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BILL ANALYSIS

Senate Fiscal Agency

• Lansing, Michigan 48909

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Senate Bill 969

Sponsor: Senator Richard D. Fessler

Committee: State Affairs, Tourism, and Transportation

MICHIGAN STATE LAW LIBRARY

Date Completed: 9-18-90

SUMMARY OF SENATE BILL 969 as introduced 5-22-90:

The bill would amend the Michigan Vehicle Code to require the suspension of a person's operator's or chauffeur's license for conviction of the unlawful manufacture, delivery, use or possession of a controlled or counterfeit substance. Specifically, the bill states that upon receiving the record of the conviction or probate court disposition of a person for a violation of the Public Health Code's prohibitions against the unlawful manufacture, delivery, dispensing, prescribing or administration of controlled substances or the creation or delivery of counterfeit substances involving a controlled or counterfeit substance classified in Schedule 1 or 2 of the Public Health Code, the Secretary of State would be required to suspend the person's operator's or chauffeur's license:

- For one year, if the person had no previous convictions or probate court dispositions for a controlled or counterfeit substance violation.
- For two years, if the person had one previous conviction or probate court disposition for a controlled or counterfeit substance violation.
- For life, if the person had two or more previous convictions or probate court dispositions for one or more of the controlled or counterfeit substance violations.

Upon receiving the record of the conviction or probate court disposition of a person for a violation of the Code's provisions concerning the unlawful possession and use of controlled substances, involving a controlled substance classified in Schedule 1 or 2, the Secretary of State would have to suspend the person's operator's or chauffeur's license:

- For 180 days, if the person had no previous convictions or probate court dispositions for a "possession or use" violation.
- For 270 days, if the person had one previous conviction or probate court disposition for a possession or use violation.
- For 360 days, if the person had two or more previous convictions or probate court dispositions for one or more of the possession or use violations.

If a person who was convicted or received a probate court disposition for a violation concerning the unlawful manufacture, delivery, use or possession of a controlled or counterfeit substance were imprisoned or detained for that violation, the period of suspension of the person's license would begin upon his or her release from that imprisonment or detention. If the person were not licensed under the Vehicle Code, he or she could not obtain a license for the

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period of time corresponding to the period of suspension that would have been imposed for the violation if the person had been licensed at the time of the violation.

The Secretary of State could reinstate a suspended license to a person who had no previous convictions or probate court dispositions for a possession or use violation before the expiration of the 180-day period if the person did both of the following:

- Agreed to submit to weekly testing for the presence of controlled substances in his or her body during the remainder of the period for which the license was originally suspended, and pay the cost of the testing.
- Meet any other requirements under the Act for reinstatement of the license.

If the Secretary of State reinstated a person's operator's or chauffeur's license, he or she would have to require the person to submit to weekly testing for the presence of controlled substances in the person's body until the expiration of the suspension period. The testing would have to be conducted by a qualified person designated by the Secretary of State. The cost of the testing would have to be paid by the person tested. If the person refused to submit to testing, or if the results of testing were positive for the presence of a controlled substance, the person's license would have to be suspended for the remainder of the period for which it was originally suspended.

The Secretary of State could reinstate a suspended license to a person who had previous convictions or probate court dispositions for possession or use violations upon the expiration of the period of suspension only if the person submitted to a urine test for the presence of controlled substances in his or her body and the test results were negative for the presence of a controlled substance. The cost of the testing would have to be paid by the person tested.

The bill contains a September 1, 1989, effective date.

MCL 257.303 and 257.319

Legislative Analyst: L. Burghardt

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local units of government. The administrative costs of reporting and revoking driver's licenses, although expected to be minimal, cannot be estimated.

Fiscal Analyst: F. Sanchez

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.