



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 1262 (as introduced 4-14-10)
Sponsor: Senator John Pappageorge
Committee: Transportation

Date Completed: 6-29-10

CONTENT

The bill would amend the Michigan Vehicle Code to revise the provisions permitting an individual who is issued a citation to take a driver improvement course. The bill would do the following:

- Require an approved sponsor, rather than the course participant, to submit a certificate of completion of a basic driver improvement course to the Secretary of State (SOS).**
- Revise the provisions for entering points on the driver record of a person who does not attend or fails to successfully complete a basic driver improvement course.**
- Specify that an individual would not be eligible to take a driver improvement course for a second or subsequent offense within the 60-day period during which the person may take a driver improvement course.**
- Require an approved sponsor to collect the fee for a basic driver improvement course and remit a portion of that fee for the Basic Driver Improvement Course Fund.**

The bill also would repeal a provision that set an effective date of December 31, 2010, on the Act that enacted the basic driver improvement course provisions.

The bill would take effect on October 1, 2010.

Certificate of Completion

Under the Code, beginning December 31, 2010, an individual who is issued a citation for a moving violation may choose to attend a basic driver improvement course under certain circumstances.

The SOS may not enter points on an individual's driving record for a moving violation or make information concerning that violation available to any insurance company if the individual attends and successfully completes a basic driver improvement course and provides a certificate of successful completion of the course within 60 days of the date on which the SOS notified the individual that he or she was eligible to take the course.

The bill would require an approved sponsor to provide the certificate of completion under that provision.

(Under the Code, "approved sponsor" means a sponsor of a basic driver improvement course that is approved by the SOS. The SOS must approve a sponsor if the course offered by the sponsor satisfies specified requirements.)

Points for Moving Violation

The Code requires the SOS, upon receiving an abstract of a moving violation, to determine if an individual is eligible to attend a basic driver improvement course.

Upon determining that the individual is eligible, the SOS must wait at least 10 business days before entering points for the moving violation and making information contained in the abstract available to the individual's insurance company. The SOS must notify the individual that if he or she fails to inform the SOS of his or her intent to attend a basic driver improvement course, points will be entered for the moving violation. The bill would delete those provisions.

The SOS must enter the points for a moving violation on the individual's driver record 10 business days after an individual fails to notify the SOS that he or she desires to attend a basic driver improvement course, or 60 days after an individual has notified the SOS that he or she desires to attend such a course but has failed to submit a certificate of successful completion of the course. The bill would delete those provisions.

Instead, the SOS would have to enter the points required under the Code if an approved sponsor did not provide notice of successful completion of the course by the individual within the 60-day period after the SOS notified the individual of his or her eligibility.

An individual would not be eligible to take a driver improvement course for a second or subsequent violation within the 60-day period.

Course Fee

The Code requires an individual to be charged a fee of not more than \$100 to participate in a basic driver improvement course. The bill would require an approved sponsor to charge that fee and remit a portion of the fee, as determined annually by the SOS to cover the costs of implementing and administering the program.

Currently, the fees collected must be credited to the Basic Driver Improvement Course Fund. The bill would require the fees remitted by an approved sponsor to be credited to that Fund.

Effective Date

Public Act 568 of 2008 enacted the basic driver improvement course provisions of the code. The bill would repeal Enacting Section 1 of Public Act 568, which set an effective date of December 31, 2010, on that Act.

The bill would take effect on October 1, 2010.

MCL 257.320d

Legislative Analyst: Curtis Walker

FISCAL IMPACT

The bill would have no fiscal impact on State or local government. The bill would clarify how the fee is to be collected and remitted to the Fund, which must be used by the Secretary of State for costs associated with the program.

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.