

Legislative Analysis



MOTOR CARRIER SAFETY ACT: ELIMINATE NONRESIDENT REQUIREMENT OF SECURITY

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5542 as introduced
Sponsor: Rep. Jim Runestad
Committee: Transportation and Infrastructure
Complete to 2-20-18

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5542 would amend the Motor Carrier Safety Act to remove the requirement that a nonresident of this state must post security when issued a citation under the act.

Currently under the act, when an individual who is not a Michigan resident is stopped for a state civil infraction, the police officer making the stop must take security to guarantee the nonresident's appearance in court. The security can be in the form of a *guaranteed appearance certificate* or a sum of money of up to \$100.

A *guaranteed appearance certificate* is a card or certificate stating that a surety company that can do business in Michigan guarantees the individual's appearance in court and that, if the individual fails to show for a scheduled hearing or fails to pay any fine or costs imposed, the company will pay up to \$200 to cover the fine, costs, or bond forfeiture imposed on the individual.

If a magistrate is available for an immediate appearance, upon the nonresident driver's demand, the officer must take him or her before the magistrate. If a hearing is scheduled at the driver's request, the security is left with the court.

The act contains related provisions regarding such things as how the officer is to handle money given as security and the forfeiture of the security if the individual doesn't appear for a hearing or as required in the citation.

House Bill 5542 would eliminate the requirement that nonresidents must post security when stopped for a state civil infraction under the act, and all of the provisions related to that requirement, and specify instead that a state civil infraction under the act must be enforced as is generally provided in Chapter 88 (State Civil Infractions) of the Revised Judicature Act.

[Under Chapter 88 of the Revised Judicature Act, when an individual who is not a Michigan resident is issued a citation for a state civil infraction, the police officer issuing the citation may (but is not required to) take security of up to \$100 to guarantee the nonresident's appearance in court. The chapter contains related provisions regarding such things as how the officer is to handle money given as security and the forfeiture of the security if the individual doesn't appear for a hearing or as required in the citation. The chapter does not contain provisions regarding guaranteed appearance certificates or a nonresident's demand to appear before an available magistrate.]

The bill would take effect 90 days after its enactment.

MCL 480.11a and 480.24

FISCAL IMPACT:

The elimination of the requirement that a non-state resident charged with a civil infraction provide a security deposit, not to exceed \$100, provided in House Bill 5542, could result in a reduction of fine revenue, the extent of which would be determined by the number of non-state residents being charged with civil infractions and not appearing in court—thereby forfeiting the provided security deposit. The bill could result in nominal cost savings for the Department of State Police and local law enforcement agencies by removing the requirement that law enforcement personnel transmit collected security deposits to the court in the applicable jurisdiction, thereby reducing administrative costs by an indeterminate, though likely nominal, amount.

A reduction in civil infraction revenues would reduce funding going into the state Justice System Fund, which supports various justice-related endeavors in the judicial branch, the Departments of State Police, Corrections, Health and Human Services, and Treasury, and the Legislative Retirement System.

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