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## HB 2205 - Safe Streets Legislation

### *Issue*

When unsafe drivers injure or kill others on the road, including bicyclists and pedestrians, current law allows prosecutors to bring charges for:

1. trivial traffic infractions, or
2. serious (but difficult-to-prove) felony charges

But what about the intermediate case--a driver whose careless or dangerous actions injure or kill but who is simply a bad, unsafe driver, not a murderous felon?

**Current law allows such drivers to injure or kill others and end up with a fine of a few hundred dollars and a couple of points on their driving record.**

The consequences are not serious enough to encourage these careless, dangerous drivers to change their driving habits.

Prosecutors tell us it is usually not appropriate--or possible--to charge such drivers with a felony. Most often such drivers don't need hard time in prison--but they do need appropriate consequences and incentive to change their poor driving behavior.

**It is one thing to carefully roll through a stop sign--another to carelessly blow through a stop sign and injure or kill someone.** Under current law the penalties for these two very different offenses are nearly the same (the biggest difference is that offenses resulting in property damage receive two extra driver license points).

### *Solution*

HB 2205, sponsored by Representative Mike Sutherland, does what several other states have done: create an intermediate step between traffic offense and vehicular felonies.

HB 2205 creates a new misdemeanor offense that will apply to those who operate vehicles in violation of traffic law, when that violation leads to injury or death.

**The penalties provided in HB 2205 are more serious than simple traffic infractions but less serious than felony charges, less costly to prosecute, and more appropriate to the type of offense.**

Penalties are focused on loss of driving privileges rather than prison time and are designed to encourage change in driver attitude and behavior.

HB 2205 is designed to get dangerous drivers off the road in the short term and change future driving behavior in the long term. **Over 40,000 Americans are killed and 2.9 million injured in automobile collisions.** HB 2205 is an effective and economical way to make a real difference in this death toll.

### *For More Information*

To learn more, contact Missouri Bicycle Federation Executive Director Brent Hugh at 816-695-6736 or [director@mobikefed.org](mailto:director@mobikefed.org)



## **Sample cases**

**Susan Brewer, August 2006, Liberty, Missouri:** Bicyclist struck from behind and killed by a car that left the lane and strayed onto the shoulder. Result: \$200 fine

**Pei Chen, UMKC student, February 2003:** 19-year-old driver ticketed for driving around a line of cars that had stopped to let Chen cross, killing her. Chen was crossing in a marked crosswalk in a school zone. Result: probation and community service.

**Susie Stephens, nationally renowned pedestrian advocate, March 2002, St. Louis:** A bus failed to yield and turned across a crosswalk where Stephens was crossing, crushing her in the rear wheels and killing her. Result: \$500 fine.

**January 2008, St. Louis:** A truck pulling a horse trailer struck two bicyclists, seriously injuring them. In a separate incident, an SUV struck a bicyclist riding in downtown St. Louis. The bicyclist was hospitalized. Both drivers left the scene. Result: police have been unable to locate the vehicles or driver despite a reward offered by the "Hit and Run Justice Fund".

**Mike Brady, 2000, near Fulton:** On a bright sunlit day with perfect visibility, a driver who was fumbling with his stereo and not watching the road left his lane and killed bicyclist Mike Brady, who was riding on the wide shoulder. Given the egregious circumstances, the judge felt compelled to give the driver the strongest possible sentence possible in light of the traffic infractions Shoemaker was charged with. Result: 1 yr suspended sentence, 2 yrs probation, 1 yr license suspension.

**Michael Katz, August 2005, St. Louis:** bicyclist Michael Katz was killed by an inattentive driver with a long list of traffic violations on his record. The driver was not watching the road, left his lane, and struck Katz, who was bicycling on the wide shoulder. Result: The driver was charged with traffic infractions and given fines and probation. The St. Louis Regional Bicycle Federation led a protest of the lenient sentence.

## **Traffic injury and fatality statistics**

Bicyclists and pedestrians represent less than **5% of trips**, but **7.5% of roadway deaths** and **15% of roadway injuries** in Missouri.

**Nationwide (2006):** 42,642 killed, 2.9 million injured as the result of traffic collisions  
4784 pedestrians killed, 773 bicyclists killed

**Missouri (2006):** 1096 killed, 62,078 injured, \$3.5 billion economic loss  
Pedestrians: 74 killed, 1209 injured  
Bicyclists: 7 killed, 584 injured

Many first-world industrialized countries have injury and death rates 25%-50% of ours. One major reason is that bad, dangerous drivers in these countries receive immediate consequences and restriction of driving privileges rather than a free pass.

Data sources for statistics: <http://www.mshp.dps.missouri.gov/MSHPWeb/SAC/pdf/2007E.pdf>, <http://www-fars.nhtsa.dot.gov/Main/index.aspx>, Missouri Department of Health and Senior Services InjuryMICA figures, 1996-2002.