

Legislative Analysis



REMOVE VEHICLE FROM ROADWAY AFTER ACCIDENT

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House Bill 5140 as enrolled

Public Act 10 of 2010

Sponsor: Rep. Pam Byrnes

House Committee: Transportation

Senate Committee: Transportation

Complete to 12-10-10

A SUMMARY OF HOUSE BILL 5140 AS ENROLLED

The bill would amend the Michigan Vehicle Code (MCL 257.618a) to require a driver involved in an accident to move a vehicle from the roadway to a safe refuge, such as the shoulder, with some exceptions.

Specifically, the bill says that the operator of a motor vehicle or any occupant of the motor vehicle with a valid driver license would be required to remove the vehicle from the main traveled portion of the roadway to a safe refuge on the shoulder, emergency lane, or median (or a place otherwise removed from the roadway) if (1) moving the vehicle can be done safely and (2) the vehicle is capable of being normally and safely operated and can be operated under its own power in its customary manner without further damage or hazard to the traffic elements or to the roadway.

However, this requirement would not apply if the operator of the vehicle knows or reasonably should know that serious impairment of a bodily function or death has resulted from the accident.

Any person who violates this section would be responsible for a civil infraction.

Under the bill, the person who removes a motor vehicle from the main traveled portion of the roadway, as provided above, before the arrival of police officers would not be prima facie at fault regarding the cause of the traffic accident solely by reason of removing the motor vehicle. The decision to remove or not to remove a motor vehicle from the main traveled portion of the roadway would not be admissible in a civil action as evidence that a serious impairment of bodily function has or has not resulted from the accident.

FISCAL IMPACT:

The bill would have an indeterminate fiscal impact.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.