



**Senate Fiscal Agency**  
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BILL



ANALYSIS

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Senate Bill 330 (as enrolled)  
Sponsor: Senator Margaret E. O'Brien  
Senate Committee: Judiciary  
House Committee: Transportation and Infrastructure

Date Completed: 6-21-18

### **RATIONALE**

The Michigan Vehicle Code prohibits an individual from operating a motor vehicle without a valid driver license, and prescribes penalties for a violation. If an individual whose license has been suspended or revoked, whose application for license has been denied, or who has never applied for a license, by his or her operation of a motor vehicle, causes another person's death or serious impairment of a body function, the individual is guilty of a felony. Apparently, prosecutors have been reluctant to charge individuals who have violated the prohibition and whose licenses were suspended or revoked by another state. The alternative is to charge an individual for a moving violation causing death or serious impairment of a body function, which is a misdemeanor. Some contend that this outcome is unjust, particularly when the only difference between two otherwise identical cases is the jurisdiction that suspended or revoked the license. Accordingly, it has been suggested that amendments to the Code should apply the prohibition to an individual whose driver license has been suspended or revoked by another state.

### **CONTENT**

**The bill would amend the Michigan Vehicle Code to extend the penalties for operating a vehicle with a suspended or revoked driver license causing death or serious impairment of a body function, to an individual whose license was suspended or revoked by another state.**

The Code prohibits 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, 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.

Under the bill, these penalties also would apply to an individual whose operator's or chauffeur's license or registration certificate had been suspended or revoked by another state who operated a motor vehicle during the period of suspension or revocation, and who by the operation of the vehicle caused the death or serious impairment of a body function of another individual.

The bill would take effect 90 days after its enactment.

MCL 257.904

## **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**

A person who causes the death or severe injury of another person while operating a vehicle under a suspended or revoked license, or without having been issued a license, is guilty of a felony. However, because the statute does not specify that the prohibition also applies to an individual whose license was suspended or revoked by another state, prosecutors reportedly have been reluctant to charge such an individual with a violation. Instead, those individuals are charged with a moving violation causing death or a moving violation that causes serious impairment of a body function (under MCL 257.601d), both of which are misdemeanors. This creates a double standard between residents and nonresidents for actions that constitute essentially the same crime. The bill would eliminate this disparity and create an incentive for drivers with suspended or revoked licenses issued by other states not to drive on Michigan roads.

Legislative Analyst: Jeff Mann

## **FISCAL IMPACT**

The bill could have a negative fiscal impact on State and local government. More felony convictions could increase resource demands on court systems, community supervision, jails, and correctional facilities. The average cost to State government for felony probation supervision is approximately \$3,024 per probationer per year. For any increase in prison intakes, in the short term, the marginal cost to the State is approximately \$3,764 per prisoner per year. Any associated increase in fine revenue increases funding to public libraries.

In addition, if an individual is convicted of either offense described above, the vehicle used in the commission of the crime may be seized and sold. After the proceeds of the sale are used to make certain payments, the balance must be distributed to the governmental units substantially involved in effecting the forfeiture, with 75% of the money used to enhance enforcement of the criminal laws and 25% used to implement the William Van Regenmorter Crime Victim's Rights Act.

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.