

## WAIVER OF CERTAIN DRIVER'S LICENSE SUSPENSION

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**House Bill 5765 (H-1) as reported from committee**  
**Sponsor: Rep. Curt VanderWall**  
**1st Committee: Law and Justice**  
**2nd Committee: Transportation and Infrastructure**  
**Complete to 5-17-18**

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

### SUMMARY:

Under the Michigan Vehicle Code, the Secretary of State is required to immediately suspend a person's license for one year upon receiving a record of the person's conviction for certain specified crimes, including, among others, stealing a car or counterfeiting a license plate.

House Bill 5765 would amend the Code to allow the Secretary of State, beginning on the effective date of the bill and ending on April 1, 2019, to waive a license suspension that was imposed for a moving violation causing the death of another person or the serious impairment of a body function of another person.

To be eligible for the waiver, a person whose license was so suspended would have to submit an application to the Secretary of State, along with a copy of the police report of the incident involving the violation described above and any other documentation requested by the Secretary of State. Based on the evidence submitted by the person, the Secretary of State would have to make one of the following determinations:

- That the suspension was warranted. In this case, the person's license would remain suspended for the remaining length of the original suspension.
- That the suspension was not warranted. In this case, the person would be immediately eligible for a full license reinstatement.
- That the evidence indicates that circumstances other than the person's negligent actions caused or contributed to the death that occurred during the incident involving the violation that caused the death or serious impairment of a body function of another person. In this case, the Secretary of State would have to terminate the suspension and the person would be eligible for a restricted license for the remaining length of the original suspension, with restrictions as determined by the Secretary of State.

By June 1, 2019, the Secretary of State would have to submit a report to the standing committees of the Senate and House of Representatives having primary responsibility for transportation issues. The report would analyze the implementation of the provisions described above.

The bill would take effect 90 days after enactment.

MCL 257.319

**FISCAL IMPACT:**

The bill would result in undetermined costs for the Department of State. The bill's provision of eligibility for a restricted license for certain drivers would require the Department to implement additional administrative and review processes to determine eligibility. The Department reports that costs would depend on the extent to which new administrative responsibilities would demand additional personnel hours and other resources and that costs could be substantial.

**POSITIONS:**

The Office of the Secretary of State is neutral on the bill. (5-17-18)

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■ 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.