



**House
Legislative
Analysis
Section**

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REQ. STOP FOR WHEELCHAIR

House Bill 4033 (Substitute H-1)
First Analysis (12-2-87)

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DEC 10 1987

Sponsor: Rep. Timothy L. Walberg
Committee: Transportation

Mich. State Law Library

THE APPARENT PROBLEM:

Since the "right turn on red" legislation was enacted there have been increasing accounts of disabled persons, particularly those with limited mobility, who have narrowly missed being injured or hit by motorists. Current law provides that vehicular traffic must yield the right of way to pedestrians lawfully within an adjacent crosswalk and that violators of the law are guilty of a civil infraction. In many areas, if a disabled person reports a violating motorist's license number to police, the police do not pursue the matter because the motorist would only be guilty of a civil infraction and the police feel that their time could be better spent investigating more serious crimes. Disabled persons are concerned that the police have no recourse to pursue the matter until someone is hurt. Therefore, they would like to see stiffer penalties imposed under the law.

THE CONTENT OF THE BILL:

The bill would amend the Michigan Vehicle Code to require a driver of a vehicle to take the necessary precautions to avoid accident or injury to a person using a wheelchair (or device to aid the person to walk) at any pedestrian crossing. A person who violated the bill would be guilty of a misdemeanor.

MCL 257.612

FISCAL IMPLICATIONS:

According to the Department of State Police, the bill has no fiscal implications. (12-1-87)

ARGUMENTS:

For:

Many times, when a person with limited mobility barely misses being hit by a vehicle the police do not pursue the matter because it would require a time commitment which would better be devoted to more serious crimes such as misdemeanors and felonies. However, when a vehicle swerves within inches of person with limited mobility, the person is endangered because of an inability to jump out of the way. The bill will give people with limited mobility extra protection by making violation of the law a misdemeanor instead of a civil infraction. It would serve as a deterrent to motorists because of the stiffer fines and the criminal record which accompany a misdemeanor. In addition, police might be more likely to pursue such cases if they were considered criminal offenses instead of civil infractions.

POSITIONS:

The Department of State Police supports the bill. (11-24-87)

The Handicapper Advocacy Alliance supports the bill. (12-1-87)

The Michigan State University Office of Programs for Handicapper Students supports the bill. (12-1-87)

H.B. 4033 (12-2-87)