

RESTRICTED DRIVING LICENSE REVISIONS

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House Bill 5282 as introduced
Sponsor: Rep. Peter J. Lucido
Committee: Judiciary
Complete to 12-4-17

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

SUMMARY:

House Bill 5282 would revise provisions pertaining to instances in which a person who has lost driving privileges, and who has exhausted the Secretary of State appeals process, may access the circuit court to, for certain offenses, receive a restricted license.

For certain violations of the Michigan Vehicle Code that result in the loss of driving privileges, a person can petition for a hearing before a Secretary of State (SOS) hearing officer. If the officer affirms the license sanction, a person can appeal to the circuit court to have the SOS determination set aside or modified.

Under Section 323 of the Code, if the license had been revoked by the SOS under Section 303 of the Code, the court is allowed to determine that the petitioner is eligible for a restricted license. (Section 303 lists persons to whom the SOS may not issue a driver's or chauffeur's license and convictions for which a license must be revoked and issuance of a license denied.) House Bill 5282 would amend Section 323 to revise this process.

Currently, in determining whether a petitioner is eligible for review of a revocation or denial under Section 303, or whether the person is eligible for restricted driving privileges, *one or more* listed conditions must apply. The bill would instead require *all* of the listed conditions to apply. Currently, if the court determines that the petitioner is eligible for the restricted driving privileges, it must issue an order that includes certain things, such as the court's findings under Section 303 and SOS departmental rules and also a method by which the court will verify that the petitioner maintains no-fault insurance for each vehicle operated.

House Bill 5282 would revise one of the elements required to be in the court's order. Currently, the order must also include a requirement that each vehicle operated by the petitioner be equipped with a properly installed and functioning ignition interlock device for a period of *at least 1 year*. The bill would instead require that each vehicle be equipped with a device for a period of *not less than 1 year before the petitioner will be eligible to return to the SOS for a hearing*. Other elements required to be in the court's order would remain the same.

Further, the bill would require that if a court determines that a petitioner is eligible for restricted driving privileges, the court must notify the SOS of its determination through the issuance of an order as described above. The court could not retain jurisdiction over a license issued under Section 323.

The bill would take effect 90 days after its enactment.

MCL 257.323

FISCAL IMPACT:

House Bill 5282 would have no fiscal impact on the Secretary of State.

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