

## COMMUNICATION IMPEDIMENT DESIGNATION

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<http://www.house.mi.gov/hfa>

**Senate Bill 278 (S-2) as passed by the Senate**  
**Sponsor: Sen. Tom Barrett**

Analysis available at

<http://www.legislature.mi.gov>

**Senate Bill 279 (S-1) as passed by the Senate**  
**Sponsor: Sen. Curtis Hertel, Jr.**

**House Committee: Transportation**

**Senate Committee: Transportation and Infrastructure**

**Complete to 1-20-20**

## SUMMARY:

Senate Bills 278 and 279 would allow an individual who is applying for or renewing a vehicle registration, a driver license, or an enhanced driver license to elect to have a *communication impediment* designation associated with his or her registration or license records.

As used in the bills, *communication impediment* would mean that the owner of a motor vehicle, or an individual residing in his or her household, has one or more of the following health conditions that could impede communication with a police officer during a traffic stop:

- Deafness or hearing loss.
- An autism disorder.

**Senate Bill 278** would amend the Michigan Vehicle Code to allow election of a communication impediment designation by an individual applying for or renewing a vehicle registration or a driver license.

Under the bill, an eligible owner of a motor vehicle who was applying for or renewing a vehicle registration could elect a communication impediment designation on a record that would allow Michigan law enforcement agencies to view a communication impediment designation with a motor vehicle registration. (The designation could be made on the application maintained in the Secretary of State's computerized central file of registration applications, which is interfaced with the Law Enforcement Information Network (LEIN), or in another appropriate system that would limit access to law enforcement.)

An eligible driver who was applying for or renewing an operator's or chauffeur's license under the act also could elect a communication impediment designation for the license. The Secretary of State would have to develop a process, using LEIN or another appropriate system that limits access to law enforcement, that would allow Michigan law enforcement agencies to view the communication impediment designation associated with an individual's driver license.

In either case, an individual seeking such a designation would have to provide to the Secretary of State a certification, signed by a physician, physician assistant, certified nurse practitioner, or physical therapist licensed to practice in Michigan, that identifies the individual for whom the designation is being elected and attests to the nature of the communication impediment.

A person who intentionally made a false statement of material fact or committed or attempted to commit a deception or fraud on a statement described above would be guilty of a misdemeanor punishable by imprisonment for up to 30 days or a fine of up to \$500, or both.

Finally, the bill would authorize the Secretary of State to cancel or revoke a communication impediment designation upon determining that it was elected fraudulently or erroneously or that it was abused during a traffic stop. The Secretary of State would have to provide the vehicle owner or license holder with notice and an opportunity to be heard before canceling or revoking the designation.

Senate Bill 278 would take effect July 1, 2021.

MCL 257.221 and 257.310

**Senate Bill 279** would amend the Enhanced Driver License and Enhanced Official State Personal Identification Card Act to require the Secretary of State to allow an applicant for an enhanced driver license to elect a communication impediment designation and implement the process to allow law enforcement agencies to view that designation. The election would be subject to the provisions of Senate Bill 278 that pertain to the election of a communication impediment designation for a driver license, including the requisite certification, penalties for false statement or fraud, and process for cancellation or revocation by the Secretary of State.

The bill would also prohibit an enhanced driver license or enhanced official state personal ID card issued under the act from displaying a communication impediment designation on its face.

Senate Bill 279 is tie-barred to SB 278, which means that it could not take effect unless SB 278 were also enacted.

Senate Bill 279 does not specify its effective date.

MCL 28.305

## **FISCAL IMPACT:**

The bills would result in an undetermined increase in costs to the Department of State related to IT programming to the department's computer systems. Including a designation for a communication impediment in the department's driver and vehicle records systems would result in additional computer programming costs.

The department has been undergoing a modernization of its two automated systems, known as the Customer and Automotive Record System (CARS). The vehicle side of the system, used for administering vehicle registration services, was completed and implemented in early 2019 and would require undetermined reprogramming costs. However, if enacted, SB 278 would not take effect until July 1, 2021, which is after the anticipated February 2021 completion date of the driver side of CARS. While it is not yet confirmed by the department, the proposed designation on enhanced driver licenses should be able to be incorporated into the ongoing work on the driver system with no additional programming cost.

Senate Bill 278 would have an indeterminate fiscal impact on the state and on local units of government. The number of convictions that would result under provisions of the bill is not known. New misdemeanor convictions would increase costs related to county jails and/or local misdemeanor probation supervision. Costs of local incarceration in county jails and local misdemeanor probation supervision, and how those costs are financed, vary by jurisdiction. The fiscal impact on local court systems would depend on how provisions of the bill affected caseloads and related administrative costs. Increased costs could be offset, to some degree, depending on the amount of additional court-imposed fee revenue generated. Any increase in penal fine revenue would increase funding for local libraries, which are the constitutionally designated recipients of those revenues.

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