

PASSENGER RESTRICTIONS FOR LEVEL 2 DRIVERS

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House Bill 4493 (Substitute H-2)
Sponsor: Rep. Richard LeBlanc
Committee: Transportation

Complete to 7-16-10

A SUMMARY OF HOUSE BILL 4493 AS REPORTED FROM COMMITTEE ON 6-24-10

House Bill 4493 would amend the Michigan Vehicle Code to prohibit a driver with a level 2 graduated licensing status (the first year of driving independently) from:

- Operating a motor vehicle carrying more than one passenger who is under 21 years of age, unless those passengers are members of the driver's immediate family.
- Using a wireless communication device (cell phone) while operating a motor vehicle. This does not prohibit the driver from using such a device while driving to contact a 9-1-1 emergency system.

Currently, a level 2 driver cannot drive from midnight to 5 a.m. unless accompanied by a parent or legal guardian, or a designated licensed driver over the age of 21, or unless going to or from employment. The bill would change these hours to "from 10 p.m. to 5 a.m."

The same change in hours would apply to a level 1 driver; these drivers can only drive when accompanied by a parent or guardian or an approved driver over 21 and even then only during the specified hours.

MCL 257.310e

BACKGROUND INFORMATION:

Michigan has a three-tier driver licensing process that requires novice drivers to gain experience before earning full licensure. The graduated licensing process, designed to increase traffic safety, generally takes two years, and first-time drivers often begin their instruction at age 15.

Currently under the law, a level 1 licensee can operate a motor vehicle if he or she has (a) passed a vision test and met health standards; (b) passed segment one of a driver education course, including six hours of on-the-road driving; and (c) received written approval of a parent or legal guardian. A person issued a level 1 license can operate a vehicle only when accompanied by a licensed parent (or legal guardian) or, with the

parent's permission, when accompanied by a licensed driver 21 years of age or older. A level 1 driver must hold that license for at least six months.

A driver can move to level 2 after (a) spending six months with a level 1 status; (b) successfully completing segment two of a driver education course; (c) driving without a moving violation and driving accident-free for 90 days before application; (d) accumulating at least 50 hours behind-the-wheel (including at least 10 night-time hours) while accompanied by a parent, legal guardian, or person over 21 years old approved by the parent; and (e) passing a driving skills test approved by the Secretary of State.

A level 2 driver must hold that license for at least six months, and cannot drive between midnight and 5 a.m. (except when going to or from employment) unless accompanied by a parent, guardian, or approved over-21 driver. A level 2 status driver can achieve level 3 before the age of 18 by avoiding certain moving violations, accidents, and license suspensions. At age 18, a driver is eligible for a level 3 license.

FISCAL IMPACT:

House Bill 4493 would have an indeterminate fiscal impact. Any administrative impact to the Secretary of State would be dependent upon the number of civil infractions arising under the provisions of the bill. Moreover, the provisions make it a civil infraction for a first-year driver to have more than one passenger under 21 years of age in the car (with some exceptions). Presumably, this would increase the number of civil infractions written for violating the graduated license permit. If the infraction were written under state statute, the fine would go to libraries while the court cost would go to the local court funding unit. If the infraction were written under local ordinance, one-third of the fine and cost would go to the political subdivision whose ordinance was violated and two-thirds of the fine and cost would go to the local court funding unit. With all violations, the \$40 Justice System Assessment would be deposited into the Justice System Fund and distributed under statute.

BRIEF DISCUSSION:

The proponents of the bill say that its aim is to reduce injuries and save lives among teenage drivers. Safety experts say that teenage drivers have the highest rate of fatal and non-fatal crashes because they lack driving experience and have not fully developed essential driving skills. The bill focuses on key areas of vulnerability: Teenage drivers are especially vulnerable, experts say, when driving with teenage passengers, when driving to and from school, and when driving at night. Further, cell phone leads to "driving while distracted" among all drivers, and the widespread use of cell phones by teenagers, coupled with their lack of driving experience, justifies restricting their use. Testimony from the University of Michigan Transportation Research Institute on these topics dated 6-24-10 is available here:

<http://session.mihouse.mi.gov/Committees%20New/cselectComm.asp?intCommitteeKey=23>

Critics of the bill say that the current driver license process emphasizes parental responsibility. The bill goes against that philosophy by taking decision making out of the hands of the family and creating a one-size fits-all approach. The bill is too inflexible.

For example, the bill does not allow an exemption for driving to and from school or to and from school-related events. This poses a hardship where school transportation is being cut back and where there is little or no public transport. It is even possible that limiting the number of youngsters in a car could lead to more teenagers driving themselves to and from events. The expanded curfew also seems extreme, particularly in summer months when it gets dark very late. Plus, expanding the curfew on level 1 drivers, who must drive a number of hours with parents or an approved adult, restricts the number of hours available for supervised driving (particularly supervised night driving in the summer).

POSITIONS:

Department of State Police supports the bill. (6-24-10)

AAA of Michigan supports the bill. (6-24-10)

Ford Motor Company supports the bill. (6-24-10)

Insurance Institute of Michigan supports the bill. (6-24-10)

Michigan Chapter Academy of Pediatrics supports the bill. (6-24-10)

A representative of Michigan Driver and Traffic Association testified in support of the bill. (6-24-10)

National Safety Council supports the bill. (6-24-10)

Southeast Michigan Council of Governments supports the bill. (6-24-10)

State Farm Insurance supports the bill. (6-24-10)

A representative of the University of Michigan Transportation Research Institute testified in support of the bill. (6-24-10)

Representatives of the Office of the Secretary of State testified the department does not support the bill in its current form. (6-24-10)

Michigan Brain Injury Providers Council supports the bill in concept. (6-24-10)

The Department of State does not support the bill. (6-24-10)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.