



Senate Fiscal Agency
P.O. Box 30036
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 5729 (Substitute H-1 as passed by the House)
House Bill 5731 (Substitute H-2 as passed by the House)
House Bill 5735 (Substitute H-1 as passed by the House)
Sponsor: Representative Brandt Iden
House Committee: Government Operations
Senate Committee: Committee of the Whole

Date Completed: 12-9-20

CONTENT

House Bill 5729 (H-1) would amend Public Act 222 of 1972, which provides for the form, issuance, and use of an official State personal identification (ID) card, to do the following:

- Specify that an official State personal ID card expiring on or after March 1, 2020, would be considered valid until March 31, 2021, instead of December 11, 2020.
- Require the Secretary of State (SOS) to process an application to renew an official State personal ID card as a renewal of an existing card if the SOS received the application before March 31, 2021.
- Prohibit the SOS from assessing a late renewal fee for an ID card that expired on or after March 1, 2020, and was renewed before March 31, 2021.

House Bill 5731 (H-2) would amend the Michigan Vehicle Code to do the following:

- Specify that a vehicle registration or a motorcycle registration that expired on or after March 1, 2020, would be valid until March 31, 2021.
- Specify that a noncommercial vehicle registration and a commercial vehicle registration that expired on or after March 1, 2020, but were renewed on or before March 31, 2021, would not be in violation of registration requirements prescribed by the Code.
- Specify that an operator's or chauffeur's license that expired on or after March 1, 2020, would be valid until March 31, 2021.
- Specify that a temporary instruction permit, an original operator's license with designated level one, two, or three graduated licensing provision, a temporary driver education certificate, or a motorcycle temporary instruction permit that expired on or after March 1, 2020, would be valid until March 31, 2021.
- Specify that a commercial learner's permit or commercial license that expired on or after March 1, 2020, would be valid until March 31, 2021.
- Prohibit the SOS from assessing late fees for a vehicle registered under the Code whose registration expired on or after March 1, 2020, and whose registration was renewed before March 31, 2021.

House Bill 5735 (H-1) would amend the Enhanced Driver License and Enhanced Official State Personal Identification Card Act to do the following:

- Specify that an enhanced driver license or enhanced official State personal ID card that expired on or after March 1, 2020, would be considered valid until March 31, 2021.
- Require the SOS to process an application to renew an enhanced driver license or official State personal ID card that expired on or after March 1, 2020, as a renewal if the SOS received an application before March 31, 2021.
- Prohibit the SOS from assessing a late renewal fee for an enhanced driver license or enhanced official State personal ID card that expired on or after March 1, 2020, and was renewed before March 31, 2021.

The bills are tie-barred.

House Bill 5729 (H-1)

Under Public Act 222 of 1972, an original or renewal official State personal ID card expires on the birthday of the individual to whom it is issued in the fourth year following the date of issuance or on the date the individual is no longer considered to be legally present in the United States, whichever is earlier. The Act specifies that notwithstanding this expiration, an official State personal ID card expiring on or after March 1, 2020, is considered valid until December 11, 2020. Under the bill, a State personal ID card expiring on or after March 1, 2020, would be valid until March 31, 2021.

If the SOS receives an application to renew a State personal ID card that expires on or after March 1, 2020, before December 11, 2020, the Act requires the SOS to process the application as a renewal of an existing card. The bill would extend this requirement to an application for renewal received before March 31, 2021.

In addition, the Act requires an applicant to pay a fee of \$10 to the SOS for each original or renewal ID card issued. The Act prohibits the SOS from assessing a late renewal fee for an official State personal ID card that expires on or after March 1, 2020, and is renewed before December 11, 2020. The bill would prohibit the SOS from assessing a late fee for an official State personal ID card that expired on or after March 1, 2020, and was renewed before March 31, 2021.

House Bill 5731 (H-2)

Registration Expiration

Under the Michigan Vehicle Code, a registration issued to a motor vehicle, recreational vehicle, trailer, semitrailer, or pole trailer, when driven or moved on a street or highway, that expires on or after March 1, 2020, is valid until December 11, 2020. If the registration issued to a motor vehicle, recreational vehicle, trailer, semitrailer, or pole trailer, when driven or moved on a street or highway, that is used for commercial purposes expires on or after March 1, 2020, the registration also is valid until December 11, 2020. Under the bill, a registration issued as described above that expired on or after March 1, 2020, instead would be valid until March 31, 2021.

The Code specifies that notwithstanding any provision of law to the contrary, a properly assigned title or signed lease agreement from any person other than a dealer is considered proof of registration of the vehicle until December 11, 2020. The bill would extend this provision until March 31, 2021.

Under the Code, a vehicle registration issued by the SOS expires on the owner's birthday. The Act specifies that a vehicle registration or a motorcycle registration that expires on or after March 1, 2020, is valid until December 11, 2020. Under the bill, a vehicle registration or a motorcycle registration that expired on or after March 1, 2020, would be valid until March 31, 2021.

The Code allows the SOS, in agreement with an owner, to assign or reassign the expiration date of a registration for a commercial vehicle, trailer, or semitrailer issued a registration under the International Registration Plan. The Code requires an expiration date for this purpose to be the last day of a calendar month. Notwithstanding these provisions, the Act specifies that a registration described above that expires on or after March 1, 2020, is valid until December 11, 2020. Under the bill, notwithstanding these provisions, a registration described above that expired on or after March 1, 2020, would be valid until March 31, 2021.

Operation without Registration

The Code prohibits a person from operating, and an owner from knowingly permitting to be operated, upon any highway, a vehicle required to be registered under the Code unless not later than 30 days after the vehicle is registered or the registration is renewed, a valid registration plate issued for the vehicle by the SOS for the current registration year is attached to and displayed on the vehicle. The Code specifies that a noncommercial vehicle registration or a commercial vehicle registration that expires on or after March 1, 2020, but is renewed on or before December 11, 2020, is not in violation of the Code. The bill specifies that a noncommercial vehicle registration or a commercial vehicle registration that expired on or after March 1, 2020, but was renewed on or before March 31, 2021, would not be in violation of the Code.

Operator's or Chauffeur's License

Under the Code, an individual may not drive a motor vehicle on a highway in the State without a valid operator's or chauffeur's license with the appropriate group designation and indorsements for the type or class of vehicle being driven or towed. The Code specifies that an operator's or chauffeur's license that expires on or after March 1, 2020, is valid until December 11, 2020. Under the bill, an operator's or chauffeur's license that expired on or after March 1, 2020, would be valid until March 31, 2021.

Except as otherwise provided by the Code, an operator's license or a chauffeur's license expires on the birthday of the individual to whom the license is issued in the fourth year following the date of the issuance of the license or on the date the individual is no longer considered to be legally present in the United States, whichever is earlier. The first operator's or chauffeur's license issued to an individual who at the time of application is less than 20-1/2 years of age expires on the licensee's 21st birthday or on the date the individual is no longer considered to be legally present in the United States, whichever is earlier. The SOS may issue certain extensions and renewals for an operator's or chauffeur's license. The Code specifies that notwithstanding any of the provisions above, an operator's or chauffeur's license that expires on or after March 1, 2020, is valid until December 11, 2020. The bill specifies that, notwithstanding any of the provisions above, an operator's or chauffeur's license that expired on or after March 1, 2020, would be valid until March 31, 2021.

Temporary Permits, Original Operator's License, & Certificates

Under the Code, the SOS, after receiving an application for a temporary instruction permit from an individual who is 18 years of age or older, may issue a permit that entitles the applicant to drive a motor vehicle, other than a motor vehicle requiring certain indorsements or vehicle group designations under the Code, for a period of 180 days when accompanied by

a licensed adult operator or chauffeur. The SOS also may issue an original operator's license and designate level one, two, or three graduated licensing provisions to an individual who is less than 18 years of age, has been licensed in another state or country, and has satisfied certain requirements prescribed by the Code.

The Code specifies that a temporary instruction permit or an original operator's license with designated level one, two, or three graduated licensing provision that expires on or after March 1, 2020, is valid until December 11, 2020. Under the bill, a temporary instruction permit or an original operator's license with designated level one, two, or three graduated licensing provision that expired on or after March 1, 2020, would be valid until March 31, 2021.

The Code allows the SOS to issue a temporary driver education certificate that authorizes a student to drive a motor vehicle, other than a motor vehicle requiring certain indorsements or designations, when accompanied by a licensed parent or guardian, among other people, if the student enrolled in a driver education course and has successfully completed 10 hours of classroom instruction and the equivalent of two hours of behind-the-wheel training. A temporary driver education certificate that expires on or after March 1, 2020, is valid until December 11, 2020. The bill specifies that a temporary driver education certificate that expired on or after March 1, 2020, would be valid until March 31, 2021.

The Code also allows the SOS to issue a motorcycle temporary instruction permit that entitles the applicant to operate a motorcycle on the public streets and highways for a period of 180 days if the individual who applied is 16 or 17 years of age and is enrolled in or successfully completed an approved motorcycle safety course, or is 18 years of age or older and holds a valid operator's or chauffeur's license. The Code specifies that a motorcycle temporary instruction permit that expires on or after March 1, 2020, is valid until December 11, 2020. The bill specifies that a motorcycle temporary instruction permit that expired on or after March 1, 2020, would be valid until March 31, 2021.

Commercial Driver License & Commercial Learner's Permit

Under the Code, the SOS may issue commercial learner's permit that entitles an individual to drive a vehicle requiring a vehicle group designation or indorsement as prescribed by the Code if he or she meets certain requirements, including passing the knowledge tests for an original vehicle group designation or indorsement under Federal law. A commercial learner's permit is valid for 180 days from the date of issuance. The Code specifies that notwithstanding provision above, a commercial learner's permit that expires on or after March 1, 2020, is valid until December 11, 2020. The bill specifies that a commercial learner's permit that expired on or after March 1, 2020, would be valid until March 31, 2021.

In addition, notwithstanding any other provision of the Code, a commercial driver license that expires on or after March 1, 2020, is valid until December 11, 2020. The bill specifies that a commercial driver license that expired on or after March 1, 2020, would be valid until March 31, 2020.

Medical Certification

Under the Code, notwithstanding any other provision of the Code, a medical certification for operator's or chauffeur's license holders with a group designation required under Federal law that expires on or after March 1, 2020, is valid until December 11, 2020. The bill specifies that medical certification for operator's or chauffeur's license holders with a group designation required under Federal law that expired on or after 2020, would be valid until March 31, 2020.

Late Fees

Notwithstanding any other provision of Chapter VII (Registration Fees), the Code prohibits the assessment of late fees for the following vehicles:

- A vehicle registered under Section 801(1)(j) or (k) or Section 801g of the Code whose registration expires on or after March 1, 2020 and whose registration is renewed before December 11, 2020.
- All other vehicles registered under Chapter VII whose registration expires on or after March 1, 2020 and whose registration is renewed before December 11, 2020.

Under the bill, notwithstanding any other provision of Chapter VII, late fees could not be assessed for a vehicle registered as described above whose registration expired on or after March 1, 2020, and whose registration was renewed before March 31, 2021.

(Section 801(1)(j) requires the SOS to collect fees prescribed in the Code for certain trucks weighing 8000 pounds or less at the time of registering a vehicle. Section 801(1)(k) requires the SOS to collect fees prescribed in the Code for each truck weighing 8000 pounds or less towing a trailer or any other combination of vehicles and for each truck weighing 8001 pounds or more.)

Odometer Requirements

Under the Code, when the owner of a registered motor vehicle transfers his or her title or interest in that vehicle, the transferor must present to the transferee before delivery of the vehicle written disclosure of odometer mileage by means of the certificate of title or a written statement signed by the transferor including the transferor's printed name and certain other information related to the transfer. The Code specifies that the odometer information must not be required for certain vehicles, including a vehicle that is 10 years old, or older. The bill would modify this provision to specify that the odometer information could not be required for a vehicle that was 20 years old, or older.

House Bill 5735 (H-1)

Under the Enhanced Driver License and Enhanced Official State Personal Identification Card Act, an enhanced driver license or enhanced official State personal ID card that expires on or after March 1, 2020, is considered valid until December 11, 2020. Under the bill, an enhanced driver license or enhanced official State personal ID card that expired on or after March 1, 2020, would be considered valid until March 31, 2021.

The Act prescribes a renewal fee of not more than \$50 for an enhanced driver license or enhanced personal ID card; however, if the SOS receives an application to renew an enhanced driver license or enhanced official State personal ID card that is expired, the Act requires the fee to be the same as the fee for an original enhanced driver license or enhanced personal ID card. If the SOS receives an application to renew an enhanced driver license or enhanced personal ID card that expires on or after March 1, 2020, before December 11, 2020, the SOS must process the application as a renewal of an existing enhanced driver license or enhanced personal ID card. The bill would require the SOS to process an application to renew an enhanced driver license or enhanced personal ID card that expired on or after March 1, 2020, as a renewal if the SOS received an application before March 31, 2021.

In addition, the Act prohibits the SOS from assessing a late renewal fee for an enhanced driver license or enhanced personal ID card that expires on or after March 1, 2020, and is renewed before December 11, 2020. The bill would prohibit the SOS from assessing a late

renewal fee for an enhanced driver license or enhanced personal ID card that expired on or after March 1, 2020, and was renewed before March 31, 2021.

MCL 28.292 (H.B. 5729)
257.216 et al. (H.B. 5731)
28.304 & 28.306 (H.B. 5735)

Legislative Analyst: Tyler VanHuyse

FISCAL IMPACT

The bills would have a negligible fiscal impact on the Department of State as the bills only would delay the collection of those renewal fees. The proposal to waive the late fees for renewals under certain circumstances could decrease late fee revenue slightly. The loss in revenue to the Department of State is indeterminate and would depend on the actual number of late fees that were waived.

Fiscal Analyst: Joe Carrasco

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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.