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House Bill 4364 (as passed by the House)
House Bill 4365 (Substitute H-1 as passed by the House)
House Bill 4366 (Substitute H-1 as passed by the House)
Sponsor: Representative Jim Lilly (H.B. 4364 & 4366)
Representative Tim Sneller (H.B. 4365)
House Committee: Transportation
Senate Committee: Transportation and Infrastructure

Date Completed: 9-29-21

CONTENT

House Bill 4364 would amend the Michigan Vehicle Code to specify that a certification for a communication impediment designation on an application for a vehicle registration or on an operator's or chauffeur's (i.e., driver) license could be signed by an audiologist, a speech-language pathologist, or a psychologist.

House Bill 4365 (H-1) would amend the Public Act 222 of 1972, which provides for the form, issuance, and use of an official State personal identification (ID) card, to do the following:

- Specify that a certification for a communication impediment designation on an application for an official State personal ID card could be signed by an audiologist, a speech-language pathologist, or a psychologist.
- Specify that an application by an individual to elect a communication impediment designation would be maintained in the central file or in another appropriate system that limited access to a person allowed access to public record information by the Criminal Justice Information Policy Council (CJIPC) under the C.J.I.S. Policy Council Act and that allowed a person with access to view a communication impediment designation with an official State personal ID card.

House Bill 4366 (H-1) would amend the Enhanced Driver License and Enhanced Official State Personal Identification Card Act to specify that the Secretary of State (SOS) would have to implement the process to allow a person with authorized access to the Law Enforcement Information Network (LEIN) under the C.J.I.S. Policy Council Act to view a communication impediment designation that the holder of an enhanced driver license or enhanced official State personal ID card had voluntarily provided to the SOS.

House Bill 4364 and House Bill 4365 (H-1) would take effect July 1, 2021.

House Bill 4364

The Michigan Vehicle Code requires the SOS to create and maintain a computerized central file of all applications for registration of motor vehicles. If an owner of a motor vehicle meets certain requirements, the SOS must allow the owner of a motor vehicle who is applying for a

vehicle registration or renewal to elect a communication impediment designation on the application maintained in the central file. The Code also requires the SOS to issue a driver license to each person licensed as such and to allow a driver that meets certain requirements to elect a communication impediment designation.

("Communication impediment" mean the operator or chauffeur has a health condition that may impede communication with a police officer during a traffic stop, including, but not limited to, deafness or hearing loss or an autism spectrum disorder.)

Among other requirements, an owner of a motor vehicle seeking an election for a communication impediment designation on an application for a vehicle registration or on a driver license must provide to the SOS a certification that is signed by a physician, physician assistant, certified nurse practitioner, or physical therapist licensed to practice in the State. Under the bill, in addition to the medical professionals listed above, the certification could be signed by an audiologist, a speech-language pathologist, or a psychologist.

House Bill 4365 (H-1)

Public Act 222 of 1972 allows an individual who is a Michigan resident to apply to the SOS for an official State personal ID card. If an individual meets certain requirements, the SOS must allow the individual to elect a communication impediment designation on an application. Among other requirements, an individual seeking an election for a communication impediment designation must provide the SOS a certification signed by a physician, physician assistant, certified nurse practitioner, or physical therapist licensed to practice in the State. Under the bill, in addition to the medical professionals listed above, the certification could be signed by an audiologist, a speech-language pathologist, or a psychologist.

The Act requires the SOS to establish and maintain a computerized central file of the information contained on application forms received under the Act. The Act specifies that an application by an individual to elect a communication impediment designation is maintained in the central file or in another appropriate system that limits access to law enforcement that would allow law enforcement agencies of the State to view a communication impediment designation with an official State personal ID card. Instead, the bill specifies that the application would be maintained in the central file or in another appropriate system that limited access to a person allowed access to public record information by the CJIPC under the C.J.I.S. Policy Council Act and that allowed a person with access to view a communication impediment designation with an official State personal ID card.

(The C.J.I.S. Policy Council Act provides for the establishment of policy and promulgation of rules governing access, use, and disclosure of information in criminal justice information systems.)

House Bill 4366 (H-1)

The Enhanced Driver License and Enhanced Official State Personal Identification Card Act requires the SOS to allow, as provided under the Michigan Vehicle Code and Public Act 222 of 1972 (see above), an applicant for an enhanced driver license or enhanced official State personal ID card to elect a communication impediment designation. The Act also requires the SOS to implement the process to allow law enforcement agencies of the State to view the designation that the holder of an enhanced driver license or enhanced official State person ID card has voluntarily provided to the SOS.

Under the bill, the SOS would have to implement the process to allow a person with authorized access to LEIN under the C.J.I.S. Policy Council Act to view a communication designation that

the holder of an enhanced driver license or enhanced official State personal ID card had voluntarily provided to the SOS.

(The Law Enforcement Information Network is a statewide computerized information system that provides criminal justice information to Michigan's criminal justice agencies.)

MCL 257.221 & 257.310 (H.B. 4364)
28.291 (H.B. 4365)
28.305 (H.B. 4366)

Legislative Analyst: Tyler VanHuyse

FISCAL IMPACT

The bills would have no fiscal impact on State or local government.

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.