



Senate Fiscal Agency
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BILL



ANALYSIS

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Senate Bill 961 (as passed by the Senate)
 Sponsor: Senator Michael J. Bouchard
 Committee: Transportation and Tourism

Date Completed: 11-4-96

RATIONALE

In response to an inquiry from the former Secretary of State, the Attorney General ruled in December 1995 that the Department of State may not refuse a driver's license to an otherwise qualified person solely because he or she is an illegal alien under the Federal Immigration and Nationality Act of 1952 (Opinion of the Attorney General No. 6883). The Michigan Vehicle Code prohibits the issuance of a driver's license to a nonresident, and defines "resident" as "every person who resides in a settled or permanent home or domicile with the intention of remaining in this state". The Code does not require that a person be a lawful resident of the United States under the Federal law and, according to the Attorney General, nothing in that law precludes an illegal alien from becoming a resident of a state. Because a State-issued driver's license appears to give its holder some degree of legitimacy, it has been suggested that the Code should explicitly limit driver's licenses to U.S. citizens and legal immigrants.

CONTENT

The bill would amend the Michigan Vehicle Code to redefine "resident" as "a person who is either a United States citizen or an alien lawfully present in the United States who resides in a settled or permanent home or domicile with the intention of remaining in this state".

MCL 257.51a

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

The State should not have to issue driver's licenses to people who are breaking the law by being in this country illegally. Giving illegal aliens a driver's license lends legitimacy to their actions, and could lead to extending to these people other privileges and benefits to which they are not entitled. In addition, a driver's license may serve as proof of citizenship for the purpose of allowing someone to leave and re-enter this country. The bill would protect the interests of U.S. citizens and legal immigrants by preventing the Secretary of State from issuing driver's licenses to illegal aliens.

Response: It is possible that the bill could raise constitutional concerns. According to the Attorney General Opinion, "...the United States Supreme Court held [in 1982] that the denial of free public education to illegal alien children violated the Equal Protection Clause of the Fourteenth Amendment".

Legislative Analyst: S. Margules

FISCAL IMPACT

The bill would result in a minimal impact on the Department of State if verification could be done by self-certification by the license applicant.

Fiscal Analyst: B. Bowerman

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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.