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BILL



ANALYSIS

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Senate Bill 477 (as introduced 6-21-17)  
Sponsor: Senator Dale W. Zorn  
Committee: Transportation

Date Completed: 11-6-17

### **CONTENT**

**The bill would amend the Michigan Vehicle Code to do the following:**

- **Establish a speed-reduction requirement of 10 miles per hour for drivers approaching and passing a stationary emergency vehicle.**
- **Specify that a driver would not have to drive cautiously, reduce speed, or yield when the authorized emergency vehicle was stopped across a dividing space on a divided roadway.**
- **Extend the current and proposed requirements for passing a stopped emergency vehicle, to drivers approaching and passing stationary solid waste collection vehicles, utility service vehicles, and road maintenance vehicles.**

Under the Code, upon 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, the driver of an approaching vehicle must exhibit due care and caution, as described below. The bill also would refer to amber lights.

On any public roadway with at least two adjacent lanes proceeding in the same direction of a stationary authorized emergency vehicle, the driver of an approaching vehicle 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, unless directed otherwise by a police officer. The bill also would require the driver to reduce his or her speed by 10 miles per hour.

If a public roadway does not have at least two adjacent lanes proceeding in the same direction as the stationary authorized emergency vehicle, or if moving into an adjacent lane or two vehicle widths apart is not possible, the approaching vehicle must reduce and maintain a safe speed for weather, road conditions, and vehicular or pedestrian traffic and proceed with due care and caution, or as directed by a police officer. The bill would remove the requirement to reduce and maintain a safe speed for weather, road conditions, and vehicular traffic. Instead, the bill would require a driver to reduce his or her speed by 10 miles per hour.

The bill also specifies that the operator of a vehicle upon a highway that had been divided into two roadways by leaving an intervening space, or by a physical barrier or clearly indicated dividing sections so constructed as to impede vehicular traffic, would not be required to proceed with caution, reduce his or her speed, or yield the right-of-way for an authorized emergency vehicle that was stopped across the dividing space, barrier, or section.

Currently, upon approaching and passing a stationary solid waste collection vehicle, a utility service vehicle, or a road maintenance vehicle that is using flashing, rotating, or oscillating

amber lights, the driver of an approaching vehicle must reduce his or her speed to a safe speed for weather, road conditions, and vehicular or pedestrian traffic, maintain that speed, and proceed with due care and caution.

Under the bill, the driver of an approaching vehicle would be subject to the same requirements as provided under current law and under the bill for the driver of a vehicle approaching a stationary authorized emergency vehicle.

(A violation of the requirements concerning emergency vehicles is a misdemeanor punishable by a maximum fine of \$500 or imprisonment for up to 90 days, or both. If the violation injures or kills a police officer, firefighter, or other emergency response personnel, the offense is a felony punishable by up to \$1,000 and/or two years (for a violation causing injury) or up to \$7,500 and/or 15 years (for a violation causing death).

A violation of the requirements involving a solid waste collection vehicle, utility service vehicle, or road maintenance vehicle is a misdemeanor punishable by a \$100 maximum fine and/or up to 90 days' imprisonment.)

The bill would take effect 90 days after its enactment.

MCL 257.653a & 257.653b

Legislative Analyst: Drew Krogulecki

### **FISCAL IMPACT**

The bill could have a negative fiscal impact on State and local government. More misdemeanor and felony arrests and convictions could increase resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities. The average cost to State government for felony probation supervision is approximately \$3,024 per probationer per year. For any increase in prison intakes, in the short term, the marginal cost to State government is approximately \$3,764 per prisoner per year. Any associated increase in fine revenue increases funding to public libraries.

Fiscal Analyst: Ryan Bergan

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.