

HOUSE BILL No. 4686

May 26, 2011, Introduced by Reps. Santana, Yonker, Brown, Bauer, Smiley, Hovey-Wright, Tlaib, Barnett, Olumba, Talabi, Durhal, Howze, Rutledge, Townsend, Womack, Irwin, Bledsoe, Nathan, Forlini, Stapleton, Pscholka, Liss, Wayne Schmidt and Jackson and referred to the Committee on Judiciary.

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 THE SERIOUS IMPAIRMENT OF A BODY FUNCTION OF A**
3 **VULNERABLE ROADWAY USER ON A HIGHWAY WHO IS IN COMPLIANCE WITH THIS**
4 **ACT IS GUILTY OF A MISDEMEANOR PUNISHABLE BY ANY OF THE FOLLOWING:**

5 **(A) IMPRISONMENT FOR NOT MORE THAN 93 DAYS.**

6 **(B) A FINE OF NOT MORE THAN \$1,000.00.**

7 **(C) COMMUNITY SERVICE FOR NOT MORE THAN 180 HOURS.**

8 **(2) A PERSON WHO COMMITS A MOVING VIOLATION AND AS A RESULT**
9 **CAUSES DEATH TO A VULNERABLE ROADWAY USER ON A HIGHWAY WHO IS IN**
10 **COMPLIANCE WITH THIS ACT IS GUILTY OF A MISDEMEANOR PUNISHABLE BY**

1 ANY OF THE FOLLOWING:

2 (A) IMPRISONMENT FOR NOT MORE THAN 1 YEAR.

3 (B) A FINE OF NOT MORE THAN \$2,000.00.

4 (C) COMMUNITY SERVICE FOR NOT MORE THAN 360 HOURS.

5 (3) A PERSON WHO ENGAGES IN RECKLESS DRIVING AS DESCRIBED IN
6 SECTION 626(2) AND AS A RESULT CAUSES DEATH TO A VULNERABLE ROADWAY
7 USER ON A HIGHWAY WHO IS IN COMPLIANCE WITH THIS ACT IS GUILTY OF A
8 FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 15 YEARS OR A
9 FINE OF NOT MORE THAN \$10,000.00, OR BOTH.

10 (4) THIS SECTION DOES NOT PROHIBIT A PERSON FROM BEING CHARGED
11 WITH, CONVICTED OF, OR PUNISHED FOR ANY OTHER VIOLATION OF LAW
12 ARISING OUT OF THE SAME TRANSACTION AS THE VIOLATION OF THIS
13 SECTION OTHER THAN A VIOLATION OF SECTION 626(4).

14 (5) THE COURT MAY ORDER A TERM OF IMPRISONMENT IMPOSED FOR A
15 VIOLATION OF THIS SECTION TO BE SERVED CONSECUTIVELY TO A TERM OF
16 IMPRISONMENT IMPOSED FOR ANY OTHER CRIME INCLUDING ANY OTHER
17 VIOLATION OF LAW ARISING OUT OF THE SAME TRANSACTION AS THE
18 VIOLATION OF THIS SECTION.

19 (6) THE COURT SHALL ORDER A PERSON CONVICTED OF A MISDEMEANOR
20 UNDER THIS SECTION TO SUCCESSFULLY COMPLETE A BASIC DRIVER
21 IMPROVEMENT COURSE APPROVED BY THE SECRETARY OF STATE UNDER SECTION
22 320D.

23 (7) AS USED IN THIS SECTION:

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

1 (B) "NONMOTORIZED TRANSPORTATION DEVICE" MEANS A DEVICE IN,
2 UPON, OR BY WHICH ANY PERSON OR PROPERTY, OR BOTH, IS OR MAY BE
3 TRANSPORTED OR DRAWN UPON A HIGHWAY BY HUMAN POWER, THAT IS NOT
4 DESIGNED TO BE OPERATED BY MOTOR, AND THAT IS REGULATED UNDER THIS
5 ACT. NONMOTORIZED TRANSPORTATION DEVICE INCLUDES, BUT IS NOT
6 LIMITED TO, THE FOLLOWING:

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

9 (ii) A WHEELCHAIR.

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