



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bill 842 (Substitute S-3 as passed by the Senate)
Senate Bill 843 (Substitute S-1 as passed by the Senate)
Sponsor: Senator Tony Stamas (S.B. 842)
Senator Jud Gilbert, II (S.B. 843)
Committee: Transportation

Date Completed: 12-5-03

RATIONALE

Police, fire, and other emergency vehicles sometimes are equipped with devices that allow personnel to change traffic lights when responding to emergencies. These mobile infrared transmitters (MIRTs) emit an infrared beam, which is detected by a sensor installed on some traffic lights. A MIRT has a range of 1,500 feet, allowing traffic to clear before an emergency vehicle approaches an intersection. While these devices can help expedite the response of police, fire-fighters, and emergency medical technicians, many people have expressed concern that the devices also could be used inappropriately by the general public.

The primary MIRT system used by emergency responders is marketed by the 3M company and sold under the name Opticom. Reportedly, for a fraction of 3M's price, several companies sell a version of the technology that can be plugged into a car's cigarette lighter and mounted on the dashboard. A MIRT evidently can be purchased over the Internet for \$300 to \$900. While not all traffic lights are equipped with infrared sensors, it has been pointed out that there is potential for serious traffic accidents if MIRTs are available to the public. Although Michigan law already prohibits interfering with a traffic signal, a violation is a civil infraction. It has been suggested that the use of MIRTs should be specifically prohibited and subject to criminal penalties.

CONTENT

Senate Bills 842 (S-3) and 843 (S-1) would amend the Michigan Vehicle Code and the Code of Criminal Procedure, respectively, to prohibit, and prescribe penalties for, the possession, use, sale, or purchase of a signal preemption device.

Senate Bill 842 (S-3) would define "signal preemption device" as a device that was capable of changing a traffic control signal to green out of sequence.

Senate Bill 842 (S-3)

The bill would prohibit a person from doing any of the following:

- Possessing or using a signal preemption device, unless the person was the operator, passenger, or owner of an authorized emergency vehicle in the course of his or her emergency duties.
- Selling a signal preemption device, except to a person described above.
- Purchasing a signal preemption device for a use other than emergency duties.

A person who possessed such a device would be guilty of a misdemeanor punishable by imprisonment for up to 90 days or a maximum fine of \$5,000, or both. A person who used a device would be guilty of a felony punishable as described in Table 1, depending on whether the use resulted in a traffic accident, the serious impairment of a body function (as defined in the Code), or the death of another person.

Table 1

Offense	Maximum Years of Imprisonment	Maximum Fine
Use	2	\$10,000
Use causing traffic accident	5	\$15,000
Use causing serious impairment	10	\$20,000
Use causing death	15	\$25,000

If a person sold or purchased a signal preemption device, he or she would be guilty of a felony punishable by up to two years' imprisonment or a maximum fine of \$10,000, or both.

Senate Bill 843 (S-1)

The bill would amend the Code of Criminal Procedure to add using, selling, or purchasing a signal preemption device to the sentencing guidelines, as shown in Table 2.

Table 2

Offense	Felony Class	Statutory Maximum Imprisonment
Use	Class G against public order	2 years
Use causing traffic accident	Class E against public order	5 years
Use causing serious impairment	Class D against a person	10 years
Use causing death	Class B against a person	15 years
Sale or Purchase	Class G against public order	2 years

The bill is tie-barred to Senate Bill 842.

MCL 257.616a (S.B. 842)
777.12e (S.B. 843)

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

The availability of signal preemption devices to the general public could enable impatient motorists to wreak havoc on the roadways. In addition to causing serious accidents at the intersection where the device was used, an unauthorized user could cause chaos for blocks because traffic lights are often synchronized. There is no reason an average motorist should have the ability to override a traffic light. Signal preemption devices provide emergency response personnel with valuable time in situations where seconds matter, but when used by the wrong people could pose a grave threat to public safety.

According to articles in the *Detroit News* (10-26-03) and the *Washington Post* (11-4-03), the equipment in question came on the market in January 2003 through a Minnesota-based firearms and law enforcement supply company called FAC of America, which invented MIRT as a low-cost, easy-to-install alternative to the 3M product for cash-strapped emergency services departments. Reportedly, although this company takes steps to ensure that MIRTs are not sold to unauthorized individuals, the devices are readily available elsewhere on the Internet, where one website offers plans and kits for making copies of the device.

Apparently, newer 3M receivers installed on some traffic signals can be programmed to lock out transmissions from MIRTs and other knock-off devices, but the receivers already purchased by some communities do not have this capability. These receivers would have to be upgraded at an additional cost, or disabled, in order to prevent their unauthorized use. Furthermore, technological developments could simply make it possible to avoid the lock-out.

Rather than forcing communities to attempt to keep one step ahead of unscrupulous dealers and impatient motorists, the bills would establish criminal sanctions before a dangerous situation arises. In addition to criminalizing the possession and use of signal preemption devices, the bills would penalize

those who sold the devices except to authorized individuals.

Legislative Analyst: Julie Koval

FISCAL IMPACT

The bills would have an indeterminate fiscal impact on State and local government.

There are no data to indicate how many offenders would be convicted of the proposed offenses involving a signal preemption device.

Local units of government would incur the cost of misdemeanor probation and the cost of incarceration in a local facility, which vary by county. The State would incur the cost of felony probation at an average annual cost of \$1,750 and the cost of incarceration in a State facility at an average annual cost of \$27,000. Table 3 shows the sentencing guidelines minimum sentence ranges and the cost per offender if an offender were convicted, sentenced to prison, and given the longest allowable minimum sentence for each of the proposed felonies.

Table 3

Offense	Crime Class	Sentencing Guidelines Minimum Sentence Range (in months)	Cost per offender given longest allowable minimum prison sentence
Use of device	G	0-3 to 7-23	\$51,750*
Use causing an accident	E	0-3 to 24-38	\$85,500
Use causing serious impairment	D	0-6 to 43-76	\$171,000
Use causing death	B	0-18 to 117-160	\$360,000
Sale or purchase	G	0-3 to 7-23	\$51,750*

*Under sentencing guidelines, although it is possible for Class G offenders to receive a prison term, it is unlikely unless they have an extensive prior record. They are much more likely to receive an intermediate sanction or incarceration in a local facility.

Fiscal Analyst: Bethany Wicksall

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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.