

HOUSE BILL No. 5140

June 24, 2009, Introduced by Rep. Byrnes and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
(MCL 257.1 to 257.923) by adding section 618a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 618A. (1) UNLESS THE OPERATOR OF A MOTOR VEHICLE INVOLVED
2 IN AN ACCIDENT KNOWS OR REASONABLY SHOULD KNOW THAT SERIOUS
3 IMPAIRMENT OF A BODILY FUNCTION OR DEATH HAS RESULTED FROM THE
4 ACCIDENT, THE OPERATOR OR ANY OTHER OCCUPANT OF THE MOTOR VEHICLE
5 WHO POSSESSES A VALID DRIVER LICENSE SHALL REMOVE THE MOTOR VEHICLE
6 FROM THE MAIN TRAVELED PORTION OF THE ROADWAY INTO A SAFE REFUGE ON
7 THE SHOULDER, EMERGENCY LANE, OR MEDIAN OR TO A PLACE OTHERWISE
8 REMOVED FROM THE ROADWAY IF BOTH OF THE FOLLOWING APPLY:

9 (A) MOVING THE MOTOR VEHICLE MAY BE DONE SAFELY.

10 (B) THE MOTOR VEHICLE IS CAPABLE OF BEING NORMALLY AND SAFELY

1 OPERATED AND CAN BE OPERATED UNDER ITS OWN POWER IN ITS CUSTOMARY
2 MANNER WITHOUT FURTHER DAMAGE OR HAZARD TO THE TRAFFIC ELEMENTS OR
3 TO THE ROADWAY.

4 (2) THE OPERATOR OR ANY OTHER PERSON WHO REMOVES A MOTOR
5 VEHICLE FROM THE MAIN TRAVELED PORTION OF THE ROADWAY AS PROVIDED
6 IN THIS SECTION BEFORE THE ARRIVAL OF A POLICE OFFICER IS NOT PRIMA
7 FACIE AT FAULT REGARDING THE CAUSE OF THE TRAFFIC ACCIDENT SOLELY
8 BY REASON OF MOVING THE MOTOR VEHICLE AS PROVIDED IN THIS SECTION.

9 (3) A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A
10 CIVIL INFRACTION.