

# Legislative Analysis



## DRIVING ON A SUSPENDED LICENSE

**House Bill 5802 as referred to second committee**  
**Sponsor: Rep. Mike Mueller**

**House Bill 5803 as referred to second committee**  
**Sponsor: Rep. Kyra Harris Bolden**

**House Bill 5804 as referred to second committee**  
**Sponsor: Rep. Gary Howell**

**1st Committee: Transportation**

**2nd Committee: Judiciary**

**Complete to 6-3-20**

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

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

## SUMMARY:

The bills would generally change, from a misdemeanor to a civil infraction, the penalty or sanction for a first violation of the prohibition against driving on a license that was revoked, suspended, or denied.

**House Bill 5802** would amend the Michigan Vehicle Code. Currently under that act, a person is guilty of a misdemeanor punishable by imprisonment for up to 93 days or a fine of up to \$500, or both, for a first offense of driving on a license that was revoked, suspended, or denied or for which the person never applied.

Under the bill, the person would be responsible for a state civil infraction and could be fined up to \$500.

The bill would not change the current penalty for a second or subsequent offense, which is a misdemeanor punishable by imprisonment for up to one year or a fine of up to \$1,000, or both. The bill also would not change enhanced penalties that apply if a death or injury results from such an offense.

The bill specifies that its penalties for a first or subsequent offense would not apply to a person whose license was suspended for operating a motor vehicle while intoxicated, reckless driving, or any driving violation that caused the death, injury, or serious impairment of a body function of another individual.<sup>1</sup>

Finally, the bill would allow a law enforcement officer to impound the vehicle of an individual who violates section 904 of the Vehicle Code (which contains the provisions described above).

MCL 257.317, 257.904, and 257.907

---

<sup>1</sup> **Note:** The bill does not appear to say what penalty or sanction would apply to someone who is driving on a license that was suspended for those reasons.

**House Bill 5803** would amend the Code of Criminal Procedure to remove a provision that excepts a first offense of driving on a license that was suspended, revoked, or denied from reporting requirements concerning offenses that are misdemeanors under the Michigan Vehicle Code. Since, under HB 5802, these violations would no longer be misdemeanors, the exception would longer be needed, and the reporting requirements would still not apply. The bill is tie-barred to HB 5802, which means that it could not take effect unless HB 5802 were also enacted.

MCL 769.16a

**House Bill 5804** would amend 1925 PA 289 to remove a provision that excepts a first offense of driving on a license that was suspended, revoked, or denied from requirements concerning the collection of a person's biometric data upon his or her arrest for a felony or for certain misdemeanors. Since, under HB 5802, these violations would no longer be misdemeanors, the exception would longer be needed, and the biometric data requirements would still not apply. The bill is tie-barred to HB 5802, which means that it could not take effect unless HB 5802 were also enacted.

MCL 28.243

#### **FISCAL IMPACT:**

**House Bill 5802** would have an indeterminate fiscal impact on the state and on local units of government. Currently, a nonresident who is convicted for driving a motor vehicle on a highway, when the privilege to drive has been suspended, revoked, or denied, is guilty of a misdemeanor for the first, second, and subsequent violations. Under provisions of the bill, a nonresident would be responsible for a civil infraction for the first violation and guilty of a misdemeanor for the second and subsequent violations. Changing the penalty for first-time offenders from a misdemeanor to a civil infraction would impact costs to local county jails, revenue used to support public and county law libraries, and revenue deposited into the state's Justice System Fund. Costs to local county jails would be reduced as misdemeanor convictions would be replaced with civil infraction penalties. The costs of incarceration in a local county jail vary by jurisdiction, so the exact savings to locals cannot be determined. There would be an increase in revenue collected from the payment of civil infraction penalties, which is used to support public and county law libraries. Also, a portion of revenue from civil infractions is deposited into the state Justice System Fund. That revenue 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.

The bill would have no fiscal impact on the Department of State

**House Bills 5803 and 5804** would not have a fiscal impact on any unit of state or local government.

**POSITIONS:**

The following entities indicated support for the bills (5-27-20):

- Michigan State Police
- Americans for Prosperity

The Office of the Attorney General indicated support for HB 5802. (5-27-20)

Legislative Analyst: E. Best  
Fiscal Analysts: Robin Risko  
Michael Cnossen

---

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.