



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 (as enacted)
Sponsor: Senator John Pappageorge
Senate Committee: Transportation
House Committee: Judiciary

PUBLIC ACT 568 of 2008

Date Completed: 6-30-09

CONTENT

The bill amends the Michigan Vehicle Code to do the following:

- **Permit an individual who is issued a citation for a moving violation to choose to attend a basic driver improvement course, with certain exceptions.**
- **Require the court to dismiss an individual's citation, and prohibit points from being entered on his or her driving record, if the individual completes a basic driver improvement course and pays a fine and costs ordered by the court.**
- **Provide that an individual is ineligible to take a driver improvement course if he or she was operating a commercial vehicle; if the violation is a criminal offense; if he or she previously successfully completed a basic driver improvement course; or if other conditions apply.**
- **Require a person participating in a basic driver improvement course to pay a fee of up to \$100, to be credited to the "Basic Driver Improvement Course Fund" created under the bill.**
- **Require the Secretary of State (SOS) to maintain a database of those who have attended a basic driver improvement course and those who have successfully completed such a course.**
- **Require an approved course sponsor to conduct a study every five years on the effect that successful completion of the course has on reducing collisions and moving violation, and require the SOS to report the findings of all such studies to the Legislature.**

The bill will take effect on December 31, 2010, and is described in detail below.

Driver Improvement Course

Under the bill, the SOS may not enter points onto an individual's driving record for a moving violation if the SOS determines the individual to be eligible to attend a basic driver improvement course. The SOS also may not make information concerning that violation available to any insurance company if the individual attends and successfully completes a basic driver improvement course and provides a certificate of successful completion to the SOS within 60 days after the SOS notified the individual that he or she was eligible to take the course.

Upon receiving an abstract of a moving violation, the SOS must determine if an individual is eligible to attend a basic driver improvement course. If the SOS determines that the individual is eligible, the SOS must postpone for at least 10 business days the entry of

points for the moving violation and making information contained in the abstract available to the individual's insurance company.

The SOS must notify the individual of his or her eligibility by first-class mail at his or her last known address as indicated on the individual's operator's or chauffeur's license, and inform the individual of the manner and time within which he or she is required to notify the SOS of his or her intent to attend a basic driver improvement course.

The SOS also must notify the individual that if he or she fails to notify the SOS of his or her intent to attend a driver improvement course, points will be entered for the moving violation.

Under the bill, "basic driver improvement course" means a course of study that satisfies all of the following conditions:

- It meets or exceeds the curriculum standards set forth in the Defensive Driving Course Instructor Manual, Eighth edition, published by the National Safety Council.
- It provides documented evidence from a Federal, State, or local agency of course effectiveness in reducing collisions, moving violations, or both.
- It contains other information as approved by the SOS and that is offered over the internet or through classroom instruction.

The SOS must approve a basic driver improvement course sponsor if the course offered by that sponsor satisfies those requirements.

Eligibility

An individual is not eligible to take a basic driver improvement course if any of the following apply:

- 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 is a criminal offense.
- The violation is one for which four or more points may be assessed under the Code.
- The violation involves careless or negligent driving, a violation of speed limits in a highway work zone or in a school zone, or failure to stop as required for a stopped school bus.
- The individual was cited for more than one moving violation arising from the same incident.
- The individual's license was suspended for failure to answer a citation or comply with a order or judgment of the court in connection with the violation.
- The individual previously successfully completed a basic driver improvement course.
- The individual has three or more points on his or her driving record.
- The individual's operator's or chauffeur's license is restricted, suspended, or revoked, or the individual was not issued an operator's or chauffeur's license.

Database of Course Participants

The Secretary of State must maintain a computerized database of individuals who have attended a basic driver improvement course under the bill, and those who have successfully completed such a course. The database may be used only for determining eligibility to take a course. The SOS may make the information contained in the database available only to approved driver improvement course sponsors. Information in the database concerning an individual must be maintained for the life of that individual.

Driver Improvement Course Fund

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

An individual must 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 approved by the Secretary of State demonstrating that he or she successfully completed the course. Fees collected under this provision must be credited to the Basic Driver Improvement Course Fund.

Effectiveness Study

An approved course sponsor must conduct a study of the effect, if any, that the successful completion of its basic driver improvement course has on reducing collisions or moving violations, or both, for students completing its course in the State. An approved sponsor must complete the study every five years on each of the course delivery modalities used by the sponsor.

The SOS must make all of the following information available to the approved course sponsor for that purpose, subject to applicable State and Federal laws governing the release of information:

- The number of individuals who successfully complete a basic driver improvement course under the bill.
- The number of individuals who are eligible to take a basic driver improvement course but do not successfully complete the course.
- The number and type of moving violations committed by individuals after successfully completing a basic driver improvement course in comparison to the number and type of moving violations committed by individuals who have not taken such a course.

The SOS must report on the findings of all studies conducted under those provisions to the standing committees of the House of Representatives and the Senate on transportation issues.

MCL 257.3a & 357.320d

Legislative Analyst: Curtis Walker

FISCAL IMPACT

Under the bill, a \$100 fee will be assessed for the cost of the basic driver improvement course and for the certificates that will be issued to people who have successfully completed the course. It is anticipated that these new fees will cover the costs to the Department associated with maintaining the computerized database of individuals who have 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 will complete a course.

Fiscal Analyst: Joe Carrasco

S0708\sb1066es

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.