

Legislative Analysis



COMMUNICATION IMPEDIMENT DESIGNATION

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

House Bill 4364 as passed by the House
House Bill 4366 (H-1) as passed by the House
Sponsor: Rep. Jim Lilly

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

House Bill 4365 (H-1) as passed by the House
Sponsor: Rep. Tim Sneller

Committee: Transportation
Complete to 7-28-21

SUMMARY:

Taken together, House Bills 4364, 4365, and 4366 would do the following:

- Include audiologists, speech-language pathologists, and psychologists as medical professionals from whom an applicant for a driver's license or state personal identification card (including an enhanced one) can obtain the certification required to get a communication impediment designation for his or her license or card.
- Change the phrasing of certain provisions limiting who can view such a designation.

Under 2020 PAs 92, 93, and 94, an individual who applies for or renews a vehicle registration, driver's license, state personal ID card, enhanced driver's license, or enhanced state personal ID card may elect to have a communication impediment designation associated with his or her records. A communication impediment means a health condition, such as an autism spectrum disorder or deafness or hearing loss, that could impede communication with a police officer. An individual seeking a designation must provide a certification of the communication impediment that is signed by a licensed physician, physician assistant, certified nurse practitioner, or physical therapist. The communication impediment designation can be viewed only by law enforcement. (These provisions take effect July 1, 2021.)

House Bills 4364 and 4365 would respectively amend the Michigan Vehicle Code and 1972 PA 222 (the state personal identification card act) to add audiologists, speech-language pathologists, and psychologists to the list of medical professionals who can provide the certification an applicant needs to get a communication impediment designation for his or her vehicle registration, driver's license, or state personal ID card, as applicable.

In addition, under 1972 PA 222, the designation is now required to be recorded on the secretary of state's central file or "another appropriate system that limits access to law enforcement." House Bill 4365 would revise the latter description to "another appropriate system that limits access to a person allowed access to public record information by the Criminal Justice Information Policy Council under the C.J.I.S. Policy Council Act."

MCL 257.221 and 257.310 (HB 4364)

MCL 780.851 et al (HB 4365)

House Bill 4366 would amend the Enhanced Driver License and Enhanced Official State Personal Identification Card Act to refer to a “process to allow a person with authorized access to the law enforcement information network under the C.J.I.S. Policy Council Act,” rather than “law enforcement agencies of this state.”

(Individuals seeking to obtain a communication impediment designation for a license or card issued under this act must comply with procedures in the Michigan Vehicle Code or 1972 PA 222, as applicable, so House Bills 4364 and 4365 would effectively allow audiologists, speech-language pathologists, and psychologists to certify a communication impediment for purposes of the enhanced licenses and cards issued under this act as well.)

MCL 28.305

House Bills 4364 and 4365 would take effect July 1, 2021, which is when the 2020 acts creating the communication impediment designation take effect.

HOUSE FLOOR ACTION:

The House adopted amendments to HBs 4364 and 4365 (H-1) that would add psychologists to the list of medical professionals from whom an applicant for a driver’s license or state personal identification card (including an enhanced one) can obtain the certification required to get a communication impediment designation for his or her license or card.

FISCAL IMPACT:

The bills would have no fiscal impact on the state or local units of government.

POSITIONS:

A representative of the Michigan Audiology Coalition testified in support of the bills. (5-4-21)

The following entities indicated support for the bills (5-4-21):

- Department of State
- Michigan Speech Language Hearing Association

Legislative Analyst: E. Best
Fiscal Analyst: 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.