



Senate Fiscal Agency
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House Bill 4457 (Substitute H-1 as passed by the Senate)
Sponsor: Representative Sal Rocca
House Committee: Transportation
Senate Committee: Transportation

Date Completed: 10-13-03

RATIONALE

The Michigan Vehicle Code states, "A vehicle shall not be allowed to stand on a highway unattended without the brakes being set and the motor of the vehicle being stopped." A person who leaves his or her vehicle unattended on the roadside without setting the parking brake is responsible for a civil infraction. Reportedly, this provision of the Code is enforced only when failure to set the parking brake results in an accident, in which case the driver is ticketed. Reportedly, however, a Sterling Heights police officer wrote over 20 tickets to people who had parked their cars on residential streets without using the parking brake. The tickets were eventually dismissed, and it has been suggested that the requirement to set the parking brake should be eliminated.

the officer abused the statute and issued numerous unnecessary nuisance tickets. The requirement to set the parking brake should be eliminated to prevent such occurrences in the future.

Legislative Analyst: Julie Koval

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Craig Thiel

CONTENT

The bill would amend the Michigan Vehicle Code to prohibit a person from allowing a motor vehicle to stand on a highway unattended without engaging the parking brake or placing the vehicle in park and stopping the motor.

MCL 257.676

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

Reportedly, the parking brake requirement has not been enforced for the last 50 to 60 years unless failure to set the brake resulted in a car accident. In the Sterling Heights case,

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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.