

HOUSE BILL NO. 5160

June 24, 2021, Introduced by Reps. Brabec, Brixie, Aiyash, Kuppa, Tyrone Carter, Garza, Hammoud, Neeley, Rogers, Sowerby, Puri, Weiss, Morse, Camilleri, Ellison, Anthony, Pohutsky, LaGrand, Hood, Haadsma, Scott, Steckloff, Shannon, Breen, Hope, Cavanagh, Cynthia Johnson, Koleszar, Lasinski, Thanedar, Liberati, Cambensy, Whitsett, Sabo, O'Neal, Young, Hertel, Stone, Cherry, Sneller, Jones, Clemente, Brenda Carter, Coleman, Bolden, Tate, Manoogian, Steenland and Rabhi and referred to the Committee on Oversight.

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

1 must contain the following:

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

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

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

18 (i) The blood type of the individual.

19 (ii) Immunization data of the individual.

20 (iii) Medication data of the individual.

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

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

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

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

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

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

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

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

27 (ii) Information describing the donor registry program
28 maintained by Michigan's federally designated organ procurement
29 organization or its successor organization under section 10120 of

1 the public health code, 1978 PA 368, MCL 333.10120. The information
2 required under this subparagraph must include the address and
3 telephone number of Michigan's federally designated organ
4 procurement organization or its successor organization as described
5 in section 10120 of the public health code, 1978 PA 368, MCL
6 333.10120.

7 (iii) Information giving the applicant the opportunity to have
8 his or her name placed on the registry described in subparagraph
9 (ii).

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

15 (c) Inform the applicant that, if he or she indicates to the
16 secretary of state under this section a willingness to have his or
17 her name placed on the donor registry described in subdivision
18 (a) (ii), the secretary of state will mark the applicant's record for
19 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 original official
19 state personal identification card or the renewal of an existing
20 official state personal identification card issued to an individual
21 less than 21 years of age must be portrait or vertical in form, and
22 an official state personal identification card issued to an
23 individual 21 years of age or over must be landscape or horizontal
24 in form. Except as otherwise required in this act, other
25 information required on the official state personal identification
26 card under this act may appear on the official state personal
27 identification card in a form prescribed by the secretary of state.

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

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

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

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

11 (c) By the secretary of state for forwarding to the department
12 of state police the images of individuals required to be registered
13 under the sex offenders registration act, 1994 PA 295, MCL 28.721
14 to ~~28.736~~, **28.730**, upon the department of state police providing
15 the secretary of state an updated list of those individuals.

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

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

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

29 (7) If an individual presents evidence of statutory blindness

1 as provided in 1978 PA 260, MCL 393.351 to 393.368, and is issued
2 or is the holder of an official state personal identification card,
3 the secretary of state shall mark the individual's official state
4 personal identification card in a manner that clearly indicates
5 that the cardholder is legally blind.

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

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

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

1 electronic devices, machine readers, or automatic teller machines
2 and must not contain the individual's driving record or other
3 personal identifier. The official state personal identification
4 card must identify the encoded information.

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

11 (12) Except as otherwise provided in this act, an applicant
12 shall pay a fee of \$10.00 to the secretary of state for each
13 original or renewal official state personal identification card
14 issued. The secretary of state shall not assess a late renewal fee
15 for an official state personal identification card that expires on
16 or after March 1, 2020 **but before the date that is 90 days after**
17 **the effective date of the amendatory act that added subdivisions**
18 **(a) to (c) and is renewed ~~before March 31, 2021.~~ on or before the**
19 **later of the following:**

20 (a) **The date that is 90 days after the effective date of the**
21 **amendatory act that added this subdivision.**

22 (b) **For an official state personal identification card that**
23 **expires on or after March 1, 2020 but before January 1, 2021, the**
24 **date that is 1 year and 90 days after the expiration date.**

25 (c) **For an official state personal identification card that**
26 **expires after December 31, 2020 but before the date that is 90 days**
27 **after the effective date of the amendatory act that added this**
28 **subdivision, the date that is 90 days after the expiration date.**

29 (13) The department of treasury shall deposit the fees

1 received and collected under ~~this section~~ **subsection (12)** in the
2 state treasury to the credit of the general fund. The legislature
3 shall appropriate the fees credited to the general fund under this
4 act to the secretary of state for the administration of this act.
5 Appropriations from the Michigan transportation fund created under
6 section 10 of 1951 PA 51, MCL 247.660, must not be used to
7 compensate the secretary of state for costs incurred and services
8 performed under this section. **Notwithstanding any other provision**
9 **of this act, all of the following apply:**

10 (a) **Beginning March 31, 2021 to the end of the period**
11 **described under subsection (12), (27), or (28), the secretary of**
12 **state shall not charge a late renewal fee for an official state**
13 **personal identification card.**

14 (b) **The secretary of state shall, upon an applicant's request,**
15 **reimburse a late renewal fee charged and collected from March 31,**
16 **2021 to the end of the period described under subsection (12),**
17 **(27), or (28) for an official state personal identification card.**

18 (14) ~~(13)~~ **An original or renewal official state personal**
19 **identification card expires on the birthday of the individual to**
20 **whom it is issued in the fourth year following the date of issuance**
21 **or on the date the individual is no longer considered to be legally**
22 **present in the United States under section 1, whichever is earlier.**
23 **The secretary of state shall not issue an official state personal**
24 **identification card under this act for a period greater than 4**
25 **years. Except as provided in this subsection, the secretary of**
26 **state may issue a renewal official state personal identification**
27 **card for 1 additional 4-year period or beginning on July 1, 2021,**
28 **for 2 additional 4-year periods, by mail or by other methods**
29 **prescribed by the secretary of state. The secretary of state shall**

1 require renewal in person by an individual required under section
 2 5a of the sex offenders registration act, 1994 PA 295, MCL 28.725a,
 3 to maintain a valid operator's or chauffeur's license or official
 4 state personal identification card.

5 **(15)** ~~(14)~~—The secretary of state shall waive the fee under
 6 this section if the applicant is any of the following:

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

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

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

14 (d) An individual who presents evidence of 1 or more of the
 15 following:

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

21 (A) The family independence program.

22 (B) The state disability assistance program.

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

29 (iii) A United States Social Security Administration benefit

1 verification letter indicating the applicant is currently receiving
2 payments under the federal supplemental security income program as
3 that term is defined in section 57 of the social welfare act, 1939
4 PA 280, MCL 400.57, or the Social Security disability income
5 program.

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

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

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

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

23 (ii) A photo identification card generated from the United
24 States Department of Housing and Urban Development Homeless
25 Management Information System.

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

1 **(17)** ~~(16)~~—An individual who has been issued an official state
2 personal identification card shall apply for a corrected
3 identification card if he or she changes his or her residence
4 address. The secretary of state may correct the address on an
5 official state personal identification card by a method prescribed
6 by the secretary of state. A fee must not be charged for a change
7 of residence address.

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

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

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

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

22 **(20)** ~~(19)~~—The secretary of state shall develop and shall, in
23 conjunction with the department of state police, implement a
24 process using the L.E.I.N. or any other appropriate system that
25 limits access to law enforcement that allows law enforcement
26 agencies of this state to access emergency contact information and,
27 beginning July 1, 2021, to view a communication impediment
28 designation that the holder of an official state personal
29 identification card has voluntarily provided to the secretary of

1 state.

2 **(21)** ~~(20)~~—If an applicant provides proof to the secretary of
3 state that he or she is a minor who has been emancipated under 1968
4 PA 293, MCL 722.1 to 722.6, the official state personal
5 identification card must bear the designation of the individual's
6 emancipated status in a manner prescribed by the secretary of
7 state.

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

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

25 **(24)** ~~(23)~~—Beginning July 1, 2021, if an official state
26 personal identification card issued under this act is lost,
27 destroyed, or mutilated, or becomes illegible, the individual to
28 whom the official state personal identification card was issued may
29 obtain a duplicate upon the payment of the fee required in

1 subsection ~~(24)~~ **(25)** and upon furnishing proof satisfactory to the
2 secretary of state that the official state personal identification
3 card has been lost, destroyed, or mutilated, or has become
4 illegible.

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

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

1 the combined period of the time remaining on the official state
 2 personal identification card before its renewal and the 4-year
 3 renewal period.

4 ~~(27) (26)~~ Notwithstanding subsection ~~(13)~~, **(14)**, an official
 5 state personal identification card ~~expiring that expires~~ on or
 6 after March 1, 2020 **but before the date that is 90 days after the**
 7 **effective date of the amendatory act that added subdivisions (a) to**
 8 **(c) is considered valid until March 31, 2021. the later of the**
 9 **following:**

10 (a) The date that is 90 days after the effective date of the
 11 amendatory act that added this subdivision.

12 (b) For an official state personal identification card that
 13 expires on or after March 1, 2020 but before January 1, 2021, the
 14 date that is 1 year and 90 days after the expiration date.

15 (c) For an official state personal identification card that
 16 expires after December 31, 2020 but before the date that is 90 days
 17 after the effective date of the amendatory act that added this
 18 subdivision, the date that is 90 days after the expiration date.

19 ~~(28) If the secretary of state receives an application to~~
 20 ~~renew an official state personal identification card that expires~~
 21 ~~on or after March 1, 2020 before March 31, 2021, the~~ **The** secretary
 22 of state shall process ~~the~~ **an application to renew an official**
 23 **state personal identification card** as a renewal of an existing
 24 official state personal identification card **if the secretary of**
 25 **state receives the application to renew an official state personal**
 26 **identification card that expires on or after March 1, 2020 but**
 27 **before the date that is 90 days after the effective date of the**
 28 **amendatory act that added subdivisions (a) to (c) until the later**
 29 **of the following:**

1 (a) The date that is 90 days after the effective date of the
2 amendatory act that added this subdivision.

3 (b) For an official state personal identification card that
4 expires on or after March 1, 2020 but before January 1, 2021, the
5 date that is 1 year and 90 days after the expiration date.

6 (c) For an official state personal identification card that
7 expires after December 31, 2020 but before the date that is 90 days
8 after the effective date of the amendatory act that added this
9 subdivision, the date that is 90 days after the expiration date.

10 (29) ~~(27)~~As used in this section:

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

14 (i) Deafness or hearing loss.

15 (ii) An autism spectrum disorder.

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

21 Enacting section 1. Section 2(12), (13), (27), and (28) of
22 1972 PA 222, MCL 28.292, as amended by this amendatory act, is
23 intended to be retroactive and apply retroactively to late fees
24 charged on or after March 31, 2021 and official state personal
25 identification cards that expire on or after March 31, 2021.