

DRIVER LICENSE COMPACT

Phone: (517) 373-8080
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House Bill 6011 as introduced
Sponsor: Rep. Jeffrey R. Noble
Committee: Transportation and Infrastructure
Complete to 5-26-18

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 6011 would create a new act allowing the governor, on behalf of the state of Michigan, to enter into a compact for sharing information among the states regarding convictions, records, driver licenses, withdrawals, and other data relevant to the driver license process. The act would be known as the “Driver’s License Compact.”

The compact would be entered into law with all other jurisdictions legally joining in. It would create a new act comprising nine articles describing, in detail, a process for sharing information among the states that join the compact. A detailed description of the compact follows.

Article I: Findings and Declaration of Policy

This article requires the party states to declare all of the following:

- That the safety of their streets and highways is affected by the degree of compliance with state and local ordinances.
- That violation of a law or ordinance is evidence that the violator engages in conduct which is likely to endanger the safety of persons and property.
- That the continuance of a license to drive is predicated upon compliance with laws and ordinances in whichever jurisdiction the vehicle is operated.

Under the compact, it is the policy of each of the party states to:

- Promote compliance with laws, ordinances, and administrative rules by their operators in each of the jurisdictions where such operators drive motor vehicles.
- Make the reciprocal recognition of licenses to drive and eligibility more just and equitable by considering the overall compliance with motor vehicle laws, ordinances, administrative rules, and regulations to operate a motor vehicle in any of the party states.

Article II: Definitions

This article defines the following terms:

- **State** means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.
- **Home state** means the state that has issued and has the power to suspend or revoke the license or permit to operate a motor vehicle.
- **Party state** means a state that is a party to the compact.

- **Conviction** means a conviction of any offense related to the use or operation of a motor vehicle that is prohibited by state law, municipal ordinance, or administrative rule or regulation or a forfeiture of bail, bond, or other security deposited to secure appearance by a person charged with having committed any such offense, which conviction or forfeiture is required to be reported to the licensing authority.

Article III: Reports of Conviction

This article requires the licensing authority of a party state to report each conviction of a person from another party state within its jurisdiction to the licensing authority of the home state of the licensee. The report must clearly identify the person convicted, describe the violation, specifying the section of statute, code, or ordinance violated, and indicate whether a plea of guilty or not guilty was entered or the conviction was a result of the forfeiture of bail, bond, or other security.

Article IV: Effect of Conviction

This article requires the licensing authority in the home state—for the purposes of suspension, revocation, or limitation of the license to operate a motor vehicle—to give the same effect to the conduct reported, under Article III, as it would if such conduct had occurred in the home state in the case of convictions for:

- Manslaughter or negligent homicide resulting from the operation of a motor vehicle.
- Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree that renders the driver incapable of safely driving a motor vehicle.
- Any felony in the commission of which a motor vehicle is used.
- Failure to stop and render aid in the event of a motor vehicle accident resulting in the death or personal injury of another.

As to other convictions reported under Article III the licensing authority in the home state must give such effect to the conduct as is provided by the laws of the home state.

Article V: Applications for New Licenses

Upon application for a license to drive, the licensing authority in a party state must ascertain whether the applicant holds or has ever held a license to drive issued by any other party state. The licensing authority in the state where application is made shall not issue a license to drive to the applicant if:

- The applicant has held such a license, but the license has been suspended by reason of a violation and the suspension period has not ended.
- The applicant has held such a license, but the license has been revoked by reason of a violation. However, the licensing authority could refuse to issue a license to any such applicant if, after investigation, it determines that it will not be safe to grant him or her the privilege of driving a motor vehicle on the public highways.
- The applicant holds such a license, and the license is currently in force, unless the applicant surrenders such license.

Article VI: Applicability of Other Laws

Except as expressly required, nothing contained in the compact shall be construed to affect the right of any party state to apply any of its other laws relating to licenses to drive to any person or circumstance or to invalidate or prevent any driver license agreement or other cooperative arrangement between a party state and a nonparty state.

Article VII: Compact Administrator and Interchange of Information

Under this article, the head of the licensing authority of each party state is the administrator of this compact for his or her state. The administrators, acting jointly, have the power to formulate all necessary and proper procedures for the exchange of information under the compact.

In addition, the administrator of each party state must furnish to the administrator of each other party state any information or documents reasonably necessary to facilitate the administration of the compact.

Article VIII: Entry Into Force and Withdrawal

The compact enters into force and becomes effective as to any state when it has enacted it into law.

Any party state can withdraw from the compact by enacting a statute repealing the compact, but no such withdrawal shall take effect until six months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all other party states. A withdrawal does not affect the validity or applicability by the licensing authorities of states remaining party to the compact of any report of conviction occurring prior to the withdrawal.

Article IX: Construction and Severability

This article specifies that the compact shall be liberally construed to effectuate its purposes. The compact's provisions are severable: if any phrase, clause, sentence, or provision is declared to be contrary to the constitution of any party state or the United States, or the applicability to any government, agency, person, or circumstance is held to be invalid, the validity of the remainder of the compact and the applicability of it to any government, agency, person, or circumstance shall not be affected.

If the compact is held contrary to the constitution of any state party, the compact shall remain in full force and effect to the remaining states and in full force and effect to the state affected relative to all severable matters.

The bill is tie-barred to House Bill 5542, which means that it cannot take effect unless House Bill 5542 is also enacted.¹

¹ HFA Summary of HB 5542: <http://www.legislature.mi.gov/documents/2017-2018/billanalysis/House/pdf/2017-HLA-5542-36209D89.pdf>

FISCAL IMPACT:

The bill would have an undetermined impact on costs for the Department of State (DOS) to implement and administer the compact. DOS may incur technology start-up costs to incorporate the information sharing requirements of the compact throughout its central and branch operations. As the state's licensing authority, DOS may also be responsible for paying all or a portion of the annual dues to fund the administration of the compact in the first fiscal year following entry into the compact.

The bill would not have a fiscal impact on the Department of State Police or local law enforcement agencies.

Legislative Analyst: E. Best
Fiscal Analysts: Michael Cnossen
Kent Dell

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