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BILL ANALYSIS

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Senate Bill 306 (as enrolled)
Sponsor: Senator Mike Rogers
Senate Committee: Government Operations
House Committee: Transportation

PUBLIC ACT 118 of 1999

Date Completed: 2-11-00

CONTENT

The bill amended the Michigan Vehicle Code to revise the procedure for changing an address on a driver's license; require a driver's license application to include a notice stating that the Secretary of State is required to use the residence address on the application as the applicant's residence address on the qualified voter file (QVF) for voter registration; provide for electronic notice of a change of address or notice by mail or telephone, or by submission of a voter registration application, as prescribed by the Secretary of State; establish penalties for persons who knowingly report a false change of address, and for changing the address of another person without his or her permission; and require persons registered under the Sex Offenders Registration Act to appear in person and have their images captured or reproduced when applying for or renewing a driver's license. The bill will take effect April 1, 2000.

Change of Address

Currently, if a person moves before his or her driver's license expires, the person immediately must return the license to the local examining board or the Department of State, which is required to write the new address on the back of the license. The bill provides, instead, that the person immediately must notify the Secretary of State of his or her new residence address. The notice must be in a manner prescribed by the Secretary of State and may include notification by personal appearance at a branch office or other location designated by the Secretary of State, or a notification electronically or by mail, telephone, submission of a voter registration application (unless the individual registers to vote in a city, village, or township that prohibits the operation of motor vehicles by law or ordinance), or by any other means prescribed by the Secretary of State. The Secretary of State must provide an individual

changing his or her address notice that the Secretary of State is required to use the residence address provided on the change of address application as the person's residence address on the QVF. The individual may submit a mailing address that is different than his or her residence address.

The bill requires the Secretary of State, upon receiving a change of address notification, to change the person's driver license record to indicate the new residence address. The Secretary of State also must provide the person with a new license or a label or some other mechanism containing the new address. Upon receiving a label or other mechanism, the person must affix it to his or her operator's or chauffeur's license as prescribed by the Secretary of State. If the Secretary of State furnished a new license, the person must destroy his or her old license and replace it with the new one.

The bill defines "residence address" as "the place which is the settled or permanent home or domicile at which a person resides as defined in section 11 of the Michigan election law". (Section 11 of the Election Law defines "residence" as the place at which a person habitually sleeps, keeps his or her personal effects, and has a regular place of lodging.)

License Application

The bill provides that an application for a driver's license must include a notice to inform the applicant that, under the Michigan Election Law, the Secretary of State is required to use the residence address the applicant provides on the driver's license application as the applicant's residence address on the QVF for voter registration and voting, as follows: "Notice: Michigan law requires that the same address be used for voter registration and driver license purposes. Therefore, if the residence address you provide in this application differs from your voter registration address as it appears on the qualified voter file, the Secretary of State will automatically change your voter registration to match the residence address on this application, after which your voter registration at your former address will no longer be valid for voting purposes. A new voter registration card, containing the information of your polling place, will be provided to you by the clerk of the jurisdiction where your residence address is located."

The bill allows an applicant to provide a mailing address if the applicant receives mail at an address different from his or her residence address.

Penalties

Under the bill, a person who fails to report a change of residence address is responsible for a civil infraction. Further, if a person fails to report a change of residence address as required, and subsequently there is no response to a notice mailed to the residence address shown by the record of the Secretary of State, the Secretary of State may immediately suspend or revoke the person's license. The Secretary of State also may suspend or revoke a person's license if he or she has provided the Secretary of State a mailing address different from the person's residence address, and there is no response to a notice mailed to the mailing address.

The bill prohibits a person from knowingly reporting to the Secretary of State a change of address for himself or herself that is not his or her residence address, or knowingly reporting a change of address for another person without his or her consent. A violation is a misdemeanor punishable by imprisonment for up to 93 days and/or a maximum fine of \$1,000. Upon receiving the abstract of a conviction, the Secretary of State may suspend the person's driver's license for six months. The Secretary of State may not issue a restricted license to the person during the suspension.

Upon a second or subsequent conviction, the violator will be guilty of a misdemeanor punishable by imprisonment for up to 93 days and/or a maximum fine of \$5,000. Upon receiving the abstract of

conviction, the Secretary of State must revoke the person's license.

A person whose license is suspended or revoked for violating these provisions may not appeal the suspension or revocation under Section 323 of the Code. (Section 323 allows a person to petition the circuit court for review of a determination of the Secretary of State to deny, revoke, suspend, or restrict a license.)

Sex Offenders

The bill provides that an applicant for a driver's license, who is required under the Sex Offenders Registration Act to maintain a valid driver's license or official State personal identification card, must have his or her image captured or reproduced when the application for the license is made. Further, a person required to be registered under the Sex Offenders Registration Act must appear in person at a Secretary of State office to renew a driver's license. The bill requires the Department of State Police to provide the Secretary of State updated lists of persons required to maintain a valid driver's license or State personal identification card under the Sex Offenders Registration Act; the Secretary of State must make the images of those persons available to the Department of State Police. (The Sex Offenders Registration Act requires an individual required to be registered under that Act to maintain either a valid driver's license or a State personal identification card with the individual's current address.)

MCL 257.50a et al.

Legislative Analyst: G. Towne

FISCAL IMPACT

Currently, there are no data to indicate how many people will fall under the provisions in this bill. An applicant for license reinstatement must pay a \$125 reinstatement fee to regain his or her license. An applicant under the bill also will need to pay this fee. In addition, the Department of State may incur some increases in administrative costs due to the additional requirements imposed on the Department.

The new crime proposed by the bill may result in increased jail commitments. Jail incarceration costs vary by county. There are no data currently available that might indicate the potential number of annual violators.

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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.