

SUBSTITUTE FOR
HOUSE BILL NO. 4848

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 479a (MCL 750.479a), as amended by 2002 PA 270.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 479a. (1) ~~A driver~~ **AN OPERATOR** of a motor vehicle **OR**
2 **VESSEL** who is given by hand, voice, emergency light, or siren a
3 visual or audible signal by a police or conservation officer,
4 acting in the lawful performance of his or her duty, directing the
5 ~~driver~~ **OPERATOR** to bring his or her motor vehicle **OR VESSEL** to a
6 stop shall not willfully fail to obey that direction by increasing
7 the speed of the vehicle **OR VESSEL**, extinguishing the lights of the
8 vehicle **OR VESSEL**, or otherwise attempting to flee or elude the
9 police or conservation officer. This subsection does not apply
10 unless the police or conservation officer giving the signal is in
11 uniform and the officer's vehicle **OR VESSEL** is identified as an

1 official police or department of natural resources vehicle **OR**
2 **VESSEL.**

3 (2) Except as provided in subsection (3), (4), or (5), an
4 individual who violates subsection (1) is guilty of fourth-degree
5 fleeing and eluding, a felony punishable by imprisonment for not
6 more than 2 years or a fine of not more than \$2,000.00, or both.

7 (3) Except as provided in subsection (4) or (5), an individual
8 who violates subsection (1) is guilty of third-degree fleeing and
9 eluding, a felony punishable by imprisonment for not more than 5
10 years or a fine of not more than \$5,000.00, or both, if 1 or more
11 of the following circumstances apply:

12 (a) The violation results in a collision or accident.

13 (b) ~~A—FOR A MOTOR VEHICLE, A~~ portion of the violation occurred
14 in an area where the speed limit is 35 miles an hour or less,
15 whether that speed limit is posted or imposed as a matter of law
16 **OR, FOR A VESSEL, A PORTION OF THE VIOLATION OCCURRED IN AN AREA**
17 **DESIGNATED AS "SLOW--NO WAKE", "NO WAKE", OR "RESTRICTED" WHETHER**
18 **THE AREA IS POSTED OR CREATED BY LAW OR ADMINISTRATIVE RULE.**

19 (c) The individual has a prior conviction for fourth-degree
20 fleeing and eluding, attempted fourth-degree fleeing and eluding,
21 or fleeing and eluding under a current or former law of this state
22 prohibiting substantially similar conduct.

23 (4) Except as provided in subsection (5), an individual who
24 violates subsection (1) is guilty of second-degree fleeing and
25 eluding, a felony punishable by imprisonment for not more than 10
26 years or a fine of not more than \$10,000.00, or both, if 1 or more
27 of the following circumstances apply:

1 (a) The violation results in serious impairment of a body
2 function of an individual.

3 (b) The individual has 1 or more prior convictions for first-,
4 second-, or third-degree fleeing and eluding, attempted first-,
5 second-, or third-degree fleeing and eluding, or fleeing and
6 eluding under a current or former law of this state prohibiting
7 substantially similar conduct.

8 (c) The individual has any combination of 2 or more prior
9 convictions for fourth-degree fleeing and eluding, attempted
10 fourth-degree fleeing and eluding, or fleeing and eluding under a
11 current or former law of this state prohibiting substantially
12 similar conduct.

13 (5) If the violation results in the death of another
14 individual, an individual who violates subsection (1) is guilty of
15 first-degree fleeing and eluding, a felony punishable by
16 imprisonment for not more than 15 years or a fine of not more than
17 \$15,000.00, or both.

18 (6) Upon a conviction for a violation or attempted violation
19 under subsection (2) or (3), the **FOLLOWING APPLY:**

20 **(A) IF THE INDIVIDUAL WAS OPERATING A MOTOR VEHICLE, THE**
21 secretary of state shall suspend the individual's operator's or
22 chauffeur's license as provided in section 319 of the Michigan
23 vehicle code, 1949 PA 300, MCL 257.319.

24 **(B) IF THE INDIVIDUAL WAS OPERATING A VESSEL, THE INDIVIDUAL'S**
25 **PRIVILEGE TO OPERATE A VESSEL SHALL BE SUSPENDED FOR A PERIOD NOT**
26 **TO EXCEED 5 YEARS.**

27 (7) Upon a conviction for a violation or attempted violation

1 under subsection (4) or (5), **THE FOLLOWING APPLY:**

2 (A) **IF THE INDIVIDUAL WAS OPERATING A MOTOR VEHICLE,** the
3 secretary of state shall revoke the individual's operator's or
4 chauffeur's license as provided in section 303 of the Michigan
5 vehicle code, 1949 PA 300, MCL 257.303.

6 (B) **IF THE INDIVIDUAL WAS OPERATING A VESSEL, THE INDIVIDUAL'S**
7 **PRIVILEGE TO OPERATE A VESSEL SHALL BE REVOKED FOR A PERIOD OF NOT**
8 **LESS THAN 5 YEARS.**

9 (8) Except as otherwise provided **IN THIS SUBSECTION,** a
10 conviction under this section does not prohibit a conviction and
11 sentence under any other applicable provision for conduct arising
12 out of the same transaction. A conviction under subsection (2),
13 (3), (4), or (5) prohibits a conviction under section 602a of the
14 Michigan vehicle code, 1949 PA 300, MCL 257.602a, for conduct
15 arising out of the same transaction.

16 (9) As used in this section: ~~,"serious impairment of a body~~
17 ~~function"~~

18 (A) **"PRIOR CONVICTION" MEANS:**

19 (i) **FOR A VIOLATION OF THIS SECTION WHILE OPERATING A MOTOR**
20 **VEHICLE, THE PERSON HAD A PREVIOUS CONVICTION FOR A VIOLATION OF**
21 **THIS SECTION WHILE OPERATING A MOTOR VEHICLE OR A PREVIOUS**
22 **CONVICTION FOR FLEEING AND ELUDING UNDER A CURRENT OR FORMER LAW OF**
23 **THIS STATE PROHIBITING SUBSTANTIALLY SIMILAR CONDUCT WHILE**
24 **OPERATING A MOTOR VEHICLE.**

25 (ii) **FOR A VIOLATION OF THIS SECTION WHILE OPERATING A VESSEL,**
26 **THE PERSON HAD A PREVIOUS CONVICTION FOR A VIOLATION OF THIS**
27 **SECTION WHILE OPERATING A VESSEL.**

House Bill No. 4848 (H-1) as amended November 10, 2011

1 (B) "SERIOUS IMPAIRMENT OF A BODY FUNCTION" means that term as
2 defined in section 58c of the Michigan vehicle code, 1949 PA 300,
3 MCL 257.58c.

4 (C) "VESSEL" MEANS THAT TERM AS DEFINED IN SECTION 80104 OF
5 THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA
6 451, MCL 324.80104.

[(10) THIS SECTION SHALL BE KNOWN AND MAY BE CITED AS THE
"LIEUTENANT DONALD BEZENAH LAW".]