

Legislative Analysis



PENALTIES FOR CAUSING INJURY OR DEATH TO A VULNERABLE ROAD USER

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House Bill 4958 (Substitute H-1)
Sponsor: Rep. Marty Knollenberg

House Bill 4959 (Substitute H-1)
Sponsor: Rep. Gabe Leland
Committee: Transportation

Complete to 11-9-10

A SUMMARY OF HOUSE BILL 4958 AND 4959 AS REPORTED FROM COMMITTEE 9-22-10

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 or wheelchair. The penalties would apply when the vulnerable roadway user was complying with traffic laws.

House Bill 4958 would amend the Michigan Vehicle Code (MCL 257.601e), to specify the following:

** A person who engages in reckless driving and causes death to a vulnerable roadway user on a highway is guilty of a felony punishable by imprisonment for up to 15 years or a fine of not more than \$10,000, or both.

** A person who commits a moving violation and as a result causes death to a vulnerable roadway user on a highway (when the roadway user is complying with the Vehicle Code) is guilty of a misdemeanor punishable by imprisonment for not more than one year or a fine of not more than \$2,000, or both.

** A person who commits a moving violation and as a result causes injury to a vulnerable roadway user on a highway (when the roadway user is complying with the Vehicle Code) is guilty of a misdemeanor punishable by imprisonment for not more than 180 days or a fine of not more than \$1,000, or both.

The bill would also 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, reckless driving causing death to a vulnerable roadway user, against a person with a 15-year maximum sentence. (MCL 777.12e)

The full definition of "nonmotorized transportation device" is a device in which a person or property is transported or drawn on a highway by human power, that is not designed to be operated by motor, and that is regulated under the Vehicle Code. It includes a cycle with one or more wheels, including bicycles, and a wheelchair.

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.