

House Bill 6177
Sponsor: Rep. Valde Garcia
Committee: Transportation

Complete to 12-1-00

A SUMMARY OF HOUSE BILL 6177 AS INTRODUCED 11-30-00

House Bill 6177 would amend the Michigan Vehicle Code to apply certain of the code's penalties to people who drive too close to emergency vehicles, and in doing so, cause the injury or death of a police officer, firefighter, or any other emergency response person in the immediate area of a stationary emergency vehicle. The policy that specifies how motorists are to drive near emergency vehicles is embodied in House Bill 5549 (S-2). In that bill the penalties for causing injury are noted in section 654(3), and the penalties for causing death are noted in section 653a(4). House Bill 6177 is tie-barred to House Bill 5549 so that it could not become law unless House Bill 5549 also were enacted. Throughout House Bill 6177 penalties for various violations under the vehicle code would be extended to violations of sections 653a(3) and 653a(4) as they are proposed by House Bill 5549.

For example, currently under the code, the secretary of state cannot issue a license to operate a vehicle in certain circumstances, including to habitual violators of criminal laws relating to the operation of a vehicle while impaired or under the influence of intoxicating liquor, a controlled substance, or a combination of the two. Under this section, the law specifies that two or three convictions within specified time periods of some laws (including reckless driving) stand as prima facie evidence that a person is a habitual violator. House Bill 6177 would add to these subsections a reference to include section 653a(4), the death of an emergency response person offering assistance. Further, the code prohibits issuing a license to a person who is an habitually reckless driver if there are two convictions for reckless driving within seven years. House Bill 6177 would extend that to specify conviction for reckless driving or a conviction under section 653a(3). In addition, the code specifies that an operator's or chauffeur's license should be revoked for two convictions of reckless driving within seven years. House Bill 6177 would extend that provision to specify a violation or attempted violation of section 653a(3). The code also specifies revocation of a license for a number of combined convictions. For example, revocation is required for two convictions of driving drunk within seven years, or a combination of one conviction for driving drunk, and one conviction for any of several other offenses. House Bill 6177 would extend the provision to specify that section 653a(4) would be one of the offenses in a combined conviction.

In addition and under the code, the secretary of state is required, within 10 days after receiving conviction records from the courts, to assess points to a motorist's driving record. The number of points for each violation is specified in the statute. House Bill 6177 would require that six points be added for violation of section 653a(3), causing injury, and section 653a(4), causing death.

Under the code a person is prohibited from driving drunk. A person, whether licensed or not, who operates a motor vehicle while under the influence of liquor and causes the death of another

person is guilty of a crime and the penalties are set in the code. House Bill 6177 also would specify that if, at the time of the violation, the driver was operating a motor vehicle in the manner proscribed under section 653a, and caused the death of a police officer, firefighter, or other emergency response personnel, the person would be guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not less than \$2,500, or more than \$10,000, or both. The bill specifies that this subdivision would apply regardless of whether the person was charged with the violation of section 653a (causing injury or death). Further, the judgment of sentence could impose the sanction permitted under section 625n of the code (which concerns the forfeiture or seizure of vehicles). If the vehicle was not ordered forfeited under this section, the court would be required to order the vehicle immobilized under section 904d in the judgment of sentence.

Under House Bill 6177, the clerk of the court would be required to forward an abstract of the court record to the secretary of state whenever a person's conviction involved violation of section 654a(4).

Finally, the definition of "prior conviction" found in sections 625 and 625m would be extended to include "a violation of section 653a(4)." Further, the definition of "prior conviction" found in section 904d (concerning vehicle immobilization) would be extended to include "a violation of section 653a(3)."

MCL 257.303 et al

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