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BILL ANALYSIS

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House Bills 4167 and 4168 (as passed by the House)
Sponsor: Representative Tom McMillin
House Committee: Judiciary
Senate Committee: Judiciary

Date Completed: 5-3-11

CONTENT

House Bill 4168 would amend the Michigan Vehicle Code to do the following:

- Specify that a person responsible for a moving violation in a "school bus zone" would be subject to a fine that was double the fine otherwise prescribed for the violation.
- Subject a person to criminal penalties for certain moving violations that resulted in injury or death to another person in a school bus zone.
- Specify that the criminal penalties would not apply if the injury or death were caused by the injured or deceased person's negligence.

House Bill 4167 would amend the Code of Criminal Procedure to establish sentencing guidelines for a moving violation causing death to another person in a school bus zone.

House Bill 4168 would define "school bus zone" as the area lying within 20 feet of a school bus that has stopped and is displaying two alternately flashing red lights at the same level, except as described in Section 682(2) of the Vehicle Code. (Under that provision, the driver of a vehicle upon a highway that has been divided into two roadways by an intervening space, a physical barrier, or clearly indicated dividing sections built to impede vehicular traffic, need not stop for a school bus that has stopped across the dividing space, barrier, or section.)

The bills would take effect on July 1, 2011. House Bill 4167 is tie-barred to House Bill 4168.

House Bill 4167

Moving Violation

Under the Michigan Vehicle Code, a person responsible for a moving violation in a work zone, at an emergency scene, or in a school zone during the period beginning 30 minutes before school in the morning and through 30 minutes after school in the afternoon, is subject to a fine that is double the fine otherwise prescribed for that violation. The bill would include a moving violation in a school bus zone in that provision.

Causing Injury or Death

Under the Code, a person who commits a moving violation for which at least three points are assigned, and as a result causes injury to another person in a work zone, is guilty of a misdemeanor punishable by a maximum fine of \$1,000 and/or up to one year's imprisonment. A person who commits a moving violation for which not fewer than three points are assigned, and as a result causes death to another person in the work zone, is guilty of a felony punishable by a maximum fine of \$7,500 and/or up to 15 years' imprisonment. The bill would include in those provisions a moving violation for which at least three points were assigned and that caused injury or death to another person in a school bus zone.

The penalties for violations that cause injury or death in a work zone do not apply if the injury or death was caused by the negligence of the injured or deceased person in the work zone. Under the bill, the proposed penalties for causing an injury or death in a school bus zone would not apply if the injury or death were caused by the negligence of the injured or deceased person in the school bus zone.

House Bill 4168

Under the Code of Criminal Procedure, a moving violation causing the death of another person in a work zone is a Class C felony against a person, with a statutory maximum sentence of 15 years' imprisonment. The bill would extend that sentencing guidelines designation to a moving violation causing the death of another person in a school bus zone.

MCL 777.12e (H.B. 4167)
257.601b (H.B. 4168)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of the proposed offense. An offender convicted of the Class C offense under the bills would receive a sentencing guidelines minimum sentence range of 0-11 months to 62-114 months. Local governments would incur the costs of incarceration in local facilities, which vary by county. The State would incur the cost of felony probation at an annual average cost of \$2,000, as well as the cost of incarceration in a State facility at an average annual cost of \$32,000. It is likely that the bills would result in an increase in penal fine revenue due to the inclusion of school bus zones in the list of areas where moving violation fees are double the standard amount. This additional penal fine revenue would benefit public libraries.

Fiscal Analyst: Matthew Grabowski

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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.