



Senate Fiscal Agency
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**BILL ANALYSIS**

Telephone: (517) 373-5383
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House Bill 5551 (Substitute H-3 as discharged)
House Bill 5684 (Substitute H-3 as discharged)
House Bill 5685 (Substitute H-3 as discharged)
House Bill 5686 (Substitute H-1 as discharged)
House Bills 5687, 5692, 5693, and 5696 (as discharged)
House Bill 5688 (Substitute H-2 as discharged)
House Bill 5689 (Substitute H-1 as discharged)
House Bill 5690 (Substitute H-3 as discharged)
House Bill 5691 (Substitute H-1 as discharged)
House Bill 5694 (Substitute H-1 as discharged)
House Bill 5695 (Substitute H-1 as discharged)
House Bill 5697 (Substitute H-1 as discharged)
House Bill 5698 (Substitute H-1 as discharged)
House Bill 5699 (Substitute H-2 as discharged)
House Bill 5802 (Substitute H-3 as discharged)
Sponsor: Representative Julie Alexander (H.B. 5551)
Representative John D. Cherry (H.B. 5684)
Representative Tim Sneller (H.B. 5685)
Representative Annette Glenn (H.B. 5686)
Representative Beau Matthew LaFave (H.B. 5687, 5689, & 5693)
Representative David LaGrand (H.B. 5688 & 5690)
Representative Graham Filler (H.B. 5691)
Representative Gregory Markkanen (H.B. 5692)
Representative Steven Johnson (H.B. 5694)
Representative Mike Mueller (H.B. 5695 & 5802)
Representative Ronnie D. Peterson (H.B. 5696)
Representative Kyra Harris Bolden (H.B. 5698)
Representative Tenisha Yancey (H.B. 5699)

House Committee: Judiciary

Senate Committee: Judiciary and Public Safety (discharged)

CONTENT

House Bill 5551 (H-3) would amend Section 82113 of the Natural Resources and Environmental Protection Act (NREPA) to specify that a person who failed to display a certificate of registration on a snowmobile or who displayed a number other than the certificate of registration number would be responsible for a State civil infraction and could be ordered to pay a civil fine of up to \$150.

Currently, a person who violates either of these provisions is guilty of a misdemeanor. (Under Section 504 of the Michigan Penal Code, if a person is convicted of a crime under State law designated as a misdemeanor for which no punishment is prescribed, the violation is punishable by up to 90 days' imprisonment or a maximum fine of \$500, or both.)

House Bill 5684 (H-3) would amend NREPA to do the following:

- Specify that the operator of a snowmobile who failed to make a certificate of registration available for inspection upon demand by a peace officer would be responsible for a State civil infraction and could be ordered to pay civil fine of up to \$150.
- Specify that a person who operated a snowmobile if the certificate of registration were lost, mutilated, or illegible would be responsible for a State civil infraction and could be ordered to pay civil fine of up to \$150.
- Specify that a person who operated a snowmobile on the right-of-way of a highway in excess of the posted speed limit would be responsible for a State civil infraction and could be ordered to pay civil fine of up to \$150.
- Specify that a person who failed to bring his or her snowmobile to a complete stop before proceeding across a public highway or who failed to yield the right-of-way to oncoming traffic would be responsible for a State civil infraction and could be ordered to pay civil fine of up to \$150.

Currently, a person who violates any of these provisions is guilty of a misdemeanor. (Under Section 504 of the Michigan Penal Code, if a person is convicted of a crime under State law designated as a misdemeanor for which no punishment is prescribed, the violation is punishable by up to 90 days' imprisonment or a maximum fine of \$500, or both.)

The bill also would delete a provision requiring the owner of a snowmobile to obtain a duplicate of the certificate of registration upon application and payment of a \$5 fee.

Additionally, Section 82118 of NRPEA requires a person who desires to operate a snowmobile in the State to purchase a Michigan snowmobile trail permit sticker and affix the sticker to the snowmobile directly above or below the headlight. A person who violates either of these provisions is responsible for a State civil infraction and may be ordered to pay a civil fine of up to \$100. The bill would increase the maximum civil fine to \$150.

House Bill 5685 (H-3) would amend the Michigan Vehicle Code to specify that a person who drove or moved upon a highway any unregistered vehicle that is required to be registered would be responsible for a State civil infraction. Currently, a person who violates this provision is guilty of a misdemeanor. (Under Section 504 of the Michigan Penal Code, if a person is convicted of a crime under State law designated as a misdemeanor for which no punishment is prescribed, the violation is punishable by up to 90 days' imprisonment or a maximum fine of \$500, or both.)

Also, the bill would specify that a person who improperly used a temporary plate, who failed to provide certain documentation when applying for a new title or transferring plates to another vehicle, or who operated an unregistered foreign vehicle in the State would be responsible for a State civil infraction.

House Bill 5686 (H-1) would amend Section 803 of the Michigan Vehicle Code, which provides for special registrations for certain vehicles used for certain specified farming operations, to require a person who obtained a special registration to use the vehicle exclusively for those specified purposes, and specify that a person who violated those provisions would be responsible for a civil infraction.

House Bill 5687 would amend NREPA to specify that a person operating or supervising the operation of a motorboat who failed to provide a boating safety certificate upon the demand of a peace officer would be responsible for a State civil infraction and could be ordered to pay a civil fine of up to \$150.

Currently, a person who violates this provision is guilty of a misdemeanor. (Under Section 504 of the Michigan Penal Code, if a person is convicted of a crime under State law designated as a misdemeanor for which no punishment is prescribed, the violation is punishable by up to 90 days' imprisonment or a maximum fine of \$500, or both.)

House Bill 5688 (H-2) would amend the Michigan Vehicle Code to specify that a person who operated an unregistered vehicle licensed under the international registration plan would be responsible for a civil infraction. (Currently, a person who violates this provision is guilty of a misdemeanor, punishable by imprisonment for up to 90 days, or by a fine of up to \$100, or both.)

House Bill 5689 (H-1) would amend Section 82120 of NREPA, which requires a person who is operating a snowmobile to present a snowmobile safety certificate to a peace officer upon demand, to specify that a person who violated that provision would be responsible for a State civil infraction and could be ordered to pay a civil fine of up to \$150.

Currently, a person who violates this provision is guilty of a misdemeanor. (Under Section 504 of the Michigan Penal Code, if a person is convicted of a crime under State law designated as a misdemeanor for which no punishment is prescribed, the violation is punishable by up to 90 days' imprisonment or a maximum fine of \$500, or both.)

House Bill 5690 (H-3) would amend the Michigan Vehicle Code to specify that an individual who violated a provision allowing a student enrolled in a driver education course or motorcycle safety course to operate a motor vehicle without holding an operator's license or permit while under the supervision of the program instructor would be responsible for a civil infraction and would have to be ordered to pay civil fine of up to \$150.

Currently, a person who violates this provision is guilty of a misdemeanor punishable by up to 90 days' imprisonment or a fine of up to \$100.

House Bill 5691 (H-1) would amend Section 244 of the Michigan Vehicle Code, which provides for the use of special plants by manufacturers and other entities, to specify that a person who violated Section 244 would be responsible for a civil infraction.

Currently, a person who violates this provision is guilty of a misdemeanor punishable by up to 90 days' imprisonment or a fine of up to \$100.

House Bill 5692 would amend Sections 82122 and 82123 of NREPA, which prohibit a person from operating or selling a snowmobile without working safety features and require a person operating or riding a snowmobile to wear a crash helmet, respectively, to specify that a person who violated these sections would be responsible for a State civil infraction and could be ordered to pay a civil fine of up to \$150.

Currently, a person who violates either of these provisions is guilty of a misdemeanor. (Under Section 504 of the Michigan Penal Code, if a person is convicted of a crime under State law designated as a misdemeanor for which no punishment is prescribed, the violation is punishable by up to 90 days' imprisonment or a maximum fine of \$500, or both.)

House Bill 5693 would amend Section 81122 of NREPA, which, among other things, requires the operator of an off-road vehicle to cross a street, county road, or highway at a right angle after coming to a complete stop and yielding the right-of-way to oncoming traffic. The bill specifies that a person who violated this provision would be responsible for a civil infraction and could be ordered to pay a civil fine of up to \$150. Currently, a person who violates this

provision is guilty of a misdemeanor punishable by up to 90 days' imprisonment or a fine of \$50 to \$1,000, or both.

House Bill 5694 would amend Section 43560 of NREPA, which prescribes penalties for violations of Part 435 (Hunting and Fishing Licenses), to specify that an individual who failed to exhibit a hunting, fur harvester's, or fishing license in violation of Section 43516(3) (which requires an individual who has been issued any of these licenses to carry it and show it to an officer on demand) would be responsible for a State civil infraction and could be ordered to pay a civil fine of up to \$150. Currently, a person who violates this provision is guilty of a misdemeanor punishable by up to 90 days' or a fine up to \$25 but not more than \$250 and the costs of prosecution, or both.

House Bill 5695 (H-1) would amend Part 487 (Sport Fishing) of NREPA to specify that an individual who violated certain sections of the Act by failing to attach the individual's name and address to tip-ups or by fishing with more than the authorized number of lines would be responsible for a State civil infraction and could be ordered to pay a fine of not more than \$150.

House Bill 5696 would amend the Motor Carrier Fuel Tax Act to specify that a person who made a false statement or return, who refused or neglected to make a statement or return, who engaged in business in the State as a motor carrier without holding an unrevoked license, or in any way violated the Act would be responsible for a State civil infraction and could be ordered to pay a civil fine of not more than \$150. Currently, a person who violates the Act as described above is guilty of a misdemeanor punishable by a fine of not more than \$100, or by up to 90 days' imprisonment, or both.

House Bill 5697 (H-1) would amend NREPA to do the following:

- Specify that a person who violated a provision of Part 401 (Wildlife Conservation) or an order or interim order issued under it that concerned attaching that individual's personal information to a ground blind or raised platform or the supplemental feeding of deer would be responsible for a State civil infraction and could be ordered to pay a civil fine of not more than \$150.
- Specify that an individual who violated the requirement to possess a valid license for the taking or possession of a wild animal would be responsible for a State civil infraction and could be ordered to pay a civil fine of not more than \$150.

House Bill 5698 (H-1) would amend the Michigan Vehicle Code to specify that person who violated certain registration requirements for a moped would be responsible for a civil infraction.

House Bill 5699 (H-2) would amend the Michigan Vehicle Code to do the following:

- Except as otherwise provided, specify that a licensee who violated a requirement to have his or her driver license in immediate possession when operating a motor vehicle and to display it on demand of a police officer would be guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$300, or both.
- Require a police officer to request from a licensee not in immediate possession of his or her operator's or chauffeur's license alternative means to verify the licensee's identity, including a photograph of the operator's license, a receipt or photograph of a valid registration for the motor vehicle, or other information sufficient for the police officer to verify the licensee's identity through the law enforcement information network.
- Specify that if an licensee who violated the requirement to have and display his or her operator's or chauffeur's license as described above provided sufficient alternative means

to verify his or her identity, the licensee would be responsible for a civil infraction and could be ordered to pay a civil fine of not more than \$150.

House Bill 5802 (H-3) would amend the Michigan Vehicle Code to do the following:

- Specify that a nonresident who drove a motor vehicle on a highway when the privilege to drive had been suspended, revoked, or denied by the Secretary of State would be guilty of a misdemeanor *or responsible for a civil infraction*.
- Specify that a person who operated a motor vehicle without a valid license or who knowingly allowed a motor vehicle owned by him or her to be operated by an individual without a valid license while his or her license was suspended for failure to answer a notice to appear for a criminal violation, any operating while intoxicated offense, reckless driving, or any driving violation that caused the injury, death, or serious impairment of a body function of another would be guilty of a misdemeanor punishable by imprisonment for up to 93 days or a fine of \$500, or both.
- Specify that a civil fine for a violation of Sections 215, 26a, 234, 244, 255, 311, 801e, 802(9), 802(10), or 904(3)(a) could not be more than \$150; that a civil fine could not be more than \$250 for a violation of Section 904(3)(a); and that a civil fine could not be more than \$500 for a violation of Section 256(2).

The bill also would specify that a person who operated a motor vehicle without a valid license or who knowingly allowed a motor vehicle owned by him or her to be operated by an individual without a valid license would be responsible for a civil infraction and could be fined up to \$150 for a first offense; would be responsible for a civil infraction and could be fined up to \$250 for a second offense; or would be guilty of a misdemeanor punishable by imprisonment for up to 93 days or a fine of up to \$500, or both, for a third or subsequent violation. (Currently, a person who violates either of these provisions is guilty of a misdemeanor punishable as follows:

- For a first violation, imprisonment for up to 93 days or a fine of up to \$500, or both.
- For a second violation that occurred after a prior conviction, by imprisonment for up to one year or a fine of up to \$1,000, or both.)

House Bill 5684 (H-3) is tie-barred to House Bill 5551. House Bills 5685 (H-3), 5686 (H-1), 5688 (H-2), 5691 (H-1), and 5698 (H-1) are tie-barred to House Bill 5802. House Bill 5802 (H-3) is tie-barred to House Bills 5685, 5686, 5688, 5691, 5698, and 5699.

MCL 324.82113 (H.B. 5551)
324.82105 et al. (H.B. 5684)
257.215 et al. (H.B. 5685)
257.802 (H.B. 5686)
324.80141 (H.B. 5687)
257.255 (H.B. 5688)
324.82180 (H.B. 5689)
257.306 (H.B. 5690)
257.244 (H.B. 5691)
324.82122 & 324.82123 (H.B. 5692)
324.81122 (H.B. 5693)
324.43560 (H.B. 5694)
324.48738 (H.B. 5695)
207.225 (H.B. 5696)
324.40118 & 324.43558 (H.B. 5697)
257.801e (H.B. 5698)
257.311 & 257.907 (H.B. 5699)

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FISCAL IMPACT

House Bill 5551 (H-3) could have a positive fiscal impact on State and local government. The bill provides for imposition of a civil fine for the misplacement of a registration decal or trail permit sticker on a snowmobile. Revenue collected from civil fines is used to support local libraries. Additionally, \$10 of the civil fine would be deposited into the State Justice System Fund. This Fund supports justice-related activities across State government in the Departments of Corrections, Health and Human Services, State Police, and Treasury. The Fund also supports justice-related issues in the Legislative Retirement System and the Judiciary. The amount of revenue to the State or for local libraries is indeterminate and would depend on the actual number of violations.

House Bills 5684 (H-3), 5685 (H-3), 5687 through 5689 (H-1), and 5691 (H-1) through 5697 (H-1) would have an indeterminate fiscal impact on State and local government. The bills would reduce current penalties from misdemeanor charges to a civil infraction. Reducing the penalties from misdemeanors to civil infractions would lower costs for local county jails because of the elimination of incarceration for these violations. Costs for incarceration in county jails vary by jurisdiction; thus, cost savings are indeterminate. Revenue collected from the payment of civil fines supports local libraries.

House Bills 5684, 5687, 5689, 5692, 5693, 5694, 5695, and 5697 would require \$10 of the civil fine to be deposited into the State Justice System Fund. House Bills 5685, 5688, 5691 and 5696 would require the defendant to pay a \$40 justice system assessment fee (deposited into the Justice System Fund) in addition to the civil fine, except for parking violations. Fees deposited into the Justice System Fund supports justice-related activities across State government in the Departments of Corrections, Health and Human Services, State Police, and Treasury. The Fund also supports justice-related issues in the Legislative Retirement System and the Judiciary. The amount of revenue to the State or for local libraries is indeterminate and would depend on the actual number of violations.

House Bills 5686 (H-1), 5690 (H-3), 5698 (H-1), and 5699 (H-2) could have a positive fiscal impact on State and local government. Revenue collected from civil fines is used to support local libraries. Additionally, the Code requires the defendant to pay a \$40 justice system assessment fee (deposited into the Justice System Fund) in addition to the civil fine, except for parking violations. This Fund supports justice-related activities across State government in the Departments of Corrections, Health and Human Services, State Police, and Treasury. The Fund also supports justice-related issues in the Legislative Retirement System and the Judiciary. The amount of revenue to the State or for local libraries is indeterminate and would depend on the actual number of violations.

House Bill 5802 (H-3) would have an indeterminate fiscal impact on State and local government. The bill would reduce some current penalties from misdemeanor charges to a civil infraction. Reducing the penalties from misdemeanors to civil infractions would lower costs for local county jails because of the elimination of incarceration for these violations. Costs for incarceration in county jails varies by jurisdiction; thus, cost savings are indeterminate. Additionally, the bill would add a misdemeanor penalty for a third offense. New misdemeanor convictions would result in increased local costs for incarceration and probation supervision while increased fine revenue would benefit local libraries.

Finally, the Code would require the defendant to pay a \$40 justice system assessment fee (deposited into the Justice System Fund) in addition to the civil fine, except for parking violations, for any civil infraction determination. This Fund supports justice-related activities

across state government in the Departments of Corrections, Health and Human Services, State Police, and Treasury. The Fund also supports justice-related issues in the Legislative Retirement System and the Judiciary. The amount of revenue to the State or for local libraries is indeterminate and would depend on the actual number of violations.

Date Completed: 12-18-20

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