



**House
Legislative
Analysis
Section**

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**UPDATE FELONIOUS DRIVING
REFERENCES**

**House Bill 4924 and 4925 with committee
amendments
Revised First Analysis (6-19-01)**

**Sponsor: Rep. Ruth Johnson
Committee: Criminal Justice**

THE APPARENT PROBLEM:

Currently, Public Act 214 of 1931 makes it a felony to drive a vehicle upon a highway carelessly and heedlessly in willful and wanton disregard of the rights or safety of others if such driving endangers other persons or property or results in a crippling injury to another person. House Bill 4596, which recently was passed by the House and is now waiting Senate committee action, would repeal Public Act 214 and place a similar provision within the Michigan Vehicle Code. In addition, House Bill 4596 would expand the prohibition on felonious driving to include reckless driving in a parking lot. (For more information, see the House Legislative Analysis Section's analysis of House Bills 4596 and 4597 dated 5-16-01.) Several acts contain references to Public Act 214. House Bill 4813, which was recently reported from the House Criminal Justice Committee, would amend the Michigan Vehicle Code to reference the new Section 626c (which would be placed in the code by House Bill 4596) instead of Public Act 214. Legislation is being offered to make technical corrections to other acts that also contain references to Public Act 214.

THE CONTENT OF THE BILL:

House Bills 4924 and 4925 are companion bills to House Bill 4596, which would repeal Public Act 214 of 1931 (which prohibits felonious driving), and place a similar provision within the Michigan Vehicle Code. House Bill 4924 would amend the Insurance Code (MCL 500.2103) and House Bill 4925 would amend the Natural Resources and Environmental Protection Act (MCL 324.82147). House Bill 4925 would change a reference to Public Act 214 contained within it to instead refer to a violation of Section 626c of the Michigan Vehicle Code, which would be placed in the code by House Bill 4596. House Bill 4924 would include a reference to both Section 1 of the former Public Act 214 and the new Section 626c of the vehicle code so that individuals who had been cited for felonious driving under either

of the sections would still be ineligible for car insurance for the requisite period of time. In addition, House Bill 4924 would make technical corrections by deleting a reference to Section 625b of the Michigan Vehicle Code, which formerly contained the prohibition on drunk driving, but was rewritten by 1991 legislation; and also change the reference from the Family Court to the Family Division of Circuit Court to reflect the recent court restructuring.

The bills are tie-barred to House Bill 4596. Both would take effect January 1, 2002.

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, neither of the bills would have direct fiscal implications for either the state or for local units of government. (6-11-01)

ARGUMENTS:

For:

If House Bill 4596 were enacted, it would repeal provisions contained in Public Act 214 of 1931 (felonious driving) and place a similar provision within the Michigan Vehicle Code. As several acts contain references to Public Act 214, it is necessary to amend those acts so that they contain the correct citation for the new provision regarding felonious driving.

Response:

House Bill 4924, which would amend the Insurance Code, would include references to both Public Act 214 and to the new section created by House Bill 4596 – Section 626c of the Michigan Vehicle Code. This would mean that, for the purpose of determining eligibility for car insurance, a person's driving record could be scrutinized for a felonious driving conviction regardless of which provision of law the person had been cited under. Currently, House Bill

House Bills 4924 and 4925 (6-19-01)

4925, which would amend the Natural Resources and Environmental Protection Act, requires the secretary of state to issue an order that a person not operate a snowmobile if convicted of certain offenses, including felonious driving. The bill would merely substitute a reference to the new Section 626c and delete the reference to Public Act 214. Shouldn't the bill be amended in a similar manner to House Bill 4924 and contain references for both? Otherwise, there would be no statutory authority to continue to prohibit a person from operating a snowmobile who had been cited for felonious driving under Public Act 214.

POSITIONS:

The Department of State Police is neutral on the bills.
(6-12-01)

Analyst: S. Stutzky

■ 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.