



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 477 (as enrolled)
Sponsor: Senator Dale W. Zorn
Senate Committee: Transportation
House Committee: Transportation and Infrastructure

Date Completed: 11-15-18

RATIONALE

Every year, road workers and emergency responders are injured or killed on highways throughout Michigan while working. Section 653a and 653b of the Michigan Vehicle Code require drivers to slow down and drive cautiously when approaching and passing certain stationary emergency or utility vehicles. Evidently, however, it is difficult for law enforcement officers to enforce this requirement. Moreover, some believe that workers in more occupations who operate on roadways should be protected under the statute. In order to enhance the safety of those working on Michigan roads, it has been suggested that the Code should require drivers to decelerate to a specified speed when approaching certain stationary vehicles or individuals working on or near a roadway.

CONTENT

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

- **Require drivers approaching and passing a stationary emergency vehicle to reduce their speed by 10 miles per hour below the posted speed limit.**
- **Specify that a driver would not have to reduce speed or yield when the authorized emergency vehicle was stopped across a dividing space on a divided roadway.**
- **Specify that a person who violated the above provisions would be responsible for a civil infraction, instead of a misdemeanor, and would have to pay a civil fine of \$400, instead of a fine not more than \$500, beginning 60 days after the bill was enacted.**
- **Decrease the number of points assigned for violating the above provisions from four points to two points.**
- **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.**
- **Refer to amber 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.**

The bill would take effect 90 days after its enactment.

Amber Lights

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.

Reduction of Speed; Emergency Vehicles

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 at least 10 miles per hour below the posted speed limit.

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 at least 10 miles per hour below the posted speed limit.

The bill specifies that the operator of a vehicle on 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 have 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.

Penalties for Violation

Currently, a person who violates the above provisions is guilty of a misdemeanor punishable by a fine of not more than \$500 or imprisonment for not more than 90 days, or both. The bill specifies that, beginning 60 days after the bill's effective date, a person who violated the above provisions would be responsible for a civil infraction and would have to be ordered to pay a civil fine of \$400.

(Under the Code, 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).)

The Code prescribes the number of points to be assigned to a person's driving record for a conviction, civil infraction determination, or probate court disposition for a violation of the Code or another law pertaining to operation of a vehicle. Depending on the violation and circumstances, the number of points assigned ranges from one to six. Currently, four points are assigned for a violation of the above provisions. The bill would decrease the number of points assigned for a violation to two points.

Reduction of Speed; Other Vehicles

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 the bill for the driver of a vehicle approaching a stationary authorized emergency vehicle.

(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 257.320a et al.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Emergency services personnel, utility workers, and other people are injured or killed each year while working on or alongside Michigan roadways. High speeds, distracted driving, heavy traffic, and poor weather can create a dangerous work environment for these individuals. People working on busy roadways deserve the highest protections possible in such hazardous situations. The bill would improve the safety of those working on or beside Michigan roads by creating an enforceable deceleration metric, and extending statutory protections to members of more at-risk occupations.

Opposing Argument

The bill is unnecessary and could decrease safety in some circumstances. Current law requires drivers to move over at least one lane from a stationary emergency vehicle or other listed vehicle and proceed with caution when approaching those vehicles. Requiring drivers to move over a lane or reduce their speed by at least 10 miles per hour below the posted speed limit, or both when appropriate, would create needless actions that could distract drivers' attention. Merging with traffic at a lower speed can be dangerous, particularly in poor driving conditions. The bill also could require drastic speed changes with little notice. For example, if a person were driving above a posted speed limit and were required to reduce his or her speed to 10 miles per hour below the posted speed limit, the driver would have to reduce his or her speed by more than 10 miles per hour in a short period of time. This would disrupt traffic flow and create hazardous driving conditions.

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

SASVA1718\477ea

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.