



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 introduced 1-30-08)
Sponsor: Senator John Pappageorge
Committee: Transportation

Date Completed: 3-4-08

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 attend a basic driver improvement course, under certain conditions.**
- **Require the court to dismiss the citation if the individual completed such a course and paid a fine and costs ordered by the court.**
- **Provide that points could not be entered on the driving record of an individual if he or she successfully completed a basic driver improvement course for a violation and paid the fine and costs as ordered.**

Under the Code, 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.

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 seven days after the citation was issued. The court would have to determine whether the individual was eligible to take a basic driver improvement course under the bill.

If the court determined that the individual was not eligible to take a basic driver improvement course, it would have to inform the individual in writing that he or she was not eligible 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 the bill 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.

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.
- The violation was a criminal offense.
- The individual had attended a basic driver improvement course within one year before the citation was issued.
- The individual had attended five or more basic driver improvement courses under the bill.

The Secretary of State would have to maintain a computerized database of individuals who had attended a basic driver education course under the bill. The database could be used only for determining eligibility under the provision described above. The Secretary of State would have to make the information contained in the database available to the court for determining eligibility as required under the bill.

An individual could not 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.

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 257.320a et al.

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

basic driver improvement course as required under the bill. 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 basic driver improvement 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 (which could be up to \$100). 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 additional 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. The additional work and increase in processing time could result in administrative costs to the district courts, but those costs could be partially offset by a decrease in the number of hearings related to these types of infractions.

Fiscal Analyst: Joe Carrasco
Stephanie Yu

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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.