

## Motorist-related Bills in the 94<sup>th</sup> Michigan Legislature 2007–2009

A Service of the Michigan Chapter of the National Motorists' Association.

As of August 15, 2007. This list includes bills related to the Michigan Vehicle Code, auto insurance, and highway finance and operations, but may not include all bills of interest.

*Passed* means passed house of origin. *Enrolled* or *presented* means passed both houses. *P.A. Number* \_\_\_ means enacted into law.

### **Senate**

- 22 INSURANCE RATES (Thomas) Cut auto-insurance premiums by an average of 20 per cent unless regulators approve exemptions. Compare HB 4664. 4993-9, and SB 409.
- 33 REQUIRE ETHANOL (Switalski) Require all gasoline to contain 2% ethanol.
- 37 INSURANCE RATES (Scott) Create accessible-insurance study committee.
- 38 PROHIBIT RATE TERRITORIES (Scott) Prohibit insurance rates based on location. Also HB 4074 and 4149.
- 48 SCHOOL BUSES (Whitmer) Require seat belts on school buses.
- 59 USER-FEE STUDY (Gilbert) Require 2½-year study by legislators, businessmen and road contractors of road finance and distribution formula, including per-mile-fee alternatives to the fuel tax. (Punt gas-tax debate into the next legislature.) S-2 reported.
- 60 CHAUFFEUR'S LICENSE (Gilbert) Abolish requirement for chauffeur's license for CDL holders.
- 61 JAKE BRAKES (Gilbert) Allow local units to outlaw compression brakes on state highways. (Create undesirable precedent for local control of state highways.)
- 79 SIGN REGISTRATION (Jelinek) Abolish requirement to sign registration slip (possibility of fine for failure to sign). Passed Senate.
- 82 BOOSTER SEATS (McManus) Require booster seats until age 8.
- 104 FAILURE TO YIELD (Garcia) Increase penalties for right-of-way violations.
- 117 GRAVEL-ROAD SPEED LIMITS (Cassis) Restore pre-Nov. 9, 2006 posted *prima facie* 25-mph speed limits on any unpaved roads with houses in Oakland County until Dec. 1, 2012 unless speed studies are completed for all Oakland County gravel roads; require approval of township board or city or village council before raising posted limits. Partially repeals P.A. 85 of 2006 (HB 5240). Also HB 4145. Compare HB 468. S-4 passed Senate unanimously.
- 138 RENTAL-CAR ADS (Richardville) Require car-rental companies to include cost of title and registration in advertised rates.
- 140 ROAD RAGE (Birkholz) Require driver's-ed. classes to cover the effects and avoidance of road rage.
- 148 HYBRID CREDIT (Brown) \$1,000 income-tax credit for purchase of a hybrid or electric car.
- 161 INSURANCE CANCELLATION (Clark-Coleman) Require notice of cause of insurance cancellation.
- 185,6 SCHOOL BUSES (Jacobs) Clarify law on passing stopped or moving school buses with flashing lights. Also HB's 4225,6.
- 210 REDUCE ROAD FUNDS (Switalski) Move \$3.7 million/year in expeditious-title fees from road funds to Secretary of State. Also HB 4274. H-1 reported.
- 211 REDUCE ROAD FUNDS (Switalski) Move \$10 million/year in title-transfer fees from road funds to Secretary of State. Also HB 4275. H-1 reported.
- 217 CANCELLATION NOTICE (Jacobs) Require 60-day notice of auto-insurance cancellation.
- 240 TRANSPORTATION BUDGET (Hardiman) Fiscal-2008 MDOT budget.
- 269,70 OPTIONAL ROAD COMMISSIONS (Gilbert) Allow county boards of commissioners to dissolve road

- commissions and assume their duties. Also HB's 4290 & 91.
- 289 GAS PRICE GOUGING (Basham) Prohibit retail fuel-price increases during declared emergencies.
- 307 SERVICE TAX (Brater) Two-per-cent excise tax on services, including auto repair, trucking, and contract driving. Discharged from committee. Also HB 4368.
- 318 TRADE-IN SALES TAX (Anderson) Charge no sales tax on portion of new-car (but not used-car) price paid with trade-in. Discharged from committee. Compare HB 4230. Also HB 4373.
- 402 LEARNER PLATES (Switalski) Require "L" on all cars driven by graduated-license holders, license-plate stickers to be sold at cost.
- 409 RE-REGULATE INSURANCE (Thomas) Outlaw more than 45% difference between most- and least-expensive policies of each insurer, and more than 10% difference between a maximum of 20 rating territories. (Restore Essential Insurance Act of 1979; force insurers to choose between insuring urban vs. suburban motorists. Compare HB 4664, 4993-9, and SB 22.)
- 425 WAIVE LATE FEES (Jelinek) Charge no \$10 "late fee" on re-registration of cars withdrawn from use.
- 445 NO-FAULT SUITS (Whitmer) Define *serious impairment of bodily function* in no-fault law. (Undo Kreiner decision preventing crash victims from suing at-fault driver for other than total disability.) Also HB 4301.
- 468 GRAVEL-ROAD SPEED LIMITS (Cassis) Allow traffic and engineering (speed) studies to be done on gravel county roads by a road commission, county sheriff, township board or State Police singly or jointly. Compare HB 4145 and SB 117.
- 479,80 MOVE OVER FOR GARBAGE TRUCKS (Kahn) Require drivers to move over one lane or slow down for stopped garbage, utility, tow trucks or road-maintenance trucks with flashing yellow lights. Make a misdemeanor, <\$500 fine or <90 days. Also HB 4017. Passed the Senate.
- 490 TRUANCY (Jacobs) Deny driver's license for 6 months upon truancy conviction.
- 492 OVERWEIGHT BONDS (Sanborn) Cut bond for overweight-truck fines to equal to the fine amount. Passed Senate.
- 512 RENTAL INSURANCE (Sanborn) Require notice in car-rental agreements that extra insurance may not be needed. Passed Senate.
- 521 PARKING TICKETS FOR TRAINS (Kahn) Freight cars to get parking tickets if within 100 feet of an intersection.
- 578 BAN LIGHT BULBS (Gleason) Prohibit sale of all incandescent lamps, including 12v. auto bulbs.
- 583 PREMIUMS AND EMPLOYMENT (Clarke) Prohibit auto-insurance rates based on education, employment or profession.
- 631 GOUGING REWARD (Kahn) \$3,000 fine, and \$1,500 reward for turning in gasoline price gougers.
- 638 CONVICTIONS SURTAX (Gleason) Abolish points tax and \$400-\$2,000 driver responsibility fees on some traffic violations, effective October 1, 2007. No amnesty for outstanding tax bills. Same as HB 4006. Compare HB's 4665 and 4672.
- 639 SUSPENSION NOTIFICATION (Cherry) Require notification by first-class mail of license suspension under Driver Responsibility Act.
- 643 T.V. MIRRORS (Brown) For TV displays used as rear-view mirrors, require deactivation at 12 m.p.h. instead of on engaging forward gear. Also HB 5021.
- 653 ALIENS' DRIVER LICENSE (Sanborn) Create "Class 2" different-color driver licenses for legally-resident aliens good for 1 year or their length of legal stay; require 3 pieces of identification, including verified Social Security number or exemption. Also HB 4881.
- 659 REGULATE INSURANCE (Hunter) Prohibit use of credit reports for medical bills and claims history in setting auto-insurance premiums.

## House

- 4002 AUDIT M.C.C.A. (Bieda) Require audit of Michigan Catastrophic Claims Association. Compare HB 4677.

- 4006 CONVICTIONS SURTAX (Caswell) Abolish points tax and \$400–\$2,000 driver responsibility fees on some traffic violations, effective October 1, 2007. No amnesty for outstanding debt. Same as SB 638. Compare HB’s 4665 and 4672.
- 4011 GAS-STATION FRANCHISES (Caswell) Allow gas stations to buy E-85, biodiesel, CNG and hydrogen from other than the franchisor.
- 4017,18 MOVE OVER FOR GARBAGE TRUCKS (Opsommer) Add road-maintenance, utility, and garbage trucks to move-over law. Also SB 479.
- 4024 CONSTITUTIONAL CONVENTION (Hildenbrand) Place constitutional convention on ballot. (Potentially affect vehicle and fuel tax, local traffic ordinances.)
- 4032 NO SUITS BY DRUNKS (Rocca) Prevent intoxicated drivers from suing to recover costs.
- 4051 INJURY INSURANCE (Hune) Provide managed-care option in auto personal-injury protection.
- 4070 CREDIT SCORING (Opsommer) Insurance-industry bill to regulate use of credit scoring to set auto insurance premiums. Hearing held.
- 4071,2 RACIAL PROFILING (Smith) Make it a crime to pull over drivers based solely on race, fix penalties.
- 4074 INSURANCE TERRITORIES (Johnson) Prohibit rate territories for auto-insurance premiums. Also SB 38 and HB 4149.
- 4123 BARRICADES (Ball) Prohibit driving around barricades.
- 4145 GRAVEL-ROAD SPEED LIMITS (Stakoe) Restore pre-Nov. 9, 2006 posted speed limits on unpaved county roads until Jan. 1, 2009; require approval of township board, city or village council, and road commission before raising posted limits. Partially repeal P.A. 85 of 2006 (HB 5240). Also SB 117. Compare SB 468.
- 4148 INJURY INSURANCE (Lemmons) Prohibit health-care steering by auto insurers.
- 4149 RATE TERRITORIES (Lemmons) Prohibit auto insurance rate territories. Also HB 4074 and SB 38.
- 4151 FIRST-YEAR DRIVERS (Gaffney) No more than one non-family passenger for first-year drivers.
- 4169 CREDIT SCORING (Leland) Prohibit use of credit rating in setting auto-insurance premiums
- 4171 RELIGIOUS EXEMPTION (Nitz) Allow trips to church with a restricted driver license.
- 4175 MILITARY EXAM (Spade) Do not require a license exam for holders of military driver license.
- 4177 MILITARY INSURANCE (Spade) Prohibit rate increases or reinstatement fees for drivers called to active duty. Reported to Senate.
- 4191 DRUG TESTS (Lemmons) Raise permissible level of metabolites of marijuana in driver’s blood above minimum detectable amount (for implied consent to drug tests of drivers suspected of operating under the influence).
- 4198 REQUIRE 10% ETHANOL (K. Law) Require all gasoline to contain 10% ethanol after 2007.
- 4225,6 SCHOOL BUSES (Condino) Clarify law on passing stopped or moving school buses with flashing lights. Also SB’s 185,6.
- 4230 AUTO SALES TAX (Pearce) Charge no sales tax on portion of vehicle price paid with trade-in.
- 4274 REDUCE ROAD FUNDS (Hopgood) Move \$3.7 million/year in expeditious-title fees from road funds to Secretary of State. Also SB 210.
- 4275 REDUCE ROAD FUNDS (Hopgood) Move \$10 million/year in title-transfer fees from road funds to Secretary of State. Also SB 211.
- 4287 UNIFORM RATE TERRITORIES (Cheeks) Require all auto insurers to use the same rate territories no smaller than a county, and to base “actuarially-sound” premiums solely on traffic density. Compare HB 4664 and SB 22.
- 4289 INTERLOCKS (Constan) Require ignition interlocks for persons convicted of high-BAC driving.
- 4290,91 OPTIONAL ROAD COMMISSIONS (Hummel) Allow county boards of commissioners to dissolve road commissions and assume their duties. Also SB’s 269 & 270.
- 4301 NO-FAULT SUITS (Condino) Define *serious impairment of bodily function* in no-fault law. (Undo *Kreiner* decision preventing crash victims from suing at-fault driver for other than total disability.) Made nonretroactive. Passed. Also SB 445.
- 4304 LANE CHANGES IN INTERSECTIONS (LeBlanc) Prohibit lane changes in intersections regulated by

- a stop sign or signal, for overtaking and passing. Amended and passed House.
- 4321 MOTOR-CARRIER OFFICERS (Nitz) State Motor Carrier Division officers to have full powers of state troopers, including automobile traffic enforcement.
- 4323 OFF-ROAD VEHICLES ON LOCAL ROADS (Sheltrown) Local units north of Bay County may permit ORV's in travel lanes of roads other than state highways, limited to 25 mph. ORV riders to be *prima facie* responsible for all collisions. Passed House.
- 4332 FATIGUE (Wenke) Driving without sleep for over 24 hours to be considered reckless driving if it contributes to the death of a person.
- 4368 SERVICE TAX (Cushingberry) Two-per-cent excise tax on services, including auto repair, trucking and contract driving. Also SB 307. Motion to discharge.
- 4373 TRADE-IN SALES TAX (Corriveau) Charge no sales tax on portion of new-car (but not used-car) price paid with trade-in. Compare HB 4230. Also HB 4514, SB 318. H-1 reported.
- 4412 CREDIT SCORING ( ) Prohibit use of credit scores to set insurance premiums. Hearing held.
- 4427,28 INSURANCE EXPIRATION (Accavitti) Require notice to Secretary of State upon expiration or cancellation of auto insurance, require cancellation of registration.
- 4447,8 LICENSE ADDRESS (Warren) Allow driver's-license address to differ from voting address. Passed House.
- 4456,7 OBSTRUCTIONS (Pearce) Prohibit placing obstructions in roadways.
- 4462 RACIAL PROFILING (Jackson) Require traffic citations to record the driver's race.
- 4468,9 CONSTRUCTION-ZONE PENALTIES (Byrnes) Increased penalties for injuring anyone in construction zones, not just workers.
- 4514 LEASE TRADE-IN TAX (Brown) Charge no use tax on portion of new-car (but not used-car) lease price paid with trade-in. Also HB 4373, SB 318. Compare HB 4230. H-1 reported.
- 4534 PUTT TO WORK (LeBlanc) Create "Ride your Motorcycle to Work" Day.
- 4536-8 CHILD SEATS (Angerer) Require children under 80 lbs. to be in safety seats. Compare HB 4555.
- 4555 CHILD SEATS (Rick Jones) Require children under age 8 to be in safety seats. Compare HB 4536.
- 4563 BORDER CROSSINGS (Rep. Tobocman) Regulate tolls at border bridges and tunnel; tax cross-border traffic; create agency to build new Detroit River bridge. Hearing held.
- 4575 RAISE GASOLINE TAX (DeRoche) Increase gasoline tax by 3 cents/year for 3 years, from 18.7 to 27.6 cents/gallon.
- 4576 RAISE DIESEL TAX (Hopgood) Increase Diesel tax by 13 cents/gallon on 3-year schedule, from 15 to 28 cents/gallon.
- 4577 INFLATE REGISTRATION TAX (Hopgood) Increase license-plate tax for post-1983 cars and light trucks (*ad valorem* tax) by 50% below \$30,000 list price and by 60% above \$30,000; then increase tax annually by rate of inflation (on top of inflation in vehicle prices). Would not apply to weight-based (heavy truck and pre-1984) plates, or trailers.
- 4608 REQUIRE BIODIESEL (Sheltrown) Require Diesel fuel and heating oil to be 5% biodiesel.
- 4615 DISCOUNT TRAILER PLATES (Sheltrown) Discount trailer registration 50% for persons over 65.
- 4659 BLOOD WITHDRAWAL (Stakoe) Allow withdrawal of drivers' blood for drug and alcohol tests by qualified individuals other than doctors.
- 4664 RE-REGULATE INSURANCE (Young) Regulate auto insurance rates and territories, mandate 20% premium reduction, allow group insurance, outlaw kickbacks from repair shops. Compare SB's 22 & 409, HB's 4993-9.
- 4665 REDUCE CONVICTIONS SURTAX (Scott) Reduce "driver responsibility fee" (\$300-2,000 surtax on traffic convictions) by half for lesser offenses, including operating under a suspension (but not failure to have insurance). Does not amend points tax. Compare HB's 4006 and 4672, SB 638.
- 4671 REPLACEMENT LICENSE (Jackson) Require 3 pieces of identification to issue replacement for lost driver's license.
- 4672 HALVE CONVICTION SURTAX (Jackson) Cut "driver responsibility fees" in half (\$300-2,000 surtax on traffic convictions). Does not amend points tax. Compare HB's 4006 and 4665, SB 638.

- 4674 PREMIUM INCREASES (Rocca) Prohibit increasing insurance premiums during term of policy, even when insured submits incomplete information. Amended and reported.
- 4675 OPEN M.C.C.A. MEETINGS (Sak) Subject MCCA to F.O.I. and Open Meetings Acts.
- 4676 OPEN M.C.C.A. MEETINGS (Sak) Subject MCCA to Open Meetings Act.
- 4677 AUDIT M.C.C.A. (Gonzales) Require annual audit of MCCA.
- 4678 M.C.C.A. MEMBERSHIP (LeBlanc) Add one insurance agent and 3 members of the public to 5 insurers on MCCA.
- 4749 BARE HEAD TAX (Farrah plus a majority of the House) Allow insured motorcyclists and licensed passengers over 21 with 2 years' experience to buy a permit to ride without a helmet: \$100/year or \$200 for 3 years. Make it a misdemeanor to ride without a helmet or permit, \$200 or 180 days.
- 4778 REPAIR SHOPS (Farrah) Prohibit insurer interest in auto repair shops.
- 4789 MEDICAL BENEFITS (Smith) Require medical-fee schedules in auto-insurance agreements.
- 4817 PARKING VIGILANTES (Green) Enlarge list of parking offenses enforceable by volunteers.
- 4826 TOLL LANES (Young) Require MDOT to add or designate toll lanes in congested areas, with free admission for car pools.
- 4833 CUT GASOLINE SALES TAX (Hoogendyk) Charge no sales tax on the first \$1.50 of the retail price of gasoline, phase in over 2008–2010. (Reduce pump price by \$0.09.) Compare HB 4877.
- 4836 UNINSURED-MOTORIST COVERAGE (Constan) Require insurers to offer uninsured-motorist coverage.
- 4839 ABANDONED VEHICLES (Farrah) Clarify handling of abandoned vehicles by towing firms and police, including refunds for improperly-towed vehicles.
- 4847 REDUCE ROAD FUNDS (Hood) Divert \$19 million in driver-license fees from local road funds to the General Fund in 2007 and `08.
- 4872,3 UNATTENDED CHILDREN (Meadows) Prohibit leaving children in cars at “unreasonable risk.”
- 4877 GAS SALES TAX (Melton) Exclude federal fuel tax from Michigan sales tax (cut fuel price by 1¢). Compare HB 4833. Same as HB 4907.
- 4881 ALIENS' DRIVER LICENSE (Agrama) Create “Class 2” different-color driver licenses for legally-resident aliens good for 1 year or their length of legal stay; require 3 pieces of identification, including verified Social Security number or exemption. Also SB 653.
- 4907 GAS SALES TAX (Nitz) Exclude federal fuel tax from Michigan sales tax (cut fuel price by 1¢). Compare HB 4833. Same as HB 4877.
- 4913 PANIC BUYING (Mayes) Prohibit limiting fuel-sales quantities except in declared emergencies.
- 4920 HIGH B.A.C. (Corriveau) Create crime of high-BAC driving (>0.15%). Compare HB's 4289 & 4921.
- 4939 CHILDREN, SEAT BELTS (Ebli) Require children to be in the back seat; remove nursing-mother exemption. Passed House.
- 4966 MORE LETTERS (LeBlanc) Allow 8-character vanity plates.
- 4982 CELL PHONES (Polidori) Outlaw use of a cell phone while driving. Secondary enforcement.
- 4993-9 REGULATE INSURANCE (Virgil Smith) Reregulate auto insurance.
- 5021 T.V. MIRRORS (Angerer) Change law governing TV displays used as rear-view mirrors: require deactivation at 12 m.p.h. instead of on engaging forward gear. Also SB 643.
- 5044,5 DOUBLE FINES (Miller) Allow local governments to declare any area a “residential zone” within which traffic fines are doubled. Road agencies to post advisory signs.
- 5059 LOCAL-OPTION FUEL TAX (Young) Allow (but not enable) local units to enact motor fuel taxes.
- 5061 RADIO-READABLE LICENSES (Opsommer) Prohibit RFID chips in driver's licenses. Also 5091.
- 5085 RUBBER CHECKS (Mayes) Suspend driver's license of persons paying for snowmobile registration with bounced checks (expose check bouncers to \$1,000 conviction surtax for unlicensed operation).
- 5086 MORE POLICE (LeBlanc) Authorize (but not fund) grants for hiring local police officers.
- 5098 HELMETS, INSURANCE (Scott) Limit personal-injury claims to the amount purchased by a motorcyclist, in a crash with a motor vehicle while not wearing a helmet.
- 5099 ABANDONMENT FEE (Steil) Mandatory \$25 surtax on conviction for abandoning a vehicle, for the

jurisdiction removing the vehicle.

### **Nonbinding Resolutions**

PASSPORTS SCR 3, SR 21: Urge Congress to make driver's license usable instead of a passport for driving from Canada.

### **Mentioned but Not Introduced**

LOCAL-OPTION FUEL TAXES (Oakland County businesses, road contractors) Enable county votes on local fuel taxes.

INCREASE FUEL TAXES (Mackinac Center) Raise both gasoline and Diesel-fuel taxes to 25 cents/gallon, and index to inflation.

REGISTRATION DISCOUNTS (Mackinac Center) Repeal discount registrations for farm, milk, and log trucks.

LOCAL-OPTION REGISTRATION TAXES (road contractors, Oakland County businesses) Enable county votes on vehicle-registration surtaxes.

LOCAL-OPTION REGISTRATION TAX (Mackinac Center) \$50 local-option county surtax.

LOCAL-OPTION LICENSE TAXES (road contractors, Oakland County businesses) Enable county votes on surtaxes on driver-license fees.

AUTOMATED TICKETS (Rep. Farrah) Authorize red-light cameras or photo radar.

SALES TAX (Mackinac Center) Redirect one third of the sales tax on fuel from the General Fund to roads.

FOREIGN-CAR TAX (Rep. Dillon) \$200/year surtax on registering "foreign" (non-Big 3) cars.

DIVERT INSURANCE FEES (Granholm administration) Divert auto-insurance anti-theft-program premium surcharge to General Fund spending.

GASOLINE PRICE (Democrats) Add gas-price gouging to Consumer Protection Act; eliminate requirement to designate an emergency before investigating fuel price fixing.

TALKING WHILE TEENAGED (D. Law) Prohibit cell-phone use by teenaged drivers.

SUBSIDIZE BIOFUELS (Renewable Fuels Commission) Divert road funds to (unconstitutionally) subsidize gas stations selling E85 and biodiesel.

REGISTRATION DISCOUNT (Renewable Fuels Commission) Cut registration tax on E85 flex-fuel vehicles.

REDUCE MEDICAL COVERAGE (Michigan Insurance Institute) Reduce mandatory purchase of medical coverage with no-fault auto insurance.

RENTAL-CAR TAX (Rep. Cushingberry) One-per-cent tax on rental-car purchase for tourism promotion (violates Constitutional dedication of vehicle taxes to road and transit use).

### **Administrative Actions**

M.C.C.A. PREMIUM Michigan Catastrophic Claims Association 2007 premium to be \$123.15/car, down 10.3% from previous amount.

GREENHOUSE-GAS REGISTRY Join Midwest Greenhouse-gas Registry. Voluntary, but preparatory for carbon-emissions cap-and-trade regulatory and tax schemes.

S.O.S. OFFICE CLOSURES Close Secretary of State branch offices in Bridgeport and Milan.

### **Court Decisions**

CONVICTION SURTAX (Court of Appeals Docket 264103, *Dawson vs. Secretary of State and Dept. of Treasury*) Find "Driver Responsibility Fee" to be neither double jeopardy nor an improper tax under the Headlee Amendment.

### **Attorney General Opinions**

RED-LIGHT CAMERAS No. 7199 Reaffirm that cities are precluded from enacting an ordinance that conflicts with a state statutory scheme, or where a state statutory scheme occupies the field of regulation that the city seeks to enter. (May apply to local traffic ordinances not congruent with state law.)