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House Bill 5140 (Substitute H-1 as passed by the House)

Sponsor: Representative Pam Byrnes House Committee: Transportation Senate Committee: Transportation

Date Completed: 1-13-10

CONTENT

The bill would amend the Michigan Vehicle Code to require a vehicle to be removed from the main roadway following an accident if there were no resulting injuries or deaths, and if the vehicle could be operated normally and moved safely.

Specifically, unless the operator of a motor vehicle involved in an accident knew or reasonably should know that serious impairment of a bodily function or death had resulted from the accident, the operator or any other occupant of the vehicle with a valid driver license would have to remove the vehicle from the main traveled portion of the roadway into a safe refuge on the shoulder, emergency lane, or median or to a place otherwise removed from the roadway, if both of the following applied:

- -- The vehicle could be moved safely.
- -- The vehicle could be operated normally and safely, under its own power and in its customary manner without further damage or hazard to the traffic elements or the roadway.

A person who violated the bill would be responsible for a civil infraction.

The operator or other person who removed a motor vehicle as required before the arrival of a police officer would not be prima facia at fault regarding the cause of the accident solely by reason of removing the vehicle. (Prima facie means sufficient to establish a given fact or raise a presumption unless disproved or rebutted.)

The decision of the operator or any other person to remove or not to remove a vehicle from the main roadway would not be admissible in a civil action as evidence that a serious impairment of bodily function had or had not resulted from the accident.

Proposed MCL 257.618a Legislative Analyst: Curtis Walker

FISCAL IMPACT

The bill would have an indeterminate fiscal impact that would depend on the number of civil infractions that would result from the bill. According to the Department of State Police, there were 316,057 traffic crashes on public roadways in 2008.

Page 1 of 2 hb5140/0910

Under the Vehicle Code, as a rule, if a person is determined to be responsible for a civil infraction, he or she may be ordered to pay a maximum civil fine of \$100 plus costs and a justice system assessment. Civil fine revenue under the Code is dedicated to public libraries.

Fiscal Analyst: Bill Bowerman

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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.