

Legislative Analysis



TOWING SERVICE: BAN SOLICITING FOR BUSINESS AT SCENE OF ACCIDENT

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House Bill 4545

Sponsor: Rep. Dale W. Zorn

Committee: Judiciary

Complete to 5-15-13

A SUMMARY OF HOUSE BILL 4545 AS INTRODUCED 4-11-13

The bill would add a new section to the Michigan Vehicle Code to make it a civil infraction to travel to the scene of an accident or disabled vehicle located on public property, property opened to the public, or a state trunk line highway and solicit business for a wrecker, recovery, or towing service.

The bill would not apply if a law enforcement agency having jurisdiction over the scene of the accident or the disabled vehicle, or an individual involved in that accident or disabled vehicle, requests the owner or operator of a wrecker or towing service to come to the scene.

A violator would be ordered to pay a civil fine of \$1,000 as well as costs as currently provided in the code for civil infractions.

(Under the Vehicle Code, the judge or district court magistrate determines the costs of an action, which may include all expenses, direct and indirect, to which the plaintiff has been put in connection with the civil infraction up to the entry of judgment. However, the costs that may be imposed are capped at \$100. The code also prohibits a court from waiving the civil fine unless costs ordered this provision are also waived. Unless otherwise provided by law, costs are payable to the general fund of the plaintiff. In addition, the court would have to order the defendant to pay a \$40 Justice System Assessment.)

MCL 257.907 and 257.676c (proposed)

FISCAL IMPACT:

The bill would have an indeterminate fiscal impact on the judiciary. Courts may face increased costs due to processing any new civil infractions resulting from the bill, which would be partially or fully offset by fees paid on all civil infractions. Any additional civil fine revenue would benefit local libraries.

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