

OPERATING MOTORCYCLE WITHOUT INDORSEMENT: INCREASE PENALTIES

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House Bill 4651 reported without amendment
Sponsor: Rep. Julie Plawecki
Committee: Criminal Justice
Complete to (1-26-16)

Analysis available at
<http://www.legislature.mi.gov>

BRIEF SUMMARY: The bill raises the maximum fine for a first violation of the requirement to obtain a motorcycle endorsement on a driver or chauffeur license before operating a motorcycle on a public road and to create an enhanced penalty for a second or subsequent violation.

FISCAL IMPACT: As discussed in more detail later in the analysis, the bill will result in an indeterminate fiscal impact to the judiciary and local correctional systems.

THE APPARENT PROBLEM:

Under the Michigan Vehicle Code, a person, before operating a motorcycle upon a public street or highway must procure a motorcycle endorsement (CY) on an operator's or chauffeur's license.

This can be accomplished by either of two methods. One method involves passing a vision and written knowledge test at a Secretary of State (SOS) office and obtaining a Temporary Instruction Permit (TIP). The TIP allows the person to practice riding a motorcycle while under the supervision of an endorsed rider. The person must then pass a skills test offered through a third-party testing agency, present the skills test certificate at an SOS office, and apply for the CY endorsement.

The second method requires successfully completing a certified motorcycle safety course (typically a one-day session) and then presenting a motorcycle safety course completion certificate at an SOS office. The person must then apply for the CY endorsement and pass both a vision and a written knowledge test (the skills test is waived). Persons under the age of 18 and those who failed the motorcycle rider skills test twice must successfully complete a motorcycle safety training course in order to obtain the CY endorsement. If offered by a governmental entity (e.g., a college, school, or other governmental entity), the course fee for a participant is currently capped at \$25 (fees for courses offered by private entities are not regulated).

Even though the CY endorsement has been a requirement for over 40 years, the statutory penalty for noncompliance is so low that about 20 percent of motorcycle operators ignore the requirement. Accident statistics reveal, however, that unendorsed motorcyclists account for approximately 40 percent of motorcycle-related fatalities on average each year.

Some feel that if more motorcyclists took the extra safety training needed to obtain the CY endorsement, that fatalities and serious injuries among motorcyclists and their passengers could be reduced. One suggestion that has been offered as a way to encourage greater compliance is to increase the criminal penalty for operating a motorcycle without an endorsement.

THE CONTENT OF THE BILL:

House Bill 4651 amends the Michigan Vehicle Code to increase the penalty for operating a motorcycle without first obtaining a motorcycle endorsement, or indorsement. Currently, a violation falls under the Michigan Vehicle Code's default penalty for a violation of the act, which is a misdemeanor punishable by imprisonment for not more than 90 days and/or a fine of not more than \$100. Under the bill, a first offense would be a misdemeanor with a maximum term of imprisonment of 90 days and/or a maximum fine of \$500.

The bill would also create an enhanced misdemeanor penalty for a second or subsequent violation with a maximum term of imprisonment of one year and/or a maximum fine of \$1,000.

The bill would take effect 90 days after enactment.

MCL 257.312a

BACKGROUND INFORMATION:

Information on the Michigan Motorcycle Safety Training Program and obtaining a motorcycle endorsement can be found at: http://www.michigan.gov/sos/0,4670,7-127-1627_46351---,00.html

In a related matter, House Bill 4853 would increase the maximum course fee for a participant in an approved motorcycle safety course offered by a governmental unit from \$25 to \$50. House Bill 4854 would require the SOS to waive the written knowledge test, driving skill test, and road sign test of an applicant applying for an original motorcycle endorsement if the person completed an approved motorcycle safety course. Both bills have passed the House and are pending Senate committee action.

FISCAL INFORMATION:

House Bill 4651 would have an indeterminate fiscal impact on the state and on local units of government. The fiscal impact would depend on the number of violations and whether violations were first-time violations or second and subsequent violations. New misdemeanor convictions would increase costs related to county jails and/or local misdemeanor probation supervision. The costs of local incarceration in a county jail and local misdemeanor probation supervision vary by jurisdiction. Increases in applicable fines would benefit local libraries, which are the constitutionally designated recipients of such revenues. Also, the bill would have an indeterminate fiscal impact on the judiciary and

local court funding units. The fiscal impact would depend on how the provisions of the bill affected caseloads and related administrative costs.

ARGUMENTS:

For:

Most motorcyclists in the state obtain the required motorcycle endorsement (CY) on their driver's or chauffeur's license and operate their vehicles in a safe and responsible manner. Though it is a criminal offense to ride a motorcycle without an endorsement, the penalty is so low that a significant number simply ignore the requirement. About 20 percent of motorcyclists do not get their CY and on a yearly average, account for over 40 percent of motorcycle-related fatalities. It is apparent therefore that the extra experience and training needed to obtain a CY increases a motorcyclist's skills and knowledge of safe operation.

If the penalties were increased, motivation to obtain CY endorsements should also increase. Many states have higher penalties and also have higher compliance rates. The bill would simply make the penalty for riding a motorcycle without the required endorsement more in line with other states and also more similar to what is in place for operating a motor vehicle without a license or if the license has been suspended or revoked.

Some feel the bill has the potential to save lives, reduce injuries, and lower insurance and health costs related to motorcycle accidents. Moreover, unlike a different version of the bill that had been considered, the committee-reported bill would not divert fine revenue away from public libraries.

POSITIONS:

A representative of ABATE of Michigan testified in support of the bill. (1-26-16)

The Michigan Library Association indicated support for the bill. (1-26-16)

The Department of Secretary of State indicated a neutral position on the bill. (10-20-15)

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