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Senate Bill 479 (Substitute S-1 as reported by the Committee of the Whole)  
Senate Bill 480 (Substitute S-1 as reported by the Committee of the Whole)  
Sponsor: Senator Roger Kahn, M.D.  
Committee: Transportation

## **CONTENT**

Senate Bill 479 (S-1) would amend the Michigan Vehicle Code to require a driver to exhibit due care when approaching and passing a stationary solid waste collection vehicle, utility service vehicle, road service vehicle, or road maintenance vehicle that was giving a visible signal by means of flashing, rotating, or oscillating red or amber lights.

If a roadway had at least two adjacent lanes going in the same direction as the stationary vehicle, the driver would have to move into a lane at least one moving lane or two vehicle widths apart from the stationary vehicle. If doing so were not possible due to weather, road conditions, or the presence of vehicular or pedestrian traffic, or if the roadway did not have at least two adjacent lanes going in the same direction as the stationary vehicle, the driver would have to reduce and maintain a safe speed for weather, road conditions, and traffic and proceed with due care and caution.

A violation would be misdemeanor punishable by a maximum fine of \$500 and/or imprisonment for up to 90 days. The offense would be a felony, however, if the violator caused injury or death to an employee of the solid waste hauler, the utility provider, the road service provider, or the road maintenance authority in the immediate area of the stationary vehicle. In the case of injury, the penalty would be a maximum fine of \$1,000 or imprisonment for up to two years, or both. In the case of death, the maximum fine would be \$7,500 and the maximum term of imprisonment would be 15 years.

The criminal penalties would not apply if the employee were acting in careless disregard for his or her own safety at the time of the violation.

Senate Bill 480 (S-1) would amend the Code of Criminal Procedure to include in the sentencing guidelines felony violations of the requirement proposed by Senate Bill 479. Senate Bill 480 (S-1) is tie-barred to Senate Bill 479.

Each bill would take effect 90 days after it was enacted.

Proposed MCL 257.653b (S.B. 479)  
MCL 777.12g (S.B. 480)

Legislative Analyst: Suzanne Lowe

## **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 failure to use caution when approaching or passing solid waste, utility, road service, or road maintenance vehicles. An offender convicted of the Class C offense under the bills would receive a sentencing guidelines minimum sentence range of 0-11 months to 62-114 months. An offender convicted of the Class G offense would receive a sentencing

guidelines minimum sentence range of 0-3 months to 7-23 months. Local governments would incur the costs of misdemeanor probation and incarceration in local facilities, which vary by county. The State would incur the cost of felony probation at an annual average cost of \$2,000, as well as the cost of incarceration in a State facility at an average annual cost of \$30,000. Additional penal fine revenue would benefit public libraries.

Date Completed: 6-6-07

Fiscal Analyst: Lindsay Hollander

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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.