



Senate Fiscal Agency
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BILL ANALYSIS



Telephone: (517) 373-5383
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House Bill 5846 (Substitute S-2 as reported)
House Bill 5847 (Substitute S-1 as reported)
House Bill 5849 (Substitute S-2 as reported)
House Bill 5850 (Substitute S-1 as reported)
House Bills 5851 and 5852 (as reported without amendment)
House Bill 5853 (Substitute S-1 as reported)
House Bill 6235 (Substitute S-1 as reported)
Sponsor: Representative Bronna Kahle (H.B. 5846 & 5853)
Representative Luke Meerman (H.B. 5847)
Representative Mike Mueller (H.B. 5849)
Representative Rebekah Warren (H.B. 5850)
Representative Tenisha Yancey (H.B. 5851)
Representative Lori M. Stone (H.B. 5852)
Representative Cynthia Neeley (H.B. 6235)

House Committee: Judiciary

Senate Committee: Judiciary and Public Safety

CONTENT

House Bill 5846 (S-2) would amend the Michigan Vehicle Code to delete certain provisions that require or allow the Secretary of State (SOS) to suspend, revoke, restrict, deny, or refuse to renew a person's driver license for various violations of the Code or other acts.

The bill also would repeal Section 319e of the Code, which generally requires the SOS to suspend an individual's license after receiving an abstract of conviction for certain drug-related offenses under the Public Health Code, and Section 321c of the Vehicle Code, which requires license suspension for failing to pay child support or comply with a parenting time order under the Support and Parenting Time Enforcement Act.

House Bill 5847 (S-1) would amend the Michigan Liquor Control Code to delete certain provisions allowing license suspensions for selling or furnishing alcohol to a minor or for a minor purchasing or possessing alcohol.

House Bills 5849 (S-2) would amend the Revised Judicature Act (RJA) to delete citations to the Michigan Compiled Laws sections that House Bill 5846 (H-1) would delete.

House Bill 5850 (S-1) would amend the Support and Parenting Time Enforcement Act to specify the circumstances under which a payer's license could be suspended in a Friend of the Court case.

House Bill 5851 would amend Article 7 (Controlled Substances) the Public Health Code to delete certain provisions imposing license suspensions for certain drug-related convictions under that the Code.

House Bill 5852 would amend the Code of Criminal Procedure to delete a provision requiring courts to impose license sanctions required under provisions of the Public Health Code that House Bill 5851 would delete.

House Bill 5853 (S-1) would amend the Michigan Vehicle Code to modify the penalties and sanctions for various offenses under the Code.

House Bill 6235 (S-1) would amend the RJA to delete certain provisions prohibiting the SOS from issuing or renewing a driver license to a defendant who failed to appear in response to a citation for a State civil infraction.

House Bill 5846 (S-2) and Bill 5853 (S-1) are tie-barred. House Bills 5847 (S-1), 5849 (S-2), and 6235 (S-1) are tie-barred to House Bill 5846. House Bill 5852 is tie-barred to House Bill 5851.

The bills, except House Bills 5851 and 5852, would take effect on October 1, 2021. House Bill 5851 would not take effect unless both of the following occurred:

- The Senate concurrent resolution or House concurrent resolution expressing their opposition to the enactment or enforcement of the Federal mandate in accordance with 23 USC 159 was approved on a record roll call vote by a majority of the members elected and serving in each house of the Legislature.
- The Governor submitted a certification to the US Secretary of Transportation stating that he or she was opposed to the enactment or enforcement of a law requiring driver license suspension for drug offenses and both house of the Legislature had adopted a concurrent resolution expressing their opposition to the enactment or enforcement of the Federal mandate in accordance with 23 USC 159.

MCL 257.204a et al. (H.B. 5846)
436.1701 & 436.1703 (H.B. 5847)
600.151d (H.B. 5849)
552.628 (H.B. 5850)
333.7408a (H.B. 5851)
769.1e (H.B. 5852)
257.208b et al. (H.B. 5853)
600.8827 (H.B. 6235)

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

House Bills 5846 (S-2), 5847 (S-1), 5849 (S-2) through 5852, and 6235 (S-1) would have an indeterminate fiscal impact on State and local government. The elimination of certain statutory provisions could result in reduced costs for local units of government to operate county jails and probation supervision services. Additionally, the proposed changes would result in a decrease in penal fine revenue that would affect funding for local libraries, as that funding would decrease under the bill's provisions. The potential savings in county jail costs as well as the potential decreased fine revenue for local libraries are indeterminate and would depend on the decrease in the number of arrests and convictions.

House Bill 5846 would reduce revenue to the Juror Compensation Reimbursement Fund, the Transportation Economic Development Fund (TEDF), the Drunk Driving Prevention and Training Fund, the Drug Case Information Management Fund, and the General Fund because of decreased assessment of driver's license reinstatement fees and driver's license clearance fees. While the bills would not eliminate the assessment of these fees, with fewer qualifying offenses that could trigger them, those assessments would come less frequently. The amount

of the reductions to each of the above-mentioned funds would depend upon the amount of reduced assessments and how dependent each of the funds were on those fees. An exact amount per fund cannot be determined.

According to the most recent "Summary of Fees Collected" document published by the SOS, reinstatement fees generated \$2.6 million in revenue in fiscal year 2018-19, which was divided into shares and distributed to the TEDF, the Drunk Driving Fund, the Secretary of State, the Drug Case Information Management Fund and the General Fund. The percentages of these distributions depend upon the statutes under which the fee is assessed. For example, an \$85 reinstatement fee under Section 321c of the Michigan Vehicle Code is deposited into the State's General Fund after SOS expenses for processing the suspension are removed. Likewise, a \$125 reinstatement fee under Section 319e of the Vehicle Code is split so that \$30 goes to the Drug Case Information Management Fund and the remaining \$95 is returned to the Department of State. The \$45 clearance fee, on the other hand, is distributed in thirds to SOS, the Juror Compensation Reimbursement Fund, and either a county, district, or municipal general fund.

The bill package would not eliminate these fees or the revenue that goes into the above-mentioned funds but, for some of those funds, the lost revenue could be significant. The Juror Compensation Reimbursement Fund, for example, also receives \$10 for every jury demand fee that is paid to the State Treasurer via a local district or circuit court, but the bulk of its revenue, 80%, comes from license clearance fees.

House Bill 5853 (S-1) would have an indeterminate fiscal impact on local units of government. The proposed elimination of jail sentences could result in reduced costs for local units of government for costs to operate county jails. The potential savings in county jail costs are indeterminate and would depend on the drop in the number of jail sentences for violations.

Date Completed: 10-21-20

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