

# Legislative Analysis



## PASSING STATIONARY EMERGENCY, UTILITY, SOLID WASTE, OR MAINTENANCE VEHICLES

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**Senate Bill 477 (S-2) as passed by the Senate**  
**Sponsor: Sen. Dale W. Zorn**  
**House Committee: Transportation and Infrastructure**  
**Senate Committee: Transportation**  
**Complete to 4-24-18**

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

### SUMMARY:

Senate Bill 477 would amend Section 653a of the Michigan Vehicle Code to prescribe specific speed reductions and passing procedures for drivers approaching and passing stationary emergency vehicles; stationary waste collection, utility service, or road maintenance vehicles; or certain workers on the roadway under certain circumstances.

#### **Emergency vehicles**

Currently 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 would amend 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 **10 miles per hour below the posted speed limit**, in addition to yielding the lane as described above. The bill would also require a driver who cannot yield the lane, either because of traffic conditions or because a lane is not available or does not exist, to reduce his or her speed by 10 miles per hour below the posted speed limit before proceeding with due care and caution.

The bill would exempt 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 dividing space, barrier, or section that divides the highway in two.

### **Utility and other trucks**

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

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

The bill would exempt from the above provisions the driver of a vehicle passing a stationary solid waste collection vehicle, utility service vehicle, or road maintenance vehicle, or an individual performing surveying work or a construction worker establishing a work zone, 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 or worker is in or stopped across the dividing space, barrier, or section that divides the highway in two.

The bill would take effect 90 days after being enacted.

MCL 257.653a and 257.653b

### **FISCAL IMPACT:**

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 2017, the average cost of prison incarceration in a state facility was roughly \$37,000 per prisoner, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about \$3,600 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.

Legislative Analyst: E. Best  
Fiscal Analyst: Robin Risko

---

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.