STATE PERSONAL IDENTIFICATION CARD (EXCERPT)
Act 222 of 1972

****** 28.291.amended THIS AMENDED SECTION IS EFFECTIVE JUNE 30, 2025 ******

28.291.amended Official state personal identification card; application; requirements; automatic voter registration opt-out; identification card issued by department of corrections as documentation; electronic access to prisoner information; person holding operator's or chauffeur's license; applicant not citizen of United States; disclosure or display of Social Security number; exception; agreements with federal government; termination of official state personal identification card issued by another state; duties of secretary of state; communication impediment designation.

Sec. 1. (1) An individual who is a resident of this state may apply to the secretary of state for an official state personal identification card. Upon application, the applicant shall supply a photographic identity document, a birth certificate or other nonphotographic identity document, and other sufficient documents as the secretary of state may require to verify the identity and citizenship of the applicant. If an applicant for an official state personal identification card is not a citizen of the United States, the applicant shall supply a photographic identity document and other sufficient documents to verify the identity of the applicant and the applicant's legal presence in the United States under subsection (5). The documents required under this subsection must include the applicant's full legal name, date of birth, address, and residency and demonstrate that the applicant is a citizen of the United States or is legally present in the United States. If the applicant's full legal name differs from the name of the applicant that appears on a document presented under this subsection, the applicant shall present documents to verify the applicant's current full legal name. An application for an official state personal identification card must be made in a manner prescribed by the secretary of state and must contain the applicant's full legal name, date of birth, residence address, height, sex, eye color, signature, intent to be an organ donor, other information required or permitted on the official state personal identification card and, only to the extent to comply with federal law, the applicant's Social Security number. The applicant may provide a mailing address if the applicant receives mail at an address different from the applicant's residence address. Beginning June 27, 2021, if the applicant is a program participant in the address confidentiality program under the address confidentiality program act, 2020 PA 301, MCL 780.851 to 780.873, the applicant shall present to the secretary of state the applicant's participation card issued under the address confidentiality program act, 2020 PA 301, MCL 780.851 to 780.873. Only for voter registration transactions under section 493a(6) of the Michigan election law, 1954 PA 116, MCL 168.493a, an applicant for an official state personal identification card must indicate on the application or change of address application whether the applicant is a citizen of the United States. Only for voter registration transactions under section 493a(6) of the Michigan election law, 1954 PA 116, MCL 168.493a, an application must allow the applicant to indicate that the applicant declines to use the application as a voter registration application.

(2) The secretary of state shall accept as 1 of the identification documents required under subsection (1) an identification card issued by the department of corrections to prisoners who are placed on parole or released from a correctional facility, containing the prisoner's legal name, photograph, and other information identifying the prisoner as provided in section 37(4) of the corrections code of 1953, 1953 PA 232, MCL 791.237.

(3) The secretary of state shall have electronic access to prisoner information maintained by the department of corrections for the purpose of verifying the identity of a prisoner who applies for an official state identification card under subsection (1).

(4) The secretary of state shall not issue an official state personal identification card to an individual who holds an operator's or chauffeur's license issued under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, unless the license has been suspended, revoked, or restricted.

(5) If the applicant is not a citizen of the United States, the applicant shall provide, and the department shall verify, documents demonstrating the applicant's legal presence in the United States. Nothing in this act obligates this state to comply with title II of the real ID act of 2005, Public Law 109-13. The secretary of state may adopt rules under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, as are necessary for the administration of this subsection. A determination by the secretary of state that an applicant is not legally present in the United States may be appealed under section 631 of the revised judicature act of 1961, 1961 PA 236, MCL 600.631. The secretary of state shall not issue an official state personal identification card to an applicant described in this subsection for a term that exceeds the duration of the applicant's legal presence in the United States.

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(6) The secretary of state shall not disclose a Social Security number obtained under subsection (1) to another person except for use for 1 or more of the following purposes:

(a) Compliance with 49 USC 31301 to 31317 and regulations and rules related to this act.

(b) To carry out the purposes of section 466(a) of the social security act, 42 USC 666, in connection with matters relating to paternity, child support, or overdue child support.

(c) To the department of health and human services, for comparison with vital records maintained by the department of health and human services under part 28 of the public health code, 1978 PA 368, MCL 333.2801 to 333.2899.

(d) As otherwise required by law.

(7) The secretary of state shall not display an individual's Social Security number on the individual's official state personal identification card.

(8) A requirement under this section to include a Social Security number on an application does not apply to an applicant who demonstrates that the applicant is exempt under law from obtaining a Social Security number.

(9) The secretary of state, with the approval of the state administrative board created under 1921 PA 2, MCL 17.1 to 17.3, may enter into agreements with the United States government to verify whether an applicant for an official state personal identification card under this section who is not a citizen of the United States is authorized under federal law to be present in the United States.

(10) The secretary of state shall not issue an official state personal identification card to an individual holding an official state personal identification card issued by another state without confirmation that the individual is terminating or has terminated the official state personal identification card issued by the other state.

(11) The secretary of state shall do all of the following:

(a) Ensure the physical security of locations where official state personal identification cards are produced and the security of document materials and papers from which official state personal identification cards are produced.

(b) Subject each person authorized to manufacture or produce official state personal identification cards and each person who has the ability to affect the identity information that appears on official state personal identification cards to appropriate security clearance requirements. The security requirements of this subdivision and subdivision (a) may require that official state personal identification cards be manufactured or produced in this state.

(c) Provide fraudulent document recognition programs to secretary of state employees engaged in the issuance of official state personal identification cards.

(12) If an individual meets the requirements under subsection (13), beginning July 1, 2021, the secretary of state shall allow the individual to elect a communication impediment designation on the application maintained in the central file under section 7 or in another appropriate system that limits access to an individual allowed access to public record information by the criminal justice information policy council under the C.J.I.S. policy council act, 1974 PA 163, MCL 28.211 to 28.215, and that allows an individual with access to view a communication impediment designation with an official state personal identification card.

(13) An individual seeking an election for a communication impediment designation under subsection (12) shall provide the secretary of state a certification that meets all of the following:

(a) Is signed by a physician, physician assistant, certified nurse practitioner, audiologist, speech-language pathologist, psychologist, or physical therapist licensed to practice in this state.

(b) Identifies the individual for whom the communication impediment designation is being elected.

(c) Attests to the nature of the health condition that may impede communication.

(14) The secretary of state shall not display an individual's communication impediment designation on the individual's official state personal identification card.

(15) An individual who intentionally makes a false statement of material fact or commits or attempts to commit a deception or fraud on a statement described under subsection (13) is guilty of a misdemeanor punishable by imprisonment for not more than 30 days or a fine of not more than $500.00, or both.

(16) Subject to subsection (17), the secretary of state may cancel or revoke a communication impediment designation elected and maintained under this section if either of the following circumstances applies:

(a) The secretary of state determines that a communication impediment designation was fraudulently or erroneously elected.

(b) The secretary of state determines the communication impediment designation was abused during a traffic stop.

(17) The secretary of state shall provide an individual notice and an opportunity to be heard before canceling or revoking a communication impediment designation under subsection (16).

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(18) As used in this section, "communication impediment" means an individual has a health condition that may impede communication with a police officer, including, but not limited to, any of the following:

(a) Deafness or hearing loss.

(b) An autism spectrum disorder.

History: 1972, Act 222, Imd. Eff. July 25, 1972;—Am. 1975, Act 307, Eff. Jan. 1, 1976;—Am. 1997, Act 99, Imd. Eff. Aug. 7, 1997;—Am. 2005, Act 143, Imd. Eff. Sept. 29, 2005;—Am. 2008, Act 31, Imd. Eff. Mar. 13, 2008;—Am. 2011, Act 158, Imd. Eff. Sept. 30, 2011;—Am. 2012, Act 25, Imd. Eff. Feb. 23, 2012;—Am. 2018, Act 176, Eff. Sept. 9, 2018;—Am. 2018, Act 605, Imd. Eff. Dec. 28, 2018;—Am. 2020, Act 92, Eff. July 1, 2021;—Am. 2020, Act 306, Imd. Eff. Dec. 29, 2020;—Am. 2021, Act 105, Eff. Dec. 1, 2021;—Am. 2023, Act 261, Eff. June 30, 2025.

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