

# SENATE BILL NO. 459

July 20, 2023, Introduced by Senator ANTHONY and referred to the Committee on Transportation and Infrastructure.

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

1 individual to whom the card is issued.

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

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

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

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

29 (e) If requested by an individual who is a veteran as that

1 term is defined in section 1 of 1965 PA 190, MCL 35.61, a  
2 designation that the individual is a veteran. The designation must  
3 be in a style and format considered appropriate by the secretary of  
4 state. The secretary of state shall require proof of discharge or  
5 separation of service from the armed forces of this state, another  
6 state, or the United States, and the nature of that discharge, for  
7 the purposes of verifying an individual's status as a veteran under  
8 this subdivision. The secretary of state shall consult with the  
9 department of military and veterans affairs in determining the  
10 proof that must be required to identify an individual's status as a  
11 veteran for the purposes of this subsection. The secretary of state  
12 may provide the department of military and veterans affairs and  
13 agencies of the counties of this state that provide veteran  
14 services with information provided by an applicant under this  
15 subsection for the purpose of veterans' benefits eligibility  
16 referral.

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

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

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

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

28 (ii) Information describing the donor registry program  
29 maintained by Michigan's federally designated organ procurement

1 organization or its successor organization under section 10120 of  
2 the public health code, 1978 PA 368, MCL 333.10120. The information  
3 required under this subparagraph must include the address and  
4 telephone number of Michigan's federally designated organ  
5 procurement organization or its successor organization as described  
6 in section 10120 of the public health code, 1978 PA 368, MCL  
7 333.10120.

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

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

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

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

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

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

29 (c) Through electronic information transmittals for

1 applications processed by electronic means.

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

1 appear on the official state personal identification card in a form  
2 prescribed by the secretary of state.

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

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

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

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

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

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

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

1 state registry identification card.

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

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

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

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

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

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

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

1 identification card that expires after March 31, 2021 but before  
2 August 1, 2021 and is renewed within 120 days after the date of the  
3 expiration of the official state personal identification card. The  
4 department of treasury shall deposit the fees received and  
5 collected under this section in the state treasury to the credit of  
6 the general fund. The legislature shall appropriate the fees  
7 credited to the general fund under this act to the secretary of  
8 state for the administration of this act. Appropriations from the  
9 Michigan transportation fund created under section 10 of 1951 PA  
10 51, MCL 247.660, must not be used to compensate the secretary of  
11 state for costs incurred and services performed under this section.

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

1 maintain a valid operator's or chauffeur's license or official  
2 state personal identification card.

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

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

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

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

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

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

1           (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~~ **the individual** changes ~~his or her~~  
4 **the individual's** residence address. The secretary of state may  
5 correct the address on an official state personal identification  
6 card by a method prescribed by the secretary of state. A fee must  
7 not be charged for a change of residence address.

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

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

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

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

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

1 identification card has voluntarily provided to the secretary of  
2 state.

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

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

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

26 (23) Beginning July 1, 2021, if an official state personal  
27 identification card issued under this act is lost, destroyed, or  
28 mutilated, or becomes illegible, the individual to whom the  
29 official state personal identification card was issued may obtain a

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

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

20 (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) must be renewed for the

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

21 (27) **On request of an individual issued an official state**  
22 **personal identification card under this section, the secretary of**  
23 **state may issue a mobile official state personal identification**  
24 **card to the individual. The secretary of state shall ensure that**  
25 **any data elements in the mobile official state personal**  
26 **identification card issued under this subsection are identical to**  
27 **the data contained in the individual's current secretary of state's**  
28 **record. The secretary of state shall not issue or renew a mobile**  
29 **official state personal identification card to an individual who**

1 does not hold a valid official state personal identification card.  
2 On request of a police officer or relying party, an individual may  
3 display the individual's mobile official state personal  
4 identification card on the electronic device on which the mobile  
5 official state personal identification card is loaded. The  
6 secretary of state may load an individual's mobile official state  
7 personal identification card to multiple electronic devices through  
8 the mobile license system developed under section 310a of the  
9 Michigan vehicle code, 1949 PA 300, MCL 257.310a. The secretary of  
10 state shall regularly update an individual's information in a  
11 mobile official state personal identification card and set the  
12 validity period of a mobile official state personal identification  
13 card. The fee for an original or renewal mobile official state  
14 personal identification card is \$4.00. The secretary of state shall  
15 deposit the money collected under this subsection in the mobile  
16 license fund created under section 811c(2) of the Michigan vehicle  
17 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) "Emergency contact information" means the name, telephone  
25 number, or address of an individual that is used for the sole  
26 purpose of contacting that individual when the holder of an  
27 official state personal identification card has been involved in an  
28 emergency.

29 (c) "Relying party" means that term as defined in section 310a

1 of the Michigan vehicle code, 1949 PA 300, MCL 257.310a.

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

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

7 (a) Senate Bill No. 461.

8

9 (b) Senate Bill No. 460.

10