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Senate Bill 204 (as introduced 3-16-15)
Sponsor: Senator Tonya Schuitmaker
Committee: Judiciary

Date Completed: 4-20-15

CONTENT

The bill would amend the Management and Budget Act to prescribe a criminal penalty for a State employee who removed or concealed registration plates or other external markings identifying State ownership of a vehicle assigned to him or her.

Section 213 of the Act allows the Department of Technology, Management, and Budget (DTMB) to issue directives relative to State motor vehicles, except for vehicles under the jurisdiction of the Michigan Department of Transportation (MDOT). The DTMB may issue a directive relative to displaying distinctive vehicle registration plates and other external markings on the motor vehicles. The plates and markings must clearly identify State ownership unless the motor vehicle is used by an elected official or for an investigative use, or anonymity is essential to the proper performance of a necessary function of State government, as determined by the DTMB Director. As used in Section 213, "motor vehicle" means a passenger vehicle, van, minibus, bus, truck, tractor, or other motorized vehicle.

Section 215 of the Act specifies restrictions that apply to a motor vehicle and the person to whom a motor vehicle is assigned. This section defines "motor vehicle" as a motor vehicle as defined in Section 213 that is owned by MDOT or the Department of Natural Resources. Under Section 215, an unclassified employee who is a State department or agency director may be assigned a motor vehicle and may use it between his or her residence and official work station. A State employee who is not a department or agency director may be assigned a motor vehicle and may use it between his or her residence and official work station only if both of the following conditions are satisfied:

- Adequate or safe work station parking is nonexistent; technical equipment on or in the vehicle requires a secure parking area that is not available at the person's work station; or it is in the best interest of the State to occasionally begin or end the assignment of the vehicle at the employee's residence.
- The residence-to-official work station use is approved by the director of the employee's principal department or the director's authorized representative.

Otherwise, a person assigned a vehicle under Section 215 may use it for nonduty use only when he or she is on assignment away from his or her work station where other transportation is not available. The value of all mileage driven in a State motor vehicle must be recorded in accordance with regulations issued by the IRS and directives issued by the DTMB. A State motor vehicle may not be used for personal use.

Under the bill, a State employee who removed or concealed distinctive registration plates or other external markings that clearly identified State ownership of a motor vehicle assigned to that employee under Section 215, or in violation of a directive under Section 213, would be

guilty of a misdemeanor punishable by up to 90 days' imprisonment and/or a maximum fine of \$1,000. The penalty would not apply to a State employee whose assigned motor vehicle was not marked because it was for investigative use or because anonymity was essential to the proper performance of a necessary function of State government, as determined by the DTMB Director.

The bill would take effect 90 days after it was enacted.

MCL 18.1213 & 18.1215

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

Under the violations proposed by the bill, there could be an increase in the number of misdemeanor convictions as individuals were prosecuted for removing or concealing registration plates or other external markings associated with State vehicle identification. The possible increase in misdemeanors could increase the requirements on local court systems and jails. Any associated increase in fine revenue would be provided to public libraries.

Fiscal Analyst: John Maxwell

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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.