



**House
Legislative
Analysis
Section**

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**UPDATE FELONIOUS DRIVING
PROVISIONS**

**House Bill 4813 as introduced
First Analysis (5-31-01)**

**Sponsor: Rep. Ruth Johnson
Committee: Criminal Justice**

THE APPARENT PROBLEM:

Currently, Public Act 214 of 1931 makes it a felony to drive a vehicle upon a highway carelessly and heedlessly in willful and wanton disregard of the rights or safety of others if such driving endangers other persons or property or results in a crippling injury to another person. House Bill 4596, which recently was reported from the House Criminal Justice Committee, would repeal Public Act 214 and place a similar provision within the Michigan Vehicle Code. In addition, House Bill 4596 would expand the prohibition on felonious driving to include reckless driving in a parking lot. (For more information, see the House Legislative Analysis Section's analysis of House Bills 4596 and 4597 dated 5-16-01.)

Public Act 214 also requires the secretary of state to suspend the operator's or chauffeur's license of a person convicted of felonious driving as provided in Section 319 of the Michigan Vehicle Code. However, if House Bill 4596 were enacted, this provision of Public Act 214 would be repealed. As Section 319(2)(c) of the vehicle code requires the license suspension in response to a violation of Section 1 of Public Act 214, it is necessary to amend the vehicle code to instead refer to the new felonious driving provisions that would be placed in the code if House Bill 4596 were enacted.

THE CONTENT OF THE BILL:

House Bill 4813 is a companion bill to House Bill 4596, which would repeal Public Act 214 of 1931 (which prohibits felonious driving), and place a similar provision within the Michigan Vehicle Code. Currently, the vehicle code requires the secretary of state to suspend a person's driver's license for one year for a violation of Section 1 of Public Act 214. House Bill 4813 would amend this provision of the code to instead refer to a violation of Section 626c, which would be placed in the code by House Bill 4596. House Bill 4813 would also make several technical corrections to references within the code necessitated by recent legislative action.

House Bill 4813 would take effect January 1, 2002. The bill is tie-barred to House Bill 4596.

MCL 257.319 and 257.732

FISCAL IMPLICATIONS:

Fiscal information is not available.

ARGUMENTS:

For:

The bill would make only technical corrections to citations contained in the Michigan Vehicle Code. The proposed changes would incorporate changes to citations necessitated by other recently enacted legislation and the anticipated enactment of House Bill 4596, which would place a prohibition against felonious driving within the vehicle code. For instance, the bill would eliminate references to Public Act 214 of 1931 (the current statutory prohibition on felonious driving) and Section 653a of the code (which governs how to lawfully pass stationary emergency vehicles) from a provision that requires a court to forward abstracts of court records involving various convictions or civil infraction determinations to the secretary of state. These references are not needed because under the vehicle code, a court is already obligated to prepare and forward a court abstract to the secretary of state upon a charge of or citation for violating the code or a substantially similar local ordinance.

POSITIONS:

The Department of State Police supports the bill. (5-30-01)

Analyst: S. Stutzky

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House Bill 4813 (5-31-01)