

Legislative Analysis



VULNERABLE ROADWAY USER

Mary Ann Cleary, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4792

Sponsor: Rep. David Nathan

House Bill 5080

Sponsor: Rep. Edward McBroom

Committee: Criminal Justice

Complete to 10-16-13

A SUMMARY OF HOUSE BILLS 4792 AS INTRODUCED 5-30-13 AND 5080 AS INTRODUCED 10-16-13

Together, the bills would expand the statutory provision that provides enhanced penalties for a moving violation that causes injury to a person operating farm equipment on a highway to include an injury to a vulnerable roadway user.

House Bill 5080 would amend the Michigan Vehicle Code (MCL 257.601c). Currently, a person who commits a moving violation that has criminal penalties and as a result causes injury to a person operating an implement of husbandry (i.e., a tractor) on a highway in compliance with the act is guilty of a misdemeanor punishable by imprisonment for not more than one year and/or a fine of not more than \$1,000. Causing the person's death is a felony punishable by imprisonment for not more than 15 years and/or a fine of not more than \$7,500.

The bill would apply these penalties also to a moving violation having criminal penalties that injured or killed a vulnerable roadway user on a highway who was in compliance with the Vehicle Code. (The code prescribes lawful and unlawful conduct by pedestrians, wheelchair users, and cyclists; for example, cyclists riding in the roadway are required to follow the same laws as motorists.)

"Vulnerable roadway user" would mean a pedestrian, a wheelchair user, or a person operating a transportation device in compliance with the Michigan Vehicle Code.

"Transportation device" would be a device in, upon, or by which any person and/or property is or may be transported or drawn upon a highway by human power, or an electrical propulsion system with average power of 750 watts or 1 horsepower and a maximum speed on a paved level surface of not more than 20 miles per hour, and that is regulated under the Vehicle Code. It includes, but is not limited to, a cycle with one or more wheels, such as a bicycle or electric bicycle, and an electric wheelchair.

House Bill 4792 would amend the Code of Criminal Procedure (MCL 777.12e) to specify that reckless driving causing death to a vulnerable roadway user would be a Class C felony against a person with a 15-year maximum sentence

FISCAL IMPACT:

The bills would have an indeterminate fiscal impact on state and local governments. To the extent that the bills result in a greater number of convictions, they could increase costs on state and local correctional systems. Information is not available on the number of persons that might be convicted under these provisions. Felony convictions could result in increased costs related to state prisons, county jails, and/or state probation supervision. Misdemeanor convictions could increase costs related to county jails and/or local misdemeanor probation supervision. The average cost of prison incarceration in a state facility is roughly \$35,500 per prisoner per year, a figure that includes various fixed administrative and operational costs. The costs of local incarceration in a county jail and local misdemeanor probation supervision vary by jurisdiction. State costs for parole and felony probation supervision average about \$3,000 per supervised offender per year. Any increase in penal fine revenues would increase funding for local libraries, which are the constitutionally-designated recipients of those revenues.

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Robin Risko

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.