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BILL ANALYSIS

Senate Fiscal Agency

Lansing, Michigan 48909

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House Bill 4547

Sponsor: Representative William Van Regenmorter

House Committee: Judiciary

Senate Committee: State Affairs, Tourism, and Transportation

Date Completed: 3-17-88

SUMMARY OF HOUSE BILL 4547 as passed by the House:

The bill would amend the Michigan Vehicle Code to require court clerks, who currently are required to forward information to the Secretary of State concerning certain driving offenses, to certify biannually that those abstracts had in fact been forwarded. The bill also would:

- Extend the reporting requirement to include juvenile offenders.
- Specify the offenses required to be reported, including a "felony in which a motor vehicle was used".
- Require the prosecutor to include in the charging instrument a statement about license suspension when a person was charged with a felony in which a motor vehicle was used.

Under the Code, the Secretary of State is required to suspend a person's driver's license for 90 days to two years upon receiving a record of the conviction or determination of certain driving offenses. Court clerks and municipal judges are required to forward to the Secretary of State an abstract of the court record. Under the bill, in addition convictions, civil infraction determinations, and bail forfeitures, clerks and municipal judges would have to report attempts to commit one of the offenses in question; orders of disposition for children under the juvenile court's jurisdiction for those offenses; and default judgments.

At present, the offenses that must be reported include manslaughter or negligent homicide resulting from the operation of a motor vehicle; and a crime punishable as a felony under a State law regulating motor vehicles or any other felony involving the use of a motor vehicle. The bill would specify, instead, negligent homicide with a motor vehicle, vehicle theft, joy riding, and felonious driving; and would add "a felony in which a motor vehicle was used", and fraudulently altering or forging documents pertaining to a certificate of title, registration, or license plate. The bill also would retain the reporting requirement for willfully failing an officer's direction to stop; fleeing the scene of an accident; three charges of reckless driving within a year; and perjury or making a false certification under vehicle registration or regulation laws.

A "felony in which a motor vehicle was used" would refer to a felony committed by a person who was operating a motor vehicle and, while operating the vehicle, presented real or potential harm to persons or property, when one or more of the following circumstances existed:

- The vehicle was used as an instrument of the felony.
- The vehicle was used to transport a victim of the felony.
- The vehicle was used to flee the scene of the felony.
- The vehicle was necessary for the commission of the felony.

If a person were charged with a felony in which a motor vehicle was used (other than one of the specifically named crimes, such as negligent homicide), the prosecuting attorney would be required to include a statement on the charging instrument (the complaint and information filed in district or circuit court, and the petition filed in juvenile court) that conviction of that offense would result in suspension of the person's driver's license.

Persons required to forward abstracts to the Secretary of State would have to certify for the periods from January 1 through June 30, and July 1 through December 31, that all abstracts required to be forwarded had been. The certification would have to indicate the person's name and title, the court, the time period, and other information the Secretary of State considered necessary.

In addition, the bill would change various notice and reporting periods to multiples of seven days. For example, the period for forwarding abstracts to the Secretary of State would be changed from 15 to 14 days.

MCL 257.319 et al.

Legislative Analyst: S. Margules

FISCAL IMPACT

The bill would have an indeterminate impact on State and local government. The Department of State reports that the bill would have a minimal impact on the Department.

Enforcement costs to local government regarding license suspensions for certain felonies involving the use of an automobile cannot be estimated.

Fiscal Analyst: B. Bowerman

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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.