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CONSTRUCTION ZONE SPEED VIOLATION PENALTIES

House Bill 5021 as introduced
First Analysis (2-7-02)

Sponsor: Rep. Jason Allen
Committee: Transportation

THE APPARENT PROBLEM:

It is customary during the construction season, while traveling on Michigan's road system, to pass through active building and maintenance sites where drivers are warned by roadside signs to slow their speed. Generally the signs warn, too, that traffic fines assessed for violations of the speed laws and other safe driving provisions of the Michigan Vehicle Code are doubled when a violator commits them while driving in the construction zone.

The policy to assess double fines in construction zones has been in effect since 1996 when the Michigan legislature enacted Public Act 320, which raised the highway maximum speed limit to 70 miles per hour. When the legislature raised the maximum speeds in 1996, its members also cited the need to penalize drivers who ignored the safety of road workers and school children in the slower speed zones that were posted near construction sites and schools. At the time, the Michigan State Police reported that the number of traffic accidents in construction zones statewide had been steadily rising: from about 2,600 in 1991 to nearly 3,000 in 1995, and that speed was a factor in most cases. So, the new law that increased speeds also doubled fines for violating the lower speeds in construction zones.

While doubled fines are an effective threat to slow a speeding driver, it has been suggested by road builders and law enforcement officials that an even greater deterrent are the points that are assessed to the offending driver's permanent driving record. When points are assessed for violations, the driver's insurance rates generally go up, since insurers are able under the law to add a surcharge to a poor driver's insurance policy, in order to cover the anticipated increased costs that come of the driver's high accident risk. Generally, the driver's higher insurance rate stays in place for two years, until the points on the record expire.

In order to deter speeding drivers in construction zones on Michigan roads and highways, legislation has been proposed to increase penalty points.

THE CONTENT OF THE BILL:

House Bill 5021 would amend the Michigan Vehicle Code to increase the number of points added to a driver's record when the driver violated the speed limit in a construction zone. More specifically, in a designated highway work area a speed violation exceeding the maximum speed limit by more than 15 miles per hour would be assessed five points. Further, a speed violation exceeding the maximum by more than 10 but not more than 15 miles per hour would be assessed four points. Finally, a speed violation exceeding the maximum by 10 miles per hour or less would be assessed three points. Currently these violations generally are covered by provisions that assess four, three, and two points, respectively.

MCL 257.320a

BACKGROUND INFORMATION:

Increasing the maximum speed limit. After an oil embargo imposed on the world primarily by oil-producing countries of the Middle East caused the price of gasoline to jump dramatically overnight, the federal government established a maximum speed limit of 55 miles per hour on all interstate freeways in an attempt to encourage citizens to conserve fuel. Under that law, states were required not only to adopt the limits on freeways, but also to impose lower speed limits on highways that were not part of the interstate system. Failure to do so meant the loss of federal highway funds. In 1987, Congress altered the law to permit states to raise the minimum speed limit on rural freeways to 65 miles per hour. Most states, including Michigan, responded by raising the maximum posted limit to 65 miles per hour on freeways that fell outside the boundaries of larger

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urban areas. Then, late in 1995, the president and U.S. Congress adopted the National Highway System Designation Act, which among other things allowed states to set speed limits at levels they deemed appropriate. Using this new-found authority, the Michigan legislature raised the maximum speed limit to 65 miles per hour on most of its limited-access freeways, except on certain stretches that the Department of Transportation said had been designed for speeds below 65 miles per hour (about 170 miles of freeway near urban areas). The 1996 legislation also authorized the Department of Transportation to designate special 'test zones' be used to determine whether a 70 mile per hour speed limit could be safely established on any Michigan freeway. (For further information, see the House Legislative Analysis Section's analysis of Enrolled House Bill 5123, dated 7-31-96.)

Under Public Act 320 of 1996, tests were conducted from August 1, 1996 through October 31, 1996, and the study's findings were to be published by December 15 that year, based on traffic congestion and other traffic safety issues as determined by the director of the state police, and on engineering criteria as determined by the director of transportation. The law specified that if the study indicated that certain freeway miles were eligible for increase, then the speed limit along them could be increased to 70 miles per hour.

After 1995, other states responded quickly to return the maximum speed limit to 70 miles per hour, or to set it even higher. In contrast, policymakers in Michigan proceeded with more caution (although some would argue not carefully enough). The reason the speed limit increase was implemented gradually and after a traffic study was the fact that several independent research studies linked excessive speed to the significant number of fatal accidents on interstate freeways. For example, a study performed by the University of Michigan three years after the state raised the maximum speed limit on rural freeways from 55 miles per hour to 65 miles per hour (after the federal law was amended in 1987 to permit this) showed a 28.4 percent increase in fatalities and a 39 percent rise in serious injuries, compared to the period before the limit was raised. In addition, crash data kept by the State Police since the early 1970s suggested a correlation between higher posted speeds and increased deaths and serious injuries. Indeed, according to state police crash statistics, there were 72 more people killed during 1988 than in 1987. In fact, 1988 involved the largest number of state traffic deaths (1,704) of any year since the 55 mile per hour speed limit maximum had been established in 1974.

Opponents of increasing the maximum speed limit pointed out, too, that these increases likely would grow over time, as the number of over-65 drivers (whose reaction times slow) was increasing as a percentage of all drivers. Speed, opponents of the increase argued, causes more deaths, and lower speed limits save lives.

In the year 2000, nearly five years later, the number of fatalities on Michigan's roadways continued to be high. Indeed, according to the United States Department of Transportation National Highway Traffic Safety Administration, the leading cause of death for people of every age from 5- through 27-years old is a motor vehicle crash. In Michigan, alone, 1,382 people were killed and an additional 121,832 people were injured during the year 2000, when motorists were involved in 424,867 crashes. Today, it is estimated that a person dies in an auto crash every six hours and 24 minutes in Michigan.

Despite the unacceptably high number of dead and injured citizens, the overall trend in Michigan during the past 10 years has declined. The accident data from throughout the state continue to be compiled by the Michigan State Police Criminal Justice Information Center, the Office of Highway Safety Planning, and the University of Michigan Transportation Research Institute, all of whom jointly compile and publish annually the document called Michigan Traffic Crash Facts. Between 1990 and 2000, the death rate declined from 1.9 to 1.5 persons killed per 100 million vehicle miles of travel, while the number of fatal crashes per 100 million vehicle miles of travel declined from 1.7 to 1.3. [By way of comparison, the national fatality rate per 100 million vehicle miles of travel also is at an historic low, having fallen from 1.7 in 1997 to 1.6 in 1998; during those years Michigan's rate declined from 1.6 to 1.5.]

FISCAL IMPLICATIONS:

The House Fiscal Agency notes that by incorporating additional categories of points in the code, the number of people who will reach the 12-point maximum for license revocation will increase. The size of the increase is, however, indeterminate. Nonetheless, the effect on the Department of State is that as drivers accumulate more points, additional warning letters will be mailed, more driver improvement hearings will be scheduled for those reaching 12 points, and the number of appeals will increase. Consequently, some modifications to the department's computer system would be necessary. The fiscal analyst notes that these increased costs could be passed on to the Michigan Transportation

Fund (MTF), as supported by the department's cost allocation plan. A reduction in the revenue available to the MTF could then result in less funding to local units of government. Finally, there could be a small increase in reinstatement fee revenue, as more drivers become eligible to reinstate licenses after their revocation. Overall, both the cost increases and the revenue increase would be indeterminate. (1-29-02)

ARGUMENTS:

For:

The threat of higher insurance rates that comes when points are assessed on drivers' permanent driving records, coupled with the doubled fines for speeding through construction sites, likely would compel drivers to slow their vehicles, making the highways safer for construction workers and drivers alike. According to committee testimony, some insurance companies are automatically notified by the secretary of state whenever points are added to a driver's record. Even one additional point can trigger an insurance company's review of its clients' driving records, and can put in motion a process that that adds a surcharge to a driver's annual premium. That surcharge remains in effect for two years, until the points automatically expire. The one additional point can, then, serve as a deterrent to speed.

Against:

This bill is overly broad and could be more carefully crafted to address worker safety. The legislation would be improved if an amendment were adopted to ensure that points would be assessed for violations in speed zones, but only when construction workers were present. Often the work in highway construction zones is halted after daylight, on weekends, during inclement weather, or when crews are re-deployed to other projects as they await the arrival of supplies or equipment. In these instances, drivers who speed through the zones should not have to worry about adding points to their driving records.

Response:

Traffic speed should slow in construction zones because the zones are unsafe, both for the drivers who pass through them, and for the workers who are present at the construction site. So, penalties for violation of the speed laws--both fines and points--should be tough whenever drivers negotiate the construction zones, some of which are many miles long and have workers deployed at various locations (rather than continuously) along the route.

POSITIONS:

The Office of the Secretary of State supports the bill. (2-6-02)

The Michigan Road Builders Association support the bill. (2-6-02)

AUC, Michigan's Heavy Construction Association supports the bill. (2-6-02)

The Michigan Concrete Paving Association supports the bill. (1-28-02)

The County Road Association of Michigan supports the bill. (2-6-02)

The Traffic Safety Association of Michigan supports the bill. (2-6-02)

Analyst: J. Hunault

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