



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 5140 (Substitute H-1 as reported without amendment)
Sponsor: Representative Pam Byrnes
House Committee: Transportation
Senate Committee: Transportation

CONTENT

The bill would amend the Michigan Vehicle Code to require a vehicle to be removed from the main traveled portion of a roadway following an accident, if the vehicle could be operated normally and moved safely, unless the vehicle operator knew or reasonably should know that a serious injury or death had resulted from the accident. The operator or an occupant with a valid driver license would have to move the vehicle to the shoulder, emergency lane, or median, or to a place otherwise removed from the roadway.

A person who violated the bill would be responsible for a civil infraction.

The operator or other person who removed a motor vehicle as required before the arrival of a police officer would not be prima facie at fault regarding the cause of the accident solely by reason of removing the vehicle.

The decision of the operator or any other person to remove or not to remove a vehicle from the main roadway would not be admissible in a civil action as evidence that a serious impairment of bodily function had or had not resulted from the accident.

Proposed MCL 257.618a

Legislative Analyst: Curtis Walker

FISCAL IMPACT

The bill would have an indeterminate fiscal impact that would depend on the number of civil infractions that would result from the bill. According to the Department of State Police, there were 316,057 traffic crashes on public roadways in 2008.

Under the Vehicle Code, as a rule, if a person is determined to be responsible for a civil infraction, he or she may be ordered to pay a maximum civil fine of \$100 plus costs and a justice system assessment. Civil fine revenue under the Code is dedicated to public libraries.

Date Completed: 1-120-10

Fiscal Analyst: Bill Bowerman