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Act No. 128

Public Acts of 2020

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STATE OF MICHIGAN

100TH LEGISLATURE

REGULAR SESSION OF 2020

Introduced by Senator Schmidt

ENROLLED SENATE BILL NO. 877

AN ACT 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 sections 2 and 9a (MCL 28.292 and 28.299a), section 2 as amended by 2020 PA 92 and section 9a as added by 2008 PA 32.

The People of the State of Michigan enact:

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

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

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

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

(*i*) The blood type of the individual.

(*ii*) Immunization data of the individual.

(*iii*) Medication data of the individual.

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

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

(e) If requested by an individual who is a veteran as that term is defined in section 1 of 1965 PA 190, MCL 35.61, a designation that the individual is a veteran. The designation must be in a style and format considered appropriate by the secretary of state. The secretary of state shall require proof of discharge or separation of service from the armed forces of this state, another state, or the United States, and the nature of that discharge, for the purposes of verifying an individual's status as a veteran under this subdivision. The secretary of state shall consult with the department of military and veterans affairs in determining the proof that must be required to identify an individual's status as a veteran for the purposes of this subsection. The secretary of state may provide the department of military and veterans affairs and agencies of the counties of this state that provide veteran services with information provided by an applicant under this subsection for the purpose of veterans' benefits eligibility referral.

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

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

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

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

(*ii*) Information describing the donor registry program maintained by Michigan's federally designated organ procurement organization or its successor organization under section 10120 of the public health code, 1978 PA 368, MCL 333.10120. The information required under this subparagraph must include the address and telephone number of Michigan's federally designated organ procurement organization or its successor organization as described in section 10120 of the public health code, 1978 PA 368, MCL 333.10120.

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

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

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

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

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

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

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

(4) The secretary of state shall prescribe the form of the official state personal identification card. The secretary of state shall designate a space on the official state personal identification card where the applicant may place a sticker or decal of a uniform size as the secretary may specify to indicate that the cardholder carries a separate emergency medical information card. The sticker or decal may be provided by any person, hospital, school, medical group, or association interested in assisting in implementing the emergency medical information card, but must meet the specifications of the secretary of state. The sticker or decal also may be used to indicate that the cardholder has designated 1 or more patient advocates in accordance with section 5506 of the estates and protected individuals code, 1998 PA 386, MCL 700.5506. The emergency medical information card, carried separately by the cardholder, may contain the information described in subsection (2)(c), information concerning the cardholder's patient advocate designation, other emergency medical information, or an indication as to where the cardholder has stored or registered emergency medical information. An original official state personal identification card or the renewal of an existing official state personal identification card issued to an individual less than 21 years of age must be portrait or vertical in form, and an official state personal identification card issued to an individual 21 years of age or over must be landscape or horizontal in form. Except as otherwise required in this act, other information required on the official state personal identification card under this act may appear on the official state personal identification card in a form prescribed by the secretary of state.

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

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

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

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

(c) By the secretary of state for forwarding to the department of state police the images of individuals required to be registered under the sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.736, upon the department of state police providing the secretary of

state an updated list of those individuals.

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

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

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

(7) If an individual presents evidence of statutory blindness as provided in 1978 PA 260, MCL 393.351 to 393.368, and is issued or is the holder of an official state personal identification card, the secretary of state shall mark the individual's official state personal identification card in a manner that clearly indicates that the cardholder is legally blind.

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

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

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

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

(12) Except as otherwise provided in this act, an applicant shall pay a fee of $10.00 to the secretary of state for each original or renewal official state personal identification card issued. The department of treasury shall deposit the fees received and collected under this section in the state treasury to the credit of the general fund. The legislature shall appropriate the fees credited to the general fund under this act to the secretary of state for the administration of this act. Appropriations from the Michigan transportation fund created under section 10 of 1951 PA 51, MCL 247.660, must not be used to compensate the secretary of state for costs incurred and services performed under this section.

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

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

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

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

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

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

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

(A) The family independence program.

(B) The state disability assistance program.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(23) If an official state personal identification card issued under this act is lost, destroyed, or mutilated, or becomes illegible, the individual to whom the official state personal identification card was issued may obtain a duplicate upon the payment of the fee required in subsection (24) and upon furnishing proof satisfactory to the secretary of state that the official state personal identification card has been lost, destroyed, or mutilated, or has become illegible.

(24) Except as otherwise provided in subsection (25), for each duplicate official state personal identification card, and for each correction of an official state personal identification card, an individual may apply for renewal of the official state personal identification card and pay the renewal fee prescribed in this act or the individual may, at his or her option and upon payment of the fee prescribed in this section, apply for a duplicate official state personal identification card that expires on the same date as the official state personal identification card that was lost, destroyed, or mutilated, or became illegible. The fee for a duplicate official state personal identification card is $10.00. A renewal fee must not be charged for a change of address, a correction required to correct a department error, or to add or remove a heart insignia described in subsection (1)(d).

(25) Except with regard to an individual who is less than 21 years of age, for each duplicate official state personal identification card, and for each correction of an official state personal identification card, an individual shall apply for renewal of the official state personal identification card and pay the renewal fee prescribed in this act if the official state personal identification card was due to expire within the next 12 months. Except as otherwise provided in this act, an official state personal identification card renewed under this subsection

or subsection (24) must be renewed for the combined period of the time remaining on the official state personal identification card before its renewal and the 4-year renewal period.

(26) Notwithstanding subsection (13), an official state personal identification card expiring on or after March 1, 2020 is considered valid until September 30, 2020. If the secretary of state receives an application to renew an official state personal identification card that expires on or after March 1, 2020 before September 30, 2020, the secretary of state shall process the application as a renewal of an existing official state personal identification card.

(27) As used in this section:

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

(*i*) Deafness or hearing loss.

(*ii*) An autism spectrum disorder.

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

Sec. 9a. The department must examine and determine the genuineness, regularity, and legality of every application for an official state identification card, and may in all cases investigate as the department considers necessary or require additional information. The department must reject any application for an official state identification card if not satisfied of the genuineness, regularity, or legality of the application or the truth of any statement contained in the application, or for any other reason when authorized by law.

This act is ordered to take immediate effect.

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