

**SFA**

BILL ANALYSIS

Senate Fiscal Agency

Lansing, Michigan 48909

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**House Bill 4033 (Substitute S-1 as reported)****Sponsor: Representative Timothy L. Walberg****House Committee: Transportation****Senate Committee: State Affairs, Tourism, and Transportation****Date Completed: 3-15-88*****RATIONALE***

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. It is reported, however, that in many areas, if a disabled person reports a violating motorist's license number to the police, the police do not pursue the matter because the motorist would be guilty of only a civil infraction, and the police believe that their time could be better spent investigating more serious crimes. Disabled persons are concerned that the police will take no action until someone is hurt, and would like to see stiffer penalties imposed.

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Fiscal Analyst: B. Bowerman

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.

***CONTENT***

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

The bill would take effect July 31, 1988.

MCL 257.612

***SENATE COMMITTEE ACTION***

The Senate Committee adopted a substitute to add an effective date.

***FISCAL IMPACT***

The bill would have an indeterminate impact on State and local government. The number of people who would be prosecuted cannot be estimated; therefore, enforcement costs are not determinable.

***ARGUMENTS******Supporting Argument***

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 that could be devoted instead to misdemeanors and felonies. When a vehicle swerves within inches of a disabled person, however, the person is endangered because of the inability to jump out of the way. The bill would 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 that accompany a misdemeanor. In addition, the police might be more likely to pursue such cases if they were considered criminal offenses.

H.B. 4033 (3-15-88)