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SFA**BILL ANALYSIS**

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House Bill 5549 (Substitute H-2 as passed by the House)
Sponsor: Representative Valde Garcia
House Committee: Transportation
Senate Committee: Transportation and Tourism

Date Completed: 9-25-00

CONTENT

The bill would amend the Michigan Vehicle Code to establish requirements for drivers approaching and passing a stationary emergency vehicle under certain conditions; and establish a misdemeanor penalty for a violation of the bill, as well as felony penalties for violations that injured or killed a police officer, fire fighter, or other emergency personnel.

Driving Requirements

The bill provides that, upon approaching and passing a stationary authorized emergency vehicle that was giving a visual signal by means of flashing, rotating, or oscillating red, blue, or white lights as permitted under the Code, the driver of an approaching vehicle would have to exhibit due care and caution, as described below.

On any public roadway with at least two adjacent lanes proceeding in the direction of the stationary authorized emergency vehicle, the driver of the approaching vehicle would have to proceed with caution and yield the right-of-way by moving into a lane at least one moving lane or two vehicle widths apart from the emergency vehicle, unless directed otherwise by a police officer. If movement to an adjacent lane or two vehicle widths apart were not possible due to weather, road conditions, or the immediate presence of vehicular or pedestrian traffic in parallel moving lanes, the driver would have to proceed as follows.

On any public roadway that did not have at least two adjacent lanes proceeding in the same direction as the stationary authorized emergency vehicle, or if the movement by the driver into an adjacent lane or two vehicle widths apart were not possible, as described above, the approaching vehicle would have to reduce and maintain a safe speed for weather, road conditions, and vehicular or pedestrian traffic and proceed with due care and caution, or as directed by a police officer.

Penalties

A person who violated the bill would be guilty of a misdemeanor.

A person who violated the bill and caused injury to a police officer, fire fighter, or other emergency response personnel in the immediate area of the stationary authorized emergency vehicle, would be guilty of a felony punishable by a fine of up to \$1,000 and/or imprisonment for up to two years.

A person who violated the bill and caused the death of a police officer, fire fighter, or other emergency response personnel in the immediate area of the stationary authorized emergency vehicle, would be guilty of a felony punishable by a fine of up to \$7,500 and/or imprisonment for up to 15 years. A person who violated the bill and caused the death of a police officer in the immediate area of the stationary authorized emergency vehicle, and was under the influence of, or impaired by, intoxicating liquor or a controlled substance at the time of the violation would be punishable by imprisonment for life or any term of years.

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, or killed a police officer while intoxicated, 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.

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