

## AUTOMOBILE PARKING SAFETY

House Bill 4457 (Substitute H-1)  
First Analysis (5-27-03)

Sponsor: Rep. Sal Rocca  
Committee: Transportation

### ***THE APPARENT PROBLEM:***

A spokesman for the Michigan State Police reports that 441 automobile crashes occurred in Michigan last year involving temporarily driverless moving vehicles. Among the driverless vehicle crashes, 57 resulted in injuries. When driverless crashes occur, police officers ticket the negligent drivers under the Michigan Vehicle Code using a provision that prohibits a driver from leaving his or her vehicle unattended on a highway without first setting the parking brake and stopping the motor. Other than this application of the law, the provision is generally seldom enforced.

However, according to committee testimony, about 30 tickets were written recently in Sterling Heights in Macomb County, when residents parked their automobiles along city streets in neighborhoods around town without first setting their parking brakes. (*C&G Newspapers* 9-25-02 and 11-6-02) All of the tickets were written by one veteran local police officer who changed his law enforcement practices following 14 years of duty, after being urged by his superiors to demonstrate greater initiative by improving a self-initiated area of his job performance. The overzealous police officer was eventually fired—his superiors suspecting a case of “malicious obedience”—and a judge and magistrate from the 41-A District Court have dismissed the unusual tickets.

In order to prevent other police officers or police agencies from abusing this provision of the law, legislation has been introduced to clarify the intent of this traffic safety provision within Vehicle Code.

### ***THE CONTENT OF THE BILL:***

Currently the law specifies that a vehicle cannot be allowed to stand on a highway unattended without the brakes being set and the motor of the vehicle being stopped. Further, if the vehicle is standing upon a grade, then the front wheels must be turned to the curb or side of the highway.

House Bill 4457 would amend the Michigan Vehicle Code to prohibit a person from allowing a motor vehicle to stand on a highway unattended without

first engaging the parking brake or placing the vehicle in park and stopping the motor of the vehicle. The bill would retain the provision that if parked on a grade, the front wheels of the vehicle must be turned to the curb or side of the highway.

MCL 257.676

### ***FISCAL IMPLICATIONS:***

The House Fiscal Agency notes that there is no state or local fiscal impact. (5-22-03)

### ***ARGUMENTS:***

#### ***For:***

The precautionary measures required under this bill would improve traffic safety. In order to prevent the crashes and injuries that can result when temporarily driverless vehicles roll into motion on the highway, it is important that drivers set their parking brakes or place the vehicle in park and stop the motor.

Further, the bill clarifies the intent of this traffic safety provision within the vehicle code, to specify that either placing the vehicle in “park,” or setting the parking brake before stopping the motor (rather than only setting the parking brake) would accomplish the desired safety effect.

#### ***Response:***

Some who drive manual transmission vehicles note that this clarification would not apply to them, because some of their vehicles require that the stick shift be placed in a position other than “park” before they can remove their keys from the ignition switch and stop the motor.

### ***POSITIONS:***

The Michigan State Police support the bill. (5-21-03)

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.