

HOUSE BILL NO. 5070

June 17, 2021, Introduced by Rep. Slagh 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) 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~~, **28.730**, upon the department of state police providing
14 the 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, an applicant
11 shall pay a fee of \$10.00 to the secretary of state for each
12 original or renewal official state personal identification card
13 issued. The secretary of state shall not assess a late renewal fee
14 for an official state personal identification card that expires on
15 or after March 1, 2020 and is renewed before March 31, 2021. The
16 department of treasury shall deposit the fees received and
17 collected under this section in the state treasury to the credit of
18 the general fund. The legislature shall appropriate the fees
19 credited to the general fund under this act to the secretary of
20 state for the administration of this act. Appropriations from the
21 Michigan transportation fund created under section 10 of 1951 PA
22 51, MCL 247.660, must not be used to compensate the secretary of
23 state for costs incurred and services performed under this section.
24 **Notwithstanding any other provision in this chapter, beginning**
25 **March 31, 2021, if an official state personal identification card**
26 **is expired at the time of renewal, the department shall not charge**
27 **a late fee or upon the applicant's request shall reimburse a late**
28 **fee charged and collected if both of the following apply:**

29 (a) The applicant registered for the in-person renewal

1 **appointment before the expiration date.**

2 **(b) The original or renewal official state personal**
3 **identification card has not been expired for more than 90 days.**

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

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

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

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

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

29 (d) An individual who presents evidence of 1 or more of the

1 following:

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

7 (A) The family independence program.

8 (B) The state disability assistance program.

9 (ii) A United States Social Security Administration benefit
10 award letter indicating the applicant is currently receiving
11 payments under the federal supplemental security income program as
12 that term is defined in section 57 of the social welfare act, 1939
13 PA 280, MCL 400.57, or the Social Security disability income
14 program.

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

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

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

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

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

9 (ii) A photo identification card generated from the United
10 States Department of Housing and Urban Development Homeless
11 Management Information System.

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

16 (16) An individual who has been issued an official state
17 personal identification card shall apply for a corrected
18 identification card if he or she changes his or her residence
19 address. The secretary of state may correct the address on an
20 official state personal identification card by a method prescribed
21 by the secretary of state. A fee must not be charged for a change
22 of residence address.

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

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

29 (b) An official state personal identification card issued

1 under this act is lost, destroyed, or mutilated, or becomes
2 illegible.

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

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

16 (20) If an applicant provides proof to the secretary of state
17 that he or she is a minor who has been emancipated under 1968 PA
18 293, MCL 722.1 to 722.6, the official state personal identification
19 card must bear the designation of the individual's emancipated
20 status in a manner prescribed by the secretary of state.

21 (21) The secretary of state shall inquire of each individual
22 who applies for or who holds an official state personal
23 identification card, in person or by mail, whether he or she agrees
24 to participate in the anatomical gift donor registry under part 101
25 of the public health code, 1978 PA 368, MCL 333.10101 to 333.10123.
26 An individual who has agreed to participate in the donor registry
27 is not considered to have revoked that agreement solely because the
28 individual's official state personal identification card has
29 expired. Enrollment in the donor registry is a legal agreement that

1 remains binding and in effect after the donor's death regardless of
2 the expressed desires of the deceased donor's next of kin who may
3 oppose the donor's anatomical gift.

4 (22) A valid official state personal identification card
5 presented by the individual to whom the card is issued is
6 considered the same as a valid state of Michigan driver license
7 when identification is requested except as otherwise specifically
8 provided by law.

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

17 (24) Except as otherwise provided in subsection (25), for each
18 duplicate official state personal identification card, and for each
19 correction of an official state personal identification card,
20 beginning July 1, 2021, an individual may apply for renewal of the
21 official state personal identification card and pay the renewal fee
22 prescribed in this act or the individual may, at his or her option
23 and upon payment of the fee prescribed in this section, apply for a
24 duplicate official state personal identification card that expires
25 on the same date as the official state personal identification card
26 that was lost, destroyed, or mutilated, or became illegible. The
27 fee for a duplicate official state personal identification card is
28 \$10.00. A renewal fee must not be charged for a change of address,
29 a correction required to correct a department error, or to add or

1 remove a heart insignia described in subsection (1)(d).

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

15 (26) Notwithstanding subsection (13), an official state
16 personal identification card expiring on or after March 1, 2020 is
17 considered valid until March 31, 2021. If the secretary of state
18 receives an application to renew an official state personal
19 identification card that expires on or after March 1, 2020 before
20 March 31, 2021, the secretary of state shall process the
21 application as a renewal of an existing official state personal
22 identification card.

23 (27) As used in this section:

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

27 (i) Deafness or hearing loss.

28 (ii) An autism spectrum disorder.

29 (b) "Emergency contact information" means the name, telephone

1 number, or address of an individual that is used for the sole
2 purpose of contacting that individual when the holder of an
3 official state personal identification card has been involved in an
4 emergency.

5 Enacting section 1. Section 2(12) of 1972 PA 222, MCL 28.292,
6 as amended by this amendatory act, is intended to be retroactive
7 and apply retroactively to late fees charged on or after March 31,
8 2021.