

Legislative Analysis



PASSING STATIONARY EMERGENCY, SOLID WASTE, OR MAINTENANCE VEHICLES

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Senate Bill 477 as enacted
Public Act 349 of 2018
Sponsor: Sen. Dale W. Horn
House Committee: Transportation and Infrastructure
Senate Committee: Transportation
Complete to 6-13-19

Analysis available at
<http://www.legislature.mi.gov>

BRIEF SUMMARY: Senate Bill 477 amends sections 653a and 653b of the Michigan Vehicle Code to prescribe specific speed reductions and passing procedures for drivers approaching and passing stationary emergency, waste collection, utility service, or road maintenance vehicles under certain circumstances. The bill also amends section 320a of the code to address the number of points assessed for various offenses.

FISCAL IMPACT: Senate Bill 477 would have an indeterminate fiscal impact on the state and on local units of government. (See **Fiscal Information**, below, for further discussion.)

THE APPARENT PROBLEM:

Michigan law requires drivers passing an emergency, solid waste collection, utility service, or road maintenance vehicle that is stopped and has its flashing lights on to proceed with caution and move one lane over so as to ensure the safety of the personnel connected with the vehicle. However, the law does not specify any speed reduction that proceeding with caution might entail. Also, the law does not address cases when there is a divided highway and the stationary vehicle is on a median or separated from traffic by a barrier. Legislation was introduced to address those issues and to bring further clarity to these provisions of law.

THE CONTENT OF THE BILL:

Emergency Vehicles

Under the Michigan Vehicle Code, the driver of a vehicle that is approaching and passing a stationary **authorized emergency vehicle** that is giving a visual signal by means of flashing, rotating, or oscillating red, blue, or white lights must proceed with caution and yield the right-of-way by moving into a lane at least one moving lane or two vehicle widths apart from the emergency vehicle. If another lane is not available or traffic does not allow the driver to move into an adjacent lane, the driver must reduce and maintain a safe speed and proceed with due care and caution.

Authorized emergency vehicle is defined in section 2 of the code to mean vehicles of the fire department, police vehicles, ambulances, and certain privately owned vehicles involved in providing emergency services. For purposes of section 653a, authorized emergency vehicle also includes a road service vehicle that is marked and recognizable as a vehicle used to assist disabled vehicles and that is giving a visual signal by means of a flashing, rotating, or oscillating red or amber light.

The bill amends these provisions to specify that the driver of a vehicle approaching and passing a stationary authorized emergency vehicle with its lights flashing must reduce his or her speed by at least 10 miles per hour below the posted speed limit, in addition to yielding the lane as described above. The bill also requires a driver who cannot yield the lane, either because of traffic conditions or because a lane is not available or does not exist, to proceed with due care and caution and reduce his or her speed by at least 10 miles per hour below the posted speed limit.

The bill exempts from the above provisions the driver of a vehicle passing a stationary authorized emergency vehicle if the highway has been divided into two roadways by leaving an intervening space, a physical barrier, or clearly indicated dividing sections constructed as to impede vehicular traffic and the emergency vehicle is stopped across the space, barrier, or section that divides the highway in two.

Violation

Before enactment of the bill, a person who violated section 653a was guilty of a misdemeanor punishable by a fine of up to \$500, imprisonment for up to 90 days, or both, with felony penalties for causing injury to or the death of a police officer, firefighter, or emergency response personnel. The bill retains the enhanced penalties for causing death or injury, but changes the standard sanction for violation of the section to a civil infraction with a \$400 civil fine. The bill also reduces—from four to two—the number of points assessed on the driver's record for a nonfelony violation of the section.

Utility and Other Trucks

Previously under the Vehicle Code, the driver of a vehicle that is approaching and passing a stationary solid waste collection vehicle, utility service vehicle, or road maintenance vehicle using flashing, rotating, or oscillating amber lights had to reduce his or her speed to a safe speed, maintain that speed, and proceed with due care and caution.

Under the bill, the driver of a vehicle approaching and passing such a stationary solid waste collection vehicle, utility service vehicle, or road maintenance vehicle must reduce his or her speed by at least 10 miles per hour below the posted speed limit and yield the right-of-way by moving into a lane at least one moving lane or two vehicle widths apart from the stationary vehicle. If another lane is not available or traffic does not allow the driver to move into an adjacent lane, then the driver must proceed with due care and caution and reduce his or her speed by 10 miles per hour.

The bill exempts from the above provisions the driver of a vehicle passing a stationary solid waste collection, utility service, or road maintenance vehicle if the highway has been divided into two roadways by leaving an intervening space, a physical barrier, or clearly indicated dividing sections constructed as to impede vehicular traffic and the stationary vehicle is stopped across the space, barrier, or section that divides the highway in two.

The bill took effect February 13, 2019.

MCL 257.320a, 257.653a and 257.653b

FISCAL INFORMATION:

Senate Bill 477 would have an indeterminate fiscal impact on the state and on local units of government. Information is not available on the number of convictions that would result under provisions of the bill. New felony convictions would result in increased costs related to state prisons and state probation supervision. In fiscal year 2018, the average cost of prison incarceration in a state facility was roughly \$38,000 per prisoner, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about \$3,700 per supervised offender in the same year. New misdemeanor convictions would increase costs related to county jails and/or local misdemeanor probation supervision. The costs of local incarceration in a county jail and local misdemeanor probation supervision vary by jurisdiction. The fiscal impact on local court systems would depend on how provisions of the bill affected caseloads and related administrative costs. Any increase in penal fine revenue would increase funding for local libraries, which are the constitutionally designated recipients of those revenues.

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