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SFA**BILL ANALYSIS**

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Senate Bills 469 and 470 (as enrolled)
Sponsor: Senator Loren Bennett
Senate Committee: Judiciary
House Committee: Criminal Justice

PUBLIC ACTS 159 and 160 of 2001

Date Completed: 5-17-02

CONTENT

Senate Bill 469 amended the Michigan Vehicle Code to do all of the following:

- Revise the offense of failure to stop at the scene of an accident resulting in serious injury.
- Increase the penalty for failure to stop at the scene of an accident resulting in death.
- Prohibit the Secretary of State from issuing a driver's license to a person whose license is suspended, revoked, denied, or canceled in any state.
- Require the Secretary of State to revoke the license of, or deny a license to a person who has a second or subsequent conviction regarding a false change of address or who is convicted of leaving the scene of an accident involving serious injury or death.
- Remove the January 1, 2002, sunset on the \$1 license application service fee.
- Revise the requirements for the Secretary of State's investigation into an applicant's driving record if the applicant was previously licensed in another jurisdiction.
- Require that the Secretary of State suspend a person's driver's license for one year for a conviction of felonious driving.
- Include in license sanctions for perjury or making a false certification to the Secretary of State, a violation involving a false, fictitious, or altered driver's license.
- Remove from the definition of "prior conviction" under the Code's vehicle immobilization requirements a conviction for improperly passing a

stationary emergency vehicle causing injury.

Senate Bill 470 amended the Code of Criminal Procedure to include in the sentencing guidelines failure to stop at the scene of an accident resulting in death when the offender is at fault, as enacted by **Senate Bill 469**. The bill was tie-barred to Senate Bill 469.

Senate Bill 469**Failure to Stop**

Criminal Penalty. Previously, under the Michigan Vehicle Code, a driver who knew or had reason to believe that he or she had been involved in an accident resulting in serious or aggravated injury to or death of a person, was required to stop immediately at the scene of the accident and remain there until the requirements of Section 619 of the Code were fulfilled. (Section 619 requires the driver to give his or her name and address and the vehicle's registration number, and show his or her driver license, to a police officer, the person struck, or the driver or occupants of a vehicle that was hit, and to assist an injured person in securing medical aid or transportation.)

Under the bill, these requirements apply if the accident results in serious impairment of a body function (rather than serious or aggravated injury) or death. The bill retained the penalty of imprisonment for up to five years, a maximum fine of \$5,000, or both. The bill also provides that if the accident is caused by the person who fails to stop and results in the death of another person, the offense is punishable by imprisonment for up

to 15 years, a maximum fine of \$10,000, or both. In addition the bill requires license revocation, as described below.

As defined elsewhere in the Code, "serious impairment of a body function" means one or more of the following:

- Loss of, or loss of the use of, a limb, foot, hand, finger, thumb, eye, or ear.
- Loss or substantial impairment of a bodily function.
- Serious visible disfigurement.
- A comatose state lasting for more than three days.
- Measurable brain or mental impairment.
- A skull fracture or other serious bone fracture.
- Subdural hemorrhage or subdural hematoma.

Out-of-State Sanction

Previously, the Code prohibited the Secretary of State from issuing a driver's license to a person whose license had been suspended, during the period of suspension. The bill, instead, prohibits the Secretary of State from issuing a license to a person whose license is suspended, revoked, denied, or canceled in any state. If the suspension, revocation, denial, or cancellation is not from the jurisdiction that issued the last license to that person, the Secretary of State may issue a license after the expiration of five years from the effective date of the most recent suspension, revocation, denial, or cancellation.

License Revocation

Previously, if a driver failed to stop at the scene of an accident resulting in serious injury or death, the Secretary of State was required to suspend the person's operator's or chauffeur's license for one year. The bill, instead, requires the Secretary of State to revoke and deny issuance of a driver's license upon a conviction for a failure-to-stop violation or attempted violation.

In addition, the bill would add to the list of offenses for which license revocation and denial of issuance are required upon conviction, a second or subsequent conviction of knowingly reporting a false change of address to the Secretary of State.

Application Service Fee

The Code requires that a \$1 service fee be added to each fee collected for an original, renewal, duplicate, or corrected operator's or chauffeur's license. The fee is credited to the General Fund and used to defray the Secretary of State's expenses. The bill deleted a January 1, 2002, expiration date on the collection of that fee.

Driving Record Investigation

Previously, if an application was received from a person previously licensed in another jurisdiction, the Secretary of State had to request a copy of the person's driving record and other available information from the other jurisdiction. The bill requires that the Secretary of State request that information from the National Driver Register.

If an application was for an original, renewal, or change of a vehicle group designation or indorsement, the Secretary of State was required also to check the applicant's driving record with the National Drivers Register and the United States Department of Transportation. The bill requires, instead, that for an original, renewal, or upgrade of a vehicle group designation or indorsement, the Secretary of State check the Federal Commercial Driver License Information System before issuing the group designation or indorsement.

False, Fictitious, or Altered Driver's License

Under the Code, for perjury or making a false certification to the Secretary of State under any law requiring the registration of a motor vehicle or regulating the operation of a vehicle on a highway, the Secretary of State must suspend the person's license for 90 days, if the person has no prior convictions for that offense within seven years, and suspend the license for one year, if the person has one or more prior convictions within seven years.

The bill included in that provision a conviction for any of the following:

- Displaying, causing or permitting to be displayed, or possessing a driver's license knowing that the license is fictitious or has been canceled, revoked, suspended, or altered.

- Lending or knowingly permitting the use of a driver's license by someone not entitled to its use.
- Displaying or representing as one's own any driver's license not issued to the person displaying it.
- Failing or refusing to surrender to the Department of State upon demand, any driver's license that has been suspended, canceled, or revoked.
- Using a false or fictitious name or giving a false or fictitious address in an application for a driver's license or knowingly making a false statement, concealing a material fact, or otherwise committing a fraud in applying for a driver's license.
- Altering or otherwise causing to be altered any operator's or chauffeur's license so as to make a false statement or conceal a material fact in order to misrepresent the license as one's own.
- Using or possessing in committing a crime a driver's license that has been altered or is used to make a false statement or to conceal a material fact in order to misrepresent the license as one's own.
- Furnishing to a peace officer false, forged, fictitious, or misleading verbal or written information identifying the person as another, if the person is detained for a violation of the Code or a substantially corresponding local ordinance.

Senate Bill 470

The bill included in the sentencing guidelines the offense of failure to stop, causing death, as a Class C felony against a person, with a statutory maximum of 15 years.

MCL 257.303 et al. (S.B. 469)
777.12 (S.B. 470)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

Senate Bills 469 and 470 will have an indeterminate fiscal impact on State and local government for violations, and will result in additional service fee revenue.

In 1999, according to the Department of Corrections Annual Statistical Report, 69 offenders were convicted of failure to stop at the scene of an accident. There are no data available to indicate whether the personal injury resulted in serious impairment of a body function or death. Under the bills, offenders

convicted of failure to stop at the scene of an accident that resulted in death are subject to a Class C felony penalty with a minimum sentencing range from 0-11 months to 62-114 months. Other offenders are subject to the previous penalty for the offense, which is a Class E felony with a minimum sentencing range from 0-3 months to 24-38 months.

Assuming that 69 offenders a year are convicted of failing to stop at the scene of an accident, if 10 of those offenders are convicted of the more serious felony, and all offenders receive the longest minimum sentence, given that the average annual cost of incarceration is \$25,000, then the costs of incarceration will be \$7.1 million, which is an increase of \$1.6 million. If offenders receive the shortest sentences, costs will be incurred by local governments for incarceration or by the State for felony probation at \$4.38 per day.

According to the Department of State published report on collected fees and the number of transactions, 1,926,436 chauffeur's and operator's licenses were issued in fiscal year 2000-2001. The elimination of the sunset on the \$1 service fee collected on these applications will result in approximately \$2,000,000 in additional driver fees.

The bills may increase the number of driver licenses that are revoked or suspended, thus increasing the collection of driver license reinstatement fees. The reinstatement fee for a driver license is \$125 and benefits the Departments of State and Transportation and various drunk driving-related funds.

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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.