



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

BILL ANALYSIS



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

House Bill 4160 (Substitute H-4 as passed by the House)
Sponsor: Representative Shane Hernandez
House Committee: Transportation and Infrastructure
Senate Committee: Transportation

Date Completed: 6-7-17

CONTENT

The bill would amend the Michigan Vehicle Code to do the following:

- **Allow a person to solicit contributions on behalf of a charitable or civic organization during daylight hours on a public street or roadway under certain circumstances.**
- **Specify that a local authority that had jurisdiction over a roadway on which solicitation occurred would not be liable for any claim for damages arising out of the use of the roadway.**
- **Allow a local authority to enact or enforce an ordinance that prohibited the soliciting activity described in the bill.**

Under the Code, a person, without authority, may not block, obstruct, impede, or otherwise interfere with the normal flow of vehicular or pedestrian traffic upon a public street or highway in the State, by means of a barricade, object, or device, or with his or her own person. A person who violates this provision is responsible for a civil infraction.

Under the bill, the provision described above and any provision of the Michigan Administrative Code that prohibits a person from standing in a roadway other than a limited access highway for the purpose of soliciting a ride, employment, or business from the occupant of any vehicle would not apply to a person who solicited contributions on behalf of a charitable or civic organization during daylight hours, if all of the following were satisfied:

- The organization complied with applicable local regulations.
- The organization maintained at least \$500,000 in liability insurance.
- The person was 18 years of age or older.
- The person was wearing high-visibility safety apparel that met current American standards promulgated by the International Safety Equipment Association.
- The portion of the roadway upon which the solicitation occurred was not a work zone and was within an intersection where traffic control devices were present.

"Charitable or civic organization" would mean a nonprofit organization that is recognized by the State or the United States government.

(Part 7 (Pedestrians' Rights and Duties) of the Uniform Traffic Code for Cities, Townships, and Villages prohibits a person from standing in a roadway for the purpose of soliciting a ride, employment, or business from the occupant of any vehicle, and specifies that a person is responsible for a civil infraction for violating this provision.)

The bill would take effect 90 days after its enactment.

MCL 257.676b

Legislative Analyst: Drew Krogulecki

FISCAL IMPACT

The bill would have no fiscal impact on the State and an indeterminate fiscal impact on local government. Any local authority that did not enact an ordinance to prohibit the activity described in the bill would possibly forego civil infraction revenue it otherwise would have collected through enforcement of the Uniform Traffic Code. Any associated decrease in fine revenue would reduce funding to public libraries. Local governments also could potentially avoid the loss of revenue from lawsuits directed at municipalities due to injury of solicitors.

Fiscal Analyst: Ryan Bergan

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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.