



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 1066 (Substitute S-2 as reported)
Sponsor: Senator John Pappageorge
Committee: Transportation

Date Completed: 4-14-08

RATIONALE

Traffic accidents are among the most common causes of accidental death or injury in the United States. Traditionally, efforts by law enforcement agencies to improve road safety have focused on issuing citations to deter violators of traffic laws from committing future offenses. Some states also have begun including an educational component, offering driver safety courses to motorists who are found violating traffic laws. Typically, an individual who attends a course still must pay the citation and the cost of the course, but can avoid having points assigned to his or her driving record. Given that other states' driver education programs evidently have been successful in reducing the incidence of traffic accidents, it has been suggested that a similar program in Michigan could help improve road safety in this State.

CONTENT

The bill would amend the Michigan Vehicle Code to do the following:

- **Permit an individual who was issued a citation for a moving violation to choose to attend a basic driver improvement course.**
- **Require the court to dismiss an individual's citation, and provide that points could not be entered on his or her driving record, if the individual completed a basic driver improvement course and paid a fine and costs ordered by the court.**
- **Provide that an individual would be ineligible to take a driver improvement course if he or she**

were operating a commercial vehicle; if the violation were a criminal or a reckless driving offense; if he or she had attended a basic driver improvement course within the previous year or had attended three or more such courses; or if other conditions applied.

- **Require a person taking a basic driver improvement course to pay a fee of up to \$100 and, if applicable, obtain a certificate demonstrating successful course completion.**
- **Permit the Secretary of State to charge a fee for the certificates, and require the proceeds to be deposited into a proposed "Basic Driver Improvement Course Fund".**
- **Require the Secretary of State to maintain a database of those who had attended a basic driver improvement course and those who had successfully completed such a course.**

The bill would take effect on January 1, 2009, and is described in detail below.

The bill would permit an individual who was issued a citation for a moving violation to elect to attend a basic driver improvement course by indicating on the citation his or her desire to attend such a course and returning the citation to the court by first class mail sent within 14 days after the citation was issued.

Currently, a citation for a civil infraction must inform the defendant that he or she, at or by the time specified for appearance, may

admit responsibility for the civil infraction, admit responsibility with explanation, or deny responsibility for the civil infraction.

Under the bill, a citation also would have to inform the defendant that he or she could neither admit nor deny responsibility for the civil infraction by notifying the court that he or she intended to complete a basic driver safety improvement course before a hearing was held on the violation. The citation would have to inform the individual of both of the following:

- If he or she successfully completed the course before the hearing, the citation would be dismissed and no points would be entered for the violation, but the individual would be responsible for any fines or costs imposed.
- If he or she failed to complete the course successfully before the date set for a hearing or to pay the fine and costs as ordered by the court, the court would enter an order adjudicating him or her as responsible for the violation and proceed as otherwise provided by law.

An individual would not be eligible to take a basic driver improvement course if any of the following applied:

- The violation occurred while the individual was operating a commercial vehicle or was licensed as a commercial driver while operating a noncommercial motor vehicle at the time of the offense.
- The violation was a criminal offense.
- The violation was one for which four or more points may be assessed under the Code.
- The violation was a violation of Section 626b of the Code (which deals with reckless driving).
- The individual had attended a basic driver improvement course within one year before the citation was issued.
- The individual attended three or more basic driver improvement courses.
- The individual's operator's or chauffeur's license was restricted, suspended, or revoked, or the individual was not issued an operator's or chauffeur's license.

The court would have to determine whether the individual was eligible to take a basic driver improvement course. If the court determined that the individual was not eligible, it would have to inform the

individual in writing that he or she was ineligible for the course and proceed as otherwise provided by law.

If the court determined that the individual was eligible to take a driver improvement course, it would have to set a date for a hearing on the citation, at least 30 days after the court received the citation, and send the individual notice stating that he or she had been approved for the basic driver improvement course and informing him or her of the hearing date.

If the individual, before the hearing date, presented the court with a certificate indicating that he or she had completed a basic driver education course satisfactorily in a form approved by the Secretary of State, the court would have to order the individual to pay the fine and any costs for the violation. Upon payment of the fine and costs as ordered, the court would have to enter an order stating that the individual had complied with these provisions and dismiss the citation.

If the individual failed to present such a certificate to the court before the date set for the hearing, or failed to pay the fine and costs as ordered by the court, the court would have to enter an order of responsibility for the violation and proceed as otherwise provided by law.

The court would have to notify the Secretary of State promptly of an adjudication under these provisions.

Points could not be entered on a person's driving record for a violation for which the person successfully completed a basic driver improvement course and for which the person paid a fine and all costs as ordered by the court.

The Secretary of State would have to maintain a computerized database of individuals who had attended a basic driver education course under the bill, and those who had successfully completed a basic driver improvement course. The database could be used only for determining eligibility to take a course. The Secretary of State would have to make the information contained in the database available to the court for determining eligibility.

The bill would create the Basic Driver Improvement Course Fund within the State Treasury. The State Treasurer could receive money or other assets from any source for deposit into the Fund. The State Treasurer would have to direct the investment of the Fund. Money in the Fund at the close of the fiscal year would have to remain in the Fund and not lapse to the State General Fund. The Secretary of State would be the administrator of the proposed Fund for auditing purposes. The Secretary of State could spend money from the Fund, upon appropriation, only to pay the costs of administering the provisions of the bill.

An individual would have to be charged a fee of not more than \$100 to participate in a basic driver improvement course and, if applicable, to obtain a certificate in a form as approved by the Secretary of State demonstrating that he or she successfully completed the course.

The Secretary of State could charge a fee to provide basic driver improvement course certificates. Fees collected under this provision would have to be credited to the Basic Driver Improvement Course Fund.

Under the bill, "basic driver improvement course" would mean a course of study that contains the curriculum set forth in the *Defensive Driving Course Instructor Manual*, eighth edition, published by the National Safety Council, and other information as approved by the Secretary of State and that is offered over the internet or through classroom instruction.

MCL 257.743 et al.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

A driver improvement course could help to improve safety on the State's roads and highways by educating offenders and making them aware of traffic laws and the importance of driving safely and responsibly. Drivers would have an incentive to participate in the program, because those who successfully completed the course would not have points assigned to their driving records, potentially avoiding

increased insurance rates. According to the National Safety Council, several studies indicate that participants in its Defensive Driving Courses or similar programs are significantly less likely to commit traffic violations or become involved in an accident than those who do not attend such a course. One study conducted by College of Lake County, Illinois, found that drivers who had not been through a defensive driving course were eight times more likely to be in an accident over a 10-year period than those who successfully completed the course.

The National Safety Council (NSC), a nonprofit federally chartered organization, has extensive experience designing and providing driving courses nationwide and abroad. About 1.7 million drivers complete the Council's Defensive Driving Course each year, according to testimony before the Senate Transportation Committee. The Council frequently updates its course curriculum, addressing the most common causes of accidents, injuries, or deaths, and teaching course participants how to avoid those situations. The NSC is widely recognized and currently operates two chapters in Michigan, which already offer defensive driving courses. The courses can be taught in person or online, and it is anticipated that the NSC or other organizations would be able to meet any expected demand for driver improvement courses that the bill would generate.

The bill also could decrease backlogs in traffic courts, since it would give individuals an alternative to contesting their citations. If an individual successfully completed the course and paid all necessary fines and court costs, the citation would be dismissed. In addition, the bill could generate additional revenue for the State if the fee charged for the course exceeded the actual cost of administering it.

Response: The bill could undermine efforts to establish fair and uniform standards for setting speed limits. Drivers frequently complain that some local governments set speed limits unreasonably low in order to generate more revenue from traffic citations. While the bill would provide some relief for drivers who were caught in speed traps by allowing them to avoid having points on their driving record, a preferable solution would be to reform the process altogether, requiring speed limits to

be set based on traffic studies and public safety concerns.

Opposing Argument

Insurance companies in Michigan use a number of factors to determine an individual's insurance rates. Those who have received traffic citations pose a measurably higher risk of being in future accidents. Because the number of points on an individual's driving record are a reflection of that person's driving history, insurance companies use those points as one factor in determining the individual's insurance rate. The bill would interfere with that mechanism by allowing individuals to attend a driver education course, eliminating any points that otherwise would be assigned due to the citation.

Response: As previously noted, motorists who have attended driver improvement courses are less likely to be in an accident or receive future citations, so those drivers as a group would not pose an elevated risk and should not be penalized with higher insurance rates.

Legislative Analyst: Curtis Walker

FISCAL IMPACT

According to the Department of State, it would assess a fee for the certificates that would be issued to people who had successfully completed the proposed basic driver improvement course. It is anticipated that these new fees would cover the costs to the Department associated with maintaining the computerized database of individuals who had attended a course. The amount of fee revenue and the costs of maintaining the database are indeterminate and dependent on the number of individuals who would complete a course.

People choosing to take a basic driver improvement course would have to pay the cost of the certificate issued by the Secretary of State in addition to the cost of the course. The revenue raised from the course fee would go toward the costs of development and operation of the course, which likely would be contracted through the Department of State.

The bill also would have an indeterminate fiscal impact on the district courts. The bill would require the courts to determine eligibility for the proposed course, and would

add processing time to the resolution of citations. The current Supreme Court guidelines for civil infractions recommend that 90% be resolved within 35 days, which would be difficult under this bill. Additional administrative costs to the district courts could be partially offset by a decrease in the number of hearings related to these types of infractions.

Fiscal Analyst: Joe Carrasco
Stephanie Yu

A0708\S1066a

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.