



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 5820 (Substitute H-1 as reported with amendment)
Sponsor: Representative Alexander C. Lipsey
House Committee: Criminal Justice
Senate Committee: Judiciary

Date Completed: 7-9-04

RATIONALE

Under the Michigan Vehicle Code, reckless driving is punishable by imprisonment for up to 90 days and/or a maximum fine of \$100. This penalty has been in place since 1957. Some people believe that the penalty is too low, particularly since local units of government may not impose a punishment that is more severe than the sanction under the Vehicle Code. It also has been suggested that the criminal penalty for reckless driving is out of proportion to the administrative sanctions of six points on the violator's driving record and a 90-day license suspension.

CONTENT

The bill would amend the Michigan Vehicle Code to increase the maximum penalty for reckless driving.

Under the Code, a person who drives a vehicle upon a highway or a frozen public lake, stream, or pond or other place open to the general public, including an area designated for parking, in willful or wanton disregard for the safety of people or property is guilty of reckless driving, which is punishable by up to 90 days' imprisonment, a maximum fine of \$100, or both. The bill would identify a violation as a misdemeanor and raise the maximum fine to \$500 and the term of imprisonment to 93 days.

MCL 257.626

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Local units of government generally have the authority to impose a penalty of imprisonment for up to 90 days and/or a fine of up to \$500 for the violation of an ordinance. Local units also may provide that an ordinance violation is punishable by imprisonment for up to 93 days if the violation substantially corresponds to a violation of State law that is a misdemeanor for which the maximum period of imprisonment is 93 days (e.g., MCL 117.4i). The Michigan Vehicle Code states, however, "A local law...that imposes a criminal penalty or civil sanction in excess of that prescribed in this act, is in conflict with this act and is void to the extent of the conflict" (MCL 257.605). Therefore, even if a city, township, or village ordinance prescribed a punishment of 90 days' imprisonment and/or \$500 for reckless driving, a court could not impose a fine over \$100 because that is the maximum allowed under the Vehicle Code for reckless driving. The current penalty has been in place for nearly 50 years and does not reflect the seriousness of the offense—which is reflected, however, in the six points recorded on a violator's record and the 90-day license suspension.

By raising the maximum penalty for reckless driving under the State law to 93 days and/or \$500, the bill would enable local units of government to enact and impose an ordinance with the same punishment. The increased penalty would put more teeth into the law and perhaps result in more prosecutions, especially at the local level. In

addition, the 93-day term means that a law enforcement agency would have to fingerprint a person arrested for reckless driving in violation of the Vehicle Code or, if a local unit enacted that penalty, in violation of the local ordinance. This could lead to better tracking of repeat offenders and the identification of offenders who have outstanding warrants for other crimes.

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would have no fiscal impact on the State. Local units would incur any additional probation and incarceration costs while public libraries would benefit from additional penal fine revenue.

Fiscal Analyst: Bethany Wicksall

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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.