

Legislative Analysis



VEHICLE DEATH OR SERIOUS INJURY CAUSED BY DRIVER WITH SUSPENDED OR REVOKED LICENSE FROM ANOTHER STATE

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Senate Bill 330 (reported from House committee as substitute H-1)

Sponsor: Sen. Margaret E. O'Brien

House Committee: Transportation and Infrastructure

Senate Committee: Judiciary

Complete to 6-5-18

(Enacted as Public Act 212 of 2018)

SUMMARY:

Senate Bill 330 would amend Section 904 of the Michigan Vehicle Code to specify penalties for an individual whose operator's or chauffeur's license or registration certificate has been suspended or revoked by another state and who operates a motor vehicle during that suspension or revocation and thereby causes the death or serious impairment of a body function of another person.

Currently under the Code, an individual whose operator's or chauffeur's license or registration certificate has been suspended or revoked, whose application for license has been denied, or who has never applied for a license is prohibited from operating a motor vehicle upon a state highway or other place open to the general public or generally accessible to motor vehicles.

An individual who violates this prohibition and who, by operation of a motor vehicle, causes the death of another person is guilty of a felony punishable by up to 15 years' imprisonment or a fine of at least \$2,500 but not more than \$10,000, or both. If the individual's operation of a motor vehicle causes serious impairment of a body function, he or she is guilty of a felony punishable by up to five years' imprisonment or a fine of at least \$1,000 but not more than \$5,000, or both. The vehicle could also be subject to forfeiture under Section 625n of the Code.

The bill would specifically add a person whose license or registration certificate has been suspended or revoked by another state to the above provisions describing the penalties for death or injury caused by operation of a motor vehicle during the suspension or revocation period.

MCL 257.904

HOUSE COMMITTEE ACTION:

The House Committee on Transportation and Infrastructure reported an H-1 substitute for Senate Bill 330. The substitute incorporates changes made to Section 904 of the Vehicle Code by Public Act 50 of 2018 and makes no other changes to Senate Bill 330.

FISCAL IMPACT:

To the extent that the bill results in a greater number of convictions, Senate Bill 330 would have an indeterminate fiscal impact on the state and on local units of government. New felony convictions would result in increased costs related to state prisons and state probation/parole supervision. In fiscal year 2017, the average cost of prison incarceration in a state facility was roughly \$37,000 per prisoner per year, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about \$3,600 per supervised offender in the same year. The fiscal impact on local court systems would depend on how provisions of the bill affected caseloads and related administrative costs. Any increase in penal fine revenues would increase funding for local libraries, which are the constitutionally designated recipients of those revenues.

POSITIONS:

The Michigan State Police indicated support for bill. (5-29-18)

The League of Michigan Bicycles indicated support for the bill. (5-29-18)

The Michigan Environmental Council indicated support for the bill. (5-29-18)

Legislative Analyst: E. Best
Fiscal Analyst: Robin Risko

■ 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.