



TRAFFIC SERVICES SECTION **FIELD UPDATE**

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Destruction of Suspended Driver’s Licenses

The Traffic Services Section has received a number of questions about an officer’s authority regarding suspended driver’s licenses. Apparently there has been an ongoing debate as to whether or not a police officer has the legal authority to destroy a driver’s license when the driver’s status is suspended.

MCL 257.321b says, “Any policeman, law enforcing agent, or judicial officer who is informed by an official communication from the secretary of state that the secretary of state has suspended or revoked an operator's, moped, or chauffeur's license under the provisions of this act, shall obtain and destroy the suspended or revoked license.”

It is clear that officers have the legal authority to destroy a suspended driver’s license. In fact, officers are required by statute to destroy such licenses.

Michigan Vehicle Code and “Accident”

The Traffic Services Section has received several inquiries regarding the definition of “accident.” Because this is a somewhat complicated matter, this Field Update is a bit lengthy.

Short Answer

In summary, the term “accident,” used in the Michigan Vehicle Code, and the term “crash,” used on the UD-10 Traffic Crash Report, are not identical in meaning. Officers should be aware that an incident may qualify as a Michigan Vehicle Code accident even though it may not be a reportable crash for UD-10 purposes.

Traffic Crash Reporting

The glossary of the UD-10 Traffic Crash Manual defines a crash as “[a]n unstabilized situation that includes at least one harmful event. Also, that occurrence in a sequence of events that usually produces injury, death or property damage.”

The UD-10 Manual also says that a crash must involve: 1) a motor vehicle that, 2) was in transport, and 3) on the roadway, that resulted in death, injury or property damage of \$1, 000 or more. The manual goes on to say that crashes do not include events that involve deliberate intent (e.g., suicides and assaults) or legal intervention (e.g., a PIT maneuver).

Michigan Vehicle Code “Accident”

The Michigan Vehicle Code does not define “accident.” Since it is undefined, it is largely up to the courts to determine what constitutes an accident.

This update is provided for informational purposes only. Officers should contact their local prosecutor for an interpretation before applying the information contained in this update

There are a number of court cases involving intentional acts where the driver was convicted of failing to report an accident.

Examples of “accidents” for Failure to Report purposes include:

- 1) In *People v Martinson*, 161 Mich App 55 (1987), the defendant intentionally struck the victim with a motor vehicle. The defendant was convicted of assault with a dangerous weapon and failure to stop at a personal injury accident (MCL 257.617a). This is not a reportable crash for UD-10 purposes because it is an intentional act, but it is an accident for Michigan Vehicle Code purposes.
- 2) In *People v Butler*, 1997 WL 33347915 (Mich App), an unpublished opinion, the defendant was convicted of failure to stop at an accident resulting in serious injury or death (MCL 257.617). In that case, a co-defendant pushed the victim out of a moving motor vehicle. Again, this was an intentional act (an assault) so it would not be reported on a UD-10. In light of *Keskimaki* (below), it is notable that the vehicle in *Butler* did not actually collide with anything.

Michigan Supreme Court Definition of Accident

Perhaps the best guidance comes from a Michigan Supreme Court Case, *People v Keskimaki*, 446 Mich 240 (1994).

In *Keskimaki*, the Court examined the meaning of “accident” as it is used in MCL 257.625a. The Court specifically reviewed the subsection that allows for the admission of hospital blood results in certain cases.

Keskimaki involved a defendant who was arrested for Operating Under the Influence of an Intoxicating Liquor (MCL 257.625(1)). A police officer found the defendant, who was unconscious, sitting in a parked car. The officer was unable to

wake the defendant so he was transported to the hospital for treatment.

The *Keskimaki* Court noted, “Perhaps partly because of its belief that the meaning of the word ‘accident’ was intuitively apparent, the Legislature neglected to define this term when it enacted this legislation.”

The Court in *Keskimaki* continued, “[W]e believe that the determination whether an accident has occurred will depend on an examination of all the circumstances surrounding an incident. Although we are declining to formulate a precise definition of the term, we think the relevant factors used in making such a determination can and should be delineated. Accordingly, we believe consideration should be given to whether there has been a collision, whether personal injury or property damage has resulted from the occurrence, and whether the incident either was undesirable for or unexpected by any of the parties directly involved. While we do not intend this to be an exhaustive list of factors to be considered, included are those that we believe will appear with frequency in true ‘accidents;’ such factors may be regarded as the distinguishing characteristics of an accident.”

The Court ruled that the defendant had not been involved in a Michigan Vehicle Code accident.

Conclusion

Officers can take at least two points from *Keskimaki*. First, if it looks like an accident then it probably is an accident. And, second, the decision of whether or not it was an accident may ultimately rest with the courts.