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Senate Bill 469 (Substitute S-2 as reported by the Committee of the Whole)
Senate Bill 470 (as reported without amendment)
Sponsor: Senator Loren Bennett
Committee: Judiciary

CONTENT

Senate Bill 469 (S-2) would amend the Michigan Vehicle Code to do the following in regard to the offense of failure to stop at the scene of an accident resulting in serious injury or death:

- Revise the penalty for an accident resulting in injury and increase the penalty for an accident resulting in death.
- Require the revocation, rather than suspension, of a violator's driver license.
- Include the offense among those that, when repeated or committed in combination within seven or 10 years, constitute grounds for license denial or revocation.

Under the Vehicle Code, a driver who knows or has reason to believe that he or she has been involved in an accident resulting in serious or aggravated injury to or death of a person, must immediately stop at the scene of the accident and remain there until the requirements of Section 619 are fulfilled. (Section 619 requires the driver to give his or her name and address and the vehicle's registration number, and show his or her driver license, to a police officer, the person struck, or the driver or occupants of a vehicle that was hit, and to assist an injured person in securing medical aid or transportation.) A violation is a felony punishable by imprisonment for up to five years, a maximum fine of \$5,000, or both.

Under the bill, the requirement to stop would apply if the accident resulted in serious impairment of a body function (rather than serious or aggravated injury) or death. The penalty would be imprisonment for up to five years, a fine of at least \$1,000 but not more than \$5,000, or both, if the accident resulted in serious impairment of a body function. If the accident resulted in death, the offense would be punishable by imprisonment for up to 15 years, a fine of at least \$2,500 but not more than \$10,000, or both.

In addition, the Code requires that, until January 1, 2002, a \$1 service fee be collected for an operator's or chauffeur's license. The fee must be credited to the General Fund and used to defray the Secretary of State's expenses. The bill would delete the expiration date.

Senate Bill 470 would amend the sentencing guidelines in the Code of Criminal Procedure, under which failure to stop at the scene of a serious personal injury accident is a Class E offense against a person, with a statutory maximum prison term of five years. Under the bill, that classification would apply to failure to stop at the scene of an accident resulting in serious impairment. Failure to stop at the scene of an accident resulting in death would be a Class C offense against a person, with a statutory maximum of 15 years.

MCL 257.303 et al. (S.B. 469)
777.12 (S.B. 470)

Legislative Analyst: P. Affholter

FISCAL IMPACT

Senate Bills 469 (S-2) and 470 would have an indeterminate fiscal impact on State and local government for violations, and would result in additional service fee revenue.

In 1998, according to the Department of Corrections Annual Statistical Report, 45 offenders were convicted of failure to stop at the scene of an accident. There are no data available to indicate whether the personal injury resulted in serious impairment of a body function or death. Under the bill, offenders convicted of failure to stop at the scene of an accident that resulted in death would be subject to a Class C felony penalty with a minimum sentencing range from 0-11 months to 62-114 months. Other offenders would be subject to the current penalty for the offense, which is a Class E felony with a minimum sentencing range from 0-3 months to 24-38 months.

Assuming that 45 offenders a year are convicted of failing to stop at the scene of an accident, of those 10 offenders are convicted of the more serious felony, and all offenders receive the longest minimum sentence, given that the average annual cost of incarceration is \$22,000, then the costs of incarceration would be \$4.5 million, or an increase of \$1.4 million. If offenders received the shortest sentences, costs of incarceration would be incurred by local governments or by the State for felony probation at \$4.23 per day.

According to the Department of State published report on collected fees and the number of transactions, 1,997,653 chauffeur's and operator's licenses were issued in fiscal year 1999-2000. The elimination of the sunset on the \$1 service fee collected on these applications would result in approximately \$2,000,000 in additional driver fees to produce the digitized driver licenses.

Date Completed: 5-30-01

Fiscal Analyst: K. Firestone
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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.