

OPERATING VEHICLE WITHOUT A LICENSE: INCREASE PENALTIES

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House Bill 5602 as introduced
Sponsor: Rep. Peter J. Lucido
Committee: Criminal Justice
Complete to 5-23-16

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

SUMMARY:

The bill would increase the maximum criminal fines and terms of imprisonment for the following driving-related offenses:

- Operating a vehicle without a valid driver license.
- A vehicle owner allowing a person without a valid license to operate the vehicle.
- Inability to produce a driver license issued within the preceding three years upon request by a police officer.

The bill also requires a police officer to impound the vehicle being operated by a person under one of the above circumstances.

House Bill 5602 amends the Michigan Vehicle Code (MCL 257.904 and 257.904a). The bill would take effect 90 days after enactment.

Operating a vehicle without a valid license:

The Code prohibits a person whose operator's or chauffeur's license has been suspended or revoked, whose application for a license has been denied, or who has never applied for a license, from operating a motor vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including parking lots. It is also against the law for an owner of a motor vehicle to allow an unlicensed person to operate the vehicle, unless permitted under the Code. A violation is a misdemeanor.

Currently, a first offense is punishable by imprisonment for not more than 93 days and/or a fine of not more than \$500. The bill increases the maximum term of imprisonment to one year.

Inability to produce a valid license upon request:

Unless an exemption from license requirements exists under the Code, it is a misdemeanor offense for a driver to operate a motor vehicle without being able to show that a license has been issued by any state or foreign county that is valid within the preceding three years.

The bill would impose the penalty if a person were unable to produce evidence of having been issued a license valid within the preceding three years upon the request of a police officer (underlining denotes new language).

Currently, a first violation is punishable by imprisonment for not more than 90 days or by a fine of not more than \$100. The bill would increase the penalty to imprisonment for not more than one year and/or a fine of not more than \$500. A second or subsequent offense would be punishable by a maximum term of imprisonment of one year and/or a fine of not more than

\$1,000, instead of the current penalty of not less than two days or more than 90 days imprisonment or a fine of \$100.

Vehicle impoundment:

A police officer who stops a person operating a vehicle without a valid license or who cannot produce evidence of a valid license upon request would be required to do all of the following:

- Confiscate the vehicle's registration plate and destroy it.
- Impound the vehicle.
- Notify the secretary of state (SOS) through the Law Enforcement Information Network (LEIN) in a form prescribed by SOS that the plate was confiscated and destroyed and the vehicle impounded, except as explained below.

If the operator of the vehicle is not the owner, the vehicle would have to be impounded but the registration plate would not be confiscated or destroyed, and the SOS would not be notified.

The owner of motor vehicle impounded under the bill's provisions will be liable for the expenses incurred in the removal and storage of the vehicle whether or not the vehicle is returned to the owner. The vehicle would only be returned if the owner pays the expenses of removal and storage. If the removal and storage expenses are not paid, or the vehicle is not returned to the owner, the vehicle will be considered an abandoned vehicle and disposed of under provisions of Section 252a of the Code.

[The Code defines "police officer" to mean any of the following:

- A sheriff or sheriff's deputy.
- A village or township marshal.
- An officer of the police department of any city, village, or township.
- An officer of the Michigan State Police.
- A peace officer who is trained and certified under the Commission on Law Enforcement Standards Act.
- In limited circumstances, a duly authorized agent of a county road commission.]

FISCAL IMPACT:

This bill would have no fiscal impact on the State Police and local law enforcement agencies as they are able to recoup the costs of towing and impounding vehicles that are not reclaimed under Section 252(g) of 1949 PA 300, MCL 257.252g.

To the extent that the bill results in greater amounts of time served by offenders in county jails, the bill would increase costs on local correctional systems. The costs of local incarceration in a county jail and local misdemeanor probation supervision vary by jurisdiction. The increase in penal fine revenues would increase funding for local libraries, which are the constitutionally-designated recipients of those revenues.

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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.