



MICHIGAN STATE POLICE LEGAL UPDATE

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VEHICLE CODE

Signaling a lane change is required by the Michigan Vehicle Code

In *People v. Hrllic*, an officer stopped a driver for failing to signal a lane change and ultimately arrested her for OWI. The driver argued that the signaling statute ([MCL 257.648](#)) does not require a signal for lane changes. Instead, she argued that the statute's requirement that a driver signal when "turning from a direct line" only requires a signal when turning from one road to another.

There has been some debate about whether the statute requires that lane changes be signaled. But the issue is now settled. After examining the language of the statute, the Michigan Court of Appeals held that "MCL 257.648 requires drivers to use a turn signal when changing lanes..."

CRIMINAL LAW

The elements of felony nonsupport include proof of notice

In *People v. Herrick*, the defendant was charged with felony nonsupport for failing to pay child support in violation of [MCL 750.165](#). The charge was dismissed after preliminary examination because no evidence was introduced showing the defendant had notice of his support obligations. The prosecutor argued the elements of nonsupport are exclusively found in [MCL 750.165\(1\)](#), and do not include the notice requirements of [MCL 750.165\(2\)](#).

The Michigan Court of Appeals held that both subsections, taken together, comprise the elements of felony nonsupport: (1) the defendant was required by court order to pay spousal or child support, (2) the

defendant failed to pay as ordered, and (3) the defendant either appeared in or received notice by personal service of the proceeding in which the order was issued.

Officers investigating felony nonsupport cases should obtain the records necessary to prove a suspect had notice of his or her obligations.

DID YOU KNOW?

Note: The following material does not represent new law. Instead, it is intended to inform officers of infrequently used laws that might prove useful.

Implied consent hearings are limited in scope

When a driver has his or her license suspended for refusing to submit to a chemical test, they are entitled to a hearing before a Secretary of State Hearing Officer (commonly called "DLAD Hearings") governed by [MCL 257.625f\(4\)](#). The statute limits the hearing to only the following four issues:

- Whether the officer had reasonable grounds to believe that the person had committed an alcohol-related driving offense (as described in [MCL 257.625c\(1\)](#)),
- Whether the person was arrested for one of those offenses,
- Whether the refusal to submit to a test was reasonable, and
- Whether the person was advised of their chemical test rights.

DLAD Hearings are recorded and are required to be held within 77 days of arrest, which means that they often occur before trial.

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Did You Know?, continued...

Because officers are typically not represented by an attorney at a DLAD hearing, they should be aware of the statutory limits of such hearings. Officers are not required to testify regarding any matter beyond the statutory limits. This is particularly important when a suspect is represented by an attorney at a hearing – where an attempt may be made to expand the scope of a hearing in order to assist in building a defense for trial.

Finally, when the case involves a serious alcohol-related offense (e.g., negligent homicide) officers should consult with their prosecutor before appearing at a DLAD Hearing.

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