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## BILL ANALYSIS



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Senate Bill 707 (as introduced 1-14-16)  
Sponsor: Senator Tom Casperson  
Committee: Transportation

Date Completed: 3-9-16

**CONTENT**

**The bill would amend Public Act 200 of 1969, which requires permits for driveways providing direct access to a highway, to specify that "constructed or reconstructed" (for the purpose of requiring corrections to a driveway that is in violation of rules) would not include maintenance activities performed on a driveway.**

The Act requires a permit from a highway authority for a "driveway" (which means "a driveway, lane, road or any other way providing vehicular access to or from the highway from or to property adjoining the highway"). A permit must be granted in conformity with rules promulgated by the highway authority, which is the Michigan Department of Transportation in the case of State trunk line highways, or the board of county road commissioners in the case of country roads. The Act requires the Department to promulgate rules necessary for the administration of the Act, and permits county boards to adopt the rules by reference or adopt their own rules.

The Act does not apply to a driveway existing on or before August 6, 1967, unless the use of the land served by the driveway is changed or expanded and that change or expansion causes the existing driveway to become a safety hazard. Under those circumstances, a driveway is considered new and is subject to the Act. In addition, a driveway that is constructed or reconstructed after the effective date of the rules issued under the Act and that is in violation of the rules must be corrected by the owner within the period of time, not less than 30 days, specified in a notice of violation sent by certified mail to the owner. If the violation is not corrected, the highway authority or its agents may perform the necessary correction and the owner must reimburse the highway authority for the reasonable cost of correction.

The bill states that, for this purpose, "constructed or reconstructed" would not include maintenance activities performed on a driveway, including, but not limited to, the placement of additional gravel.

The bill would take effect 90 days after its enactment.

MCL 247.327

Legislative Analyst: Drew Krogulecki

**FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Glenn Steffens

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