

Leta Howard

From: Sean Murphy <sean@lawyerforlife.com>
Sent: Wednesday, February 05, 2014 2:51 PM
To: Leta Howard
Subject: Comment re: SB 733

As an attorney representing bicyclists, including those who sustain injuries on Michigan roadways, I write to voice my opposition to SB0733. This proposed amendment appears to discriminate against bicyclists and limit their rights with respect to highway defect cases, above and beyond the existing restrictions applicable to claims of motorists. Cyclists are entitled to share the portion of highways designed for vehicular travel with individuals operating motor vehicles. MCL 257.657 makes it explicitly clear that "each person riding a bicycle...upon a roadway *has all of the rights and is subject to all of the duties* applicable to the driver of a vehicle..." Yet this proposed amendment to 1964 PA 170 would impose additional, unduly burdensome and restrictive requirements on non-motorists, including cyclists, with respect to highway defect liability claims against a governmental agency. As written, SB0733 appears to seek amendment of existing Michigan law to impose additional hurdles and proof requirements to non-motorists such as cyclists, as well as a presumption in favor of the respective governmental agency. The result would be to make a highway defect claim more burdensome and/or difficult for a cyclist than a motorist in many cases. This would be patently unfair to cyclists, a class of individuals authorized by law to share the same roadways, as well as the same rights and duties, as motorists.

I strongly urge this Committee to scrap SB0733 altogether, or in the alternative, revise its language to explicitly protect cyclists' rights. Please feel free to contact me for further comment.

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