

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



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 5549 (Substitute S-1 as reported)
Sponsor: Representative Valde Garcia
House Committee: Transportation
Senate Committee: Transportation and Tourism

CONTENT

The bill would amend the Michigan Vehicle Code to establish requirements for drivers approaching and passing a stationary emergency vehicle with lights flashing a visual signal. A violation would be a misdemeanor punishable by a \$500 maximum fine and/or up to 90 days' imprisonment. If a violator injured a police officer, fire fighter, or other emergency personnel, the violation would be a felony punishable by a maximum fine of \$1,000 and/or imprisonment for up to two years. If a violator killed a police officer, fire fighter, or emergency personnel, the maximum fine would be \$7,500 and the maximum term would be 15 years, unless the violator was impaired by or under the influence of alcohol and/or drugs, in which case the offense would be punishable by imprisonment for life or any term of years.

Under the bill, on any public road with at least two adjacent lanes proceeding in the direction of the stationary emergency vehicle, the driver of an approaching vehicle would have to exhibit due care and caution by moving into a lane at least one moving lane or two vehicle widths apart from the emergency vehicle. If a public road did not have at least two adjacent lanes proceeding in the same direction as the stationary emergency vehicle, or if the driver could not move as prescribed because of weather, road conditions, or vehicular or pedestrian traffic in parallel moving lanes, the approaching vehicle would have to reduce and maintain a safe speed and proceed with due care and caution, or as directed by a police officer.

Proposed MCL 257.653a

Legislative Analyst: L. Arasim

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. There are no data available to indicate how many people could be convicted of not properly passing a stationary emergency vehicle. A violation would result in a misdemeanor charge for which local units of government would incur the costs of incarceration or receive the fine revenue.

However, if the offender harmed or killed emergency personnel, the offense would be a felony with increasingly longer maximum penalties. Given that there are no data to indicate the minimum penalty, if one assumed that five people a year would be convicted of each of these offenses and that they would be committed to and serve a prison term equal to two-thirds of the maximum sentence, then the cost of incarceration for the State would be \$4 million.

Additionally, if an offender killed emergency personnel while intoxicated, the maximum penalty would be life. Assuming that a life sentence is equal to 25 years of incarceration, the cost of incarceration for the State would be \$550,000 per offender convicted of this offense and sentenced to a life term.

Date Completed: 9-28-00

Fiscal Analyst: K. Firestone