

Legislative Analysis



APPROACHING STATIONARY SERVICE VEHICLES

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House Bill 4017

Sponsor: Rep. Paul Opsommer

House Bill 5883

Sponsor: Rep. Frank Accavitti, Jr.

Committee: Transportation

Complete to 11-12-08

A SUMMARY OF HOUSE BILLS 4017 AND 5883 AS INTRODUCED 1-22-07 AND 3-12-2008

House Bill 4017 would amend the Michigan Vehicle Code (MCL 257.653b) to require drivers to exhibit care and caution when approaching a stationary solid waste collection vehicle, a utility service vehicle, or a road maintenance vehicle with flashing, rotating, or oscillating amber lights. The bill would require the following.

On a public roadway with at least two adjacent lanes, proceeding in the same direction: the approaching vehicle must proceed with caution and yield the right of way by moving into a lane at least one moving lane or two vehicle widths apart from the collection, service, or maintenance vehicle. If moving that far apart is not possible due to weather, road conditions, or vehicular or pedestrian traffic in parallel moving lanes, then the driver would proceed as in the next paragraph.

On any public roadway that does not have at least two adjacent lanes proceeding in the same direction: the approaching vehicle must reduce and maintain a safe speed for weather, road conditions, and vehicular or pedestrian traffic and proceed with due care and caution.

A violation would be a misdemeanor punishable by a fine of not more than \$500 and/or imprisonment for not more than 90 days.

However, a violation that causes injury to an employee of the solid waste hauler, the utility provider, or the road maintenance authority in the immediate area of the stationary vehicle would be a felony punishable by a fine of not more than \$1,000 and/or imprisonment for not more than two years. A violation that causes death would be a felony punishable by a fine of not more than \$7,500 and/or imprisonment for not more than 15 years.

House Bill 5883 (MCL 777.12g) would amend the Code of Criminal Procedure to put the two new felonies into sentencing guidelines provisions. Causing injury would be a Class G felony against the person with a two-year maximum and causing death would be a Class C felony against a person with a 15-year maximum.

FISCAL IMPACT:

The bills' fiscal impact would depend on how they affected the numbers of misdemeanor and felony convictions and the sanctions imposed. Increases in the numbers of misdemeanor convictions could increase local costs of jail incarceration and misdemeanor probation, both of which vary by jurisdiction. Increases in the numbers of felony convictions could increase state and local costs, depending on whether an offender was sentenced to prison, jail, probation, or some combination of jail and probation. Costs of felony probation supervision are borne by the state; field supervision of probationers and parolees averages about \$2,100 per supervised offender per year. Costs of prison incarceration average about \$32,000 per prisoner per year, a figure that includes portions of various fixed operational and administrative costs. Any increase in penal fine collections could benefit local libraries, which are the constitutionally-designated recipients of such revenues.

There are no data available at present that indicate how frequently accidents involving waste, utility, or road maintenance vehicles occur in Michigan. National data published by the University of Michigan Transportation Research Institute indicate that during a five-year period, there were over a thousand fatal crashes involving street sweepers, refuse vehicles, and service/utility vehicles. National data for 2004 published by the federal Bureau of Labor Statistics indicate that there were 13 fatal transportation-related incidents involving utility workers, and 30 involving waste collection workers.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.