



Senate Fiscal Agency
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Senate Bill 956 (as introduced 2-4-04)
Sponsor: Senator Jud Gilbert, II
Committee: Transportation

Date Completed: 2-17-04

CONTENT

The bill would amend the Michigan Vehicle Code to require a driver to move to an adjacent lane, or, if moving to an adjacent lane were not possible, slow down when approaching a wrecker.

Under the Code, upon approaching and passing a stationary authorized emergency vehicle that is giving a visual signal by means of flashing, rotating, or oscillating red, blue, or white lights, the driver of an approaching vehicle must exhibit due care and caution by doing one of the following:

- On any public roadway with at least two adjacent lanes proceeding in the same direction of the emergency vehicle, yield the right-of-way by moving into a lane at least one moving lane or two vehicle widths apart from the emergency vehicle.
- On any public roadway that does not have at least two adjacent lanes proceeding in the same direction, or if the driver cannot move due to weather, road conditions, or the immediate presence of vehicular or pedestrian traffic, reduce and maintain a safe speed.

Under the bill, a driver approaching a wrecker that was giving a visual signal by means of flashing, rotating, or oscillating amber or red lights also would have to move to an adjacent lane or slow down.

Under the Code, a person who does not move over or slow down when approaching and passing a stationary authorized emergency vehicle is guilty of a misdemeanor punishable by a maximum fine of \$500 and/or imprisonment for up to 90 days. If the person injures a police officer, firefighter, or other emergency response personnel in the immediate area of the emergency vehicle, the violator is guilty of a felony punishable by a maximum fine of \$1,000 and/or imprisonment for up to two years. If the person causes the death of a police officer, firefighter, or other emergency response personnel, he or she is guilty of a felony punishable by a maximum fine of \$7,500 and/or imprisonment for up to 15 years. Under the bill, the penalties also would apply to a person who did not move over or slow down when approaching a wrecker, or caused injury to or the death of a wrecker operator.

MCL 257.653a

Legislative Analyst: Julie Koval

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local units of government.

To the extent that it would increase the number of offenders convicted of the existing violation by expanding it to cover wreckers and operators of wreckers, it could increase State and local corrections costs. Local units of government would incur the additional costs

of misdemeanor probation and incarceration in a local facility, which vary by county. The State would incur the cost of felony probation at an average annual cost of \$1,750 and the cost of incarceration in a State facility at an average annual cost of \$27,000.

Fiscal Analyst: Bethany Wicksall