



Telephone: (517) 373-5383 Fax: (517) 373-1986 TDD: (517) 373-0543

House Bill 5089 (Substitute H-3 as passed by the House) House Bill 5173 (Substitute H-1 as passed by the House)

Sponsor: Representative Daniel Acciavatti

House Committee: Transportation Senate Committee: Transportation

Date Completed: 12-2-03

CONTENT

House Bills 5089 (H-3) and 5173 (H-1) would amend the Michigan Vehicle Code to do the following:

- -- Define the term "work zone" and replace various references to "construction zone" and "work area" with that term.
- -- Revise the provisions setting penalties for a person who commits a moving violation that results in injury to or the death of a person working in a construction zone.
- -- Prohibit and prescribe a penalty for the use of a mobile infrared transmitter.

House Bill 5089 (H-3) would take effect 90 days after it was enacted. The bills are described in further detail below.

House Bill 5089 (H-3)

Work Zone

The bill would define "work zone" as a portion of a street or highway that met any of the following:

- -- Was between a "work zone begins" sign and an "end road work" sign.
- -- For construction, maintenance, or utility work activities conducted by a work crew and more than one moving vehicle, was between a "begin work convoy" sign and an "end work convoy" sign.
- -- For construction, maintenance, or utility work activities conducted by a work crew and one moving or stationary vehicle exhibiting a rotating beacon or strobe light, was between the following: a) a point that was 150 feet behind the rear of the vehicle or that was the point from which the beacon or strobe light was first visible on the street or highway behind the vehicle, whichever was closer to the vehicle; and b) a point that was 150 feet in front of the front of the vehicle or that was the point from which the beacon or strobe light was first visible on the street or highway in front of the vehicle, whichever was closer to the vehicle.

The bill would delete a provision setting a 45-mile per hour speed limit in a designated work area where a lane or part of a lane has been closed, unless the Michigan Department of Transportation (MDOT), a county road commission, or a local authority determines and posts a different speed limit. Under the bill, the speed limit would be 45 miles per hour in a work zone that was between a "work zone begins" sign and an "end road work" sign, unless MDOT, a county road commission, or a local authority determined a different speed limit for that work zone.

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Currently, MDOT, a county road commission, or a local authority must identify on streets and highways under its jurisdiction a designated work area with traffic control devices in conformance with the Michigan Manual of Uniform Traffic Control Devices. Under the bill, those entities instead would have to post in each work zone speed limit signs that indicated the speed limit in that work zone, and identified the work zone with any other traffic control devices necessary to conform to the manual.

Mobile Infrared Transmitter

The bill would prohibit an individual driving a vehicle on a highway or street from using a mobile infrared transmitter. A person who violated this provision would be assigned four points on his or her driving record by the Secretary of State (SOS), and would be guilty of a misdemeanor punishable by up to 90 days' imprisonment. The prohibition would not apply to the operator, passenger, or owner of an authorized emergency vehicle in the course of his or her emergency duties. (The bill would define "mobile infrared transmitter" as a device that emitted an infrared beam with the capability of changing a traffic control signal to green out of sequence.)

House Bill 5173 (H-1)

Currently, a person who commits a moving violation that has criminal penalties and as a result causes injury to a person working in a construction zone is guilty of a misdemeanor punishable by a maximum fine of \$1,000 or imprisonment for up to one year, or both. A person who commits a moving violation with criminal penalties and causes death to a person working in a construction zone is guilty of a felony punishable by a maximum fine of \$7,500 or up to 15 years' imprisonment, or both.

The bill would retain those penalties but would delete reference to a moving violation "that has criminal penalties". The bill would refer, instead, to a moving violation "for which not fewer than 3 points are assigned under section 320a". The bill also would replace the term "construction zone" with "work zone", and define that term with reference to the definition proposed by House Bill 5089 (H-3). (Under Section 320a, the SOS, within 10 days of receiving a properly prepared abstract from Michigan or another state, must record the conviction date, civil infraction determination, or probate court disposition, and the number of points for each based on a schedule set forth in that section.)

The bill is tie-barred to House Bill 5089.

MCL 257.320 et al. (H.B. 5089) 257.301b (H.B. 5173)

FISCAL IMPACT

House Bill 5089 (H-3)

Legislative Analyst: Julie Koval

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

The bill would have a minimal impact on the Department of State regarding the assessment of points for violations involving mobile infrared transmitters.

There are no data to indicate how many offenders would be convicted of the proposed offense involving a mobile infrared transmitter. Local units of government would incur the cost of misdemeanor probation and the cost of incarceration in a local facility, which vary by county.

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House Bill 5173 (H-1)

The bill could increase State and local corrections costs by increasing the number of potential offenders. The increase would occur to the extent that moving violations "for which not fewer than 3 points are assigned" is more expansive than moving violations that have criminal penalties.

Fiscal Analyst: Bethany Wicksall

Bill 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.