

SENATE BILL No. 1492

September 16, 2008, Introduced by Senators GEORGE, PAPPAGEORGE and BROWN and referred to the Committee on Judiciary.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
(MCL 257.1 to 257.923) by adding section 601d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 601D. (1) A PERSON WHO COMMITS A MOVING VIOLATION AND AS
2 A RESULT CAUSES INJURY TO A VULNERABLE ROADWAY USER ON A HIGHWAY
3 WHO IS IN COMPLIANCE WITH THIS ACT IS GUILTY OF A MISDEMEANOR
4 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF
5 NOT MORE THAN \$1,000.00, OR BOTH.

6 (2) A PERSON WHO COMMITS A MOVING VIOLATION AND AS A RESULT
7 CAUSES DEATH TO A VULNERABLE ROADWAY USER ON A HIGHWAY WHO IS IN
8 COMPLIANCE WITH THIS ACT IS GUILTY OF A FELONY PUNISHABLE BY
9 IMPRISONMENT FOR NOT MORE THAN 15 YEARS OR A FINE OF NOT MORE THAN

1 \$7,500.00, OR BOTH.

2 (3) THIS SECTION DOES NOT PROHIBIT A PERSON FROM BEING CHARGED
3 WITH, CONVICTED OF, OR PUNISHED FOR ANY OTHER VIOLATION OF LAW
4 ARISING OUT OF THE SAME TRANSACTION AS THE VIOLATION OF THIS
5 SECTION.

6 (4) THE COURT MAY ORDER A TERM OF IMPRISONMENT IMPOSED FOR A
7 VIOLATION OF THIS SECTION TO BE SERVED CONSECUTIVELY TO A TERM OF
8 IMPRISONMENT IMPOSED FOR ANY OTHER CRIME INCLUDING ANY OTHER
9 VIOLATION OF LAW ARISING OUT OF THE SAME TRANSACTION AS THE
10 VIOLATION OF THIS SECTION.

11 (5) AS USED IN THIS SECTION:

12 (A) "MOVING VIOLATION" MEANS AN ACT OR OMISSION PROHIBITED
13 UNDER THIS ACT OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO
14 THIS ACT THAT OCCURS WHILE A PERSON IS OPERATING A MOTOR VEHICLE
15 AND FOR WHICH THE PERSON IS SUBJECT TO A FINE.

16 (B) "NONMOTORIZED TRANSPORTATION DEVICE" MEANS A DEVICE IN,
17 UPON, OR BY WHICH ANY PERSON OR PROPERTY, OR BOTH, IS OR MAY BE
18 TRANSPORTED OR DRAWN UPON A HIGHWAY BY HUMAN POWER AND THAT IS NOT
19 DESIGNED TO BE OPERATED BY MOTOR. NONMOTORIZED TRANSPORTATION
20 DEVICE INCLUDES, BUT IS NOT LIMITED TO, ALL OF THE FOLLOWING:

21 (i) A CYCLE WITH 1 OR MORE WHEELS, INCLUDING, BUT NOT LIMITED
22 TO, A BICYCLE.

23 (ii) A SKATEBOARD.

24 (iii) ROLLER SKATES OR INLINE SKATES.

25 (C) "VULNERABLE ROADWAY USER" MEANS A PEDESTRIAN OR A PERSON
26 OPERATING A NONMOTORIZED TRANSPORTATION DEVICE.