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BILL ANALYSIS

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Senate Bill 104 (as introduced 1-30-07)
Sponsor: Senator Valde Garcia
Committee: Transportation

Date Completed: 9-7-07

CONTENT

The bill would amend the Michigan Vehicle Code to prescribe the following additional penalties for a violation of certain requirements for driving on the right side or yielding the right of way:

- If the violation caused injury to another person, a fine of \$200 and a 30-day suspension of the person's driver license.**
- If the violation caused serious injury to another person, a fine of \$500 and a 90-day license suspension.**
- If the violation caused the death of another person, a fine of \$1,000 and a license suspension for 180 days to one year.**

Applicable Laws

The bill would apply to the requirements described below. A person who violates these provisions is responsible for a civil infraction.

Driving in Right Lane. The Code requires the driver of a vehicle, on each road of sufficient width, to drive the vehicle on the right half of the roadway, except when passing another vehicle or under certain other circumstances. On a road having two or more lanes for travel in one direction, the driver must drive in the right-most lane available for travel, with certain exceptions.

Right of Way. The driver of a vehicle approaching an intersection must yield the right of way to a vehicle that has entered the intersection from a different highway. When two vehicles enter an intersection from different highways at about the same time, the driver of the vehicle on the left must yield to the vehicle on the right.

A driver approaching a yield sign must slow to a reasonable speed and yield the right of way to a vehicle in the intersection or approaching on another highway so closely as to constitute a hazard when the driver would be crossing the intersection.

A driver approaching an intersection marked by a stop sign must stop before entering the crosswalk on the near side of the intersection, or at a clearly marked stop line, or if there is no crosswalk or stop line, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on that roadway. After stopping, the driver must yield the right of way to a vehicle that has entered the intersection from another highway or that is approaching closely enough to constitute an immediate hazard when the driver would be crossing the intersection.

At an intersection that is constructed as a merging highway or street, marked with appropriate merge signs, the vehicle must yield the right of way to a vehicle so close as to constitute an immediate hazard on the highway about to be entered, and must adjust its speed to enable it to merge safely with the through traffic.

Left-Turning Vehicle. The driver of a vehicle within an intersection intending to turn left must yield the right of way to a vehicle approaching from the opposite direction that is within the intersection or close enough to it to constitute an immediate hazard. Having yielded and signaled as required, the driver may make the left turn, and the drivers of all other vehicles approaching the intersection must yield to that driver. At an intersection with a traffic light, a driver intending to make a left turn must permit vehicles bound straight through in the opposite direction to pass through the intersection before making the turn.

Additional Penalties

Under the bill, a person who was found responsible for a violation of any of the above provisions that caused injury to another person would have to be fined \$200, and the Secretary of State would have to suspend the person's driver license for 30 days.

A person who was found responsible for a violation that caused serious injury to another person would have to be fined \$500, and the Secretary of State would have to suspend the person's license for 90 days.

A person who was found responsible for a violation that caused the death of another person would have to be fined \$1,000. The Secretary of State would have to suspend the person's driver license for not less than 180 days or more than one year.

In each case, the fine and period of suspension imposed under the bill would be in addition to any fine or suspension imposed for the underlying violation.

("Serious injury" would mean that term as defined in Section 602a of the Code, i.e., a physical injury that is not necessarily permanent, but constitutes serious bodily disfigurement or seriously impairs the functioning of a body organ or limb. The term includes one or more of the following:

- Loss of a limb or the use of a limb.
- Loss of a hand, foot, or finger, or the use of a hand, foot, or finger.
- Loss of an eye or ear, or the use of an eye or ear.
- Loss or substantial impairment of a bodily function.
- Serious visible disfigurement.
- A comatose state that lasts more than three days.
- Measurable brain damage or mental impairment.
- A skull fracture or other serious bone fracture.
- Subdural hemorrhage or hematoma.)

MCL 257.319 et al.

Legislative Analyst: Curtis Walker

FISCAL IMPACT

State: The bill would have a minimal fiscal impact on State government. There would be minimal programming costs to update the Secretary of State's computer systems in order to code them for the violations in question. On the other hand, if a person's license is suspended, that person must pay \$125 to have his or her license reinstated. This reinstatement fee remains within the Secretary of State's budget to be used at the discretion of the Secretary of State. The amount of reinstatement fees that would be collected as a result of the bill is indeterminate.

Local: The bill would require a penalty of \$200, \$500, or \$1,000 depending on the violation. The fine would be paid to the county in which the infraction occurred. The fine revenue would then be passed on to the local public library or county law library according to the provisions of MCL 257.909. The amount of fines that would be collected is indeterminate.

Fiscal Analyst: Joe Carrasco

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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.