

# SENATE BILL No. 1231

August 15, 2012, Introduced by Senators EMMONS, KAHN and NOFS and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 602a (MCL 257.602a), as amended by 1999 PA 73.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 602a. (1) A driver of a motor vehicle who is given by  
2 hand, voice, emergency light, or siren a visual or audible signal  
3 by a police or conservation officer, acting in the lawful  
4 performance of his or her duty, directing the driver to bring his  
5 or her motor vehicle to a stop shall not willfully fail to obey  
6 that direction by increasing the speed of the motor vehicle,  
7 extinguishing the lights of the motor vehicle, or otherwise  
8 attempting to flee or elude the officer. This subsection does not  
9 apply unless the police or conservation officer giving the signal

1 is in uniform and the officer's vehicle is identified as an  
2 official police or department of natural resources vehicle.

3 (2) Except as provided in subsection (3), (4), or (5), an  
4 individual who violates subsection (1) is guilty of fourth-degree  
5 fleeing and eluding, a felony punishable by imprisonment for not  
6 more than 2 years or a fine of not more than \$500.00, or both.

7 (3) Except as provided in subsection (4) or (5), an individual  
8 who violates subsection (1) is guilty of third-degree fleeing and  
9 eluding, a felony punishable by imprisonment for not more than 5  
10 years or a fine of not more than \$1,000.00, or both, if 1 or more  
11 of the following circumstances apply:

12 (a) The violation results in a collision or accident.

13 (b) A portion of the violation occurred in an area where the  
14 speed limit is 35 miles an hour or less, whether that speed limit  
15 is posted or imposed as a matter of law.

16 (c) The individual has a prior conviction for fourth-degree  
17 fleeing and eluding, attempted fourth-degree fleeing and eluding,  
18 or fleeing and eluding under a current or former law of this state  
19 prohibiting substantially similar conduct.

20 (4) Except as provided in subsection (5), an individual who  
21 violates subsection (1) is guilty of second-degree fleeing and  
22 eluding, a felony punishable by imprisonment for not more than 10  
23 years or a fine of not more than \$5,000.00, or both, if 1 or more  
24 of the following circumstances apply:

25 (a) The violation results in serious injury to an individual.

26 (b) The individual has 1 or more prior convictions for first-,  
27 second-, or third-degree fleeing and eluding, attempted first-,

1 second-, or third-degree fleeing and eluding, or fleeing and  
2 eluding under a current or former law of this state prohibiting  
3 substantially similar conduct.

4 (c) The individual has any combination of 2 or more prior  
5 convictions for fourth-degree fleeing and eluding, attempted  
6 fourth-degree fleeing and eluding, or fleeing and eluding under a  
7 current or former law of this state prohibiting substantially  
8 similar conduct.

9 (5) If the violation results in the death of another  
10 individual, an individual who violates subsection (1) is guilty of  
11 first-degree fleeing and eluding, a felony punishable by  
12 imprisonment for not more than 15 years or a fine of not more than  
13 \$10,000.00, or both.

14 (6) A conviction under this section does not prohibit a  
15 conviction and sentence under any other applicable provision,  
16 except section 479a(2), (3), (4), or (5) of the Michigan penal  
17 code, 1931 PA 328, MCL 750.479a, for conduct arising out of the  
18 same transaction.

19 (7) IF A DRIVER OF A MOTOR VEHICLE IS DIRECTED TO BRING HIS OR  
20 HER MOTOR VEHICLE TO A STOP UNDER SUBSECTION (1) AT ANY TIME  
21 BETWEEN A HALF HOUR AFTER SUNSET AND A HALF HOUR BEFORE SUNRISE, HE  
22 OR SHE SHALL ILLUMINATE THE INTERIOR DOME LIGHT OF HIS OR HER  
23 VEHICLE UNTIL THE POLICE OR CONSERVATION OFFICER ALLOWS THE VEHICLE  
24 TO RESUME OPERATION. AN INDIVIDUAL WHO VIOLATES THIS SUBSECTION IS  
25 RESPONSIBLE FOR A CIVIL INFRACTION AND SHALL BE ORDERED TO PAY A  
26 CIVIL FINE AS FOLLOWS:

27 (A) FOR A FIRST VIOLATION, \$100.00.

1           **(B) FOR A SECOND OR SUBSEQUENT VIOLATION, \$200.00.**

2           **(8) ~~(7)~~**—As used in this section, "serious injury" means a  
3 physical injury that is not necessarily permanent, but that  
4 constitutes serious bodily disfigurement or that seriously impairs  
5 the functioning of a body organ or limb. Serious injury includes,  
6 but is not limited to, 1 or more of the following:

7           (a) Loss of a limb or use of a limb.

8           (b) Loss of a hand, foot, finger, or thumb or use of a hand,  
9 foot, finger, or thumb.

10          (c) Loss of an eye or ear or use of an eye or ear.

11          (d) Loss or substantial impairment of a bodily function.

12          (e) Serious visible disfigurement.

13          (f) A comatose state that lasts for more than 3 days.

14          (g) Measurable brain damage or mental impairment.

15          (h) A skull fracture or other serious bone fracture.

16          (i) Subdural hemorrhage or hematoma.