

Legislative Analysis



VULNERABLE TRANSPORTATION DEVICES AND USERS

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

Senate Bill 617 (S-2) as passed by the Senate
Sponsor: Sen. Sean McCann

Analysis available at
<http://www.legislature.mi.gov>

Senate Bill 618 (S-1) as passed by the Senate
Sponsor: Sen. Veronica Klinefelt

House Bill 5223 (H-1) as passed by the House
Sponsor: Rep. Julie M. Rogers

House Bill 5224 (H-1) as passed by the House
Sponsor: Rep. Bill G. Schuette

House Committee: Transportation, Mobility and Infrastructure
Senate Committee: Civil Rights, Judiciary, and Public Safety (SBs 617 and 618)
Committee of the Whole (HBs 5223 and 5224)

Revised 11-12-24

SUMMARY:

The bills would provide penalties for moving violations that injure a *vulnerable roadway user* (SB 617); define a *vulnerable roadway user* to include, among other things, a person using a *vulnerable transportation device* (SB 618); define a *vulnerable transportation device* (HB 5223); and add the new felonies proposed by SB 617 to the sentencing guidelines (HB 5224).

Senate Bill 617 would amend the Michigan Vehicle Code to provide all of the following:

- An individual who commits a moving violation and as a result causes injury to either of the following is guilty of a misdemeanor punishable by imprisonment for up to one year or a fine of up to \$1,000, or both:
 - An individual properly operating an implement of husbandry on a highway.
 - A *vulnerable roadway user* (as defined in SB 618).
- An individual who commits a moving violation and as a result causes a serious injury requiring inpatient treatment at a hospital or post-acute rehabilitation facility to either of the following is guilty of a felony punishable by imprisonment for up to five years or a fine of up to \$5,000 or both:
 - An individual properly operating an implement of husbandry on a highway.
 - A vulnerable roadway user.
- An individual who commits a moving violation and as a result causes death to either of the following is guilty of a felony punishable by imprisonment for up to 15 years or a fine of up to \$7,500 or both:
 - An individual properly operating an implement of husbandry on a highway.
 - A vulnerable roadway user.

For accidents involving vulnerable roadway users, all of the above provisions would be newly added by the bill. For accidents involving operators of implements of husbandry, the bill would add the above penalties for a moving violation causing serious injury. A moving violation causing injury or death to an individual properly operating an implement of husbandry on a highway is already an offense under the code with the penalties described above.

However, these provisions of the code now apply only to moving violations that have *criminal* penalties (i.e., misdemeanors or felonies). Under the bill, the above provisions would apply to *any* moving violations. This would newly include all moving violations that are *civil* infractions subject to a fine.¹

Points

Each of the three violations described above (injury, serious injury, or death) would result in six points on the driver's record. (This is the same number of points as currently assessed for a violation related to an implement of husbandry that causes injury or death.)

License suspensions or revocations

Each of the three violations (including attempted violations) would be included in a list of violations for which a person's license must be revoked if they have two convictions in a seven-year period. (This now applies to violations or attempted violations related to an implement of husbandry that cause injury or death.)

A single conviction for a violation described above that causes death would result in license revocation. (This now applies to a single conviction for a violation related to an implement of husbandry that causes death.)

The bill does not include a license suspension or revocation provision that would apply to a single conviction for a violation that causes serious injury.

A single conviction for a violation described above that causes injury would result in a 90-day license suspension. (This now applies to a single conviction for a violation related to an implement of husbandry that causes injury.)

Preemption

Finally, the bill would provide that the above provisions do not prohibit an individual from being charged with, convicted of, or punished for a violation of any other law they committed while violating the above provisions—*except that* a person could not be charged with, convicted of, or punished for the crime of reckless driving causing the death of another person if it was committed while violating the above provisions.

MCL 257.303, 257.320a, and MCL 257.601c

Senate Bill 618 would amend the Michigan Vehicle Code to define *vulnerable roadway user* (as used in SB 617) to mean any of the following:

- A pedestrian.
- An individual using roller skates or inline skates.
- An individual using a nonmotorized scooter.
- An individual using a nonmotorized skateboard.
- An individual using a wheelchair.

¹ For purposes of the bill, *moving violation* means an act or omission prohibited under the code or a local ordinance substantially corresponding to the code that occurs while and individual is operating a motor vehicle and for which the individual is subject to a fine.

- An individual riding a horse, pony, donkey, mule, or hinny or driving or riding in or on a carriage drawn by one of those animals.
- An individual operating or riding a *vulnerable transportation device* (as defined in HB 5223) in compliance with the code.
- A United States Postal Service employee or contractor operating a vehicle on that individual's rural postal route in the course of delivering mail or parcels.

Proposed MCL 257.79g

House Bill 5223 would amend the Michigan Vehicle Code to define *vulnerable transportation device* (as used in SB 618) to mean a device in, on, or by which an individual is or may be transported or drawn on a highway or street, either by human power or by an electrical propulsion system with a power of up to 750 watts or one horsepower and a maximum speed on a paved level surface of up to 30 miles per hour. The term would include at least all of the following as defined in the code:

- An electric personal assistive mobility device.
- An electric bicycle.
- An electric skateboard.
- A bicycle.

Proposed MCL 257.79h

House Bill 5224 would amend the sentencing guidelines in the Code of Criminal Procedure. Under the bill, a moving violation causing serious injury to the operator of an implement of husbandry or a vulnerable roadway user would be a class E violation against a person with a maximum term of imprisonment of five years. A moving violation causing death to the operator of an implement of husbandry would be (as currently) a class C violation against a person with a maximum term of imprisonment of 15 years. A moving violation causing death to a vulnerable roadway user would be a class D violation against a person with a maximum term of imprisonment of 10 years.²

MCL 777.12e

Each of these four bills would take effect 90 days after being enacted, and none could take effect unless all four were enacted.

FISCAL IMPACT:

Senate Bill 617 would have an indeterminate fiscal impact on the state and on local units of government. The number of convictions that would result under provisions of the bill is not known. Violations could be either misdemeanors or felonies, depending on the circumstances. New misdemeanor convictions would increase costs related to county jails, local misdemeanor probation supervision, or both. Costs of local incarceration in county jails and local misdemeanor probation supervision, and how those costs are financed, vary by jurisdiction. New felony convictions would result in increased costs related to state prisons and state

² This HB 5224 (H-1) as passed by the House. With regard to a violation causing death of a vulnerable roadway user, these amendments do not match those proposed by SB 617 (S-2) as passed by the Senate.

probation supervision. In fiscal year 2023, the average cost of prison incarceration in a state facility was roughly \$48,700 per prisoner, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about \$5,400 per supervised offender in the same year. Those costs are financed with state general fund/general purpose revenue. The fiscal impact on local court systems would depend on how provisions of the bill affected court caseloads and related administrative costs. It is difficult to project the actual fiscal impact to courts due to variables such as law enforcement practices, prosecutorial practices, judicial discretion, case types, and complexity of cases. Any increase in penal fine revenue would increase funding for public and county law libraries, which are the constitutionally designated recipients of those revenues.

Senate Bill 618 and House Bills 5223 and 5224 would have no fiscal impact on state or local government.

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