

**SUBSTITUTE FOR
HOUSE BILL NO. 5140**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
(MCL 257.1 to 257.923) by amending the title, as amended by 2002 PA
554, and by adding section 618a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE

2 An act to provide for the registration, titling, sale,
3 transfer, and regulation of certain vehicles operated upon the
4 public highways of this state or any other place open to the
5 general public or generally accessible to motor vehicles and
6 distressed vehicles; to provide for the licensing of dealers; to
7 provide for the examination, licensing, and control of operators
8 and chauffeurs; to provide for the giving of proof of financial
9 responsibility and security by owners and operators of vehicles; to
10 provide for the imposition, levy, and collection of specific taxes

1 on vehicles, and the levy and collection of sales and use taxes,
2 license fees, and permit fees; to provide for the regulation and
3 use of streets and highways; to create certain funds; to provide
4 penalties and sanctions for a violation of this act; to provide for
5 civil liability of owners and operators of vehicles and service of
6 process on residents and nonresidents; **TO REGULATE THE INTRODUCTION**
7 **AND USE OF CERTAIN EVIDENCE;** to provide for the levy of certain
8 assessments; to provide for the enforcement of this act; to provide
9 for the creation of and to prescribe the powers and duties of
10 certain state and local agencies; to impose liability upon the
11 state or local agencies; to provide appropriations for certain
12 purposes; to repeal all other acts or parts of acts inconsistent
13 with this act or contrary to this act; and to repeal certain parts
14 of this act on a specific date.

15 **SEC. 618A. (1) UNLESS THE OPERATOR OF A MOTOR VEHICLE INVOLVED**
16 **IN AN ACCIDENT KNOWS OR REASONABLY SHOULD KNOW THAT SERIOUS**
17 **IMPAIRMENT OF A BODILY FUNCTION OR DEATH HAS RESULTED FROM THE**
18 **ACCIDENT, THE OPERATOR OR ANY OTHER OCCUPANT OF THE MOTOR VEHICLE**
19 **WHO POSSESSES A VALID DRIVER LICENSE SHALL REMOVE THE MOTOR VEHICLE**
20 **FROM THE MAIN TRAVELED PORTION OF THE ROADWAY INTO A SAFE REFUGE ON**
21 **THE SHOULDER, EMERGENCY LANE, OR MEDIAN OR TO A PLACE OTHERWISE**
22 **REMOVED FROM THE ROADWAY IF BOTH OF THE FOLLOWING APPLY:**

23 **(A) MOVING THE MOTOR VEHICLE MAY BE DONE SAFELY.**

24 **(B) THE MOTOR VEHICLE IS CAPABLE OF BEING NORMALLY AND SAFELY**
25 **OPERATED AND CAN BE OPERATED UNDER ITS OWN POWER IN ITS CUSTOMARY**
26 **MANNER WITHOUT FURTHER DAMAGE OR HAZARD TO THE TRAFFIC ELEMENTS OR**
27 **TO THE ROADWAY.**

House Bill No. 5140 (H-1) as amended November 5, 2009

1 (2) THE OPERATOR OR ANY OTHER PERSON WHO REMOVES A MOTOR
2 VEHICLE FROM THE MAIN TRAVELED PORTION OF THE ROADWAY AS PROVIDED
3 IN THIS SECTION BEFORE THE ARRIVAL OF A POLICE OFFICER IS NOT PRIMA
4 FACIE AT FAULT REGARDING THE CAUSE OF THE TRAFFIC ACCIDENT SOLELY
5 BY REASON OF MOVING THE MOTOR VEHICLE AS PROVIDED IN THIS SECTION.

6 (3) THE DECISION OF THE OPERATOR OR ANY OTHER PERSON TO REMOVE
7 OR NOT TO REMOVE A MOTOR VEHICLE FROM THE MAIN TRAVELED PORTION OF
8 THE ROADWAY AS PROVIDED IN THIS SECTION IS NOT ADMISSIBLE IN A
9 CIVIL ACTION AS EVIDENCE THAT A SERIOUS IMPAIRMENT OF BODILY
10 FUNCTION HAS [OR HAS NOT] RESULTED FROM THE ACCIDENT.

11 (4) A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A
12 CIVIL INFRACTION.