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Senate Bills 617 and 618 (as introduced 10-25-23)  
Sponsor: Senator Sean McCann (S.B. 617)  
Senator Veronica Klinefelt (S.B. 618)  
Committee: Civil Rights, Judiciary, and Public Safety

Date Completed: 5-1-24

## **CONTENT**

### **Senate Bill 617 would amend the Michigan Vehicle Code to do the following:**

- **Prescribe penalties for an individual who committed a moving violation against a vulnerable roadway user or individual operating an implement of husbandry on a highway that resulted in injury requiring inpatient treatment at a hospital or post-acute rehabilitation facility.**
- **Add a violation or attempted violation of causing serious harm to a vulnerable roadway user to the list of violations that could result in the Secretary of State (SOS) revoking an individual's license.**

### **Senate Bill 618 would amend the Michigan Vehicle Code to define "vulnerable roadway user".**

The bills are tie-barred, and each bill would take effect 90 days after its enactment.

#### **Senate Bill 618**

Under the bill, "vulnerable roadway user" would mean any of the following:

- A pedestrian.
- An individual using roller or inline skates.
- An individual using a non-motorized scooter or skateboard.
- An individual using a wheelchair.
- An individual riding a horse or driving or riding a horse-drawn carriage.
- An individual operating or riding a vulnerable transportation device in compliance with the Code.

#### **Senate Bill 617**

Under the Code, 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 on a highway in compliance with the Code is guilty of a misdemeanor punishable by a maximum of one years' imprisonment or a maximum fine of \$1,000, or both. Additionally, a person who commits a moving violation that has criminal penalties and as a result causes death to a person operating an implement of husbandry on a highway in compliance with the Code is guilty of a felony punishable by a maximum of 15 years' imprisonment or a maximum fine of \$7,500, or both. The bill specifies that these provisions would apply to an individual who committed a moving violation and as a result caused injury to a vulnerable roadway user.

Additionally, under the bill, an individual who committed a moving violation and as a result caused serious injury requiring inpatient treatment at a hospital or post-acute rehabilitation facility to a vulnerable roadway user or individual operating an implement of husbandry on a highway in compliance with the Code would be guilty of a felony punishable by a maximum of five years' imprisonment or a maximum fine of \$5,000, or both.

"Serious injury" would mean a physical injury that is not necessarily permanent, but that constitutes serious bodily disfigurement or that seriously impairs the functioning of a body organ or limb. The term would include one or more of the following:

- Loss of a limb or use of a limb.
- Loss of a hand, foot, finger, or thumb or use of a hand, foot, finger, or thumb.
- Loss of an eye or ear or use of an eye or ear.
- Loss or substantial impairment of a bodily function.
- Serious visible disfigurement.
- A comatose state that lasts for more than three days.
- Measurable brain damage or mental impairment.
- A skull fracture or other serious bone fracture.
- Subdural hemorrhage or hematoma.

The provisions described above would not prohibit an individual from being charged with, convicted of, or punished for a violation of any other law committed by the individual during the violation except for a violation of Section 626(4), which prescribes reckless driving penalties for a violation that caused the death of another individual.

The Code requires the SOS to record on an individual's driving record the date of a conviction or civil infraction determination and the associated number of points as prescribed by the Code. The bill would prescribe six points for a moving violation causing serious injury requiring inpatient treatment at a hospital or post-acute rehabilitation facility to a vulnerable roadway user or individual operating an implement of husbandry on a highway in compliance with the Code.

Under the Code, the SOS must revoke or deny issuance of an operator's or chauffeur's license under certain conditions, including any combination of two or more convictions within seven years of the following:

- A felony in which a motor vehicle was used.
- A violation or attempted violation in a work zone or school bus zone.
- A violation or attempted violation causing injury or death to a person operating an implement of husbandry on a highway in compliance with the Code.
- A violation or attempted violation of fleeing or eluding a visual or audible signal by a police or conservation officer to stop a motor vehicle or vessel.
- A violation or attempted violation that resulted in the death of another person while not stopping a motor vehicle or vessel for a visual or audible signal by a police or conservation officer.
- A violation or attempted violation for fleeing the scene of an accident.
- A violation or attempted violation of not exhibiting due care and caution while approaching or passing a stationary emergency vehicle causing injury or death to any response personnel.
- A violation or attempted violation of operating a motor vehicle without a license or with a revoked license resulting in injury or death to another individual.
- Negligent homicide, manslaughter, or murder resulting from the operation of a vehicle or an attempt to commit any of those crimes.

The bill would add to the list a violation or attempted violation causing serious injury requiring inpatient treatment at a hospital or post-acute rehabilitation facility to a vulnerable roadway user or individual operating an implement of husbandry on a highway in compliance with the Code.

MCL 257.303 et al. (S.B. 617)  
Proposed MCL 257.79g (S.B. 618)

Legislative Analyst: Eleni Lionas

## **FISCAL IMPACT**

### **Senate Bill 617**

The bill would have a negative fiscal impact on State and local government. New felony arrests and convictions under the bill could increase resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities; however, it is unknown how many people would be prosecuted under provisions of the bill. The average cost to State government for felony probation supervision is approximately \$4,600 per probationer per year. For any increase in prison intakes the average annual cost of housing a prisoner in a State correctional facility is an estimated \$48,700. Per diem rates range from \$100 to \$431 per day (average per diem is \$135), depending on the security level of the facility. Any associated increase in fine revenue would increase funding to public libraries.

### **Senate Bill 618**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Joe Carrasco, Jr.  
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.