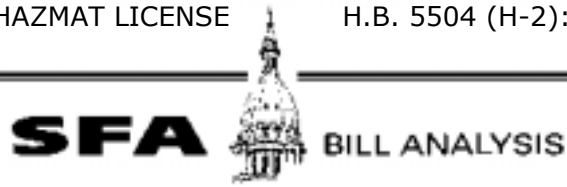

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House Bill 5504 (Substitute H-2 as passed by the House)
Sponsor: Representative Rich Brown
House Committee: Transportation
Senate Committee: Transportation and Tourism

Date Completed: 3-5-02

CONTENT

The bill would amend the Michigan Vehicle Code to require applicants for hazardous material indorsements (H Vehicle Indorsements) on their licenses to provide their fingerprints to a law enforcement official; and require the Secretary of State to revoke the H Vehicle Indorsements of those who were convicted of certain terrorism-related crimes. The bill would take effect May 1, 2002.

Under the bill, an applicant for an operator's or chauffeur's license with a vehicle group designation and a hazardous material indorsement (described in **BACKGROUND**, below) would have to have his or her fingerprints taken by a law enforcement official or designated representative for investigation, as required by the United and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA Patriot Act).

The Secretary of State would be required to revoke for life the vehicle group designations on a driver's license if a licensee were convicted of a crime under Chapter 83-A of the Michigan Penal Code. (Chapter 83-A, proposed by Senate Bill 930, would be a new chapter of the Code titled the "Michigan Anti-Terrorism Act".) A person's H Vehicle Indorsement also would have to be revoked if the Secretary of State received notice from the U.S. Department of Transportation that the person posed a security risk warranting denial under the USA Patriot Act. (Please see **BACKGROUND**, below.)

In addition, the bill would require a court clerk to forward an abstract of the court record to the Secretary of State upon a person's conviction of a violation of the proposed Chapter 83-A of the Penal Code.

Under the Vehicle Code, the Secretary of State is prohibited from issuing an original vehicle group designation to an applicant who has had his or her license suspended or revoked under certain circumstances; has been disqualified from operating a commercial motor vehicle; or is subject to various other conditions. The bill would retain this requirement, and further prohibit the Secretary of State from issuing a vehicle *indorsement* to anyone guilty of or subject to the same infractions or conditions.

MCL 257.307 et. al

BACKGROUND

Group Designations and Indorsements. The Vehicle Code requires that truck drivers be certified to drive certain classes, or groups, of vehicles based on weight. For example, a driver

applying to operate the heaviest vehicle, one weighing over 10,000 pounds, must obtain a group A vehicle designation on his or her operator's or chauffeur's license. License *indorsements* further authorize group designation holders to drive certain types of heavy vehicles, such as buses or double trailers, or to haul certain things, such as hazardous material. The indorsements, like group designations, are lettered: P for school buses, T for the double trailers, and H for hazardous material (hazmat).

USA Patriot Act. Under this Act, a state is prohibited from issuing hazmat indorsements to drivers without first receiving notice from the United States Secretary of Transportation's office that an applicant does not pose a security risk warranting denial of the license. In order for this to occur, the Attorney General's Office of the United States must run a background records check on all applicants for hazmat licenses. The records check must consist of the following: a check of the relevant criminal history data bases; in the case of an alien, a check of the relevant data bases to determine the alien's immigration status; and, as appropriate, a check of the international data bases through Interpol-U.S. National Central Bureau or other appropriate means.

Legislative Analyst: Claire Layman

FISCAL IMPACT

This bill would have a minimal fiscal impact on the Department of State. The fingerprint and background investigations required by the Federal Act are routinely conducted by the Department of State Police at a cost of \$15 for State criminal history background checks, \$30 for State level fingerprint record checks, and \$24 for FBI background checks. This cost is assumed by the applicant and is revenue-neutral for the State. The Department of State reports that it issues approximately 30,000 hazardous material indorsements a year. This would result in \$1,350,000 collected for State background checks and \$720,000 for Federal background checks, for a total of \$2,070,000.

Fiscal Analyst: Jessica Runnels