Information about an applicant's indication of  
9 a willingness to have his or her name placed on the organ donor  
10 registry obtained by the secretary of state under subsection (2)  
11 and forwarded under this subsection is exempt from disclosure  
12 under the freedom of information act, 1976 PA 442, MCL 15.231 to  
13 15.246, pursuant to section 13(1)(d) of the freedom of  
14 information act, 1976 PA 442, MCL 15.243.

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

1 emergency medical information card, carried separately by the  
2 cardholder, may contain the information described in subsection  
3 (2)(c), information concerning the cardholder's patient advocate  
4 designation, other emergency medical information, or an  
5 indication as to where the cardholder has stored or registered  
6 emergency medical information. Beginning on and after July 1,  
7 2003, an original identification card or the first renewal of an  
8 existing identification card issued to a person less than 21  
9 years of age shall be portrait or vertical in form and an  
10 original identification card or the first renewal of an existing  
11 identification card issued to a person 21 years of age or over  
12 shall be landscape or horizontal in form. Except as otherwise  
13 required in this act, other information required on the  
14 identification card pursuant to this act may appear on the  
15 identification card in a form prescribed by the secretary of  
16 state.

17 (6) The identification card shall not contain a fingerprint  
18 or finger image of the applicant.

19 (7) Except as provided in this subsection, the secretary of  
20 state may retain and use a person's image described in subsection  
21 (1)(b) only for programs administered by the secretary of state.  
22 Except as provided in this subsection, the secretary of state  
23 shall not use a person's image unless written permission for that  
24 purpose is granted by the person to the secretary of state or  
25 specific enabling legislation permitting the use is enacted into  
26 law. A law enforcement agency of this state shall have access to  
27 any information retained by the secretary of state under this

1 subsection. The information may be utilized for any law  
2 enforcement purpose unless otherwise prohibited by law. The  
3 department of state police shall provide to the secretary of  
4 state updated lists of persons required under section 5a of the  
5 sex offenders registration act, 1994 PA 295, MCL 28.725a, to  
6 maintain a valid operator's or chauffeur's license or an official  
7 state personal identification card and the secretary of state  
8 shall make images of those persons available to the department of  
9 state police as provided in the sex offenders registration act,  
10 1994 PA 295, MCL 28.721 to 28.732.

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

17 (9) Until July 1, 2003, if the secretary of state issues an  
18 official state personal identification card to a person who at  
19 the time of application is 20-1/2 years of age or less, the  
20 secretary of state shall mark the person's identification card in  
21 a manner that clearly indicates that the cardholder is less than  
22 21 years of age.

23 (10) An official state personal identification card may  
24 contain an identifier for voter registration purposes. An  
25 official state personal identification card may contain  
26 information appearing in electronic or machine readable codes  
27 needed to conduct a transaction with the secretary of state. The



1 information shall be limited to the person's identification card  
2 number, birth date, expiration date, and other information  
3 necessary for use with electronic devices, machine readers, or  
4 automatic teller machines and shall not contain the person's  
5 name, address, driving record, or other personal identifier. The  
6 identification card shall identify the encoded information.

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

12 (12) Except as otherwise provided in this act, an applicant  
13 shall pay a fee of \$6.00 to the secretary of state for each  
14 original or renewal identification card issued. A service fee of  
15 \$1.00 shall be added to each fee collected for an original or  
16 renewal identification card. The department of treasury shall  
17 deposit the fees received and collected under this section in the  
18 state treasury to the credit of the general fund. The  
19 legislature shall appropriate the fees credited to the general  
20 fund under this act to the secretary of state for the  
21 administration of this act. Appropriations from the Michigan  
22 transportation fund shall not be used to compensate the secretary  
23 of state for costs incurred and services performed under this  
24 section.

25 (13) An original or renewal official state personal  
26 identification card shall expire on the birthday of the person to  
27 whom it is issued in the fourth year following the date of

1 issuance or on the date his or her presence in the United States  
2 is no longer lawful, whichever occurs first. The secretary of  
3 state shall not issue an official state personal identification  
4 card under this act for a period greater than 4 years. Except as  
5 provided in this subsection, a person may apply for a renewal of  
6 an official state personal identification card by mail or by  
7 other methods prescribed by the secretary of state. The  
8 secretary of state shall require renewal in person by a person  
9 required under section 5a of the sex offenders registration act,  
10 1994 PA 295, MCL 28.725a, to maintain a valid operator's or  
11 chauffeur's license or official state personal identification  
12 card.

13 (14) The secretary of state shall waive the fee under this  
14 section if the applicant is a person 65 years of age or older, is  
15 a person who has had his or her operator's or chauffeur's license  
16 suspended, revoked, or denied under the Michigan vehicle code,  
17 1949 PA 300, MCL 257.1 to 257.923, because of a mental or  
18 physical infirmity or disability, is a person who presents  
19 evidence of statutory blindness as provided in 1978 PA 260,  
20 MCL 393.351 to 393.368, or is a person who presents other good  
21 cause for a fee waiver.

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

26 (16) A person who has been issued an official state personal  
27 identification card shall apply for a corrected identification

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

5 (17) Except as otherwise provided in subsections (15) and  
6 (16), a person who has been issued an official state personal  
7 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 person wants to change any information on the  
11 identification card.

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

14 (18) A person may indicate on an official state personal  
15 identification card in a place designated by the secretary of  
16 state his or her blood type, emergency contact information,  
17 immunization data, medication data, a statement that the person  
18 is deaf, or a statement that the person has made an anatomical  
19 gift pursuant to part 101 of the public health code, 1978 PA 368,  
20 MCL 333.10101 to 333.10109.

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

27 (20) A valid official state personal identification card

1 presented by the person to whom the card is issued shall be  
2 considered the same as a valid state of Michigan driver license  
3 when identification is requested except as otherwise specifically  
4 provided by law.