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BILL



ANALYSIS

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Senate Bill 837 (as introduced 2-21-18)
Sponsor: Senator Tom Casperson
Committee: Transportation

Date Completed: 2-28-18

CONTENT

The bill would amend the Michigan Vehicle Code to make a person ineligible to take a basic driver improvement course if he or she successfully completed a course within the previous 12 months, instead of at any time.

Under the Code, the Secretary of State (SOS) may not enter points on an eligible individual's driving record for a moving violation committed in Michigan, or make information about that violation available to any insurance company, if the individual attends and successfully completes a basic driver improvement course and an approved sponsor gives a certificate of successful completion to the SOS within 60 days after the date on which the SOS notified the individual that he or she was eligible to take a basic driver improvement course.

The SOS must determine if an individual is eligible to attend a basic driver improvement course upon receipt of an abstract of a moving violation. If the person is eligible, the SOS is required to perform several actions listed under the Code, including notifying the person of his or her eligibility.

An individual is ineligible to take a basic driver improvement course if he or she previously successfully completed a course. Under the bill, instead, an individual would be ineligible if he or she had successfully completed a basic driver improvement course within the immediately preceding 12 months.

(An individual also is ineligible to take a basic driver improvement course if any of the following apply:

- The violation occurred while the individual was operating a commercial motor vehicle or was licensed as a commercial driver while operating a noncommercial motor vehicle.
- The violation is a criminal offense.
- The violation is a violation for which four or more driving record points may be assessed.
- The violation is a violation of Section 626b, 627(9), 627a, or 682 (described below).
- The individual was cited for more than one moving violation arising from the same incident.
- The individual's license was suspended under Section 321a(2) (which requires the SOS to suspend a person's license for failure to appear or comply with an order or judgment within a 14-day period) in connection with the violation.
- The individual has three or more points on his or her driving record.
- The individual's operator's or chauffeur's license is restricted, suspended, or revoked, or the individual was not issued a license.

Under Section 626b, a person who operates a vehicle upon a highway or other place open to the general public in a careless or negligent manner likely to endanger any person or property, but without wantonness or recklessness, is responsible for a civil infraction.

Section 627(9) sets a speed limit of 55 miles per hour on all trunk line highways and county highways upon which a speed limit is not otherwise fixed. Section 627a governs school zone speed limits. Section 682 requires the operator of a vehicle overtaking or meeting a school bus that has stopped and is displaying two alternately flashing red lights to stop at least 20 feet from the bus until it resumes motion.)

The bill would take effect 90 days after it was enacted.

MCL 257.320d

Legislative Analyst: Drew Krogulecki

FISCAL IMPACT

The bill could have a minimal, yet positive fiscal impact on the Department of State. Currently, an individual may take a basic driver improvement course (BDIC) only once (unless he or she did not successfully complete a previous course). The bill would allow a person to enroll in another BDIC as long as he or she had not successfully completed a basic driver improvement course within the immediately preceding 12 months.

Basic driver improvement courses are offered by third-party approved sponsors, which may charge up to \$100 to an individual who enrolls in a course. The approved sponsor is required to remit a portion of that fee on an annual basis to the Secretary of State to cover administrative costs. The current reimbursement rate paid to the Secretary of State is \$17 per participant. According to Department of State data, just under 67,000 individuals took a BDIC in 2017, which generated revenue of an estimated \$1.1 million for the Department. The bill could result in additional revenue for the Department from BDIC fees paid due to individuals being allowed to take a course again provided at least 12 months had passed since successful completion of a previous course. However, the amount of additional revenue is indeterminate and dependent on the number of individuals who could repeat a course in the future. At the current time, the Department would receive an additional \$17 per individual who enrolled in a BDIC.

Fiscal Analyst: Joe Carrasco

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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.