



Senate Fiscal Agency
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BILL



ANALYSIS

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Senate Bill 496 (as reported without amendment)
Sponsor: Senator Rick Jones
Committee: Transportation

Date Completed: 2-23-16

RATIONALE

The Michigan Vehicle Code requires a person to obtain a motorcycle indorsement on his or her operator's or chauffeur's license before operating a motorcycle, other than an autocycle, upon a public street or highway in Michigan. The license must be issued, suspended, revoked, canceled, or renewed in accordance with the Code. Individuals who ride motorcycles without an indorsement are guilty of a misdemeanor, punishable by imprisonment for up to 90 days, a maximum fine of \$100, or both.

There is concern, however, that this penalty is not strong enough to deter individuals from riding without the required indorsement. In order to reduce motorcycle-related injuries and fatalities, it has been suggested that the penalties should be more severe and reflect similar penalties that an individual would receive if he or she drove an automobile without a license.

CONTENT

The bill would amend the Michigan Vehicle Code to prescribe a misdemeanor penalty for an individual who operated a motorcycle without an indorsement on his or her license.

Currently, the Code does not prescribe a specific penalty for this violation, making it subject to the Code's "default" misdemeanor penalty of up to \$100 and/or 90 days.

The bill specifies that an individual who violated the motorcycle indorsement requirement would be guilty of a misdemeanor punishable as follows:

- For a first violation, by imprisonment for up to 90 days or a maximum fine of \$500, or both.
- For any subsequent violation that occurred after a prior conviction, by imprisonment for up to one year or a maximum fine of \$1,000, or both.

The bill would take effect 90 days after its enactment.

MCL 257.312a

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

According to Committee testimony, 50% of motorcycle accidents involve motorcycle operators who have no training or motorcycle indorsement. Moreover, it is reported that 40% of motorcycle fatalities involve an individual who did not possess proper motorcycle training or an indorsement. According to Michigan Traffic Crash Facts, motorcycles were involved in 8.6% of roadway fatalities with 110 deaths in Michigan in 2014, while 2,135 people were injured riding a motorcycle during that year. Changing the consequences for operating a motorcycle without an indorsement to reflect

similar penalties for driving an automobile without a license should deter individuals from operating motorcycles without proper training. The current penalty is too lenient and perpetrators rarely receive a punishment involving jail time.

Reducing the number of operators who do not have proper training and are not indorsed would be an important step toward reducing motorcycle-related accidents and fatalities. According to the Secretary of State's website, a person must pass both a knowledge test and an on-cycle skills test in order to earn an indorsement. The tests cover, among other things, the person's ability to accelerate, brake, and turn safely; adjust speed and position to reflect changes in traffic and riding conditions; and stop and turn quickly to cope with problems while riding. Ensuring that a motorcyclist has the necessary abilities protects not only the operator and his or her riders, but other motorists and pedestrians as well.

Legislative Analyst: Drew Krogulecki

FISCAL IMPACT

The bill would have a negligible fiscal impact on the State and a negative fiscal impact on local governments. The bill would increase the maximum fine for operating a motorcycle without an indorsement from \$100 to \$500 for a first violation and up to \$1,000 for repeat violations. Any associated increase in fine revenue would be dedicated to public libraries. The bill would maintain the maximum length of imprisonment of 90 days for a first violation, but would increase the penalty to a term of up to one year for repeat violations. An increase in jail sentences could place incremental resource demands on jails.

Fiscal Analyst: Ryan Bergan

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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.