

HOUSE BILL No. 4958

May 19, 2009, Introduced by Reps. Knollenberg, Barnett, Valentine, Roberts, Durhal, Coulouris, Robert Jones, Geiss, Slavens, Liss, Bauer, Meadows, Nerat and Lisa Brown and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
(MCL 257.1 to 257.923) by adding section 601e.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 601E. (1) A PERSON WHO COMMITS A MOVING VIOLATION AND AS
2 A RESULT CAUSES INJURY TO A VULNERABLE ROADWAY USER ON A HIGHWAY
3 WHO IS IN COMPLIANCE WITH THIS ACT IS GUILTY OF A MISDEMEANOR
4 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF
5 NOT MORE THAN \$1,000.00, OR BOTH.

6 (2) A PERSON WHO COMMITS A MOVING VIOLATION AND AS A RESULT
7 CAUSES DEATH TO A VULNERABLE ROADWAY USER ON A HIGHWAY WHO IS IN
8 COMPLIANCE WITH THIS ACT IS GUILTY OF A FELONY PUNISHABLE BY
9 IMPRISONMENT FOR NOT MORE THAN 15 YEARS OR A FINE OF NOT MORE THAN
10 \$7,500.00, OR BOTH.

1 (3) THIS SECTION DOES NOT PROHIBIT A PERSON FROM BEING CHARGED
2 WITH, CONVICTED OF, OR PUNISHED FOR ANY OTHER VIOLATION OF LAW
3 ARISING OUT OF THE SAME TRANSACTION AS THE VIOLATION OF THIS
4 SECTION.

5 (4) THE COURT MAY ORDER A TERM OF IMPRISONMENT IMPOSED FOR A
6 VIOLATION OF THIS SECTION TO BE SERVED CONSECUTIVELY TO A TERM OF
7 IMPRISONMENT IMPOSED FOR ANY OTHER CRIME INCLUDING ANY OTHER
8 VIOLATION OF LAW ARISING OUT OF THE SAME TRANSACTION AS THE
9 VIOLATION OF THIS SECTION.

10 (5) AS USED IN THIS SECTION:

11 (A) "MOVING VIOLATION" MEANS AN ACT OR OMISSION PROHIBITED
12 UNDER THIS ACT OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO
13 THIS ACT THAT OCCURS WHILE A PERSON IS OPERATING A MOTOR VEHICLE
14 AND FOR WHICH THE PERSON IS SUBJECT TO A FINE.

15 (B) "NONMOTORIZED TRANSPORTATION DEVICE" MEANS A DEVICE IN,
16 UPON, OR BY WHICH ANY PERSON OR PROPERTY, OR BOTH, IS OR MAY BE
17 TRANSPORTED OR DRAWN UPON A HIGHWAY BY HUMAN POWER AND THAT IS NOT
18 DESIGNED TO BE OPERATED BY MOTOR. NONMOTORIZED TRANSPORTATION
19 DEVICE INCLUDES, BUT IS NOT LIMITED TO, ALL OF THE FOLLOWING:

20 (i) A CYCLE WITH 1 OR MORE WHEELS, INCLUDING, BUT NOT LIMITED
21 TO, A BICYCLE.

22 (ii) A SKATEBOARD.

23 (iii) ROLLER SKATES OR INLINE SKATES.

24 (C) "VULNERABLE ROADWAY USER" MEANS A PEDESTRIAN OR A PERSON
25 OPERATING A NONMOTORIZED TRANSPORTATION DEVICE.