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House Bill 4468 (Substitute H-1 as reported without amendment)
House Bill 4469 (as reported without amendment)
Sponsor: Representative Pam Byrnes (H.B. 4468)
Representative Barb Byrum (H.B. 4469)
House Committee: Transportation
Senate Committee: Transportation

CONTENT

House Bill 4468 (H-1) would amend the Michigan Vehicle Code to refer to "another person in the work zone" instead of "a person working in the work zone" in provisions that prescribe criminal penalties for moving violations that cause injury or death to a person working in a work zone.

Currently, a person who commits a moving violation for which at least three points are assigned under the Code and as a result causes injury to a person working in the work zone is guilty of a misdemeanor punishable by a maximum fine \$1,000 or imprisonment for up to one year, or both. A person who commits a moving violation for which at least three points are assigned under the Code and as a result causes death to a person working in the work zone is guilty of a felony punishable by a maximum fine of \$7,500 or imprisonment for up to 15 years, or both.

The bill also would delete a requirement that the State Transportation Department or a road authority place at work zones signs notifying vehicle operators of the increased fines and penalties provided in the Code for the protection and safety of construction workers.

House Bill 4469 would amend the Code of Criminal Procedure to refer to a "moving violation causing death to another person in a work zone" instead of a "moving violation causing death to a construction worker" in the sentencing guidelines. The bill is tie-barred to House Bill 4468.

MCL 257.601b (H.B. 4468)
777.12e (H.B. 4469)

Legislative Analyst: Craig Laurie

FISCAL IMPACT

Expanding the criminal offenses involving work zones would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of committing a moving violation in a work zone that caused injury or death to another person not working in the work zone. 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. 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 \$33,000. Additional penal fine revenue would benefit public libraries.

Deleting the requirement for the placement of signs at work zones would result in minimal savings to the Michigan Department of Transportation. When combined with savings to local units of government, the total statewide savings would be approximately \$1.0 million.

Date Completed: 9-10-08

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.