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BILL ANALYSIS



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House Bill 4210 (as passed by the House)  
Sponsor: Representative John Stakoe  
House Committee: Judiciary  
Senate Committee: Judiciary

Date Completed: 3-8-05

### **CONTENT**

**The bill would amend provisions of the Michigan Vehicle Code relating to a driver's failure to stop at the scene of an accident, to do all of the following:**

- Delete references to the driver's knowledge or belief that the accident resulted in death, serious impairment of a body function, injury, or vehicle damage.**
- Allow a driver, instead of stopping at the scene, to report the accident immediately to a police agency or officer, if the driver reasonably believed that remaining would result in further harm.**
- Reduce the maximum fine for failing to stop at the scene of an accident that caused only damage to another vehicle.**

#### Failure to Stop

Under the Code, a driver who knows or has reason to believe that he or she has been involved in an accident resulting in serious impairment or death of a person must stop immediately at the scene of the accident and remain there until the requirements of Section 619 are fulfilled. Similarly, a driver who knows or has reason to believe that he or she has been involved in an accident resulting in injury, or resulting only in damage to a vehicle driven or attended by any person, must immediately stop at the scene and remain there until the requirements of Section 619 are fulfilled. (Section 619 requires the driver to give his or her name and address and the vehicle's registration number, and show his or her driver's license, to a police officer, the person struck, or the driver or occupants of a vehicle that is hit, and to assist an injured person in securing medical aid or transportation.)

Under the bill, the driver of a vehicle who knew or had reason to believe that he or she had been involved in an accident would have to stop immediately at the scene and remain there until fulfilling the requirements of Section 619. If there were a reasonable and honest belief that remaining at the scene would result in further harm, however, the driver could report the accident immediately to the nearest or most convenient police agency or officer to fulfill the provision-of-information requirements of Section 619.

#### Penalties

Currently, if an accident results only in damage to a vehicle operated or attended by an individual, a driver who fails to stop is guilty of a misdemeanor with no specified penalty. (Under the Michigan Penal Code, a misdemeanor for which no other penalty is prescribed is punishable by up to 90 days' imprisonment and/or a maximum fine of \$500 (MCL

750.504).) The bill would prescribe a penalty of up to 90 days' imprisonment and/or a maximum fine of \$100.

The bill would retain the penalties for violations that involve death, serious impairment, or injury. A violation that involves death or serious impairment is a felony punishable by up to five years' imprisonment and/or a maximum fine of \$5,000; if the accident is caused by the person who fails to stop and results in the death of another person, however, the felony is punishable by up to 15 years' imprisonment and/or a maximum fine of \$10,000. A violation that involves injury to a person is a misdemeanor punishable by up to one year's imprisonment and/or a maximum fine of \$1,000.

MCL 257.617-257.619

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bills would have an indeterminate fiscal impact on State and local government. According to the Department of Corrections Statistical Report, in 2002 there were 51 offenders convicted of failing to stop at an accident. Of those, 24 offenders received prison sentences, three received jail sentences, and 24 received probation or some other sentence. There are no data to indicate how many additional offenders would be convicted due to the proposed amendments. Local units incur the costs of misdemeanor probation and incarceration in local facilities, which vary by county. The State incurs the cost of felony probation at an average annual cost of \$2,000, as well as the cost of incarceration in a State facility at an average annual cost of \$28,000.

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.