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BILL



ANALYSIS

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House Bill 4436 (Substitute H-1 as reported without amendment)

Sponsor: Representative Peter J. Lucido

House Committee: Judiciary

Senate Committee: Judiciary

CONTENT

The bill would amend the Michigan Vehicle Code to do the following:

- Expand the circuit court's authority to review and set aside a Secretary of State determination regarding a driver license suspension, revocation, or restriction.
- Allow a court to determine that a person was eligible for a restricted license or full driving privileges, if specified conditions were met.
- Require a court that found a petitioner eligible for restricted driving privileges to issue an order that included particular restrictions, including the use of an ignition interlock device on any vehicle that he or she operated.
- Specify that the court order would have to require the Secretary of State to revoke the petitioner's restricted license under certain circumstances.

Under the Code, a person may appeal to the circuit court a final determination issued by the Secretary of State resulting in a driver license denial, suspension, revocation, or restriction. Unless the sanction was issued on certain grounds or for certain offenses, in reviewing that determination, the court must limit its consideration to a review of the record of the Secretary of State's determination or the petitioner's driving record and may not grant restricted driving privileges.

The bill instead would allow the court to determine that the petitioner was eligible for full driving privileges or, if the petitioner were subject to a revocation for particular offenses or multiple offenses, the court could determine that the petitioner was eligible for restricted driving privileges.

MCL 257.323

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill could have a negative fiscal impact on State and local governments if more individuals brought appeals to circuit court. An increase in hearings could increase resource demands on courts.

Date Completed: 4-20-16

Fiscal Analyst: Ryan Bergan