

# Legislative Analysis

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## **PENALTIES FOR INJURING VULNERABLE ROAD USER (PEDESTRIANS, BICYCLISTS, INLINE SKATERS, ETC.)**

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### **House Bill 4958**

**Sponsor: Rep. Marty Knollenberg**

### **House Bill 4959**

**Sponsor: Rep. Gabe Leland**

**Committee: Transportation**

**Complete to 6-10-09**

## **A SUMMARY OF HOUSE BILLS 4958 AND 4959 AS INTRODUCED 5-19-09**

House Bills 4958 and 4959 would impose criminal penalties on those who commit a moving violation while operating a motor vehicle and as a result cause injury or death to a "vulnerable roadway user" on a highway.

The term "vulnerable roadway user" refers to a pedestrian or a person on a "nonmotorized transportation device," such as a bicycle, skateboard, roller skates, or inline skates. The penalties would apply when the vulnerable roadway user was complying with traffic laws.

Causing injury would be a misdemeanor punishable by imprisonment for not more than one year and/or a fine of up to \$1,000.

Causing death would be a felony punishable by imprisonment for not more than 15 years and/or a fine of up to \$7,500.

House Bill 4958 would amend the Michigan Vehicle Code (MCL 257.601e), and would specify that the new provisions would not prohibit a person being charged with or convicted of other violations arising out of the same incident. It also would allow a court to order a prison term to be served consecutively to a term imposed for a related violation.

House Bill 4959 would amend the Code of Criminal Procedure to put the new felony into statutory sentencing guidelines as a Class C felony against a person with a 15-year maximum sentence. (MCL 777.12e)

### **FISCAL IMPACT:**

The bills' fiscal impact would depend on how they affected the numbers of misdemeanor and felony convictions and the sanctions imposed; there are no data to indicate how many offenders might be convicted under the bills. Increases in the numbers of misdemeanor convictions could increase local costs of jail incarceration and misdemeanor probation,

both of which vary by jurisdiction. Increases in the numbers of felony convictions could increase state and local costs, depending on whether an offender was sentenced to prison, jail, probation, or some combination of jail and probation. Costs of felony probation supervision are borne by the state; field supervision of probationers and parolees averages about \$2,100 per supervised offender per year. Costs of prison incarceration average about \$33,000 per prisoner per year. Any increase in penal fine collections could benefit local libraries, which are the constitutionally-designated recipients of such revenues.

The felony offense to be created by the bills would be a Class C offense. Exclusive of sentences for habitual offenders, the guidelines-recommended minimum sentence for a Class C offense varies from 0-11 months, for which a local sanction is required, to 62-114 months, for which a prison sentence is required.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.