Legislative Analysis

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VULNERABLE TRANSPORTATION DEVICES AND USERS

House Bill 4334 as introduced
Sponsor: Rep. Julie Rogers

Senate Bill 217 as passed by the Senate
Sponsor: Sen. Thomas A. Albert

House Committee: Judiciary
Senate Committee: Civil Rights, Judiciary, and Public Safety
Complete to 9-22-26

SUMMARY:

The Michigan Vehicle Code defines a ***moving violation*** as an act or omission prohibited under the code or a substantially similar local ordinance that occurs while a person is operating a motor vehicle and for which the person is subject to a fine. House Bill 4334 would provide for new penalties and modify existing penalties related to moving violations that result in injury to or the death of certain individuals. Senate Bill 217 would add the new felonies proposed by House Bill 4334 to the sentencing guidelines.

House Bill 4334 would amend the Michigan Vehicle Code to provide for 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, a fine of up to $1,000, 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 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, 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 a vulnerable roadway user is guilty of a felony punishable by imprisonment for up to 10 years, a fine of up to $7,500, or both.[1]

For moving violations involving vulnerable roadway users, all of the above provisions would be added by the bill. For moving violations involving operators of implements of husbandry, the bill would add the above penalties for a violation that results in serious injury. In addition, these provisions of the code currently 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, including those that are *civil* infractions subject only to a fine.

[1] A similar provision already exists for moving violations that result in the death of an operator of an implement of husbandry on a highway in compliance with the code, for which an individual is guilty of a class C person felony punishable by imprisonment for up to 15 years, a fine of up to $7,500, or both. This provision would be retained under the bill.

Vulnerable roadway user would mean any of the following:

- A pedestrian.
- An individual using any of the following:
  - Roller skates.
  - Inline skates.
  - A nonmotorized scooter.
  - A nonmotorized skateboard.
  - A wheelchair.
- An individual riding an *equine* (a horse, pony, donkey, mule, or hinny) or driving or riding an equine-drawn carriage.
- An individual operating or riding a ***vulnerable transportation device***.
- 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.

Vulnerable transportation device would mean a device in, on, or by which an individual is or may be transported or drawn on a highway or street by human power, or by an electrical propulsion system with a power of not greater than 750 watts or one horsepower and a maximum speed on a paved level surface of not more than 30 miles per hour. This includes, but is not limited to, an electric personal assistive mobility device,[2] an electric bicycle,[3] an electric skateboard,[4] or a bicycle.[5]

Serious injury would mean that term as defined in section 602a of the code.[6]

Hospital would mean that term as defined in section 20106 of the Public Health Code.[7]

Points

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

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 driver's license must be revoked if they have two convictions in a seven-year period. (This currently applies to violations or attempted violations that cause injury or death to an operator of an implement of husbandry.)

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

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 to either a vulnerable roadway user or an operator of an implement of husbandry.

[2] https://www.legislature.mi.gov/Laws/MCL?objectName=mcl-257-13c
[3] https://www.legislature.mi.gov/Laws/MCL?objectName=mcl-257-13e
[4] https://www.legislature.mi.gov/Laws/MCL?objectName=mcl-257-13f
[5] https://www.legislature.mi.gov/Laws/MCL?objectName=mcl-257-4
[6] https://www.legislature.mi.gov/Laws/MCL?objectName=mcl-257-602a
[7] https://www.legislature.mi.gov/Laws/MCL?objectName=MCL-333-20106

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

Passing stationary vehicles

Section 653a of the code currently requires the driver of a vehicle to exercise due care and caution (slowing, moving over a lane if possible) when approaching a stationary emergency vehicle with its flashing red, blue, white, or amber lights on.[8] A person who violates these provisions is responsible for a civil infraction and must pay a $400 civil fine. (There are criminal penalties if the violation causes the injury or death of a police officer, a firefighter, or emergency response personnel.)

Similarly, section 653b of the code requires the driver of a vehicle to exercise due care and caution when passing certain stationary nonemergency vehicles (utility vehicles, garbage trucks, road maintenance vehicles) that have their flashing amber lights on. Violation of these provisions is a misdemeanor punishable by imprisonment for up to 90 days, a fine of up to $100, or both.

The bill would extend the scope of section 653a to apply to passing any stationary vehicles (emergency or nonemergency) that have, and are using, flashing red, blue, white, or amber lights. Section 653a, and its sanctions and penalties, would thus under the bill apply to the vehicles (utility, garbage, road maintenance) that are currently addressed by section 653b. The bill would accordingly repeal section 653b.

The bill also would extend the scope of section 653a to newly apply to drivers approaching either of the following:

- A stationary vehicle using its flashing green lights (e.g., a snowplow).
- A stationary vehicle with its hazard lights on.

Under the bill, a person who fails to exercise due care and caution in violation of section 653a would generally be responsible for a civil infraction and have to pay a civil fine of $400. However, under the bill, if the applicable stationary vehicle is an authorized emergency vehicle with a police officer, firefighter, or other emergency response personnel present, a person who fails to exercise due care and caution would be responsible for a civil infraction and would have to pay a civil fine of $750. The bill would retain the existing criminal penalties for violations that cause injury or death as described above.

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 who committed a moving violation 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 relevant provisions above.

MCL 257.303, 257.320a, 257.601c, and 257.653a and proposed MCL 257.79g and 257.79h

[8] https://www.legislature.mi.gov/Laws/MCL?objectName=mcl-257-653a

Senate Bill 217 would add the felonies proposed in House Bill 4334 to the sentencing guidelines in chapter XVII of the Code of Criminal Procedure.

MCL 777.12e

Each bill would take effect 90 days after being enacted. Neither bill can take effect unless the other bill is also enacted.

BACKGROUND:

House Bill 4334 is a modified version of Senate Bill 216 of the current legislative session, which was passed by the Senate, and Senate Bill 217 is similar to House Bill 4335 of the current session. In addition, House Bill 4334 is similar to Senate Bills 617 and 618 and House Bill 5223 of the 2023-24 legislative session, taken together, and Senate Bill 217 is a reintroduction of House Bill 5224 of the 2023-24 legislative session.

FISCAL IMPACT:

House Bill 4334 would have an indeterminate fiscal impact on the state and on local units of government. Under the bill, individuals committing moving violations that result in injury, serious injury requiring inpatient treatment, or death to a vulnerable roadway user or an individual operating an implement of husbandry on a highway would be guilty of either a misdemeanor or a felony, depending on the circumstances. Also under the bill, individuals approaching and passing stationary vehicles that are authorized emergency vehicles with police officers, firefighters, or other emergency response personnel must exercise care and caution and abide by speed limits and distance requirements. Failing to do so would result in civil infractions for which civil fines would be ordered.

Misdemeanor convictions would increase costs related to county jails or local misdemeanor probation supervision. Costs of local incarceration in county jails and local misdemeanor probation supervision, and how those costs are financed, vary by jurisdiction. Felony convictions would result in increased costs related to state prisons and state parole and felony probation supervision. In fiscal year 2024, the average cost of prison incarceration in a state facility was roughly $46,200 per prisoner, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about $5,500 per supervised offender in the same year. Those costs are financed with state general fund/general purpose revenue. Any increase in penal fine revenue would increase funding for public and county law libraries, which are the constitutionally designated recipients of those revenues. Revenue collected from payment of civil fines is also used to support public and county law libraries. Under section 8827(4) of the Revised Judicature Act, $10 of the civil fine would be required to be deposited into the state's Justice System Fund, which supports various justice-related endeavors in the judicial branch and legislative branches of government and the Departments of State Police, Corrections, Health and Human Services, and Treasury.

The fiscal impact on local court systems would depend on how provisions of the bill affected court caseloads and related administrative costs. Because there is no practical way to determine the number of violations that would occur under provisions of the bill, an estimate of the amount of costs related to county jails and/or state prisons, amount of additional revenue the state would collect, amount of revenue for libraries, or costs to local courts cannot be made.

Senate Bill 217 is a companion bill to House Bill 4334 and would amend the sentencing guidelines chapter of the Code of Criminal Procedure to include the proposed new felonies of moving violation causing serious injury to vulnerable roadway user or operator of implement of husbandry and moving violation of causing death to operator of implement of husbandry. These would be classified as Class E and Class C felonies against a person, respectively, and would be punishable by a statutory maximum of five years and 15 years, respectively. Also under the bill, the sentencing guideline for a moving violation causing death to a vulnerable roadway user would be revised. It would be classified as a Class D felony punishable by a statutory maximum of 10 years. Senate Bill 217 would not have a direct fiscal impact on the state or on local units of 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.