

Senate Fiscal Agency
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Senate Bill 35 (Substitute S-1 as passed by the Senate)
Sponsor: Senator Walter H. North
Committee: Transportation and Tourism

Date Completed: 5-29-01

RATIONALE

The Michigan Vehicle Code prohibits motorists driving on a divided highway from driving over a physical dividing barrier or across an intervening space. Motorists also are prohibited from using openings on limited access highways, to cross over to the other side of the roadway. Divided highways and limited access highways are designed to move vehicles at high speeds on roads where there are no impediments to traffic flow, such as intersections and traffic lights. Despite the Code's prohibitions, an increasing number of motorists apparently are using crossovers instead of the designated highway entrances and exits to change the direction they are traveling, which creates a traffic hazard for other motorists. Currently, a person who violates this prohibition is responsible for a civil infraction and may be ordered to pay a fine of up to \$100. Some people believe that the fine is no longer an adequate deterrent and should be increased.

CONTENT

The bill would amend the Michigan Vehicle Code to increase from \$100 to \$200 the maximum civil fine a person may be ordered to pay, in addition to costs, for violating the Code's prohibition against driving vehicles over, across, or within the dividing space, barrier, or section of a divided highway, or using a crossover on a limited access highway. The bill would take effect October 1, 2001.

Currently, when a highway has been divided into two roadways by an intervening space or by a physical barrier or clearly indicated dividing section constructed to impede vehicular traffic, the Code requires a vehicle to be driven only on the right-hand roadway and

prohibits the vehicle from being parked, driven over, across, or within the dividing space, barrier, or section, except through an opening established by public authority (MCL 257.644). Only authorized emergency vehicles, road service vehicles that are servicing a disabled vehicle, and those vehicles permitted by authorized signs may use crossovers on limited access highways. A person who violates this prohibition is responsible for a civil infraction.

If a person is determined to be responsible for a civil infraction under the Code or a local ordinance substantially corresponding to a provision of the Code, a judge, district court referee, or district court magistrate may order the person to pay a civil fine of up to \$100 and costs (although certain violations are subject to different fines). If a civil fine is ordered, costs of at least \$5 and not more than \$100 must be assessed under the Code.

MCL 257.907

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

A person who makes an illegal u-turn on a highway can create a serious traffic hazard for other motorists. Generally, a driver who crosses a highway in this manner must use the passing lane in one direction to slow down and enter the crossover, where he or she might have to wait for traffic to clear. The driver then makes the turn and enters the roadway, usually in the immediate left lane,

which also is designated as a passing lane, but at a speed that is considerably slower than the rest of the traffic's speed. While entrance and exit ramps on highways are designed for drivers to accelerate or decelerate gradually in order to maintain the flow of traffic, people who make illegal u-turns must abruptly decrease their speed in a passing lane to cross into the open space and then try to accelerate quickly to move into traffic. This can result in a collision when other motorists are unable to slow down sufficiently to avoid hitting the vehicle. Despite the \$100 civil fine, many motorists still make illegal u-turns on highways. According to the Department of State Police, 1,622 citations for illegal u-turns on highways were issued by the State Police in 1999 and 1,309 citations were issued in 2000. In addition, there were 764 vehicular crashes in 1999 resulting from an illegal u-turn, according to the State Police. Doubling the fine could create a deterrent for some drivers and increase traffic safety.

Legislative Analyst: L. Arasim

FISCAL IMPACT

The bill would result in potential additional fine revenue. According to the Department of State, there were 1,719 convictions for violations involving vehicles driven over, across, or within the dividing space, barrier, or section of a limited access highway in calendar 2000. Fine revenue from violations of the State law is dedicated to public libraries. Local ordinance fine revenue is retained by the local unit of government.

Fiscal Analyst: B. Bowerman

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.