

Legislative Analysis



DRIVER LICENSE/STATE ID REVISIONS

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

Senate Bill 494 (Substitute H-1)
Sponsor: Sen. Phil Pavlov

Senate Bill 495 (Substitute H-1)
Sponsor: Sen. John Pappageorge

Senate Bill 496 without House amendment
Sponsor: Sen. Tom Casperson

House Committee: Transportation
Senate Committee: Transportation

Complete to 9-22-11

A SUMMARY OF SENATE BILLS 494-496 AS REPORTED FROM HOUSE COMMITTEE ON 9-14-11

The bills amend Public Act 222 of 1972, the Motor Vehicle Code, and the Motor Safety Carrier Act to revise various provisions regarding driver licenses (DL), commercial driver license (CDL), commercial motor vehicles (CMV), state personal identification cards, and also incorporate and revise federal regulations allowing exemptions from the Motor Carrier Act's medical qualification provisions.

Senate Bill 494 would amend Public Act 222 of 1972, which provides for a state personal identification card, to do the following:

- Revise provisions regarding the documentation a non-citizen applicant must provide and that the department must verify in a state identification card (ID) application. (However, nothing in the act would obligate or be construed to obligate the state to comply with Title II of the Real ID Act of 2005.)
- Allow the Department of State to cancel the state ID card of a person who falsely represents information on an application for and official state ID card and require a person to return the card upon the Department's request or order.
- Allow the Department of State to cancel the state ID card of a person who uses the ID card in the commission of a felony
- Delay from October 1, 2011, until October 1, 2015, the sunset on a requirement that fees collected by the Secretary of State for use of a commercial look-up service of records maintained under the act be credited to the Transportation Administration Collection Fund (TACF). For information regarding the TACF and its revenue shortfall, see this link:
<http://www.house.mi.gov/hfa/PDFs/TACF%20history.pdf>

MCL 28.291 et al.

Senate Bill 495 would amend the Michigan Vehicle Code to revise various provisions regarding driver licenses, commercial driver license, and commercial motor vehicle registration. Senate Bill 495 would do all of the following:

- Delay from October 1, 2011 until October 1, 2015, the sunset on the requirements that various fees be deposited in the Transportation Administration Collection Fund (TACF) and the sunset on specific fees related to vehicle registration and certification of title applications
- Delay from December 31, 2012 until October 1, 2015, the sunset on a tire disposal surcharge.
- Require a Michigan resident holding a CDL group indorsement issued by another state to apply for a license transfer within 30 days after establishing domicile in Michigan.
- Refer to federal regulations in provisions regarding CMV driver qualifications.
- Increase the fee for a vehicle group designation from \$25 to \$35 as of January 31, 2012, and require the additional \$10 to be used to defray the cost of compliance with federal regulations.
- Authorize the secretary of state to cancel a person's vehicle group designations or indorsements under certain circumstances.
- Increase the duration of a vehicle group designation suspension for specific violations.
- Increase the civil fine for a driver who violated an out-of-service order, and establish a higher fine for a second or subsequent violation.
- Revise civil fines for an employer who knowingly allowed or required an employee to operate a CMV in violation of state law or federal regulations.
- Disqualify a person from eligibility for apportionment of International Registration Plan fees for two years after the person was late on payment twice, rather than once.
- Revise provisions regarding the documentation a person who is not a U.S. citizen must provide, and the department must verify, in a driver license application. However, nothing in the act would obligate or be construed to obligate the state to comply with Title II of the Real ID Act of 2005.
- Provide that no points could be entered on a person's driving record for a violation involving texting while operating a non-CMV or a child restraint system violation.
- Require a court to notify the SOS of a person's conviction for selling or furnishing alcohol to a minor.

MCL 257.57

Senate Bill 496 would amend the Motor Carrier Safety Act to incorporate and revise references to federal regulations and to repeal sections regarding exemptions from medical qualification provisions under the act.

Senate Bill 496 is tie-barred to Senate Bill 495, meaning it could not take effect unless Senate Bill 495 is enacted.

MCL 480.11a et al.

[For additional information on these bills, see the Senate Fiscal Agency summary dated 8-22-11.]

FISCAL IMPACT:

Senate Bill 494 could lower the Secretary of State administrative costs associated with the renewal and replacement of personal identification cards (PIDs) by allowing them to be processed through a web-based program. SB 494 would also extend the sunset from October

1, 2011 to October 1, 2015, on the commercial look-up list service fee for PIDs which is deposited in the Transportation Administration Collection Fund (TACF). The Fiscal Year (FY) 2011-12 Department of State budget is predicated on \$114.1 million in TACF funding. This sunset extension is part of the FY 2011-12 budget implementation package.

Senate Bill 495 would extend from October 1, 2011 to October 1, 2015, the sunset on various fees that are required to be deposited in the TACF. The FY 2011-12 Department of State budget is predicated on \$114.1 million in TACF funding. These sunset extensions are part of the FY 2011-12 budget implementation package.

Secondly, the bill would increase the fee for a vehicle group designation from \$25 to \$35. The \$10 fee increase would offset the cost associated with state's compliance with federal commercial driver's license regulations.

The bill would also increase civil fines for certain violations. Assuming the civil fine is assessed for a designated "civil infraction," the civil fine would go to the support of public libraries and county law libraries. If the civil fine is determined to be for a violation that is not designated as a criminal or civil infraction, presumably the "default" provision would be for the fine revenue to be deposited in the state General Fund.

Senate Bill 496, coupled with Senate Bill 495, would result in increased administrative costs due to the cost of compliance with the federal regulations. Any costs associated with compliance will be offset with the increased vehicle group designation fee (noted in the analysis to SB 495).

POSITIONS:

A representative of the Office of the Attorney General testified in support of Senate Bill 494 and Senate Bill 495. (6-29-11)

A representative of the Office of the Secretary of State testified in support of the bills. (6-29-11)

County Road Association of Michigan supports the bills (9-14-11)

A representative of the American Immigration Lawyers Association opposes the bills. (9-14-11)

ACLU of Michigan opposes the bills. (6-29-11)

Legislative Analyst: E. Best
Fiscal Analyst: Benjamin Gielczyk
William E. Hamilton

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.