

Legislative Analysis



VULNERABLE TRANSPORTATION DEVICES AND USERS

Phone: (517) 373-8080
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House Bill 5223 (H-1) as reported from committee
Sponsor: Rep. Julie M. Rogers

Analysis available at
<http://www.legislature.mi.gov>

House Bill 5224 as reported from committee
Sponsor: Rep. Bill G. Schuette

Committee: Transportation, Mobility and Infrastructure
Complete to 5-16-24

SUMMARY:

House Bills 5223 and 5224 are part of a legislative package of bills with Senate Bills 617 and 618. (See **Background**, below, for a description of the Senate bills.) The four bills would provide penalties for moving violations that injure a *vulnerable roadway user* (SB 617); define a *vulnerable roadway user* to include, among other things, a person using a *vulnerable transportation device* (SB 618); define a *vulnerable transportation device* (HB 5223); and add the new felonies proposed by SB 617 to the sentencing guidelines (HB 5224).

House Bill 5223 would amend the Michigan Vehicle Code to define *vulnerable transportation device* (as used in SB 618) to mean a device in, on, or by which an individual is or may be transported or drawn on a highway or street, either by human power or by an electrical propulsion system with a power of up to 750 watts or one horsepower and a maximum speed on a paved level surface of up to 30 miles per hour. The term would include at least all of the following as defined in the code:

- An electric personal assistive mobility device.
- An electric bicycle.
- An electric skateboard.
- A bicycle.

Proposed MCL 257.79h

House Bill 5224 would amend the sentencing guidelines in the Code of Criminal Procedure to provide that (as proposed by SB 617) a moving violation causing serious injury to the operator of an implement of husbandry or a vulnerable roadway user is a class E violation against a person with a maximum term of imprisonment of five years, and a moving violation causing death to the operator of an implement of husbandry or (as proposed by SB 617) a vulnerable roadway user is a class C violation against a person with a maximum term of imprisonment of 15 years.

MCL 777.12e

As introduced, each of the four bills in the legislative package would take effect 90 days after being enacted, and none could take effect unless all four were enacted.

BACKGROUND:

Senate Bill 617, as reported from Senate committee, would amend the Michigan Vehicle Code to provide all of the following:

- An individual who commits a moving violation and as a result causes injury to a *vulnerable roadway user* (as defined in SB 618) or an individual properly operating an implement of husbandry on a highway is guilty of a misdemeanor punishable by imprisonment for up to one year or a fine of up to \$1,000, or both.
- An individual who commits a moving violation and as a result causes a serious injury requiring inpatient treatment at a hospital or post-acute rehabilitation facility to a vulnerable roadway user or an individual properly operating an implement of husbandry on a highway is guilty of a felony punishable by imprisonment for up to five years or a fine of up to \$5,000 or both.
- An individual who commits a moving violation and as a result causes death to a vulnerable roadway user or an individual properly operating an implement of husbandry on a highway is guilty of a felony punishable by imprisonment for up to 15 years or a fine of up to \$7,500 or both.

Currently under the code, a moving violation causing injury or death to an individual properly operating an implement of husbandry on a highway is an offense with the same penalties as described above. In relation to operators of implements of husbandry, the bill would add the penalties for a moving violation causing serious injury. In relation to vulnerable roadway users, all of the above provisions would be newly added by the bill. However, note that the code currently applies only to moving violations that have *criminal* penalties (i.e., misdemeanors or felonies). The above provisions would apply to *any* moving violations, and so would newly include, in addition to crimes, all moving violations that are *civil* infractions subject to a fine.

Currently, a violation related to an implement of husbandry that causes injury or death results in six points on the driver's record, and the same would apply to all three violations described above.

Currently, violations related to an implement of husbandry that cause injury or death are included in a list of violations for which a person's license must be revoked if they have two convictions in a seven-year period. This would apply to all three violations above.

Currently, one conviction for a violation related to an implement of husbandry that causes death results in license revocation, as would a violation described above that causes death.

Currently, one conviction for a violation related to an implement of husbandry that causes injury results in a 90-day license suspension, as would a violation described above that causes injury (but not a serious injury—the bill does not include a license suspension or revocation provision that would apply to one conviction for a violation that causes serious injury as described above).

Finally, the bill would provide that the above provisions do not prohibit an individual from being charged with, convicted of, or punished for a violation of any other law they committed while violating the above provisions—*except for* reckless driving that causes the death of another person.

Senate Bill 618, as reported from Senate committee, would amend the Michigan Vehicle Code to define *vulnerable roadway user* (as used in SB 617) to mean any of the following:

- A pedestrian.
- An individual using roller skates or inline skates.
- An individual using a nonmotorized scooter.
- An individual using a nonmotorized skateboard.
- An individual using a wheelchair.
- An individual riding a horse, pony, donkey, mule, or hinny or driving or riding in or on a carriage drawn by one of those animals.
- An individual operating or riding a *vulnerable transportation device* (as defined in HB 5223) in compliance with the code.

FISCAL IMPACT:

House Bills 5223 and 5224 would not have a direct fiscal impact on the state or local units of government.

POSITIONS:

Representatives of the following entities testified in support of the bills (4-23-24):

- Open Roads
- League of Michigan Bicyclists

The following entities indicated support for the bills:

- Bike Friendly Kalamazoo (5-14-24)
- City of Ann Arbor (4-23-24)
- Kalamazoo Bicycle Club (4-23-24)
- Michigan Municipal League (4-23-24)
- Southeast Michigan Council of Governments (SEMCOG) (4-23-24)
- Tri-County Bike Association Advocacy (5-14-24)

The Department of Transportation indicated a neutral position on the bills. (5-14-24)

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