

**SUBSTITUTE FOR
SENATE BILL NO. 459**

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 2021 PA 73.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

5 (b) Except as provided in section 2a, the full legal name,

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

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

- 14 (i) The blood type of the individual.
- 15 (ii) Immunization data of the individual.
- 16 (iii) Medication data of the individual.
- 17 (iv) A statement that the individual is deaf.

18 (d) ~~In~~ **Except as otherwise provided in this subdivision, in**
 19 the case of a holder of an official state personal identification
 20 card who has indicated ~~his or her~~ **the holder's** wish to participate
 21 in the anatomical gift donor registry under part 101 of the public
 22 health code, 1978 PA 368, MCL 333.10101 to 333.10123, a heart
 23 insignia on the front of the **physical** official state personal
 24 identification card. **A mobile official state personal**
 25 **identification card issued under subsection (27) may not contain a**
 26 **heart insignia.**

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~~**Security** features designed to prevent
16 tampering, counterfeiting, or duplication of the official state
17 personal 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~~ **the applicant's** name placed on the registry described in
8 subparagraph (ii).

9 (b) Provide the applicant with the opportunity to specify on
10 ~~his or her~~ **the applicant's** official state personal identification
11 card that ~~he or she~~ **the applicant** is willing to make an anatomical
12 gift in the event of death under part 101 of the public health
13 code, 1978 PA 368, MCL 333.10101 to 333.10123, and in accordance
14 with this section.

15 (c) Inform the applicant that, if ~~he or she~~ **the applicant**
16 indicates to the secretary of state under this section a
17 willingness to have ~~his or her~~ **the applicant's** name placed on the
18 donor registry described in subdivision (a) (ii), the secretary of
19 state will mark the applicant's record for the donor registry.

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

22 (a) Providing printed material enclosed with a mailed notice
23 for the issuance or renewal of an official state personal
24 identification card.

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

27 (c) Through electronic information transmittals for
28 applications processed by electronic means.

29 (4) The secretary of state shall prescribe the form of the

1 official state personal identification card. The secretary of state
2 shall designate a space on the official state personal
3 identification card where the applicant may place a sticker or
4 decal of a uniform size as the secretary may specify to indicate
5 that the cardholder carries a separate emergency medical
6 information card. The sticker or decal may be provided by any
7 person, hospital, school, medical group, or association interested
8 in assisting in implementing the emergency medical information
9 card, but must meet the specifications of the secretary of state.
10 The sticker or decal also may be used to indicate that the
11 cardholder has designated 1 or more patient advocates in accordance
12 with section 5506 of the estates and protected individuals code,
13 1998 PA 386, MCL 700.5506. The emergency medical information card,
14 carried separately by the cardholder, may contain the information
15 described in subsection (2)(c), information concerning the
16 cardholder's patient advocate designation, other emergency medical
17 information, or an indication as to where the cardholder has stored
18 or registered emergency medical information. ~~An~~ **Except for a mobile**
19 **state official identification card issued or renewed under**
20 **subsection (27), an** original official state personal identification
21 card or the renewal of an existing official state personal
22 identification card issued to an individual less than 21 years of
23 age must be portrait or vertical in form, and an official state
24 personal identification card issued to an individual 21 years of
25 age or over must be landscape or horizontal in form. Except as
26 otherwise required in this act, other information required on the
27 official state personal identification card under this act may
28 appear on the official state personal identification card in a form
29 prescribed by the secretary of state.

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

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

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

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

13 (c) By the secretary of state for forwarding to the department
14 of state police the images of individuals required to be registered
15 under the sex offenders registration act, 1994 PA 295, MCL 28.721
16 to 28.730, upon the department of state police providing the
17 secretary of state an updated list of those individuals.

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

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

29 (f) As necessary to comply with a law of this state or the

1 United States.

2 (7) ~~If~~ **Except as otherwise provided in this subsection, if** an
3 individual presents evidence of statutory blindness as provided in
4 1978 PA 260, MCL 393.351 to 393.368, and is issued or is the holder
5 of an official state personal identification card, the secretary of
6 state shall mark the individual's **physical** official state personal
7 identification card in a manner that clearly indicates that the
8 cardholder is legally blind. **This subsection may not apply to a**
9 **mobile official state personal identification card issued under**
10 **subsection (27).**

11 (8) The secretary of state shall maintain a record of an
12 individual who indicates a willingness to have ~~his or her~~ **the**
13 **individual's** name placed on the donor registry described in
14 subsection (2) (a) (ii). Information about an individual's indication
15 of a willingness to have ~~his or her~~ **the individual's** name placed on
16 the donor registry that is obtained by the secretary of state and
17 forwarded under this section is exempt from disclosure under
18 section 13(1) (d) of the freedom of information act, 1976 PA 442,
19 MCL 15.243. As required in section 10120 of the public health code,
20 1978 PA 368, MCL 333.10120, the secretary of state shall establish
21 and maintain the donor registry in a manner that complies with that
22 section and that provides electronic access, including, but not
23 limited to, the transfer of data to this state's federally
24 designated organ procurement organization or its successor
25 organization, tissue banks, and eye banks.

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

28 (10) An official state personal identification card must
29 contain information appearing in electronic or machine-readable

1 codes needed to conduct a transaction with the secretary of state.
2 The information must be limited to the information described in
3 subsection (1) (a) and (b) except for the individual's digital
4 photographic image and signature or verification and certification,
5 state of issuance, and other information necessary for use with
6 electronic devices, machine readers, or automatic teller machines
7 and must not contain the individual's driving record or other
8 personal identifier. The official state personal identification
9 card must identify the encoded information.

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

16 (12) Except as otherwise provided in this act, an applicant
17 shall pay a fee of \$10.00 to the secretary of state for each
18 original or renewal official state personal identification card
19 issued. The secretary of state shall not assess a late renewal fee
20 for an official state personal identification card that expires on
21 or after March 1, 2020 and is renewed before March 31, 2021. The
22 secretary of state shall not assess a late renewal fee for an
23 official state personal identification card that expires after
24 March 31, 2021 but before August 1, 2021 and is renewed within 120
25 days after the date of the expiration. The secretary of state
26 shall, upon an applicant's request, reimburse a late renewal fee
27 assessed and collected for an official state personal
28 identification card that expires after March 31, 2021 but before
29 August 1, 2021 and is renewed within 120 days after the date of the

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

10 (13) An original or renewal official state personal
11 identification card **or a mobile official state personal**
12 **identification card or renewal mobile official state personal**
13 **identification card** expires on the birthday of the individual to
14 whom it is issued in the fourth year following the date of issuance
15 or on the date the individual is no longer considered to be legally
16 present in the United States under section 1, whichever is earlier.
17 The secretary of state shall not issue an official state personal
18 identification card **or a mobile official state personal**
19 **identification card** under this act for a period greater than 4
20 years. Except as provided in this subsection, the secretary of
21 state may issue a renewal official state personal identification
22 card **or renewal mobile official state personal identification card**
23 for 1 additional 4-year period or beginning on July 1, 2021, for 2
24 additional 4-year periods, by mail or by other methods prescribed
25 by the secretary of state. The secretary of state shall require
26 renewal in person by an individual required under section 5a of the
27 sex offenders registration act, 1994 PA 295, MCL 28.725a, to
28 maintain a valid operator's or chauffeur's license or official
29 state personal identification card.

1 (14) The secretary of state shall waive the fee **required** under
2 ~~this section-subsections (12) and (24)~~ if the applicant is any of
3 the following:

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

5 (b) An individual who has had ~~his or her~~ **the individual's**
6 operator's or chauffeur's license suspended, revoked, or denied
7 under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923,
8 because 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~~ **the**
16 **individual's** application for an official state personal
17 identification card during a period in which ~~he or she~~ **the**
18 **individual** 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 secretary of state may verify the information contained
19 in the letter with the agency of issuance before issuing an
20 official state 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~~ **the individual's** 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~~ **the individual** changes ~~his or her~~
2 **the individual's** residence address. The secretary of state may
3 correct the address on an official state personal identification
4 card by a method prescribed by the secretary of state. A fee must
5 not be charged for a change of residence address.

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

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

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

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

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

1 (20) If an applicant provides proof to the secretary of state
2 that ~~he or she~~ **the applicant** is a minor who has been emancipated
3 under 1968 PA 293, MCL 722.1 to 722.6, the official state personal
4 identification card must bear the designation of the individual's
5 emancipated status in a manner prescribed by the secretary of
6 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~~ **the**
10 **individual** agrees to participate in the anatomical gift donor
11 registry under part 101 of the public health code, 1978 PA 368, MCL
12 333.10101 to 333.10123. An individual who has agreed to participate
13 in the donor registry is not considered to have revoked that
14 agreement solely because the individual's official state personal
15 identification card has expired. Enrollment in the donor registry
16 is a legal agreement that remains binding and in effect after the
17 donor's death regardless of the expressed desires of the deceased
18 donor's next of kin who may 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 (23) Beginning July 1, 2021, if an official state personal
25 identification card issued under this act is lost, destroyed, or
26 mutilated, or becomes illegible, the individual to whom the
27 official state personal identification card was issued may obtain a
28 duplicate upon the payment of the fee required in subsection (24)
29 and upon furnishing proof satisfactory to the secretary of state

1 that the official state personal identification card has been lost,
2 destroyed, or mutilated, or has become illegible.

3 (24) Except as otherwise provided in subsection (25), for each
4 duplicate official state personal identification card, and for each
5 correction of an official state personal identification card,
6 beginning July 1, 2021, an individual may apply for renewal of the
7 official state personal identification card and pay the renewal fee
8 prescribed in this act or the individual may, at ~~his or her~~ **the**
9 **individual's** option and upon payment of the fee prescribed in this
10 section, apply for a duplicate official state personal
11 identification card that expires on the same date as the official
12 state personal identification card that was lost, destroyed, or
13 mutilated, or became illegible. The fee for a duplicate official
14 state personal identification card is \$10.00. A renewal fee must
15 not be charged for a change of address, a correction required to
16 correct a department error, or to add or remove a heart insignia
17 described in subsection (1)(d).

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

1 renewal period.

2 (26) Notwithstanding subsection (13), an official state
3 personal identification card that expires on or after March 1, 2020
4 is considered valid until March 31, 2021. Notwithstanding
5 subsection (13), an official state personal identification card
6 that expires after March 31, 2021 but before August 1, 2021 is
7 considered valid until 120 days after the date of the expiration.
8 If the secretary of state receives an application to renew an
9 official state personal identification card that expires on or
10 after March 1, 2020 before March 31, 2021, the secretary of state
11 shall process the application as a renewal of an existing official
12 state personal identification card. If the secretary of state
13 receives an application to renew an official state personal
14 identification card that expires after March 31, 2021 but before
15 August 1, 2021, the secretary of state shall process the
16 application as a renewal of an existing official state personal
17 identification card until 120 days after the date of the
18 expiration.

19 (27) After the secretary of state develops or enters into a
20 contract to develop the mobile license system under section 310a of
21 the vehicle code, 1949 PA 300, MCL 257.310a, on request of an
22 individual issued a physical official state personal identification
23 card under this section, the secretary of state may issue a mobile
24 official state personal identification card to the individual. The
25 secretary of state shall ensure that any data elements in the
26 mobile official state personal identification card match the data
27 elements contained in the records of the department. The secretary
28 of state shall not issue or renew a mobile official state personal
29 identification card to an individual who does not hold a valid

1 physical official state personal identification card. On request of
2 a police officer or relying party, an individual may display the
3 individual's mobile official state personal identification card on
4 the electronic device on which the mobile official state personal
5 identification card is provisioned. The secretary of state may
6 provision an individual's mobile official state personal
7 identification card to multiple electronic devices through the
8 mobile license system developed under section 310a of the Michigan
9 vehicle code, 1949 PA 300, MCL 257.310a. The secretary of state
10 shall regularly update an individual's information in a mobile
11 official state personal identification card and set the validity
12 period of a mobile official state personal identification card. The
13 fee for an original or renewal mobile official state personal
14 identification card must not be more than \$4.00. The secretary of
15 state shall deposit the money collected under this subsection in
16 the mobile license fund created under section 811c(2) of the
17 Michigan vehicle code, 1949 PA 300, MCL 257.811c.

18 (28) ~~(27)~~—As used in this section:

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

22 (i) Deafness or hearing loss.

23 (ii) An autism spectrum disorder.

24 (b) "Data elements" means that term as defined in section 310a
25 of the Michigan vehicle code, 1949 PA 300, MCL 257.310a.

26 (c) ~~(b)~~—"Emergency contact information" means the name,
27 telephone number, or address of an individual that is used for the
28 sole purpose of contacting that individual when the holder of an
29 official state personal identification card has been involved in an

1 emergency.

2 (d) "Provision" means that term as defined in section 310a of
3 the Michigan vehicle code, 1949 PA 300, MCL 257.310a.

4 (e) "Relying party" means that term as defined in section 310a
5 of the Michigan vehicle code, 1949 PA 300, MCL 257.310a.

6 (f) "Validity period" means that term as defined in section
7 310a of the Michigan vehicle code, 1949 PA 300, MCL 257.310a.

8 Enacting section 1. This amendatory act does not take effect
9 unless all of the following bills of the 102nd Legislature are
10 enacted into law:

11 (a) Senate Bill No. 460.

12 (b) Senate Bill No. 461.

13 (c) Senate Bill No. 894.