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**SFA****BILL ANALYSIS**

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Senate Bill 306 (Substitute S-1 as reported)  
Sponsor: Senator Mike Rogers  
Committee: Government Operations

Date Completed: 3-17-99

### **RATIONALE**

According to the Secretary of State, each year more than 600,000 people change the address on their driver's license. Under the Michigan Vehicle Code, someone must personally go to a Secretary of State branch office in order to have his or her address changed. It has been suggested that, in order to reduce branch office traffic and increase customer convenience, drivers should be able to notify the Secretary of State of a change of address by other methods, such as by telephone or electronic mail.

The Department of State also has suggested that a person's address on the Statewide qualified voter file should be changed when he or she changes the address on a driver's license. The qualified voter file was mandated by Public Act 441 of 1994, which was enacted to bring the Michigan Election Law into compliance with the National Voter Registration Act. The qualified voter file must be compiled from other State files that require citizens to verify their identity and residence, and must consist of all qualified electors from specific sources. Driver's licenses, including renewals and changes of address with the Department of State, are the primary source of information on qualified electors.

### **CONTENT**

**The bill would amend the Michigan Vehicle Code to revise the procedure for changing an address on a driver's license; provide for electronic notice of a change of address or notice by mail or telephone, or by submission of a voter registration application, as prescribed by the Secretary of State; establish penalties for changing the address of another person without his or her permission; and require the Secretary of State to change a person's address on the qualified voter file if his or her residence address on that file differed from the person's residence address on his or her driver's license. The bill would take effect October 1, 1999.**

#### **Change of Address**

Currently, if a person moves before his or her driver's license expires, the person immediately must return the license to the local examining board or the Department of State, which is required to write the new address on the back of the license. The bill provides, instead, that the person immediately would have to notify the Secretary of State of his or her new residence address. The notice would have to be in a manner prescribed by the Secretary of State and could include notification by personal appearance at a branch office or other location designated by the Secretary of State, or a notification electronically or by mail, telephone, submission of a voter registration application, or any other means prescribed by the Secretary of State.

Upon receiving a change of address notification, the Secretary of State would have to change the person's driver license record to indicate the new residence address. The Secretary of State also would have to provide the person with a new license or a label or some other mechanism containing the new address on the person's existing license. Upon receiving a label or other mechanism, the person would have to affix it to his or her operator's or chauffeur's license as prescribed by the Secretary of State. If the Secretary of State furnished a new license, the person would have to destroy his or her old license and replace it with the new one. In addition, the Secretary of State would have to change the person's residence address on the qualified voter file created under the Michigan Election Law to indicate the person's new residence address, if the change of address notification informed the person that the new residence address would change his or her residence address on the qualified voter file, and contained the person's signature.

The bill would define "residence address" as "the place which is the settled or permanent home or domicile at which a person resides as defined in section 11 of the Michigan election law". (Section 11 of the Election Law defines "residence" as the place

at which a person habitually sleeps, keeps his or her personal effects, and has a regular place of lodging.)

### License Application

Under the bill, if a person's residence address on an application for a driver's license differed from his or her residence address on the qualified voter file, the Secretary of State would have to change the person's residence address on that file. A license application would have to include a statement that the Secretary of State would make this change.

### Penalties

The bill would prohibit a person from reporting to the Secretary of State a change of address for himself or herself that was not his or her residence address, or reporting a change of address for another person without his or her consent. A violation would be a misdemeanor punishable by imprisonment for up to 90 days and/or a maximum fine of \$100. Upon receiving the abstract of a conviction, the Secretary of State would have to suspend the person's driver's license for six months. The Secretary of State could not issue a restricted license to the person during the suspension.

Upon a second or subsequent conviction, the violator would be guilty of a felony punishable by imprisonment for up to one year and/or a maximum fine of \$1,000. Upon receiving the abstract of conviction, the Secretary of State would have to revoke the person's license.

A license suspension or revocation under these provisions would not be appealable under Section 323 of the Code. (Section 323 allows a person to petition the circuit court for review of a determination of the Secretary of State to deny, revoke, suspend, or restrict a license.)

MCL 257.307 et al.

### **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

#### **Supporting Argument**

It is unnecessary and outdated to require someone to go into a Secretary of State branch office to change the address on his or her driver's license. Under the bill, the Secretary of State could prescribe other methods of giving notice of an address change, including mail, telephone, or e-mail. This could greatly reduce the number of people who must make a trip to a branch office, which could expedite the transactions of others who have to be there. In addition, the proposed criminal penalties and license

sanctions could deter illegal address changes. Also, according to the Secretary of State's office, the office would implement safeguards against the possibility that someone could improperly change the address on another person's driver's license. If someone phoned in an address change, for example, the person would be asked for his or her driver's license number and birthdate. The Secretary of State also reports that it would work closely with the U.S. Postal Service, and would ensure that when it mailed a new address label to a driver, the mail could not be forwarded.

#### **Supporting Argument**

By requiring the Secretary of State to change an address on the qualified voter file when someone changed the address on his or her driver's license, or when a driver's license application contained an address different from the one on the qualified voter file, the bill would bring the Vehicle Code into conformity with the Election Law. Moreover, according to the Department of State, this change is needed to facilitate the effective implementation of Michigan's qualified voter file.

**Response:** It is not entirely clear that the bill would bring the Vehicle Code into conformity with the Election Law. The bill provides that if a person's residence address on the application for a license differed from the person's residence address on the qualified voter file, established under Section 509o of the Michigan Election Law, then the Secretary of State would change the person's residence address on the qualified voter file. Section 509o(3) specifically prohibits the Secretary of State or a designated voter registration agency from allowing a person to indicate an address different from the address in either the Secretary of State's or designated voter registration agency's files to be placed in the qualified voter file. A recent Attorney General's opinion, however, states that Section 509o(3) does not preclude *local* clerks from accepting voter registration applications that contain addresses that are different from those listed on an applicant's driver's license (Opinion of the Attorney General, No. 7010, March 1, 1999). Thus, it would appear that there might be a conflict between what the bill would require the Secretary of State to do (under the Vehicle Code), and what the opinion states that local clerks currently are allowed to do under the Election Law.

Legislative Analyst: G. Towne

### **FISCAL IMPACT**

Currently, there are no data to indicate how many people would fall under the provisions in this bill. As part of a sentence for improperly reporting a change of address for another person without his or her consent, the Secretary of State would have to suspend the person's license for six months. In fiscal

year 1996-97, approximately 370,000 licenses were suspended or revoked, according to the Department of State. An applicant for reinstatement must pay a \$125 reinstatement fee to regain his or her license. An applicant under the bill also would need to pay this fee.

The new crime proposed by the bill could result in increased jail commitments for those individuals convicted of reporting a change of address for another person without his or her consent, or for second or subsequent violations of this section. There are no data currently available that might indicate the potential number of annual violators. Jail incarceration costs vary by county.

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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.