

MICHIGAN VEHICLE CODE (EXCERPT)
Act 300 of 1949

257.618a Vehicle accident; removal from main traveled portion of roadway or streetcar track; conditions; violation of subsection (1) as civil infraction; removal by law enforcement agency, public agency, or department; liability; "gross negligence" defined; reimbursement.

Sec. 618a.

(1) Unless the operator of a motor vehicle involved in an accident knows or reasonably should know that serious impairment of a bodily function or death has resulted from the accident, the operator or any other occupant of the motor vehicle who possesses a valid driver license shall remove the motor vehicle from the main traveled portion of the roadway into a safe refuge on the shoulder, emergency lane, or median or to a place otherwise removed from the roadway, and, if the motor vehicle is located in a place that would block, delay, or otherwise interfere with the movement of a streetcar on a streetcar track, away from the streetcar track, if both of the following apply:

(a) Moving the motor vehicle may be done safely.

(b) The motor vehicle is capable of being normally and safely operated and can be operated under its own power in its customary manner without further damage or hazard to the traffic elements or to the roadway.

(2) A person who violates subsection (1) is responsible for a civil infraction.

(3) The operator or any other person who removes a motor vehicle from the main traveled portion of the roadway as provided in this section before the arrival of a police officer is not prima facie at fault regarding the cause of the traffic accident solely by reason of moving the motor vehicle as provided in this section.

(4) The decision of the operator or any other person to remove or not to remove a motor vehicle from the main traveled portion of the roadway as provided in this section is not admissible in a civil action as evidence that a serious impairment of bodily function has or has not resulted from the accident.

(5) A law enforcement agency or police officer may, without the consent of the owner or operator and with the assistance of the state transportation department, other road agencies, fire department, emergency management, other local public safety agencies, street railway, or towing or recovery companies under the direction of any of those entities remove and dispose of motor vehicles and cargoes of vehicles involved in accidents, including any personal property, from the main traveled portion of a roadway and the right-of-way if the vehicle, cargo, or personal property is blocking the roadway or right-of-way or may otherwise endanger public safety, or from the streetcar track if the motor vehicle, cargo, or personal property is blocking the streetcar track or may delay or interfere with the movement of a streetcar on a streetcar track.

(6) Except as otherwise provided in this subsection, an entity that moves a motor vehicle, cargo, or personal property as described in subsection (5), and any of the entity's officers, employees, or agents, or anyone acting in good faith under, and within the scope of, the authority conferred under subsection (5), is not liable for any damages or claims that may arise from the exercise or the failure to exercise any authority granted under subsection (5). This subsection does not apply to the transport of a motor vehicle from the scene of an accident, or if the conduct of the individual acting under the authority conferred under subsection (5) constitutes gross negligence. As used in this subsection, "gross negligence" means that term as defined in section 606a.

(7) The owner or carrier, if any, of a motor vehicle, cargo, or personal property removed or disposed of under subsection (5) shall reimburse the public agency, departments, street railway, and towing companies, if any, for all documented reasonable costs incurred in that removal and disposal.

History: Add. 2010, Act 10, Imd. Eff. Mar. 8, 2010 ;-- Am. 2014, Act 303, Eff. Jan. 7, 2015 ;-- Am. 2021, Act 43, Imd. Eff. July 1, 2021