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BILL ANALYSIS

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House Bill 4468 (Substitute H-1 as passed by the House)

House Bill 4469 (as passed by the House)

Sponsor: Representative Pam Byrnes (H.B. 4468)

Representative Barb Byrum (H.B. 4469)

House Committee: Transportation

Senate Committee: Transportation

Date Completed: 9-9-08

CONTENT

House Bill 4468 (H-1) would amend the Michigan Vehicle Code to do the following:

- Refer to "another person in the work zone" instead of "a person working in the work zone" in a provision that makes it a misdemeanor to commit a moving violation that causes injury to a person working in a work zone.
- Refer to "another person in the work zone" instead of "a person working in the work zone" in a provision that makes it a felony to commit a moving violation that causes death to a person working in a work zone.
- 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.

House Bill 4469 is tie-barred to House Bill 4468. The bills are described in detail below.

House Bill 4468 (H-1)

Under the Michigan Vehicle Code, a person who commits a moving violation for which at least three points are assigned under Section 320a 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 not fewer than three points are assigned under Section 320a and as a result causes death to a person working in the work zone is guilty of a felony punishable by maximum fine of \$7,500 or imprisonment for up to 15 years, or both. The provisions do not apply if the injury or death was caused by the negligence of the person working in the zone.

Under the bill, these provisions would refer to the injury or death of "another person in the work zone" instead of "a person working in the work zone". The provisions would not apply if the injury or death were caused by the negligence of the injured or deceased person in the work zone.

Under the Code, whenever practical, signs designed in compliance with the Uniform Manual of Traffic Control Devices must be appropriately placed at the work zone by the State Transportation Department or road authority having jurisdiction over the work zone, notifying operators of vehicles of the increased fines and penalties provided above in the Code for the protection and safety of construction workers. The bill would delete this requirement

(The Code defines "work zone" as a portion of a street or highway that meets any of the following:

- Is 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, is between a "begin work convoy" sign and an "end work convoy" sign.
- For construction maintenance, surveying, or utility work activities conducted by a work crew and one moving or stationary vehicle exhibiting a rotating beacon or strobe light, is between specified points behind and in front of the vehicle or from which the beacon or strobe light is first visible on the street or highway behind and in front of the vehicle.

Under Section 320a, the Secretary of State, 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.)

House Bill 4469

Under the sentencing guidelines in the Code of Criminal Procedure, a moving violation causing death to a construction worker is Class C felony against a person with a 15-year statutory maximum. Under the bill, the guideline would refer to "another person in a work zone" instead of "construction worker".

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

Legislative Analyst: Craig Laurie

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 committing a moving violation in a work zone that causes 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.

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.