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Senate Bill 216 (Substitute S-1 as reported)
Senate Bill 217 (as reported without amendment)
Sponsor: Senator Sean McCann
Committee: Civil Rights, Judiciary, and Public Safety

CONTENT

Senate Bill 216 (S-1) would amend the Michigan Vehicle Code to do the following:

- Define "vulnerable roadway user" and "vulnerable roadway device" to refer to individuals at greater risk on the road, such as pedestrians, bikers, equestrians, and operators of low-speed devices.
- Prescribe penalties for an individual who committed a moving violation against a vulnerable roadway user or individual operating an implement of husbandry on a highway that resulted in injury requiring inpatient treatment at a medical facility or death.
- Add violations or attempted violations of causing serious harm or death to a vulnerable roadway user to the list of violations that could result in the SOS revoking an individual's license.
- Apply provisions requiring drivers approaching and passing a stationary emergency vehicle to slow down and drive cautiously to all stationary vehicles.
- Refer to green or rear and front warning lights, in addition to flashing, rotating, or oscillating red, blue, or white lights, in the requirement that a driver exhibit due care and caution upon approaching and passing a stationary authorized emergency vehicle that is giving a visual signal by means of those lights.
- Specify that a person who did not pass with due caution and care a stationary authorized emergency vehicle with police officer, firefighter, or other emergency personnel present would be responsible for a civil infraction and a civil fine of \$750.

The bill also would repeal Section 653b of the Code, which requires drivers to slow down and drive cautiously when approaching and passing certain utility service vehicles, road maintenance, and solid waste collection vehicles.

Senate Bill 217 would add sentencing guidelines to the Code of Criminal Procedure for felony penalties proposed by Senate Bill 216 (S-1).

The bills are tie-barred, and each bill would take effect 90 days after its enactment.

MCL 257.303 et al (S.B. 216)
777.12e (S.B. 217)

BRIEF RATIONALE

In 2016, nine cyclists were hit by a person driving a truck in Kalamazoo, five cyclists were killed and four were injured. The driver was charged with five counts of second-degree murder and four counts of reckless driving causing serious impairment. According to testimony before the Senate Committee on Civil Rights, Judiciary, and Public Safety, the severity of the charges against the driver are not the norm and current law generally places little culpability on drivers who injure non-motorized users, with the victim often having to prove the event took place

due to severe negligence. Often these drivers are charged only with a misdemeanor. Accordingly, it has been suggested to increase penalties to protect vulnerable roadway users.

PREVIOUS LEGISLATION

(This section does not provide a comprehensive account of previous legislative efforts on this subject matter.)

Senate Bill 216 is similar to Senate Bill 617, Senate Bill 618, and House Bill 5223 of the 2023-2024 Legislative Session. Senate Bill 217 is a reintroduction of House Bill 5224 of the 2023-2024 Legislative Session.

Legislative Analyst: Eleni Lionas

FISCAL IMPACT

Senate Bill 216 (S-1) would have a negative fiscal impact on State and local government. New felony arrests and convictions under the bill could increase resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities; however, it is unknown how many people would be prosecuted under the bill's provisions. The average cost to State government for felony probation supervision is approximately \$4,600 per probationer per year. For any increase in prison intakes the average annual cost of housing a prisoner in a State correctional facility is an estimated \$48,700. Per diem rates range from \$100 to \$431 per day (average per diem is \$135), depending on the security level of the facility. Any associated increase in fine revenue would increase funding to public libraries.

Additionally, the bill would impose several penalties requiring the payment of a civil fine ranging from \$25 to \$25,000 depending on the severity of the infraction. The civil fines could have a positive fiscal impact on the State and local units of government. Revenue collected from civil fines is used to support local libraries. Additionally, \$10 of the civil fine would be deposited into the State Justice System Fund. This Fund supports justice-related activities across State government in the Departments of Corrections, Health and Human Services, State Police, and Treasury. The Fund also supports justice-related issues in the Legislative Retirement System and the Judiciary. The amount of revenue to the State or for local libraries is indeterminate and dependent on the actual number of violations.

Finally, the bill would require the defendant to pay a justice system assessment of \$40 for each civil infraction determination, except for parking violations with a fine of \$10 or less. The funds would be transmitted to the State Treasurer for deposit into the State Justice System Funds with funds to be distributed as stated above. The amount of revenue collected from all imposed civil fines and the payments to the state Justice System Fund are indeterminate and depend on the number of fines imposed in a given year.

Senate Bill 217 would have no fiscal impact on local government and an indeterminate fiscal impact on the State, in light of the Michigan Supreme Court's July 2015 opinion in *People v. Lockridge*, in which the Court ruled that the sentencing guidelines are advisory for all cases. This means that the addition to the guidelines under the bill would not be compulsory for the sentencing judge. As penalties for felony convictions vary, the fiscal impact of any given felony conviction depends on judicial decisions.

Date Completed: 6-9-25

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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.