

MADCM Board Meeting
January 21, 2021
MDOS Update

COVID-19 Information:

- **Priority appointments have ended** – The branch offices are no longer offering priority appointments. Branch office operations are providing appointments and service for the following:

MDOS now have appointments to reserve next day appointments every morning at 8 am for the next day (9-11am) and noon for next day (3-5pm). Certain transactions will have to be completed online or using the kiosk. The following five transactions can be scheduled and completed by appointment:

- Driver license and state identification card transactions that must be done in person.
- Title transfers
- Testing
- Seasonal commercial vehicle renewals
- Watercraft transfers of ownership.

GENERAL:

- Court Manual and the Abstract Training Manual are now online. If you need access, please email Melissa Noll (nollm1@michigan.gov).
- Once a participant has completed Sobriety Court, the Court MUST send in a MC-393 letting us know that they have successfully completed or have been removed. This has been a big problem, especially during the pandemic.

LEGISLATION:

- HB 5204 (Rep. Steven Johnson) provides for a 2-year vehicle registration. The registration tax paid by an individual who requested and was issued a two-year registration would be proportionally adjusted. House Bill 5204 would result in a potentially significant

decrease in fee revenue to the Department of State (DOS) and the Department of State Police (MSP). The actual amount of the decrease would depend on the number of drivers who opt for a two-year registration. With each new vehicle registration or renewal transaction, there is an \$8 service fee as authorized by section 801(3)(a) and (b) of the Michigan Vehicle Code. Revenue from this fee is distributed to both DOS and MSP. DOS receives \$5.75 of each fee, and MSP receives \$2.25.

- HB 5205 (Rep. Eisen) Allows for issuance of 2-year recreation passport. Under the bill, the fee for a two-year recreation passport for a Michigan vehicle owner with a two-year vehicle registration would be \$20 when paid with a new or renewal registration application.

These two bills are tied to each other, which means that neither bill can take effect unless both are enacted.

- HB 6230 (Rep. Sneller) Allows for MDOS to assess a nonrefundable, reasonable application fee not to exceed \$3,000 and shall assess administrative, renewal and other fees necessary to fund the certifications and inspection of ignition interlock devices. Fees collected by the department under this subsection must be credited to the transportation administration collection fund.
- PA 376 of 2020 (House Bill 5846) (Rep. Kahle) would amend the Michigan Vehicle Code to remove certain provisions that require or allow the Secretary of State to suspend, revoke, restrict, deny, or refuse to renew a person's driver's license for various offenses under the code or other acts. The bill would eliminate current license sanctions for the following offenses:
 - Having two or more moving violations in the previous three years.
 - Failing to answer citations for three or more parking violations, or two or more for citations that involve parking for persons with disabilities.
 - Failing to appear in response to a citation or to comply with an order or judgment, including failing to pay all fines, costs, fees, and assessments, for several civil infractions under the code.
 - Failing to appear in response to a citation or to comply with an order or judgment, including failing to pay all fines, costs, fees, and assessments, for state civil infractions under Chapter 88 of the Revised Judicature Act.

- Failing to pay a driver responsibility fee or engage in the alternative workforce training.
- Failing to report a change of address, falsely reporting a change of address, or reporting a change of address for someone else without their permission.
- Perjury or making a false certification to the Secretary of State.
- Fraudulently altering or forging documents pertaining to motor vehicles.
- Failing to provide proof of insurance
- Unlawful use of a driver's license (among other things, altering a license, having a fake or altered license, letting someone else use it or using someone else's).
- Making a false report of a crime or emergency at a school (e.g., a false school bomb threat).
- Using a fake ID to buy alcohol as a minor, purchasing alcohol as a minor, being a minor in possession of alcohol.
- Selling alcohol to a minor.
- Open alcohol in a vehicle.
- Using a motor vehicle without permission of its owner, but also without the intent to steal it (joyriding).
- Malicious destruction with a vehicle of trees, shrubs, grass, turf, plants, crops, or soil.
- Committing motor fuel theft.

The bill would also repeal section 319e of the code, which requires the Secretary of State to suspend the license of a person upon receiving an abstract of conviction for certain drug-related offenses under the Public Health Code, and section 321c, which requires license suspension for failing to pay child support or comply with a parenting time order under the Support and Parenting Time Enforcement Act. The bill would remove or revise applicable provisions concerning license clearance fees and license reinstatement fees to comport with its proposed license sanction changes. Finally, the bill would require, beginning the day it takes effect, that the Secretary of State waive the reinstatement fee for a person whose driver's license was suspended, revoked, or restricted for reasons no longer eligible under the bill for those sanctions. The Secretary of State also would have to immediately reinstate a license that was suspended, revoked, or restricted for reasons no longer eligible under the bill.

- House Bill 5850 (Rep. Warren) would amend the Support and Parenting Time Enforcement Act to modify the circumstances under which a payer's license may be suspended in a Friend of the Court case. The bill is tie-barred to HB 5846, which means that it could not take effect unless HB 5846 were enacted. MCL 552.628 et al.
- House Bill 5851 (Rep. Yancey) would amend Article 7 (Controlled Substances) the Public Health Code to delete certain provisions imposing license suspensions for certain drug-related convictions under that the Code House Bill 5852 would amend the Code of Criminal Procedure to delete a provision requiring courts to impose license sanctions required under provisions of the Public Health Code that House Bill 5851 would delete.
- House Bill 5852 (Rep. Stone) would amend the Code of Criminal Procedure to remove a reference to the licensing sanctions that would be eliminated by HB 5851 from a provision directing courts to impose licensing sanctions as provided by law. The bill is tie-barred to HB 5851, which means that it could not take effect unless HB 5851 were enacted. MCL 769.1e
- House Bill 5953 (Rep. Kahle) would amend several sections in the Michigan Vehicle Code to change penalties and sanctions for various offenses under the code. Generally, but not in all cases, the bill would change misdemeanor offenses to civil infractions. The bill would take effect 90 days after its enactment. MCL 257.208b et seq.
- House Bill 5845 (Rep. Sneller) would amend the Michigan Vehicle Code to eliminate mandatory minimum sentences for misdemeanor offenses for a variety of violations. In addition, for the affected provisions, the bill would eliminate language providing that at least 48 hours of the mandatory term of imprisonment must be served consecutively and that the mandatory term of imprisonment cannot be suspended. Mandatory terms of imprisonment required to be imposed for second or subsequent violations that are felony offenses would not be affected. The bill would eliminate the mandatory minimum terms of imprisonment for the offenses described below.
Section 625: Penalties for drunk or drugged driving

- Operating a motor vehicle while impaired (OWI), visibly impaired, or under a controlled substance, or doing so and causing death or serious impairment, while a person less than 16 years of age is in the vehicle. In addition, the bill would allow a House Fiscal Agency HBs 5844 and 5854 to 5857 as introduced the court to suspend the mandatory term of imprisonment for a repeat offense that is a felony if a defendant agrees to participate in a specialty court program and successfully completes the program.
- Operating a vehicle if less than 21 years of age having any bodily alcohol content while a person less than 16 years of age also occupies the vehicle (second violation within seven years or third or subsequent violation).
- Operating a vehicle with any amount of controlled substance or cocaine or alcohol-related offenses (second offense). In addition, the bill would allow a court to suspend a term of imprisonment imposed for a second offense within seven years or a subsequent offense that is a felony if a defendant agrees to participate in a specialty court program and successfully completes the program.
- Operating while visibly impaired (second offense).

In addition, the bill would allow a court to suspend the term of imprisonment imposed for a second offense within seven years or a subsequent offense that is a felony if a defendant agrees to participate in a specialty court program and successfully completes the program.

Section 904: Vehicle group designation Operating a commercial motor vehicle on a suspended or revoked vehicle group designation, or having never applied for a designation, or when the application had been denied.

Section 904a: Unlicensed driver Operating a motor vehicle without a driver license from any state or foreign country within the three years preceding the offense.

Section 905: Driving on suspended or revoked license Operating a vehicle while driver's or chauffeur's license or registration card is suspended or revoked or knowingly permitting another to operate the vehicle except as permitted. MCL 257.625 et al.

Public Act 187 of 2020

Allow a person convicted of one or more misdemeanor marijuana offenses to apply to set aside the conviction or convictions. -- Require a copy of an application to be served on the agency that prosecuted the offense or offenses the applicant was seeking to set aside. -- Specify that there would be a rebuttable presumption that a conviction for a misdemeanor marijuana offense sought to be set aside by an applicant was based on activity that would not have been a crime if committed on or after December 6, 2018, and specify the how the presumption could be rebutted.

Prescribe circumstances under which certain convictions would have to be set aside without filing an application under Section 1. -- Specify that setting aside a conviction without filing an application would not apply to certain convictions. -- Require the Department of Technology, Management, and Budget (DTMB) to develop and maintain a computer-based program for the setting aside of convictions under Section 1g. -- Specify that setting aside a conviction under Section 1g would not be subject to reinstatement.

- SB 1111 Sen. Johnson Traffic control: driver license; renewal of driver license; extend to 10 years.
- SB 1112 Sen. Alexander State: identification cards; renewal of state identification card; extend to 10 years.
- SB 1254 Sen. Ed McBroom State: eligibility for record expungement of certain first time operating while intoxicated convictions. Passed in House and Senate; however, on January 4, 2021, Governor Whitmore used her “pocket” veto on this Bill.