

Legislative Analysis



VULNERABLE ROADWAY USER

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House Bill 4792

Sponsor: Rep. David Nathan

House Bill 4799

Sponsor: Rep. Edward McBroom

Committee: Criminal Justice

Complete to 9-15-13

A SUMMARY OF HOUSE BILLS 4792 AS INTRODUCED 5-30-13 AND 4799 AS INTRODUCED 6-4-13

Together, the bills would make it a misdemeanor offense to injure or kill a vulnerable roadway user who was otherwise obeying provisions of the Vehicle Code when crossing a street or doing such things as riding a bicycle or walking along a street.

"Vulnerable roadway user" would mean a pedestrian or a person operating a nonmotorized transportation device. "Nonmotorized transportation device" would be a device in, upon, or by which a person and/or property is or may be transported or drawn on a highway by human power, that is not designed to be operated by motor, and that is regulated under the Vehicle Code. It includes a cycle with one or more wheels, such as a bicycle, and a wheelchair.

House Bill 4799 would add a new section to the Michigan Vehicle Code to specify that:

****** A person who commits a moving violation and as a result causes the serious impairment of a body function of a vulnerable roadway user on a highway (when the roadway user is complying with the Vehicle Code) is guilty of a misdemeanor punishable by any of the following: imprisonment for not more than 93 days, a fine of not more than \$1,000, and/or up to 180 hours of community service.

****** A person who commits a moving violation and as a result causes death to a vulnerable roadway user on a highway (when the roadway user is complying with the Vehicle Code) is guilty of a misdemeanor punishable by: imprisonment for not more than one year, a fine of not more than \$2,000, and/or community service for not more than 360 hours.

****** A person who engages in reckless driving and causes death to a vulnerable roadway user on a highway (who was in compliance with the Vehicle Code) is guilty of a felony punishable by imprisonment for up to 15 years and/or a fine of not more than \$10,000.

The bill would not prohibit a person being charged with or convicted of other violations arising out of the same incident. A court could order a prison term to be served consecutively to a term imposed for a related violation. A person convicted of a

misdemeanor would have to be ordered by the court to successfully complete a basic driver improvement course approved by the Secretary of State.

House Bill 4792 would amend the Code of Criminal Procedure (MCL 777.12e) to specify that reckless driving causing death to a vulnerable roadway user would be a Class C felony against a person with a 15-year maximum sentence

FISCAL IMPACT:

The bills would have an indeterminate fiscal impact on state and local governments. To the extent that the bills result in a greater number of convictions, they could increase costs on state and local correctional systems. Information is not available on the number of persons that might be convicted under these provisions. Felony convictions could result in increased costs related to state prisons, county jails, and/or state probation supervision. Misdemeanor convictions could increase costs related to county jails and/or local misdemeanor probation supervision. The average cost of prison incarceration in a state facility is roughly \$35,500 per prisoner per year, a figure that includes various fixed administrative and operational costs. The costs of local incarceration in a county jail and local misdemeanor probation supervision vary by jurisdiction. State costs for parole and felony probation supervision average about \$3,000 per supervised offender per year. Any increase in penal fine revenues would increase funding for local libraries, which are the constitutionally-designated recipients of those revenues.

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