MICHIGAN VEHICLE CODE (EXCERPT)
Act 300 of 1949

CHAPTER VI

OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS

257.601 Applicability of chapter to operations on highways; exceptions.

Sec. 601. The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except where a different place is specifically referred to in a given section.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.601a Private road open to general public; contract; enforcement of act; cost and posting of signs; contracts not affected; "private road that is open to the general public" defined.

Sec. 601a. (1) A county, city, township, or village may contract with a person who owns or is in charge of a private road that is open to the general public, at that person's request or with that person's consent, to enforce provisions of this act on that private road.

(2) Subject to subsection (1) and section 906, a peace officer may enter upon a private road that is open to the general public to enforce provisions of this act if signs meeting the requirements of the Michigan manual of uniform traffic control devices are posted on the private road.

(3) The owner or person in charge of a private road open to the general public who enters into a contract as described in subsection (1) is responsible for the cost and the posting of signs described in subsection (2).

(4) This section does not affect a contract entered into between a county, city, township, or village and the person who owns or is in charge of a private road open to the general public before December 29, 2006.

(5) As used in this section, "private road that is open to the general public" does not include a road that is under the control of a mobility research center, regardless of whether a private research entity or a corporation is using the road under an agreement with the mobility research center.

History: Add. 2006, Act 549, Imd. Eff. Dec. 29, 2006;—Am. 2011, Act 115, Imd. Eff. July 20, 2011;—Am. 2016, Act 334, Imd. Eff. Dec. 9, 2016.

Compiler's note: Former MCL 257.601a, which pertained to certain vehicle owned and operated by state and local authorities and vehicles transporting hazardous materials, was repealed by Act 248 of 1995, Imd. Eff. Dec. 27, 1995.

257.601b Moving violation in work zone, emergency scene, school zone, or school bus zone; penalties; exceptions; definitions.

Sec. 601b. (1) Notwithstanding any other provision of this act, a person responsible for a moving violation in a work zone, at an emergency scene, or in a school zone during the period beginning 30 minutes before school in the morning and through 30 minutes after school in the afternoon, or in a school bus zone is subject to a fine that is double the fine otherwise prescribed for that moving violation.

(2) A person who commits a moving violation in a work zone or a school bus zone for which not fewer than 3 points are assigned under section 320a and as a result causes injury to another person in the work zone or school bus zone is guilty of a misdemeanor punishable by a fine of not more than $1,000.00 or imprisonment for not more than 1 year, or both.

(3) A person who commits a moving violation in a work zone or school bus zone for which not fewer than 3 points are assigned under section 320a and as a result causes death to another person in the work zone or school bus zone is guilty of a felony punishable by a fine of not more than $7,500.00 or by imprisonment for not more than 15 years, or both.

(4) Subsections (2) and (3) do not apply if the injury or death was caused by the negligence of the injured or deceased person in the work zone or school bus zone.

(5) As used in this section:

(a) "Emergency scene" means a traffic accident, a serious incident caused by weather conditions, or another occurrence along a highway or street for which a police officer, firefighter, or emergency medical personnel are summoned to aid an injured victim.

(b) "Moving violation" means an act or omission prohibited under this act or a local ordinance substantially corresponding to this act that occurs while a person is operating a motor vehicle, and for which the person is subject to a fine.

(c) "School bus zone" means the area lying within 20 feet of a school bus that has stopped and is displaying 2 alternately flashing red lights at the same level, except as described in section 682(2).

(d) "School zone" means that term as defined in section 627a.

History: Add. 1996, Act 320, Imd. Eff. June 25, 1996;—Am. 2001, Act 103, Eff. Oct. 1, 2001;—Am. 2003, Act 314, Imd. Eff. Jan. 9, 2004;—Am. 2008, Act 296, Imd. Eff. Oct. 8, 2008;—Am. 2011, Act 60, Eff. July 1, 2011.

257.601c Moving violation causing injury or death to person operating implement of husbandry on highway.

Sec. 601c. (1) A person who commits a moving violation that has criminal penalties and as a result causes injury to a person operating an implement of husbandry on a highway in compliance with this act is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both.

(2) A person who commits a moving violation that has criminal penalties and as a result causes death to a person operating an implement of husbandry on a highway in compliance with this act is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than $7,500.00, or both.

(3) As used in this section, “moving violation” means an act or omission prohibited under this act or a local ordinance substantially corresponding to this act that occurs while a person is operating a motor vehicle, and for which the person is subject to a fine.

History: Add. 2001, Act 103, Eff. Oct. 1, 2001.

***** *257.601d THIS SECTION IS AMENDED EFFECTIVE MARCH 28, 2019: See 257.601d.amended* *****

257.601d Person who commits moving violation causing death of another person or serious impairment of body function; penalty; other violations; "moving violation" defined.

Sec. 601d. (1) A person who commits a moving violation while operating a vehicle upon a highway or other place open to the general public, including, but not limited to, an area designated for the parking of motor vehicles, that causes the death of another person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $2,000.00, or both.

(2) A person who commits a moving violation while operating a vehicle upon a highway or other place open to the general public, including, but not limited to, an area designated for the parking of motor vehicles, that causes serious impairment of a body function to another person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both.

(3) This section does not prohibit the person from being charged with, convicted of, or punished for any other violation of law.

(4) As used in this section, "moving violation" means an act or omission prohibited under this act or a local ordinance substantially corresponding to this act that involves the operation of a motor vehicle, and for which a fine may be assessed.

History: Add. 2008, Act 463, Eff. Oct. 31, 2010;—Am. 2016, Act 46, Eff. June 13, 2016.

***** *257.601d.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 28, 2019* *****

257.601d.amended Person who commits moving violation that is the proximate cause of death of another person or serious impairment of body function; penalty; other violations; "moving violation" defined.

Sec. 601d. (1) A person who commits a moving violation while operating a vehicle upon a highway or other place open to the general public, including, but not limited to, an area designated for the parking of motor vehicles, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $2,000.00, or both, if the moving violation was the proximate cause of the death of another person.

(2) A person who commits a moving violation while operating a vehicle upon a highway or other place open to the general public, including, but not limited to, an area designated for the parking of motor vehicles, that causes serious impairment of a body function to another person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both.

(3) This section does not prohibit the person from being charged with, convicted of, or punished for any other violation of law.

(4) As used in this section, "moving violation" means an act or omission prohibited under this act or a local ordinance substantially corresponding to this act that involves the operation of a motor vehicle, and for which a fine may be assessed.

History: Add. 2008, Act 463, Eff. Oct. 31, 2010;—Am. 2016, Act 46, Eff. June 13, 2016;—Am. 2018, Act 566, Eff. Mar. 28, 2019.

257.602 Compliance with order or direction of police officer.

Sec. 602. A person shall not refuse to comply with a lawful order or direction of a police officer when that officer, for public interest and safety, is guiding, directing, controlling, or regulating traffic on the highways of this state.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1975, Act 209, Imd. Eff. Aug. 25, 1975.

257.602a Failure to stop at signal of police or conservation officer; penalty; subsection (1) inapplicable unless officer in uniform and vehicle identified; violation of subsection (1) as felony; conviction for conduct arising out of same transaction; "serious injury" defined.

Sec. 602a. (1) A driver of a motor vehicle who is given by hand, voice, emergency light, or siren a visual or audible signal by a police or conservation officer, acting in the lawful performance of his or her duty, directing the driver to bring his or her motor vehicle to a stop shall not willfully fail to obey that direction by increasing the speed of the motor vehicle, extinguishing the lights of the motor vehicle, or otherwise attempting to flee or elude the officer. This subsection does not apply unless the police or conservation officer giving the signal is in uniform and the officer's vehicle is identified as an official police or department of natural resources vehicle.

(2) Except as provided in subsection (3), (4), or (5), an individual who violates subsection (1) is guilty of fourth-degree fleeing and eluding, a felony punishable by imprisonment for not more than 2 years or a fine of not more than $500.00, or both.

(3) Except as provided in subsection (4) or (5), an individual who violates subsection (1) is guilty of third-degree fleeing and eluding, a felony punishable by imprisonment for not more than 5 years or a fine of not more than $1,000.00, or both, if 1 or more of the following circumstances apply:

(a) The violation results in a collision or accident.

(b) A portion of the violation occurred in an area where the speed limit is 35 miles an hour or less, whether that speed limit is posted or imposed as a matter of law.

(c) The individual has a prior conviction for fourth-degree fleeing and eluding, attempted fourth-degree fleeing and eluding, or fleeing and eluding under a current or former law of this state prohibiting substantially similar conduct.

(4) Except as provided in subsection (5), an individual who violates subsection (1) is guilty of second-degree fleeing and eluding, a felony punishable by imprisonment for not more than 10 years or a fine of not more than $5,000.00, or both, if 1 or more of the following circumstances apply:

(a) The violation results in serious injury to an individual.

(b) The individual has 1 or more prior convictions for first-, second-, or third-degree fleeing and eluding, attempted first-, second-, or third-degree fleeing and eluding, or fleeing and eluding under a current or former law of this state prohibiting substantially similar conduct.

(c) The individual has any combination of 2 or more prior convictions for fourth-degree fleeing and eluding, attempted fourth-degree fleeing and eluding, or fleeing and eluding under a current or former law of this state prohibiting substantially similar conduct.

(5) If the violation results in the death of another individual, an individual who violates subsection (1) is guilty of first-degree fleeing and eluding, a felony punishable by imprisonment for not more than 15 years or a fine of not more than $10,000.00, or both.

(6) A conviction under this section does not prohibit a conviction and sentence under any other applicable provision, except section 479a(2), (3), (4), or (5) of the Michigan penal code, 1931 PA 328, MCL 750.479a, for conduct arising out of the same transaction.

(7) As used in this section, "serious injury" means a physical injury that is not necessarily permanent, but that constitutes serious bodily disfigurement or that seriously impairs the functioning of a body organ or limb. Serious injury includes, but is not limited to, 1 or more of the following:

(a) Loss of a limb or use of a limb.

(b) Loss of a hand, foot, finger, or thumb or use of a hand, foot, finger, or thumb.

(c) Loss of an eye or ear or use of an eye or ear.

(d) Loss or substantial impairment of a bodily function.

(e) Serious visible disfigurement.

(f) A comatose state that lasts for more than 3 days.

(g) Measurable brain damage or mental impairment.

(h) A skull fracture or other serious bone fracture.

(i) Subdural hemorrhage or hematoma.

History: Add. 1966, Act 203, Eff. Sept. 1, 1966;—Am. 1968, Act 160, Eff. Nov. 15, 1968;—Am. 1981, Act 159, Eff. Mar. 31, 1982;—Am. 1988, Act 406, Eff. Mar. 30, 1989;—Am. 1996, Act 587, Eff. June 1, 1997;—Am. 1998, Act 347, Eff. Oct. 1, 1999;—Am. 1999, Act 73, Eff. Oct. 1, 1999.

257.602b Reading, typing, or sending text message on wireless 2-way communication device prohibited; use of hand-held mobile telephone prohibited; exceptions; "use a hand-held mobile telephone" defined; violation as civil infraction; fine; local ordinances superseded.

Sec. 602b. (1) Except as otherwise provided in this section, a person shall not read, manually type, or send a text message on a wireless 2-way communication device that is located in the person's hand or in the person's lap, including a wireless telephone used in cellular telephone service or personal communication service, while operating a motor vehicle that is moving on a highway or street in this state. As used in this subsection, a wireless 2-way communication device does not include a global positioning or navigation system that is affixed to the motor vehicle. This subsection does not apply to a person operating a commercial vehicle.

(2) Except as otherwise provided in this section, a person shall not read, manually type, or send a text message on a wireless 2-way communication device that is located in the person's hand or in the person's lap, including a wireless telephone used in cellular telephone service or personal communication service, while operating a commercial motor vehicle or a school bus on a highway or street in this state. As used in this subsection, a wireless 2-way communication device does not include a global positioning or navigation system that is affixed to the commercial motor vehicle or school bus.

(3) Except as otherwise provided in this section, a person shall not use a hand-held mobile telephone to conduct a voice communication while operating a commercial motor vehicle or a school bus on a highway, including while temporarily stationary due to traffic, a traffic control device, or other momentary delays. This subsection does not apply if the operator of the commercial vehicle or school bus has moved the vehicle to the side of, or off, a highway and has stopped in a location where the vehicle can safely remain stationary. As used in this subsection, "mobile telephone" does not include a 2-way radio service or citizens band radio service. As used in this subsection, "use a hand-held mobile telephone" means 1 or more of the following:

(a) Using at least 1 hand to hold a mobile telephone to conduct a voice communication.

(b) Dialing or answering a mobile telephone by pressing more than a single button.

(c) Reaching for a mobile telephone in a manner that requires a driver to maneuver so that he or she is no longer in a seated driving position, restrained by a seat belt that is installed as required by 49 CFR 393.93 and adjusted in accordance with the vehicle manufacturer's instructions.

(4) Subsections (1), (2), and (3) do not apply to an individual who is using a device described in subsection (1) or (3) to do any of the following:

(a) Report a traffic accident, medical emergency, or serious road hazard.

(b) Report a situation in which the person believes his or her personal safety is in jeopardy.

(c) Report or avert the perpetration or potential perpetration of a criminal act against the individual or another person.

(d) Carry out official duties as a police officer, law enforcement official, member of a paid or volunteer fire department, or operator of an emergency vehicle.

(e) Operate or program the operation of an automated motor vehicle while testing or operating the automated motor vehicle without a human operator.

(5) Subsection (1) does not apply to a person using an on-demand automated motor vehicle network.

(6) An individual who violates this section is responsible for a civil infraction and shall be ordered to pay a civil fine as follows:

(a) For a first violation, $100.00.

(b) For a second or subsequent violation, $200.00.

(7) This section supersedes all local ordinances regulating the use of a communications device while operating a motor vehicle in motion on a highway or street, except that a unit of local government may adopt an ordinance or enforce an existing ordinance substantially corresponding to this section.

History: Add. 2010, Act 60, Eff. July 1, 2010;—Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011;—Am. 2012, Act 498, Eff. Mar. 28, 2013;—Am. 2013, Act 36, Imd. Eff. May 21, 2013;—Am. 2013, Act 231, Eff. Mar. 27, 2014;—Am. 2016, Act 332, Imd. Eff. Dec. 9, 2016.

257.602c Individual issued level 1 or 2 graduated license; use of cellular telephone prohibited; exceptions; violation as civil infraction; local ordinance; section known and cited as "Kelsey's Law."

Sec. 602c. (1) Except as provided in this section, an individual issued a level 1 or level 2 graduated license under section 310e shall not use a cellular telephone while operating a motor vehicle upon a highway or street. For purposes of this subsection, "use" means to initiate a call; answer a call; or listen to or engage in verbal communication through the cellular telephone.

(2) Subsection (1) does not apply to an individual who is using a cellular telephone to do any of the following:

(a) Report a traffic accident, medical emergency, or serious road hazard.

(b) Report a situation in which the person believes his or her personal safety is in jeopardy.

(c) Report or avert the perpetration or potential perpetration of a criminal act against the individual or another person.

(3) Subsection (1) does not apply to an individual using a voice-operated system that is integrated into the motor vehicle.

(4) An individual who violates this section is responsible for a civil infraction.

(5) This section supersedes all local ordinances regulating the use of a cellular telephone by an individual issued a level 1 or level 2 graduated license while operating a motor vehicle in motion on a highway or street, except that a unit of local government may adopt an ordinance or enforce an existing ordinance substantially corresponding to this section.

(6) This section shall be known and may be cited as "Kelsey's Law".

History: Add. 2012, Act 592, Eff. Mar. 28, 2013.

257.603 Applicability of chapter to government vehicles; exemption of authorized emergency vehicles; conditions; exemption of police vehicles not sounding audible signal; exemption of persons, vehicles, and equipment working on surface of highway.

Sec. 603. (1) The provisions of this chapter applicable to the drivers of vehicles upon the highway apply to the drivers of all vehicles owned or operated by the United States, this state, or a county, city, township, village, district, or any other political subdivision of the state, subject to the specific exceptions set forth in this chapter with reference to authorized emergency vehicles.

(2) The driver of an authorized emergency vehicle when responding to an emergency call, but not while returning from an emergency call, or when pursuing or apprehending a person who has violated or is violating the law or is charged with or suspected of violating the law may exercise the privileges set forth in this section, subject to the conditions of this section.

(3) The driver of an authorized emergency vehicle may do any of the following:

(a) Park or stand, irrespective of this act.

(b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.

(c) Exceed the prima facie speed limits so long as he or she does not endanger life or property.

(d) Disregard regulations governing direction of movement or turning in a specified direction.

(4) The exemptions granted in this section to an authorized emergency vehicle apply only when the driver of the vehicle while in motion sounds an audible signal by bell, siren, air horn, or exhaust whistle as may be reasonably necessary, except as provided in subsection (5), and when the vehicle is equipped with at least 1 lighted lamp displaying a flashing, oscillating, or rotating red or blue light visible under normal atmospheric conditions from a distance of 500 feet in a 360 degree arc unless it is not advisable to equip a police vehicle operating as an authorized emergency vehicle with a flashing, oscillating or rotating light visible in a 360 degree arc. In those cases, a police vehicle shall display a flashing, oscillating, or rotating red or blue light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle. Only police vehicles that are publicly owned shall be equipped with a flashing, oscillating, or rotating blue light that when activated is visible under normal atmospheric conditions from a distance of 500 feet in a 360 degree arc.

(5) A police vehicle shall retain the exemptions granted in this section to an authorized emergency vehicle without sounding an audible signal if the police vehicle is engaged in an emergency run in which silence is required.

(6) The exemptions provided for by this section apply to persons, teams, motor vehicles, and other equipment while actually engaged in work upon the surface of a highway but do not apply to those persons and vehicles when traveling to or from work. The provisions of this chapter governing the size and width of vehicles do not apply to vehicles owned by public highway authorities when the vehicles are proceeding to or from work on public highways.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951;—Am. 1958, Act 133, Imd. Eff. Apr. 18, 1958 ;—Am. 1962, Act 188, Eff. Mar. 28, 1963;—Am. 1964, Act 7, Imd. Eff. Mar. 20, 1964;—Am. 1975, Act 100, Eff. July 1, 1976;—Am. 1976, Act 347, Imd. Eff. Dec. 21, 1976;—Am. 1996, Act 587, Eff. June 1, 1997.

257.604 Riding animal or driving animal-drawn vehicle on roadway; rights and duties.

Sec. 604. A person riding an animal or driving an animal-drawn vehicle upon a roadway shall be granted

all of the rights and shall be subject to all the duties, criminal penalties, and civil sanctions applicable to the driver of a vehicle by this chapter, except those provisions of this chapter which by their very nature may not have application.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.605 Applicability and uniformity of provisions; local laws and regulations; payment and allocation of civil fines; issuance of more than 1 citation; equipment violations; "local law" defined.

Sec. 605. (1) This chapter and chapter VIII apply uniformly throughout this state and in all political subdivisions and municipalities in the state. A local authority shall not adopt, enact, or enforce a local law that provides lesser penalties or that is otherwise in conflict with this chapter or chapter VIII.

(2) A local law or portion of a local law that imposes a criminal penalty for an act or omission that is a civil infraction under this act, or that imposes a criminal penalty or civil sanction in excess of that prescribed in this act, is in conflict with this act and is void to the extent of the conflict.

(3) Except for a case in which the citation is dismissed pursuant to subsection (4), proceeds of a civil fine imposed by a local authority for violation of a local law regulating the operation of a commercial motor vehicle and substantially corresponding to a provision of this act shall be paid to the county treasurer and allocated as follows:

(a) Seventy percent to the local unit of government in which the citation is issued.

(b) Thirty percent for library purposes as provided by law.

(4) The owner or operator of a commercial motor vehicle shall not be issued more than 1 citation for each violation of a code or ordinance regulating the operation of a commercial motor vehicle and substantially corresponding to a provision of sections 683 to 725a of the Michigan vehicle code, 1949 PA 300, MCL 257.683 to 257.725a, within a 24-hour period. If the owner or operator of a commercial motor vehicle is issued a citation for an equipment violation pursuant to section 683 that does not result in the vehicle being placed out of service, the court shall dismiss the citation if the owner or operator of that commercial motor vehicle provides written proof to the court within 14 days after the citation is issued showing that the defective equipment indicated in the citation has been repaired.

(5) As used in this section, "local law" includes a local charter provision, ordinance, rule, or regulation.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1999, Act 73, Eff. Oct. 1, 1999;—Am. 1999, Act 267, Imd. Eff. Dec. 29, 1999;—Am. 2000, Act 97, Imd. Eff. May 15, 2000;—Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011.

***** *257.606 THIS SECTION IS AMENDED EFFECTIVE MARCH 21, 2019: See 257.606.amended* *****

257.606 Regulation of streets or highways under jurisdiction of local authority and within reasonable exercise of police power; accepted engineering practices as basis for regulations; stop sign or traffic control device requiring state trunk line highway traffic to stop; approval; posting signs giving notice of local traffic regulations; providing by ordinance for impounding of motor vehicle parked contrary to local ordinance; bond or cash deposit.

Sec. 606. (1) This chapter does not prevent a local authority with respect to streets or highways under the jurisdiction of the local authority and within the reasonable exercise of the police power from doing any of the following:

(a) Regulating the standing or parking of vehicles.

(b) Regulating the impoundment or immobilization of vehicles whose owner has failed to answer 6 or more parking violation notices or citations regarding illegal parking.

(c) Regulating traffic by means of police officers or traffic control signals.

(d) Regulating or prohibiting processions or assemblages on the highways or streets.

(e) Designating particular highways as 1-way highways and requiring that all vehicles on those highways be moved in 1 specific direction.

(f) Designating any highway as a through highway and requiring that all vehicles stop before entering or crossing the through highway; designating any intersection as a stop intersection and requiring all vehicles to stop at 1 or more entrances to the intersection; or designating any intersection as a yield intersection and requiring all vehicles to yield the right of way at 1 or more entrances to the intersection.

(g) Restricting the use of highways as authorized in section 726.

(h) Regulating the operation of bicycles and requiring the registration and licensing of bicycles, including the requirement of a registration fee.

(i) Regulating or prohibiting the turning of vehicles at intersections.

(j) Adopting other traffic regulations as are specifically authorized by this chapter.

(2) All traffic regulations described in subsection (1) shall be based on standard and accepted engineering practices as specified in the Michigan manual on uniform traffic control devices.

(3) A local authority shall not erect or maintain a stop sign or traffic control device that requires the traffic on any state trunk line highway to stop before entering or crossing any intersecting highway unless approval in writing has been first obtained from the director of the state transportation department.

(4) An ordinance or regulation enacted under subsection (1)(a), (d), (e), (f), (g), (i), or (j) shall not be enforceable until signs giving notice of the local traffic regulations are posted upon or at the entrance to the highway or street or part of the highway or street affected, as may be most appropriate, and are sufficiently legible as to be seen by an ordinarily observant person. The posting of signs giving the notice shall not be required for a local ordinance that does not differ from the provisions of this act regulating the parking or standing of vehicles; nor to ordinances of general application throughout the jurisdiction of the municipalities enacting the ordinances that prohibit, limit, or restrict all night parking or parking during the early morning hours, if signs, approximately 3 feet by 4 feet, and sufficiently legible as to be seen by an ordinarily observant person, giving notice of these ordinances relating to all night parking or parking during the early morning hours, are posted on highways at the corporate limits of the municipality.

(5) A local authority, in providing by ordinance for the impounding of any motor vehicle parked contrary to a local ordinance, shall not require a bond or cash deposit by the owner of the motor vehicle in excess of $500.00 in order to recover the possession of the motor vehicle pending final adjudication of the case.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951;—Am. 1952, Act 254, Eff. Sept. 18, 1952;—Am. 1955, Act 165, Imd. Eff. June 13, 1955;—Am. 1980, Act 518, Eff. Mar. 31, 1981;—Am. 2016, Act 448, Eff. Jan. 5, 2018.

***** *257.606.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 21, 2019* *****

257.606.amended Regulation of streets or highways under jurisdiction of local authority and within reasonable exercise of police power; accepted engineering practices as basis for regulations; stop sign or traffic control device requiring state trunk line highway traffic to stop; approval; posting signs giving notice of local traffic regulations; providing by ordinance for impounding of motor vehicle parked contrary to local ordinance; bond or cash deposit.

Sec. 606. (1) This chapter does not prevent a local authority with respect to streets or highways under the jurisdiction of the local authority and within the reasonable exercise of the police power from doing any of the following:

(a) Regulating the standing or parking of vehicles.

(b) Regulating the impoundment or immobilization of vehicles whose owner has failed to answer 6 or more parking violation notices or citations regarding illegal parking.

(c) Regulating traffic by means of police officers or traffic control signals.

(d) Regulating or prohibiting processions or assemblages on the highways or streets.

(e) Designating particular highways as 1-way highways and requiring that all vehicles on those highways be moved in 1 specific direction, or designating particular highways as 2-way highways.

(f) Designating any highway as a through highway and requiring that all vehicles stop before entering or crossing the through highway; designating any intersection as a stop intersection and requiring all vehicles to stop at 1 or more entrances to the intersection; or designating any intersection as a yield intersection and requiring all vehicles to yield the right of way at 1 or more entrances to the intersection.

(g) Restricting the use of highways as authorized in section 726.

(h) Regulating the operation of bicycles and requiring the registration and licensing of bicycles, including the requirement of a registration fee.

(i) Regulating or prohibiting the turning of vehicles at intersections.

(j) Adopting other traffic regulations as are specifically authorized by this chapter.

(2) All traffic regulations described in subsection (1) shall be based on standard and accepted engineering practices as specified in the Michigan manual on uniform traffic control devices.

(3) A local authority shall not erect or maintain a stop sign or traffic control device that requires the traffic on any state trunk line highway to stop before entering or crossing any intersecting highway unless approval in writing has been first obtained from the director of the state transportation department.

(4) An ordinance or regulation enacted under subsection (1)(a), (d), (e), (f), (g), (i), or (j) are not enforceable until signs giving notice of the local traffic regulations are posted upon or at the entrance to the highway or street or part of the highway or street affected, as may be most appropriate, and are sufficiently

legible as to be seen by an ordinarily observant person. The posting of signs giving the notice is not required for a local ordinance that does not differ from the provisions of this act regulating the parking or standing of vehicles or for ordinances of general application throughout the jurisdiction of the municipalities enacting the ordinances that prohibit, limit, or restrict all night parking or parking during the early morning hours, if signs, approximately 3 feet by 4 feet, and sufficiently legible as to be seen by an ordinarily observant person, giving notice of these ordinances relating to all night parking or parking during the early morning hours, are posted on highways at the corporate limits of the municipality.

(5) A local authority, in providing by ordinance for the impounding of any motor vehicle parked contrary to a local ordinance, shall not require a bond or cash deposit by the owner of the motor vehicle in excess of $500.00 in order to recover the possession of the motor vehicle pending final adjudication of the case.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951;—Am. 1952, Act 254, Eff. Sept. 18, 1952;—Am. 1955, Act 165, Imd. Eff. June 13, 1955;—Am. 1980, Act 518, Eff. Mar. 31, 1981;—Am. 2016, Act 448, Eff. Jan. 5, 2018;—Am. 2018, Act 440, Eff. Mar. 21, 2019.

257.606a Maintenance of highway by state or local government; duty; immunity from tort liability; exception.

Sec. 606a. (1) The state transportation department, a board of county road commissioners, a county board of commissioners, and a county, city, or village have no duty to maintain any highway under their jurisdiction in a condition reasonably safe and convenient for the operation of low-speed vehicles.

(2) The state transportation department, a board of county road commissioners, a county board of commissioners, and a county, city, or village are immune from tort liability for injuries or damages sustained by any person arising in any way out of the operation or use of a low-speed vehicle on maintained or unmaintained highways, shoulders, and rights-of-way over which the state transportation department, the board of county road commissioners, the county board of commissioners, or the county, city, or village has jurisdiction. The immunity provided by this subsection does not apply to actions which constitute gross negligence. Gross negligence is defined as conduct so reckless as to demonstrate a substantial lack of concern for whether an injury results.

History: Add. 2000, Act 82, Eff. July 1, 2000.

257.606b On-demand automated motor vehicle network; operation.

Sec. 606b. (1) As provided in this act, an on-demand automated motor vehicle network may be operated on a highway, road, or street in this state.

(2) A local unit of government shall not impose a local fee, registration, franchise, or regulation upon an on-demand automated motor vehicle network. This subsection does not apply after December 31, 2022. Nothing in this section limits local authority, or state authority over roads and rights-of-way, with respect to communications networks or facilities.

History: Add. 2016, Act 332, Imd. Eff. Dec. 9, 2016.

257.607 Realty owners' regulation of traffic on private property.

Sec. 607. Nothing in this act shall be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner and not as a matter of right from prohibiting such use nor from requiring other or different or additional conditions than those specified in this act or otherwise regulating such use as may seem best to such owner.

History: 1949, Act 300, Eff. Sept. 23, 1949.

TRAFFIC SIGNS, SIGNALS, AND MARKINGS

257.608 Uniform system of traffic control devices; manual.

Sec. 608. The state transportation department and department of state police shall adopt a manual and specifications for a uniform system of traffic control devices consistent with the provisions of this chapter for use upon highways within this state. The manual shall correlate with and so far as possible conform to the federal manual then current as approved by the United States Department of Transportation, Federal Highway Administration, and may be revised whenever necessary to carry out the provisions of this act. It is the policy of this state to achieve, insofar as is practicable, uniformity in the design, shape, and color scheme of traffic signs, signals, and guide posts erected and maintained upon the streets and highways within this state with other states. Definitions and meanings found in the manual adopted under this section are supplemental to the definitions in chapter I. However, if a definition or meaning found in the manual adopted under this section conflicts with a definition in chapter I, the definition in chapter I prevails.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 2016, Act 448, Eff. Jan. 5, 2018.

257.609 Traffic control devices; placement and maintenance; restrictions; county road commission, permission, costs.

Sec. 609. (1) The state transportation department shall place or require to be placed, and maintain or require to be maintained, upon all state highways traffic control devices as it considers necessary to indicate and carry out the provisions of this chapter or to regulate, warn, or guide traffic. A traffic control device placed and maintained under this subsection shall conform to the most current Michigan manual on uniform traffic control devices.

(2) A local authority shall not place or maintain a traffic control device upon a trunk line highway under the jurisdiction of the state transportation department, except by the latter's permission, or upon a county road without the permission of the county road commission having jurisdiction over that road. With the approval of the state transportation department, the board of county road commissioners of a county, at its option, may install and maintain traffic control devices conforming to the Michigan manual on uniform traffic control devices if the cost would be less than that estimated by the state transportation department and bill the state transportation department for its share of the cost of installation.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1953, Act 76, Eff. Oct. 2, 1953;—Am. 1968, Act 98, Imd. Eff. June 7, 1968;—Am. 2016, Act 448, Eff. Jan. 5, 2018.

257.610 Traffic control devices; placement and maintenance by local authorities and county road commissions; compliance with manual; failure to comply with statutory provisions; sale, purchase, or manufacture of devices.

Sec. 610. (1) Local authorities and county road commissions in their respective jurisdictions shall place and maintain the traffic control devices upon highways under their jurisdiction that they consider necessary to indicate and to carry out the provisions of this chapter or local traffic ordinances or to regulate, warn, or guide traffic. All traffic control devices shall conform to the Michigan manual on uniform traffic control devices.

(2) The state transportation department shall withhold from any incorporated village, city, or county that fails to comply with sections 606, 608, 609, 612, and 613, the share of fuel and vehicle tax revenue that would otherwise be due the incorporated village, city, or county under section 10 of 1951 PA 51, MCL 247.660. Notice of failure to comply, and 1 year's time to comply after notice, shall first be given.

(3) A person, firm, or corporation shall not sell or offer for sale to local authorities and local authorities shall not purchase or manufacture any traffic control device that does not conform to the Michigan manual on uniform traffic control devices, except with the permission of the director of the state transportation department.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1955, Act 245, Eff. Oct. 14, 1955;—Am. 1972, Act 72, Imd. Eff. Mar. 9, 1972;—Am. 2016, Act 448, Eff. Jan. 5, 2018.

257.611 Traffic control devices; obedience required; exception; avoiding obedience by driving on public or private property; violation as civil infraction.

Sec. 611. (1) The driver of a vehicle or operator of a streetcar shall not disobey the instructions of a traffic control device placed in accordance with this chapter unless at the time otherwise directed by a police officer.

(2) The driver of a vehicle shall not, for the purpose of avoiding obedience to a traffic control device placed in accordance with this chapter, drive upon or through private property, or upon or through public property which is not a street or highway.

(3) A person who violates this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1976, Act 75, Imd. Eff. Apr. 11, 1976;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.611a Direction of traffic in work zone; conditions; failure to comply; violation as civil infraction.

Sec. 611a. (1) An owner or employee of an entity performing construction, maintenance, surveying, or utility work within a work zone may direct traffic within that work zone if both of the following apply:

(a) The department of transportation, the local authority, or the county road commission, within its respective jurisdiction, authorizes that owner or employee to direct traffic due to safety or work requirements. The authorization shall be issued in the manner considered appropriate by the department of transportation, the local authority, or the county road commission, and may be general or specific. The authorization may establish the conditions under which the owner or employee may direct traffic, and may allow the owner or employee to direct traffic in disregard of an existing traffic control device.

(b) The owner or employee is properly trained, equipped, and attired in conformance with the manual of uniform traffic control devices authorized under section 608.

(2) The operator of a motor vehicle who fails to comply with the directions of an owner or employee directing traffic under this section, including a direction made in disregard of an existing traffic control device, is responsible for a civil infraction.

History: Add. 2008, Act 298, Imd. Eff. Oct. 8, 2008.

257.612 Traffic control signals; location; red arrow and yellow arrow indications; colors; traffic control signal at place other than intersection; stopping at sign, marking, or signal; violation of subsection (1) or (2) as civil infraction; approaching person using wheelchair or device to aid walking; violation of subsection (4) as misdemeanor; location of sign prohibiting turn on red signal; additional sign; location of temporary traffic control signal.

Sec. 612. (1) When traffic is controlled by traffic control signals, not fewer than 1 signal shall be located over the traveled portion of the roadway so as to give vehicle operators a clear indication of the right-of-way assignment from their normal positions approaching the intersection. The vehicle signals shall exhibit different colored lights successively, 1 at a time, or with arrows. Red arrow and yellow arrow indications have the same meaning as the corresponding circular indications, except that they apply only to vehicle operators intending to make the movement indicated by the arrow. The following colors shall be used, and the terms and lights shall indicate and apply to vehicle operators as follows:

(a) If the signal exhibits a green indication, vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at that place prohibits either turn. Vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians and bicyclists lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.

(b) If the signal exhibits a steady yellow indication, vehicular traffic facing the signal shall stop before entering the nearest crosswalk at the intersection or at a limit line when marked, but if the stop cannot be made in safety, a vehicle may be driven cautiously through the intersection.

(c) If the signal exhibits a steady red indication, the following apply:

(*i*) Vehicular traffic facing a steady red signal alone shall stop before entering the crosswalk on the near side of the intersection or at a limit line when marked or, if there is no crosswalk or limit line, before entering the intersection and shall remain standing until a green indication is shown, except as provided in subparagraph (*ii*).

(*ii*) Vehicular traffic facing a steady red signal, after stopping before entering the crosswalk on the near side of the intersection or at a limit line when marked or, if there is no crosswalk or limit line, before entering the intersection, may make a right turn from a 1-way or 2-way street into a 2-way street or into a 1-way street carrying traffic in the direction of the right turn or may make a left turn from a 1-way or 2-way street into a 1-way roadway carrying traffic in the direction of the left turn, unless prohibited by sign, signal, marking, light, or other traffic control device. The vehicular traffic shall yield the right of way to pedestrians and bicyclists lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(d) If the signal exhibits a steady green arrow indication, vehicular traffic facing the green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by the arrow or other movement permitted by other indications shown at the same time. The vehicular traffic shall yield the right-of-way to pedestrians and bicyclists lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(2) If a traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section apply except for those provisions that by their nature cannot apply. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of a sign or marking, the stop shall be made at the signal.

(3) A person who violates subsection (1) or (2) is responsible for a civil infraction.

(4) A vehicle operator who approaches a person using a wheelchair or a device to aid the person to walk at a crosswalk or any other pedestrian crossing shall take necessary precautions to avoid accident or injury to the person using the wheelchair or device. A person who violates this subsection is guilty of a misdemeanor.

(5) A sign prohibiting a turn on a red signal as provided in subsection (1)(c)(*ii*) shall be located above or adjacent to the traffic control signal or as close as possible to the point where the turn is made, or at both locations, so that 1 or more of the signs are visible to a vehicle operator intending to turn, at the point where the turn is made. An additional sign may be used at the far side of the intersection in the direct line of vision of the turning vehicle operator.

(6) Subject to federal law, a temporary traffic control signal may be located on, over, or adjacent to the traveled portion of the roadway.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1955, Act 245, Eff. Oct. 14, 1955;—Am. 1964, Act 222, Eff. Aug. 28, 1964;—

Am. 1966, Act 237, Eff. Mar. 10, 1967;—Am. 1975, Act 287, Eff. Mar. 31, 1976;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1988, Act 105, Eff. July 31, 1988;—Am. 1990, Act 33, Eff. Apr. 1, 1991;—Am. 2006, Act 339, Imd. Eff. Aug. 15, 2006;—Am. 2014, Act 386, Imd. Eff. Dec. 18, 2014.

257.613 Applicability of regular traffic control signals to pedestrians; special pedestrian control signals; violation as civil infraction.

Sec. 613. (1) If special pedestrian control signals are not utilized, the regular traffic control signals as indicated in section 612 shall apply to pedestrians as follows:

(a) Green indication. Pedestrians facing the signal may proceed across the roadway within a marked or unmarked crosswalk.

(b) Steady yellow indication. Pedestrians facing the signal are advised that there is insufficient time to cross the roadway and a pedestrian then starting to cross shall yield the right of way to all vehicles.

(c) Steady red indication. Pedestrians facing the signal shall not enter the highway unless they can do so safely and without interfering with vehicular traffic.

(d) Red with arrow. Pedestrians facing the signal shall not enter the highway unless they can do so safely without interfering with vehicular traffic.

(2) If special pedestrian control signals are installed, they shall be placed at the far end of each crosswalk and shall indicate a “walk” or “don't walk” interval. These special signals shall apply to pedestrians only to the exclusion of a regular traffic control signal or signals which may be present at the same location, as follows:

(a) Walk interval—Pedestrians facing the signal may proceed across the highway in the direction of the signal and shall be given the right of way by the drivers of all vehicles.

(b) Don't walk (steady burning or flashing) interval—A pedestrian shall not start to cross the highway in the direction of the signals, but a pedestrian who has partially completed crossing on the walk interval of the signal shall proceed to a sidewalk or safety island while the don't walk interval of the signal is showing.

(3) A person who violates this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1955, Act 245, Eff. Oct. 14, 1955;—Am. 1956, Act 71, Eff. Aug. 11, 1956;—Am. 1964, Act 222, Eff. Aug. 28, 1964;—Am. 1966, Act 237, Eff. Mar. 10, 1967;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.613a School crossings; establishment; basis; determination; notice; erection of school crossing signs.

Sec. 613a. (1) Except as provided in subsections (2) and (3), the state transportation department, a county road commission, or a local authority shall establish school crossings considered necessary for the safety of schoolchildren on streets and highways under its jurisdiction. The establishment of a school crossing shall be based upon a traffic and engineering study conducted by the authority having jurisdiction, in consultation with the superintendent of the school district.

(2) If considered necessary under subsection (1) or pursuant to a traffic and engineering study conducted under subsection (4), a school crossing shall be established within a safe distance from a school located on a street or highway on which the speed limit is 25 miles or more per hour.

(3) Upon request of the superintendent of the school district, the following individuals shall meet at not less than 5-year intervals to consider whether a traffic and engineering study should be conducted to determine whether a school crossing is required under subsection (2):

(a) The superintendent of the school district in which the school is located or his or her designee.

(b) The head of the local authority having jurisdiction to maintain the road or his or her designee or, if there is no local authority, an individual designated by the director of the state transportation department.

(c) The chief of police of the local unit of government in which the road is located or his or her designee or, if the local unit of government does not have a police department, the county sheriff or his or her designee.

(4) If the individuals described in subsection (3) determine by unanimous vote that a traffic and engineering study should be conducted, the individuals shall notify the authority having jurisdiction to maintain the road in writing of that determination. If the authority is notified under this subsection that a traffic and engineering study should be conducted, the authority shall conduct the study.

(5) Having established a school crossing, the state transportation department, county road commission, or local authority shall erect school crossing signs, in conformance with the manual of uniform traffic control devices provided for in section 608, on streets or highways under its jurisdiction.

History: Add. 1978, Act 227, Imd. Eff. June 14, 1978;—Am. 2004, Act 201, Imd. Eff. July 13, 2004.

Popular name: The Jasmine Miles Schoolchildren Safety Act

257.613b School crossing guard; stationing; time period; color and design of outer vest;

stopping vehicular traffic with hand held stop sign; authority.

Sec. 613b. (1) When assigned, a school crossing guard shall be stationed at a school crossing during time periods established jointly by the superintendent of the school district and the head of the law enforcement agency having immediate jurisdiction.

(2) While on duty, a school crossing guard shall wear an outer vest of a color and design which conforms with the standards of the manual of uniform traffic control devices provided for in section 608.

(3) A school crossing guard while on duty at a school crossing shall when necessary stop vehicular traffic. This shall be done by use of a hand held stop sign which conforms to the standards for the sign in the manual of uniform traffic control devices or as approved by the department of state highways and transportation. School crossing guards shall have the authority only at their assigned crossings and only during their assigned duty times.

History: Add. 1978, Act 227, Imd. Eff. June 14, 1978.

257.613c School crossing guard; responsibility of local law enforcement agency; instruction required; approval and conduct of courses.

Sec. 613c. (1) School crossing guards shall be the responsibility of the local law enforcement agency having immediate jurisdiction of the crossing.

(2) A person shall receive a minimum of 4 hours instruction before performing the duties of a school crossing guard. Two hours of additional instruction shall be given annually to a school crossing guard before the beginning of each school year. The courses of instruction shall be approved by the department of education and the department of state police and conducted by the local law enforcement agency having jurisdiction or its designee.

History: Add. 1978, Act 227, Imd. Eff. June 14, 1978.

257.613d Failure to stop for school crossing guard holding stop sign in upright position; misdemeanor; presumption.

Sec. 613d. (1) A driver of a motor vehicle who fails to stop when a school crossing guard is in a school crossing and is holding a stop sign in an upright position visible to approaching vehicular traffic is guilty of a misdemeanor.

(2) In a proceeding for a violation of this section, proof that the particular vehicle described in the citation, complaint, or warrant was used in the violation, together with proof that the defendant named in the citation complaint or warrant was the registered owner of the vehicle at the time of the violation, constitutes in evidence a presumption that the registered owner of the vehicle was the driver of the vehicle at the time of the violation.

History: Add. 1978, Act 227, Imd. Eff. June 14, 1978.

257.614 Flashing red or yellow signals; violation as civil infraction.

Sec. 614. (1) If flashing red or yellow signals are used, they shall require obedience by vehicular traffic as follows:

(a) Flashing red (stop signal). When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) Flashing yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past the signal only with caution.

(2) A person who violates this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.615 Signs or lights resembling traffic-control devices or emergency vehicles; commercial advertising on traffic signs; prohibition; public nuisance; removal; placement of street decorations and banners.

Sec. 615. (a) Except with authority of a statute or of a duly authorized public body or official, no person shall place, maintain, or display along any highway or upon any structure in or over any highway any sign, signal, marking, device, blinking, oscillating or rotating light or lights, decoration or banner which is or purports to be or is in imitation of or resembles or which can be mistaken for a traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any traffic control device or any railroad sign or signal, and no person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.

(b) No person shall place, maintain or display along any highway any blinking, oscillating or rotating light or lights sufficiently similar in color and design that they may be mistaken for the distinguishing lights authorized by law for emergency vehicles or that creates a hazard for the safety of drivers using said highways.

(c) Every such prohibited sign, signal, marking, device, decoration or banner is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause to be removed without notice.

(d) Decorations or banners which may be placed over the traveled portion of any street or highway shall be placed not closer than 10 feet on either side of traffic lights or signals and shall be so placed as to not obstruct a clear view of such traffic lights or signals.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1955, Act 245, Eff. Oct. 14, 1955;—Am. 1957, Act 112, Eff. Sept. 27, 1957;—Am. 1958, Act 98, Eff. Sept. 13, 1958.

257.616 Repealed. 2016, Act 111, Eff. Aug. 8, 2016.

Compiler's note: The repealed section pertained to prohibition against interference with traffic-control devices or railroad signs or signals.

257.616a Portable signal preemptive device; prohibitions; penalties; exceptions; definitions.

Sec. 616a. (1) Except as provided in subsections (3) and (4), a person shall not do any of the following:

(a) Possess a portable signal preemption device.

(b) Use a portable signal preemption device.

(c) Sell a portable signal preemption device to a person other than a person described in subsection (3).

(d) Purchase a portable signal preemption device for use other than a duty as described in subsections (3) and (4).

(2) A person who violates subsection (1) is guilty of a crime as follows:

(a) A person who violates subsection (1)(a) is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $5,000.00, or both.

(b) Except as provided in subdivisions (c), (d), and (e), a person who violates subsection (1)(b) is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than $10,000.00, or both.

(c) A person who violates subsection (1)(b), which violation results in a traffic accident, is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $15,000.00, or both.

(d) A person who violates subsection (1)(b), which violation results in the serious impairment of a body function, is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $20,000.00, or both.

(e) A person who violates subsection (1)(b), which violation results in the death of another, is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than $25,000.00, or both.

(f) A person who violates subsection (1)(c) or (d) is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than $10,000.00, or both.

(3) This section does not apply to any of the following:

(a) A law enforcement agency in the course of providing law enforcement services.

(b) A fire station or a firefighter in the course of providing fire prevention or fire extinguishing services.

(c) An emergency medical service or ambulance in the course of providing emergency medical transportation or ambulance services.

(d) An operator, passenger, or owner of an authorized emergency vehicle in the course of his or her emergency duties.

(4) Subsection (1)(a) does not apply to either of the following:

(a) A mail or package delivery service or employee or agent of a mail or package delivery service in the course of shipping or delivering a portable signal preemption device.

(b) An employee or agent of a portable signal preemption device manufacturer or retailer in the course of his or her employment in providing, selling, manufacturing, or transporting a portable signal preemption device to an individual or agency described in this subsection.

(5) As used in this section:

(a) “Portable signal preemption device” means a device that, if activated by a person, is capable of changing a traffic control signal to green out of sequence.

(b) “Serious impairment of a body function” means that term as defined in section 58c.

History: Add. 2004, Act 25, Eff. June 14, 2004.

ACCIDENTS

257.617 Accident resulting in serious impairment of body function or death; stopping required; reporting to police agency or officer; violation as felony; penalty.

Sec. 617. (1) The driver of a vehicle who knows or who has reason to believe that he or she has been involved in an accident upon public or private property that is open to travel by the public shall immediately stop his or her vehicle at the scene of the accident and shall remain there until the requirements of section 619 are fulfilled or immediately report the accident to the nearest or most convenient police agency or officer to fulfill the requirements of section 619(a) and (b) if there is a reasonable and honest belief that remaining at the scene will result in further harm. The stop shall be made without obstructing traffic more than is necessary.

(2) Except as provided in subsection (3), if the individual violates subsection (1) and the accident results in serious impairment of a body function or death, the individual is guilty of a felony punishable by imprisonment for not more than 5 years or by a fine of not more than $5,000.00, or both.

(3) If the individual violates subsection (1) following an accident caused by that individual and the accident results in the death of another individual, the individual is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than $10,000.00, or both.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951;—Am. 1956, Act 22, Eff. Aug. 11, 1956;—Am. 1958, Act 35, Eff. Sept. 13, 1958;—Am. 1975, Act 170, Eff. Mar. 31, 1976;—Am. 1989, Act 267, Eff. Mar. 29, 1990;—Am. 2001, Act 159, Eff. Feb. 1, 2002;—Am. 2005, Act 3, Imd. Eff. Apr. 1, 2005.

257.617a Accident; personal injury; reporting to police agency or officer; stopping required; penalty; suspension of license.

Sec. 617a. (1) The driver of a vehicle who knows or who has reason to believe that he has been involved in an accident upon public or private property that is open to travel by the public shall immediately stop his or her vehicle at the scene of the accident and shall remain there until the requirements of section 619 are fulfilled or immediately report the accident to the nearest or most convenient police agency or officer to fulfill the requirements of section 619(a) and (b) if there is a reasonable and honest belief that remaining at the scene will result in further harm. The stop shall be made without obstructing traffic more than is necessary.

(2) If an individual violates subsection (1) and the accident results in injury to any individual, the individual is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both.

(3) The secretary of state shall suspend the operator's or chauffeur's license of an individual convicted of violating this section as provided in section 319.

History: Add. 1975, Act 170, Eff. Mar. 31, 1976;—Am. 2005, Act 3, Imd. Eff. Apr. 1, 2005.

257.618 Accidents; damage to vehicles; stopping required; reporting to police agency or officer; penalty.

Sec. 618. (1) The driver of a vehicle who knows or who has reason to believe that he has been involved in an accident upon public or private property that is open to travel by the public shall immediately stop his or her vehicle at the scene of the accident and shall remain there until the requirements of section 619 are fulfilled or immediately report the accident to the nearest or most convenient police agency or officer to fulfill the requirements of section 619(a) and (b) if there is a reasonable and honest belief that remaining at the scene will result in further harm. The stop shall be made without obstructing traffic more than is necessary.

(2) If an individual violates the requirements of subsection (1) and the accident results in damage to a vehicle operated by or attended by any individual, the individual is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $100.00, or both.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1958, Act 35, Eff. Sept. 13, 1958;—Am. 2005, Act 3, Imd. Eff. Apr. 1, 2005.

257.618a Vehicle accident; removal from main traveled portion of roadway; conditions; violation of subsection (1) as civil infraction; removal by law enforcement agency, public agency, or department; liability; "gross negligence" defined; reimbursement.

Sec. 618a. (1) Unless the operator of a motor vehicle involved in an accident knows or reasonably should know that serious impairment of a bodily function or death has resulted from the accident, the operator or any other occupant of the motor vehicle who possesses a valid driver license shall remove the motor vehicle from the main traveled portion of the roadway into a safe refuge on the shoulder, emergency lane, or median or to a place otherwise removed from the roadway if both of the following apply:

(a) Moving the motor vehicle may be done safely.

(b) The motor vehicle is capable of being normally and safely operated and can be operated under its own power in its customary manner without further damage or hazard to the traffic elements or to the roadway.

(2) A person who violates subsection (1) is responsible for a civil infraction.

(3) The operator or any other person who removes a motor vehicle from the main traveled portion of the roadway as provided in this section before the arrival of a police officer is not prima facie at fault regarding the cause of the traffic accident solely by reason of moving the motor vehicle as provided in this section.

(4) The decision of the operator or any other person to remove or not to remove a motor vehicle from the main traveled portion of the roadway as provided in this section is not admissible in a civil action as evidence that a serious impairment of bodily function has or has not resulted from the accident.

(5) A law enforcement agency may, without the consent of the owner or operator and with the assistance of the state transportation department, other road agencies, fire department, emergency management, other local public safety agencies, or towing or recovery companies under the direction of any of those entities remove and dispose of motor vehicles and cargoes of vehicles involved in accidents, including any personal property, from the main traveled portion of a roadway and the right-of-way if the vehicle, cargo, or personal property is blocking the roadway or right-of-way or may otherwise endanger public safety.

(6) Except as otherwise provided in this subsection, a public agency or department that moves a motor vehicle, cargo, or personal property as described in subsection (5), and any of their officers, employees, or agents, or anyone acting in good faith under, and within the scope of, the authority conferred under subsection (5), is not liable for any damages or claims that may arise from the exercise or the failure to exercise any authority granted under subsection (5). This subsection does not apply to the transport of a motor vehicle from the scene of an accident, or if the conduct of the individual acting under the authority conferred under subsection (5) constitutes gross negligence. As used in this subsection, "gross negligence" means that term as defined in section 606a.

(7) The owner or carrier, if any, of a motor vehicle, cargo, or personal property removed or disposed of under subsection (5) shall reimburse the public agency, departments, and towing companies, if any, for all documented reasonable costs incurred in that removal and disposal.

History: Add. 2010, Act 10, Imd. Eff. Mar. 8, 2010;—Am. 2014, Act 303, Eff. Jan. 7, 2015.

257.619 Accidents; duties of driver.

Sec. 619. The driver of a vehicle who knows or who has reason to believe that he or she has been involved in an accident with an individual or with another vehicle that is operated or attended by another individual shall do all of the following:

(a) Give his or her name and address, and the registration number of the vehicle he or she is operating, including the name and address of the owner, to a police officer, the individual struck, or the driver or occupants of the vehicle with which he or she has collided.

(b) Exhibit his or her operator's or chauffeur's license to a police officer, individual struck, or the driver or occupants of the vehicle with which he or she has collided.

(c) Render to any individual injured in the accident reasonable assistance in securing medical aid or arrange for or provide transportation to any injured individual.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1958, Act 35, Eff. Sept. 13, 1958;—Am. 1999, Act 73, Eff. Oct. 1, 1999;—Am. 2005, Act 3, Imd. Eff. Apr. 1, 2005.

257.620 Accidents; attended or unattended vehicle; stopping; report.

Sec. 620. The driver of any vehicle which collides upon either public or private property with any vehicle which is attended or unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the driver and owner of the vehicle striking the vehicle or, if such owner cannot be located, shall forthwith report it to the nearest or most convenient police officer.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1967, Act 71, Eff. Nov. 2, 1967.

257.620b "High-occupancy vehicle" or "HOV" defined.

Sec. 20b. "High-occupancy vehicle" or "HOV" means any motor vehicle carrying no fewer than 2 occupants including the driver of the vehicle.

History: Add. 2008, Act 304, Imd. Eff. Dec. 9, 2008.

257.620c "High-occupancy vehicle lane" or "HOV lane" defined.

Sec. 20c. "High-occupancy vehicle lane" or "HOV lane" means any designated lane or ramp on a highway designated for the exclusive or preferential use of a public transportation vehicle or private motor vehicles carrying no fewer than a specified number of occupants, including the driver of the vehicle.

History: Add. 2008, Act 304, Imd. Eff. Dec. 9, 2008.

257.621 Accidents; fixtures on or adjacent to highway; notification of owner; exhibition of driver's license; reports.

Sec. 621. (a) The driver of any vehicle involved in an accident resulting only in damage to fixtures legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such accident and of his name and address and of the registration number of the vehicle he is driving and shall upon request exhibit his operator's or chauffeur's license and, if such owner cannot be found, shall forthwith report such accident to the nearest or most convenient police officer.

(b) The officer receiving such report or his commanding officer shall forward each individual report to the director of state police on forms prescribed by him which shall be completed in full by the investigating officer. The director of state police shall analyze each report relative to the cause of the reported accident and shall prepare for public use the information compiled from the reports.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1966, Act 171, Eff. Mar. 10, 1967;—Am. 1967, Act 3, Imd. Eff. Mar. 9, 1967.

257.622 Report of accidents resulting in death, personal injury, or property damage; forms; analysis; use; retention.

Sec. 622. The driver of a motor vehicle involved in an accident that injures or kills any person, or that damages property to an apparent extent totaling $1,000.00 or more, shall immediately report that accident at the nearest or most convenient police station, or to the nearest or most convenient police officer. The officer receiving the report, or his or her commanding officer, shall immediately forward each report to the director of the department of state police on forms prescribed by the director of the department of state police. The forms shall be completed in full by the investigating officer. The director of the department of state police shall analyze each report relative to the cause of the reported accident and shall prepare information compiled from reports filed under this section for public use. A copy of the report under this section and copies of reports required under section 621 shall be retained for at least 3 years at the local police department, sheriff's department, or local state police post making the report.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1966, Act 171, Eff. Mar. 10, 1967;—Am. 1967, Act 3, Imd. Eff. Mar. 9, 1967;—Am. 1991, Act 168, Imd. Eff. Dec. 19, 1991;—Am. 2003, Act 66, Eff. Jan. 1, 2004.

257.622a Ignition interlock device; installation included in crash report.

Sec. 622a. The crash report form required by this chapter shall include, when applicable, whether an ignition interlock device was installed in a vehicle involved in a crash.

History: Add. 1998, Act 340, Eff. Oct. 1, 1999.

257.623 Accidents; reports by garagekeepers or repairmen.

Sec. 623. The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in an accident or having been struck by any bullet shall report the same to the nearest police station or sheriff's office immediately after such motor vehicle is received, giving the engine number, registration number and the name and address of the owner, and/or operator of such vehicle.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.624 Report not available for use in court action; purpose of report; authorization and purpose of scientific studies and research; use of data; disclosures; liability; penalty.

Sec. 624. (1) A report required by this chapter shall not be available for use in a court action, but a report shall be for the purpose of furnishing statistical information regarding the number and cause of accidents.

(2) The office of highway safety planning may authorize scientific studies and research for the reduction of death, injury, and property losses. All information, records of interviews, written reports, statements, notes, memoranda, or other data collected pursuant to the scientific studies and research conducted by the state, or by other persons, agencies, or organizations authorized by the office of highway safety planning shall be used solely for the purpose of medical or scientific research and shall not disclose the name or identity of a person unless the person authorizes, in writing, the use of his or her name or identity. If a subject of the research study is deceased, the executor or heir of the deceased person may authorize, in writing, the disclosure of the deceased's name or identity. The furnishing of information to the office of highway safety planning or to a representative of an authorized study or research project shall not subject a person, hospital, sanitarium, rest home, nursing home, or other person or agency furnishing the information to any action for damages or other relief. The information, records, reports, statements, notes, memoranda, or other data shall not be admissible as evidence in a court or before any other tribunal, board, agency, or person. A person participating in an

authorized study or research project shall not disclose, directly or indirectly, the information so obtained except in strict conformity with the research project.

(3) A person who discloses information in violation of subsection (2) is guilty of a misdemeanor, punishable by a fine of not less than $50.00.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1980, Act 26, Imd. Eff. Mar. 7, 1980.

257.624a Transportation or possession of alcoholic liquor in open or uncapped container open or upon which seal broken; violation as misdemeanor; exception; subsections (1) and (2) inapplicable to passenger in commercial quadricycle; definitions.

Sec. 624a. (1) Except as provided in subsections (2) and (5), a person who is an operator or occupant shall not transport or possess alcoholic liquor in a container that is open or uncapped or upon which the seal is broken within the passenger area of a vehicle upon a highway, or within the passenger area of a moving vehicle in any place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, in this state.

(2) Except as otherwise provided in subsection (5), a person may transport or possess alcoholic liquor in a container that is open or uncapped or upon which the seal is broken within the passenger area of a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles in this state, if the vehicle does not have a trunk or compartment separate from the passenger area, and the container is in a locked glove compartment, behind the last upright seat, or in an area not normally occupied by the operator or a passenger.

(3) A person who violates this section is guilty of a misdemeanor. As part of the sentence, the person may be ordered to perform community service and undergo substance abuse screening and assessment at his or her own expense as described in section 703(1) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703. A court shall not accept a plea of guilty or nolo contendere for a violation of this section from a person charged solely with a violation of section 625(6).

(4) This section does not apply to a passenger in a chartered vehicle authorized to operate by the state transportation department.

(5) Except as otherwise provided in this subsection, unless prohibited by local ordinance, subsections (1) and (2) do not apply to a passenger in a commercial quadricycle. A passenger in a commercial quadricycle shall not transport or possess alcoholic liquor other than beer, wine, spirits, or a mixed spirits drink.

(6) As used in this section:

(a) "Glove compartment" means a recess with a hinged and locking door in the dashboard of a motor vehicle.

(b) "Passenger area" means the area designed to seat the operator and passengers of a motor vehicle while it is in operation and any area that is readily accessible to the operator or a passenger while in his or her seating position, including the glove compartment.

History: Add. 1991, Act 98, Eff. Jan. 1, 1992;—Am. 1994, Act 211, Eff. Nov. 1, 1994;—Am. 1996, Act 493, Eff. Apr. 1, 1997;—Am. 1998, Act 349, Eff. Oct. 1, 1999;—Am. 2012, Act 306, Imd. Eff. Oct. 1, 2012;—Am. 2015, Act 126, Imd. Eff. July 15, 2015.

257.624b Transport or possession of alcoholic liquor by person less than 21 years of age.

Sec. 624b. (1) A person less than 21 years of age shall not knowingly transport or possess alcoholic liquor in a motor vehicle as an operator or occupant unless the person is employed by a licensee under the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, a common carrier designated by the liquor control commission under the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, the liquor control commission, or an agent of the liquor control commission and is transporting or having the alcoholic liquor in a motor vehicle under the person's control during regular working hours and in the course of the person's employment. This section does not prevent a person less than 21 years of age from knowingly transporting alcoholic liquor in a motor vehicle if a person at least 21 years of age is present inside the motor vehicle. A person who violates this subsection is guilty of a misdemeanor. As part of the sentence, the person may be ordered to perform community service and undergo substance abuse screening and assessment at his or her own expense as described in section 703(1) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703.

(2) Within 30 days after the conviction for a violation of subsection (1) by the operator of a motor vehicle, which conviction has become final, the arresting law enforcement officer or the officer's superior may make a complaint before the court from which the warrant was issued. The complaint shall be under oath and shall describe the motor vehicle in which alcoholic liquor was possessed or transported by the operator, who is less than 21 years of age, in committing the violation and requesting that the motor vehicle be impounded as provided in this section. Upon the filing of the complaint, the court shall issue to the owner of the motor

vehicle an order to show cause why the motor vehicle should not be impounded. The order to show cause shall fix a date and time for a hearing, which shall not be less than 10 days after the issuance of the order. The order shall be served by delivering a true copy to the owner not less than 3 full days before the date of hearing or, if the owner cannot be located, by sending a true copy by certified mail to the last known address of the owner. If the owner is a nonresident of the state, service may be made upon the secretary of state as provided in section 403.

(3) If the court determines upon the hearing of the order to show cause, from competent and relevant evidence, that at the time of the commission of the violation the motor vehicle was being driven by the person less than 21 years of age with the express or implied consent or knowledge of the owner in violation of subsection (1), and that the use of the motor vehicle is not needed by the owner in the direct pursuit of the owner's employment or the actual operation of the owner's business, the court may authorize the impounding of the vehicle for a period of not less than 15 days or more than 30 days. The court's order authorizing the impounding of the vehicle shall authorize a law enforcement officer to take possession without other process of the motor vehicle wherever located and to store the vehicle in a public or private garage at the expense and risk of the owner of the vehicle. The owner of the vehicle may appeal the order to the circuit court and the provisions governing the taking of appeals from judgments for damages apply to the appeal. This section does not prevent a bona fide lienholder from exercising rights under a lien.

(4) A person who knowingly transfers title to a motor vehicle for the purpose of avoiding this section is guilty of a misdemeanor.

(5) A law enforcement agency, upon determining that a person less than 18 years of age allegedly violated this section, shall notify the parent or parents, custodian, or guardian of the person as to the nature of the violation if the name of a parent, guardian, or custodian is reasonably ascertainable by the law enforcement agency. The notice required by this subsection shall be made not later than 48 hours after the law enforcement agency determines that the person who allegedly violated this section is less than 18 years of age and may be made in person, by telephone, or by first-class mail.

History: Add. 1996, Act 493, Eff. Apr. 1, 1997;—Am. 1998, Act 349, Eff. Oct. 1, 1999;—Am. 2003, Act 61, Eff. Sept. 30, 2003.

DRIVING WHILE INTOXICATED, AND RECKLESS DRIVING

257.625 Operating motor vehicle while intoxicated; "operating while intoxicated" defined; operating motor vehicle when visibly impaired; penalties for causing death or serious impairment of a body function; operation of motor vehicle by person less than 21 years of age; "any bodily alcohol content" defined; requirements; controlled substance; costs; enhanced sentence; guilty plea or nolo contendere; establishment of prior conviction; special verdict; public record; burden of proving religious service or ceremony; ignition interlock device; definitions; prior conviction; violations arising out of same transaction.

Sec. 625. (1) A person, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state if the person is operating while intoxicated. As used in this section, "operating while intoxicated" means any of the following:

(a) The person is under the influence of alcoholic liquor, a controlled substance, or other intoxicating substance or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance.

(b) The person has an alcohol content of 0.08 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine or, beginning October 1, 2021, the person has an alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(c) The person has an alcohol content of 0.17 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(2) The owner of a vehicle or a person in charge or in control of a vehicle shall not authorize or knowingly permit the vehicle to be operated upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of motor vehicles, within this state by a person if any of the following apply:

(a) The person is under the influence of alcoholic liquor, a controlled substance, other intoxicating substance, or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance.

(b) The person has an alcohol content of 0.08 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine or, beginning October 1, 2021, the person has an alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(c) The person's ability to operate the motor vehicle is visibly impaired due to the consumption of alcoholic liquor, a controlled substance, or other intoxicating substance, or a combination of alcoholic liquor, a

controlled substance, or other intoxicating substance.

(3) A person, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state when, due to the consumption of alcoholic liquor, a controlled substance, or other intoxicating substance, or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance, the person's ability to operate the vehicle is visibly impaired. If a person is charged with violating subsection (1), a finding of guilty under this subsection may be rendered.

(4) A person, whether licensed or not, who operates a motor vehicle in violation of subsection (1), (3), or (8) and by the operation of that motor vehicle causes the death of another person is guilty of a crime as follows:

(a) Except as provided in subdivisions (b) and (c), the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not less than $2,500.00 or more than $10,000.00, or both. The judgment of sentence may impose the sanction permitted under section 625n. If the vehicle is not ordered forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence.

(b) If the violation occurs while the person has an alcohol content of 0.17 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, and within 7 years of a prior conviction, the person is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not less than $2,500.00 or more than $10,000.00, or both. The judgment of sentence may impose the sanction permitted under section 625n. If the vehicle is not ordered forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence.

(c) If, at the time of the violation, the person is operating a motor vehicle in a manner proscribed under section 653a and causes the death of a police officer, firefighter, or other emergency response personnel, the person is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not less than $2,500.00 or more than $10,000.00, or both. This subdivision applies regardless of whether the person is charged with the violation of section 653a. The judgment of sentence may impose the sanction permitted under section 625n. If the vehicle is not ordered forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence.

(5) A person, whether licensed or not, who operates a motor vehicle in violation of subsection (1), (3), or (8) and by the operation of that motor vehicle causes a serious impairment of a body function of another person is guilty of a crime as follows:

(a) Except as provided in subdivision (b), the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not less than $1,000.00 or more than $5,000.00, or both. The judgment of sentence may impose the sanction permitted under section 625n. If the vehicle is not ordered forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence.

(b) If the violation occurs while the person has an alcohol content of 0.17 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, and within 7 years of a prior conviction, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not less than $1,000.00 or more than $5,000.00, or both. The judgment of sentence may impose the sanction permitted under section 625n. If the vehicle is not ordered forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence.

(6) A person who is less than 21 years of age, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state if the person has any bodily alcohol content. As used in this subsection, "any bodily alcohol content" means either of the following:

(a) An alcohol content of 0.02 grams or more but less than 0.08 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine or, beginning October 1, 2021, the person has an alcohol content of 0.02 grams or more but less than 0.10 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(b) Any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor, other than consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony.

(7) A person, whether licensed or not, is subject to the following requirements:

(a) He or she shall not operate a vehicle in violation of subsection (1), (3), (4), (5), or (8) while another person who is less than 16 years of age is occupying the vehicle. A person who violates this subdivision is guilty of a crime punishable as follows:

(*i*) Except as provided in subparagraph (*ii*), a person who violates this subdivision is guilty of a misdemeanor and must be sentenced to pay a fine of not less than $200.00 or more than $1,000.00 and to 1 or more of the following:

(A) Imprisonment for not less than 5 days or more than 1 year. Not less than 48 hours of this imprisonment must be served consecutively. This term of imprisonment must not be suspended.

(B) Community service for not less than 30 days or more than 90 days.

(*ii*) If the violation occurs within 7 years of a prior conviction or after 2 or more prior convictions, regardless of the number of years that have elapsed since any prior conviction, a person who violates this subdivision is guilty of a felony and must be sentenced to pay a fine of not less than $500.00 or more than $5,000.00 and to either of the following:

(A) Imprisonment under the jurisdiction of the department of corrections for not less than 1 year or more than 5 years.

(B) Probation with imprisonment in the county jail for not less than 30 days or more than 1 year and community service for not less than 60 days or more than 180 days. Not less than 48 hours of this imprisonment must be served consecutively. This term of imprisonment must not be suspended.

(b) He or she shall not operate a vehicle in violation of subsection (6) while another person who is less than 16 years of age is occupying the vehicle. A person who violates this subdivision is guilty of a misdemeanor punishable as follows:

(*i*) Except as provided in subparagraph (*ii*), a person who violates this subdivision may be sentenced to 1 or more of the following:

(A) Community service for not more than 60 days.

(B) A fine of not more than $500.00.

(C) Imprisonment for not more than 93 days.

(*ii*) If the violation occurs within 7 years of a prior conviction or after 2 or more prior convictions, regardless of the number of years that have elapsed since any prior conviction, a person who violates this subdivision must be sentenced to pay a fine of not less than $200.00 or more than $1,000.00 and to 1 or more of the following:

(A) Imprisonment for not less than 5 days or more than 1 year. Not less than 48 hours of this imprisonment must be served consecutively. This term of imprisonment must not be suspended.

(B) Community service for not less than 30 days or more than 90 days.

(c) In the judgment of sentence under subdivision (a)(*i*) or (b)(*i*), the court may, unless the vehicle is ordered forfeited under section 625n, order vehicle immobilization as provided in section 904d. In the judgment of sentence under subdivision (a)(*ii*) or (b)(*ii*), the court shall, unless the vehicle is ordered forfeited under section 625n, order vehicle immobilization as provided in section 904d.

(d) This subsection does not prohibit a person from being charged with, convicted of, or punished for a violation of subsection (4) or (5) that is committed by the person while violating this subsection. However, points shall not be assessed under section 320a for both a violation of subsection (4) or (5) and a violation of this subsection for conduct arising out of the same transaction.

(8) A person, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state if the person has in his or her body any amount of a controlled substance listed in schedule 1 under section 7212 of the public health code, 1978 PA 368, MCL 333.7212, or a rule promulgated under that section, or of a controlled substance described in section 7214(a)(*iv*) of the public health code, 1978 PA 368, MCL 333.7214.

(9) If a person is convicted of violating subsection (1) or (8), all of the following apply:

(a) Except as otherwise provided in subdivisions (b) and (c), the person is guilty of a misdemeanor punishable by 1 or more of the following:

(*i*) Community service for not more than 360 hours.

(*ii*) Imprisonment for not more than 93 days, or, if the person is convicted of violating subsection (1)(c), imprisonment for not more than 180 days.

(*iii*) A fine of not less than $100.00 or more than $500.00, or, if the person is guilty of violating subsection (1)(c), a fine of not less than $200.00 or more than $700.00.

(b) If the violation occurs within 7 years of a prior conviction, the person must be sentenced to pay a fine of not less than $200.00 or more than $1,000.00 and 1 or more of the following:

(*i*) Imprisonment for not less than 5 days or more than 1 year. Not less than 48 hours of the term of imprisonment imposed under this subparagraph must be served consecutively.

(*ii*) Community service for not less than 30 days or more than 90 days.

(c) If the violation occurs after 2 or more prior convictions, regardless of the number of years that have elapsed since any prior conviction, the person is guilty of a felony and must be sentenced to pay a fine of not less than $500.00 or more than $5,000.00 and to either of the following:

(*i*) Imprisonment under the jurisdiction of the department of corrections for not less than 1 year or more

than 5 years.

(*ii*) Probation with imprisonment in the county jail for not less than 30 days or more than 1 year and community service for not less than 60 days or more than 180 days. Not less than 48 hours of the imprisonment imposed under this subparagraph must be served consecutively.

(d) A term of imprisonment imposed under subdivision (b) or (c) must not be suspended.

(e) In the judgment of sentence under subdivision (a), the court may order vehicle immobilization as provided in section 904d. In the judgment of sentence under subdivision (b) or (c), the court shall, unless the vehicle is ordered forfeited under section 625n, order vehicle immobilization as provided in section 904d.

(f) In the judgment of sentence under subdivision (b) or (c), the court may impose the sanction permitted under section 625n.

(10) A person who is convicted of violating subsection (2) is guilty of a crime as follows:

(a) Except as provided in subdivisions (b) and (c), a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not less than $100.00 or more than $500.00, or both.

(b) If the person operating the motor vehicle violated subsection (4), a felony punishable by imprisonment for not more than 5 years or a fine of not less than $1,500.00 or more than $10,000.00, or both.

(c) If the person operating the motor vehicle violated subsection (5), a felony punishable by imprisonment for not more than 2 years or a fine of not less than $1,000.00 or more than $5,000.00, or both.

(11) If a person is convicted of violating subsection (3), all of the following apply:

(a) Except as otherwise provided in subdivisions (b) and (c), the person is guilty of a misdemeanor punishable by 1 or more of the following:

(*i*) Community service for not more than 360 hours.

(*ii*) Imprisonment for not more than 93 days.

(*iii*) A fine of not more than $300.00.

(b) If the violation occurs within 7 years of 1 prior conviction, the person must be sentenced to pay a fine of not less than $200.00 or more than $1,000.00, and 1 or more of the following:

(*i*) Imprisonment for not less than 5 days or more than 1 year. Not less than 48 hours of the term of imprisonment imposed under this subparagraph must be served consecutively.

(*ii*) Community service for not less than 30 days or more than 90 days.

(c) If the violation occurs after 2 or more prior convictions, regardless of the number of years that have elapsed since any prior conviction, the person is guilty of a felony and must be sentenced to pay a fine of not less than $500.00 or more than $5,000.00 and either of the following:

(*i*) Imprisonment under the jurisdiction of the department of corrections for not less than 1 year or more than 5 years.

(*ii*) Probation with imprisonment in the county jail for not less than 30 days or more than 1 year and community service for not less than 60 days or more than 180 days. Not less than 48 hours of the imprisonment imposed under this subparagraph must be served consecutively.

(d) A term of imprisonment imposed under subdivision (b) or (c) must not be suspended.

(e) In the judgment of sentence under subdivision (a), the court may order vehicle immobilization as provided in section 904d. In the judgment of sentence under subdivision (b) or (c), the court shall, unless the vehicle is ordered forfeited under section 625n, order vehicle immobilization as provided in section 904d.

(f) In the judgment of sentence under subdivision (b) or (c), the court may impose the sanction permitted under section 625n.

(12) If a person is convicted of violating subsection (6), all of the following apply:

(a) Except as otherwise provided in subdivision (b), the person is guilty of a misdemeanor punishable by 1 or both of the following:

(*i*) Community service for not more than 360 hours.

(*ii*) A fine of not more than $250.00.

(b) If the violation occurs within 7 years of 1 or more prior convictions, the person may be sentenced to 1 or more of the following:

(*i*) Community service for not more than 60 days.

(*ii*) A fine of not more than $500.00.

(*iii*) Imprisonment for not more than 93 days.

(13) In addition to imposing the sanctions prescribed under this section, the court may order the person to pay the costs of the prosecution under the code of criminal procedure, 1927 PA 175, MCL 760.1 to 777.69.

(14) A person sentenced to perform community service under this section must not receive compensation and must reimburse the state or appropriate local unit of government for the cost of supervision incurred by the state or local unit of government as a result of the person's activities in that service.

(15) If the prosecuting attorney intends to seek an enhanced sentence under this section or a sanction under

section 625n based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information, or an amended complaint and information, filed in district court, circuit court, municipal court, or family division of circuit court, a statement listing the defendant's prior convictions.

(16) If a person is charged with a violation of subsection (1), (3), (4), (5), (7), or (8) or section 625m, the court shall not permit the defendant to enter a plea of guilty or nolo contendere to a charge of violating subsection (6) in exchange for dismissal of the original charge. This subsection does not prohibit the court from dismissing the charge upon the prosecuting attorney's motion.

(17) A prior conviction must be established at sentencing by 1 or more of the following:

(a) A copy of a judgment of conviction.

(b) An abstract of conviction.

(c) A transcript of a prior trial or a plea-taking or sentencing proceeding.

(d) A copy of a court register of actions.

(e) A copy of the defendant's driving record.

(f) Information contained in a presentence report.

(g) An admission by the defendant.

(18) Except as otherwise provided in subsection (20), if a person is charged with operating a vehicle while under the influence of a controlled substance or other intoxicating substance or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance in violation of subsection (1) or a local ordinance substantially corresponding to subsection (1), the court shall require the jury to return a special verdict in the form of a written finding or, if the court convicts the person without a jury or accepts a plea of guilty or nolo contendere, the court shall make a finding as to whether the person was under the influence of a controlled substance or other intoxicating substance or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance at the time of the violation.

(19) Except as otherwise provided in subsection (20), if a person is charged with operating a vehicle while his or her ability to operate the vehicle was visibly impaired due to his or her consumption of a controlled substance or other intoxicating substance or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance in violation of subsection (3) or a local ordinance substantially corresponding to subsection (3), the court shall require the jury to return a special verdict in the form of a written finding or, if the court convicts the person without a jury or accepts a plea of guilty or nolo contendere, the court shall make a finding as to whether, due to the consumption of a controlled substance or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance, the person's ability to operate a motor vehicle was visibly impaired at the time of the violation.

(20) A special verdict described in subsections (18) and (19) is not required if a jury is instructed to make a finding solely as to either of the following:

(a) Whether the defendant was under the influence of a controlled substance or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance at the time of the violation.

(b) Whether the defendant was visibly impaired due to his or her consumption of a controlled substance or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance at the time of the violation.

(21) If a jury or court finds under subsection (18), (19), or (20) that the defendant operated a motor vehicle under the influence of or while impaired due to the consumption of a controlled substance or a combination of a controlled substance, an alcoholic liquor, or other intoxicating substance, the court shall do both of the following:

(a) Report the finding to the secretary of state.

(b) On a form or forms prescribed by the state court administrator, forward to the department of state police a record that specifies the penalties imposed by the court, including any term of imprisonment, and any sanction imposed under section 625n or 904d.

(22) Except as otherwise provided by law, a record described in subsection (21)(b) is a public record and the department of state police shall retain the information contained on that record for not less than 7 years.

(23) In a prosecution for a violation of subsection (6), the defendant bears the burden of proving that the consumption of alcoholic liquor was a part of a generally recognized religious service or ceremony by a preponderance of the evidence.

(24) The court may order as a condition of probation that a person convicted of violating subsection (1) or (8), or a local ordinance substantially corresponding to subsection (1) or (8), shall not operate a motor vehicle unless that vehicle is equipped with an ignition interlock device approved, certified, and installed as required under sections 625k and 625*l*.

(25) As used in this section:

(a) "Intoxicating substance" means any substance, preparation, or a combination of substances and preparations other than alcohol or a controlled substance, that is either of the following:

(*i*) Recognized as a drug in any of the following publications or their supplements:

(A) The official United States Pharmacopoeia.

(B) The official Homeopathic Pharmacopoeia of the United States.

(C) The official National Formulary.

(*ii*) A substance, other than food, taken into a person's body, including, but not limited to, vapors or fumes, that is used in a manner or for a purpose for which it was not intended, and that may result in a condition of intoxication.

(b) "Prior conviction" means a conviction for any of the following, whether under a law of this state, a local ordinance substantially corresponding to a law of this state, a law of the United States substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state, subject to subsection (27):

(*i*) Except as provided in subsection (26), a violation or attempted violation of any of the following:

(A) This section, except a violation of subsection (2), or a violation of any prior enactment of this section in which the defendant operated a vehicle while under the influence of intoxicating or alcoholic liquor or a controlled substance, or a combination of intoxicating or alcoholic liquor and a controlled substance, or while visibly impaired, or with an unlawful bodily alcohol content.

(B) Section 625m.

(C) Former section 625b.

(*ii*) Negligent homicide, manslaughter, or murder resulting from the operation of a vehicle or an attempt to commit any of those crimes.

(*iii*) Section 601d or 626(3) or (4).

(26) Except for purposes of the enhancement described in subsection (12)(b), only 1 violation or attempted violation of subsection (6), a local ordinance substantially corresponding to subsection (6), or a law of another state substantially corresponding to subsection (6) may be used as a prior conviction.

(27) If 2 or more convictions described in subsection (25) are convictions for violations arising out of the same transaction, only 1 conviction must be used to determine whether the person has a prior conviction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951;—Am. 1954, Act 10, Eff. Aug. 13, 1954;—Am. 1956, Act 34, Eff. Aug. 11, 1956;—Am. 1958, Act 113, Eff. Sept. 13, 1958;—Am. 1976, Act 285, Eff. Apr. 1, 1977;—Am. 1978, Act 57, Imd. Eff. Mar. 10, 1978;—Am. 1978, Act 391, Eff. Jan. 15, 1979;—Am. 1980, Act 515, Eff. Apr. 1, 1981;—Am. 1982, Act 309, Eff. Mar. 30, 1983;—Am. 1987, Act 109, Eff. Mar. 30, 1988;—Am. 1991, Act 98, Eff. Jan. 1, 1992;—Am. 1993, Act 359, Eff. Sept. 1, 1994;—Am. 1994, Act 211, Eff. Nov. 1, 1994;—Am. 1994, Act 448, Eff. May 1, 1995;—Am. 1994, Act 449, Eff. May 1, 1995;—Am. 1996, Act 491, Eff. Apr. 1, 1997;—Am. 1998, Act 350, Eff. Oct. 1, 1999;—Am. 1999, Act 73, Eff. Oct. 1, 1999;—Am. 2000, Act 77, Eff. Oct. 1, 2000;—Am. 2000, Act 460, Eff. Mar. 28, 2001;—Am. 2003, Act 61, Eff. Sept. 30, 2003;—Am. 2004, Act 62, Eff. May 3, 2004;—Am. 2006, Act 564, Imd. Eff. Jan. 3, 2007;—Am. 2008, Act 341, Eff. Jan. 1, 2009;—Am. 2008, Act 462, Eff. Oct. 31, 2010;—Am. 2008, Act 463, Eff. Oct. 31, 2010;—Am. 2012, Act 543, Eff. Mar. 31, 2013;—Am. 2013, Act 23, Imd. Eff. May 9, 2013;—Am. 2014, Act 219, Eff. Sept. 24, 2014;—Am. 2017, Act 153, Eff. Feb. 6, 2018.

Compiler's note: Section 2 of Act 309 of 1982 provides: “All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date.”

Popular name: Heidi's Law

257.625a Arrest without warrant; circumstances; preliminary chemical breath analysis; provisions; operator ordered out-of-service; refusal of commercial motor vehicle operator to submit to chemical breath analysis as misdemeanor; penalty; provisions applicable to chemical tests and analysis; evidence; availability of test results; admissibility of refusal to submit to chemical test; definitions.

Sec. 625a. (1) A peace officer may arrest a person without a warrant under either of the following circumstances:

(a) The peace officer has reasonable cause to believe the person was, at the time of an accident in this state, the operator of a vehicle involved in the accident and was operating the vehicle in violation of section 625 or a local ordinance substantially corresponding to section 625.

(b) The person is found in the driver's seat of a vehicle parked or stopped on a highway or street within this state if any part of the vehicle intrudes into the roadway and the peace officer has reasonable cause to believe the person was operating the vehicle in violation of section 625 or a local ordinance substantially corresponding to section 625.

(2) A peace officer who has reasonable cause to believe that a person was operating a vehicle upon a public highway or other place open to the public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state and that the person by the consumption of alcoholic liquor, a controlled substance, or other intoxicating substance or a combination of them may have affected his or her ability to operate a vehicle, or reasonable cause to believe that a person was operating a commercial motor vehicle within the state while the person's blood, breath, or urine contained any measurable amount of alcohol, a controlled substance, or any other intoxicating substance or while the person had any detectable presence of alcoholic liquor, a controlled substance or any other intoxicating substance, or any combination of them, or reasonable cause to believe that a person who is less than 21 years of age was operating a vehicle upon a public highway or other place open to the public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state while the person had any bodily alcohol content as that term is defined in section 625(6), may require the person to submit to a preliminary chemical breath analysis. The following provisions apply to a preliminary chemical breath analysis administered under this subsection:

(a) A peace officer may arrest a person based in whole or in part upon the results of a preliminary chemical breath analysis.

(b) The results of a preliminary chemical breath analysis are admissible in a criminal prosecution for a crime enumerated in section 625c(1) or in an administrative hearing for 1 or more of the following purposes:

(*i*) To assist the court or hearing officer in determining a challenge to the validity of an arrest. This subparagraph does not limit the introduction of other competent evidence offered to establish the validity of an arrest.

(*ii*) As evidence of the defendant's breath alcohol content, if offered by the defendant to rebut testimony elicited on cross-examination of a defense witness that the defendant's breath alcohol content was higher at the time of the charged offense than when a chemical test was administered under subsection (6).

(*iii*) As evidence of the defendant's breath alcohol content, if offered by the prosecution to rebut testimony elicited on cross-examination of a prosecution witness that the defendant's breath alcohol content was lower at the time of the charged offense than when a chemical test was administered under subsection (6).

(c) A person who submits to a preliminary chemical breath analysis remains subject to the requirements of sections 625c, 625d, 625e, and 625f for purposes of chemical tests described in those sections.

(d) Except as provided in subsection (5), a person who refuses to submit to a preliminary chemical breath analysis upon a lawful request by a peace officer is responsible for a civil infraction.

(3) A peace officer shall use the results of a preliminary chemical breath analysis conducted under this section to determine whether to order a person out-of-service under section 319d. A peace officer shall order out-of-service as required under section 319d a person who was operating a commercial motor vehicle and who refuses to submit to a preliminary chemical breath analysis as provided in this section. This section does not limit use of other competent evidence by the peace officer to determine whether to order a person out-of-service under section 319d.

(4) A person who was operating a commercial motor vehicle and who is requested to submit to a preliminary chemical breath analysis under this section must be advised that refusing a peace officer's request to take a test described in this section is a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $100.00, or both, and will result in the issuance of a 24-hour out-of-service order.

(5) A person who was operating a commercial motor vehicle and who refuses to submit to a preliminary chemical breath analysis upon a peace officer's lawful request is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $100.00, or both.

(6) The following provisions apply to chemical tests and analysis of a person's blood, urine, or breath, other than a preliminary chemical breath analysis:

(a) The amount of alcohol or presence of a controlled substance or other intoxicating substance in a driver's blood or urine or the amount of alcohol in a person's breath at the time alleged as shown by chemical analysis of the person's blood, urine, or breath is admissible into evidence in any civil or criminal proceeding and is presumed to be the same as at the time the person operated the vehicle.

(b) A person arrested for a crime described in section 625c(1) must be advised of all of the following:

(*i*) If he or she takes a chemical test of his or her blood, urine, or breath administered at the request of a peace officer, he or she has the right to demand that a person of his or her own choosing administer 1 of the chemical tests.

(*ii*) The results of the test are admissible in a judicial proceeding as provided under this act and will be considered with other admissible evidence in determining the defendant's innocence or guilt.

(*iii*) He or she is responsible for obtaining a chemical analysis of a test sample obtained at his or her own

request.

(*iv*) If he or she refuses the request of a peace officer to take a test described in subparagraph (*i*), a test must not be given without a court order, but the peace officer may seek to obtain a court order.

(*v*) Refusing a peace officer's request to take a test described in subparagraph (*i*) will result in the suspension of his or her operator's or chauffeur's license and vehicle group designation or operating privilege and in the addition of 6 points to his or her driver record.

(c) A sample or specimen of urine or breath must be taken and collected in a reasonable manner. Only a licensed physician, or an individual operating under the delegation of a licensed physician under section 16215 of the public health code, 1978 PA 368, MCL 333.16215, qualified to withdraw blood and acting in a medical environment, may withdraw blood at a peace officer's request to determine the amount of alcohol or presence of a controlled substance or other intoxicating substance in the person's blood, as provided in this subsection. Liability for a crime or civil damages predicated on the act of withdrawing or analyzing blood and related procedures does not attach to a licensed physician or individual operating under the delegation of a licensed physician who withdraws or analyzes blood or assists in the withdrawal or analysis in accordance with this act unless the withdrawal or analysis is performed in a negligent manner.

(d) A chemical test described in this subsection must be administered at the request of a peace officer having reasonable grounds to believe the person has committed a crime described in section 625c(1). A person who takes a chemical test administered at a peace officer's request as provided in this section must be given a reasonable opportunity to have a person of his or her own choosing administer 1 of the chemical tests described in this subsection within a reasonable time after his or her detention. The test results are admissible and must be considered with other admissible evidence in determining the defendant's innocence or guilt. If the person charged is administered a chemical test by a person of his or her own choosing, the person charged is responsible for obtaining a chemical analysis of the test sample.

(e) If, after an accident, the driver of a vehicle involved in the accident is transported to a medical facility and a sample of the driver's blood is withdrawn at that time for medical treatment, the results of a chemical analysis of that sample are admissible in any civil or criminal proceeding to show the amount of alcohol or presence of a controlled substance or other intoxicating substance in the person's blood at the time alleged, regardless of whether the person had been offered or had refused a chemical test. The medical facility or person performing the chemical analysis shall disclose the results of the analysis to a prosecuting attorney who requests the results for use in a criminal prosecution as provided in this subdivision. A medical facility or person disclosing information in compliance with this subsection is not civilly or criminally liable for making the disclosure.

(f) If, after an accident, the driver of a vehicle involved in the accident is deceased, a sample of the decedent's blood must be withdrawn in a manner directed by the medical examiner to determine the amount of alcohol or the presence of a controlled substance or other intoxicating substance, or any combination of them, in the decedent's blood. The medical examiner shall give the results of the chemical analysis of the sample to the law enforcement agency investigating the accident and that agency shall forward the results to the department of state police.

(g) The department of state police shall promulgate uniform rules in compliance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, for the administration of chemical tests for the purposes of this section. An instrument used for a preliminary chemical breath analysis may be used for a chemical test described in this subsection if approved under rules promulgated by the department of state police.

(7) The provisions of subsection (6) relating to chemical testing do not limit the introduction of any other admissible evidence bearing upon any of the following questions:

(a) Whether the person was impaired by, or under the influence of, alcoholic liquor, a controlled substance or other intoxicating substance, or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance.

(b) Whether the person had an alcohol content of 0.08 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine or, beginning October 1, 2021, the person had an alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(c) If the person is less than 21 years of age, whether the person had any bodily alcohol content within his or her body. As used in this subdivision, "any bodily alcohol content" means either of the following:

(*i*) An alcohol content of 0.02 grams or more but less than 0.08 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine or, beginning October 1, 2021, the person had an alcohol content of 0.02 grams or more but less than 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(*ii*) Any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor,

other than the consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony.

(8) If a chemical test described in subsection (6) is administered, the test results must be made available to the person charged or the person's attorney upon written request to the prosecution, with a copy of the request filed with the court. The prosecution shall furnish the results at least 2 days before the day of the trial. The prosecution shall offer the test results as evidence in that trial. Failure to fully comply with the request bars the admission of the results into evidence by the prosecution.

(9) A person's refusal to submit to a chemical test as provided in subsection (6) is admissible in a criminal prosecution for a crime described in section 625c(1) only to show that a test was offered to the defendant, but not as evidence in determining the defendant's innocence or guilt. The jury must be instructed accordingly.

(10) As used in this section:

(a) "Controlled substance" means that term as defined in section 7104 of the public health code, 1978 PA 368, MCL 333.7104.

(b) "Intoxicating substance" means that term as defined in section 625.

History: Add. 1960, Act 148, Eff. Aug. 17, 1960;—Am. 1964, Act 104, Eff. Aug. 28, 1964;—Am. 1967, Act 253, Eff. Nov. 2, 1967;—Am. 1971, Act 154, Eff. Mar. 30, 1972;—Am. 1978, Act 572, Eff. Mar. 30, 1979;—Am. 1980, Act 515, Eff. Apr. 1, 1981;—Am. 1982, Act 310, Eff. Mar. 30, 1983;—Am. 1991, Act 95, Eff. Jan. 1, 1992;—Am. 1991, Act 100, Eff. Jan. 1, 1993;—Am. 1993, Act 229, Imd. Eff. Nov. 5, 1993;—Am. 1994, Act 211, Eff. Nov. 1, 1994;—Am. 1994, Act 450, Eff. May 1, 1995;—Am. 1996, Act 491, Eff. Apr. 1, 1997;—Am. 1998, Act 351, Eff. Oct. 1, 1999;—Am. 2003, Act 61, Eff. Sept. 30, 2003;—Am. 2013, Act 23, Imd. Eff. May 9, 2013;—Am. 2014, Act 315, Eff. Jan. 12, 2015;—Am. 2015, Act 11, Imd. Eff. Apr. 9, 2015;—Am. 2017, Act 153, Eff. Feb. 6, 2018.

Constitutionality: The provision in the implied consent act for the admission in a prosecution involving driving under the influence of intoxicating liquor or a controlled substance of the results of a chemical analysis of a blood sample drawn for the purpose of medical treatment from a driver of a vehicle involved in an accident, and the requirement in the act that the medical facility or person performing the analysis must release the results to a prosecuting attorney who requests the results for use in the prosecution are constitutionally valid. People v Perlos, 436 Mich 305; 462 NW2d 310 (1990).

Compiler's note: Section 2 of Act 310 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."

***** *257.625b THIS SECTION IS AMENDED EFFECTIVE MARCH 28, 2019: See 257.625b.amended* *****

257.625b Arraignment of person arrested for misdemeanor violation; pretrial conference; advising accused of maximum penalty before acceptance of plea; screening, assessment, and rehabilitative services; action by secretary of state pending appeal.

Sec. 625b. (1) A person arrested for a misdemeanor violation of section 625(1), (3), (6), (7), or (8) or section 625m or a local ordinance substantially corresponding to section 625(1), (3), (6), or (8) or section 625m shall be arraigned on the citation, complaint, or warrant not more than 14 days after the arrest for the violation or, if an arrest warrant is issued or reissued, not more than 14 days after the issued or reissued arrest warrant is served, whichever is later. The court shall not dismiss a case or impose any other sanction for a failure to comply with this time limit. The time limit does not apply to a violation of section 625(1), (3), (7), or (8) or section 625m punishable as a felony or a violation of section 625(1), (3), (6), (7), or (8) or section 625m joined with a felony charge.

(2) The court shall schedule a pretrial conference between the prosecuting attorney, the defendant, and the defendant's attorney in each case in which the defendant is charged with a misdemeanor violation of section 625(1), (3), (6), (7), or (8) or section 625m or a local ordinance substantially corresponding to section 625(1), (3), (6), or (8) or section 625m. The pretrial conference shall be held not more than 35 days after the person's arrest for the violation or, if an arrest warrant is issued or reissued, not more than 35 days after the issued or reissued arrest warrant is served, whichever is later. If the court has only 1 judge who sits in more than 1 location in that district, the pretrial conference shall be held not more than 42 days after the person's arrest for the violation or, if an arrest warrant is issued or reissued, not more than 42 days after the date the issued or reissued arrest warrant is served, whichever is later. The court shall not dismiss a case or impose any other sanction for a failure to comply with the applicable time limit. The 35- and 42-day time limits do not apply to a violation of section 625(1), (3), (7), or (8) or section 625m punishable as a felony or a violation of section 625(1), (3), (6), (7), or (8) or section 625m joined with a felony charge. The court shall order the defendant to attend the pretrial conference and may accept a plea by the defendant at the conclusion of the pretrial conference. The court may adjourn the pretrial conference upon the motion of a party for good cause shown. Not more than 1 adjournment shall be granted to a party, and the length of an adjournment shall not exceed 14

days.

(3) Except for delay attributable to the unavailability of the defendant, a witness, or material evidence or due to an interlocutory appeal or exceptional circumstances, but not a delay caused by docket congestion, the court shall finally adjudicate, by a plea of guilty or nolo contendere, entry of a verdict, or other final disposition, a case in which the defendant is charged with a misdemeanor violation of section 625(1), (3), (6), (7), or (8) or section 625m or a local ordinance substantially corresponding to section 625(1), (3), (6), or (8) or section 625m, within 77 days after the person is arrested for the violation or, if an arrest warrant is issued or reissued, not more than 77 days after the date the issued or reissued arrest warrant is served, whichever is later. The court shall not dismiss a case or impose any other sanction for a failure to comply with this time limit. The 77-day time limit does not apply to a violation of section 625(1), (3), (7), or (8) or section 625m punishable as a felony or a violation of section 625(1), (3), (6), (7), or (8) or section 625m joined with a felony charge.

(4) Before accepting a plea of guilty or nolo contendere under section 625 or a local ordinance substantially corresponding to section 625(1), (2), (3), (6), or (8), the court shall advise the accused of the maximum possible term of imprisonment and the maximum possible fine that may be imposed for the violation and shall advise the defendant that the maximum possible license sanctions that may be imposed will be based upon the master driving record maintained by the secretary of state under section 204a.

(5) Before imposing sentence for a violation of section 625(1), (3), (4), (5), (6), (7), or (8) or a local ordinance substantially corresponding to section 625(1), (3), (6), or (8), the court shall order the person to undergo screening and assessment by a person or agency designated by the office of substance abuse services to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs. Except as otherwise provided in this subsection, the court may order the person to participate in and successfully complete 1 or more appropriate rehabilitative programs as part of the sentence. If the person was convicted under section 625(1)(c) or has 1 or more prior convictions, the court shall order the person to participate in and successfully complete 1 or more appropriate rehabilitative programs as part of the sentence, including, but not limited to, an alcohol treatment program or a self-help program for a period of not less than 1 year. The treatment plan shall be devised from an assessment performed by an appropriately licensed alcohol assessor and approved by the court. The person shall pay for the costs of the screening, assessment, and rehabilitative services. This subsection does not require the person to successfully complete an ordered rehabilitative program before driving a vehicle with an ignition interlock device on a restricted license.

(6) If the judgment and sentence are appealed to circuit court, the court may ex parte order the secretary of state to stay the suspension, revocation, or restricted license issued by the secretary of state pending the outcome of the appeal.

History: Add. 1966, Act 243, Eff. Mar. 10, 1967;—Am. 1976, Act 285, Eff. Apr. 1, 1977;—Am. 1980, Act 515, Eff. Apr. 1, 1981;—Am. 1982, Act 309, Eff. Mar. 30, 1983;—Am. 1987, Act 109, Eff. Mar. 30, 1988;—Am. 1991, Act 93, Eff. Jan. 1, 1992;—Am. 1991, Act 100, Eff. Jan. 1, 1993;—Am. 1993, Act 359, Eff. Sept. 1, 1994;—Am. 1994, Act 211, Eff. Nov. 1, 1994;—Am. 1994, Act 450, Eff. May 1, 1995;—Am. 1998, Act 357, Eff. Oct. 1, 1999;—Am. 2004, Act 62, Eff. May 3, 2004;—Am. 2008, Act 462, Eff. Oct. 31, 2010.

Compiler's note: Section 2 of Act 309 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."

****** 257.625b.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 28, 2019 ******

257.625b.amended Arraignment of person arrested for misdemeanor violation; pretrial conference; advising accused of maximum penalty before acceptance of plea; screening, assessment, and rehabilitative services; assessment for medication-assisted treatment; action by secretary of state pending appeal.

Sec. 625b. (1) A person arrested for a misdemeanor violation of section 625(1), (3), (6), (7), or (8) or section 625m or a local ordinance substantially corresponding to section 625(1), (3), (6), or (8) or section 625m must be arraigned on the citation, complaint, or warrant not more than 14 days after the arrest for the violation or, if an arrest warrant is issued or reissued, not more than 14 days after the issued or reissued arrest warrant is served, whichever is later. The court shall not dismiss a case or impose any other sanction for a failure to comply with this time limit. The time limit does not apply to a violation of section 625(1), (3), (7), or (8) or section 625m punishable as a felony or a violation of section 625(1), (3), (6), (7), or (8) or section 625m joined with a felony charge.

(2) The court shall schedule a pretrial conference between the prosecuting attorney, the defendant, and the

defendant's attorney in each case in which the defendant is charged with a misdemeanor violation of section 625(1), (3), (6), (7), or (8) or section 625m or a local ordinance substantially corresponding to section 625(1), (3), (6), or (8) or section 625m. The pretrial conference must be held not more than 35 days after the person's arrest for the violation or, if an arrest warrant is issued or reissued, not more than 35 days after the issued or reissued arrest warrant is served, whichever is later. If the court has only 1 judge who sits in more than 1 location in that district, the pretrial conference must be held not more than 42 days after the person's arrest for the violation or, if an arrest warrant is issued or reissued, not more than 42 days after the date the issued or reissued arrest warrant is served, whichever is later. The court shall not dismiss a case or impose any other sanction for a failure to comply with the applicable time limit. The 35- and 42-day time limits do not apply to a violation of section 625(1), (3), (7), or (8) or section 625m punishable as a felony or a violation of section 625(1), (3), (6), (7), or (8) or section 625m joined with a felony charge. The court shall order the defendant to attend the pretrial conference and may accept a plea by the defendant at the conclusion of the pretrial conference. The court may adjourn the pretrial conference upon the motion of a party for good cause shown. Not more than 1 adjournment shall be granted to a party, and the length of an adjournment must not exceed 14 days.

(3) Except for delay attributable to the unavailability of the defendant, a witness, or material evidence or due to an interlocutory appeal or exceptional circumstances, but not a delay caused by docket congestion, the court shall finally adjudicate, by a plea of guilty or nolo contendere, entry of a verdict, or other final disposition, a case in which the defendant is charged with a misdemeanor violation of section 625(1), (3), (6), (7), or (8) or section 625m or a local ordinance substantially corresponding to section 625(1), (3), (6), or (8) or section 625m, within 77 days after the person is arrested for the violation or, if an arrest warrant is issued or reissued, not more than 77 days after the date the issued or reissued arrest warrant is served, whichever is later. The court shall not dismiss a case or impose any other sanction for a failure to comply with this time limit. The 77-day time limit does not apply to a violation of section 625(1), (3), (7), or (8) or section 625m punishable as a felony or a violation of section 625(1), (3), (6), (7), or (8) or section 625m joined with a felony charge.

(4) Before accepting a plea of guilty or nolo contendere under section 625 or a local ordinance substantially corresponding to section 625(1), (2), (3), (6), or (8), the court shall advise the accused of the maximum possible term of imprisonment and the maximum possible fine that may be imposed for the violation and shall advise the defendant that the maximum possible license sanctions that may be imposed will be based upon the master driving record maintained by the secretary of state under section 204a.

(5) Before imposing sentence for a violation of section 625(1), (3), (4), (5), (6), (7), or (8) or a local ordinance substantially corresponding to section 625(1), (3), (6), or (8), the court shall order the person to undergo screening and assessment by a person or agency designated by the office of substance abuse services to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs. Except as otherwise provided in this subsection, the court may order the person to participate in and successfully complete 1 or more appropriate rehabilitative programs as part of the sentence. If the person was convicted under section 625(1)(c) or has 1 or more prior convictions, the court shall order the person to participate in and successfully complete 1 or more appropriate rehabilitative programs as part of the sentence, including, but not limited to, an alcohol treatment program or a self-help program for a period of not less than 1 year. The treatment plan must be devised from an assessment performed by an appropriately licensed alcohol assessor and approved by the court. If the person has 2 or more prior convictions, the court shall order the person to undergo an assessment that uses a standardized evidence-based instrument performed by a provider or other licensed or certified substance use disorder professional to determine whether he or she has a diagnosis for alcohol dependence and would likely benefit from a United States Food and Drug Administration approved medication-assisted treatment that is indicated for the treatment of alcohol dependence, as specified in the most recent Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association. A person may request an independent assessment that uses a standardized evidence-based instrument and that is performed by a provider or other licensed or certified substance use disorder professional to determine whether he or she has a diagnosis for alcohol dependence and would likely benefit from a United States Food and Drug Administration approved medication-assisted treatment that is indicated for the treatment of alcohol dependence, as specified in the most recent Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association. A court shall grant a request for an independent assessment and shall consider the results of the independent assessment along with the assessment required under this subsection when determining if the court will refer the person to a rehabilitative program that offers 1 or more forms of United States Food and Drug Administration-approved medications for the treatment of alcohol dependence. Only a provider may recommend that a person take medication-assisted treatment. A person

always maintains the right to refuse ingestion or injection of medication. Only a provider may determine the type, dosage, and duration of the medication-assisted treatment. If the person refuses to take the medication-assisted treatment, the court shall not hold that person in contempt. As used in this subsection, "provider" means an individual with prescribing authority under the public health code, 1978 PA 368, MCL 333.1101 to 333.25211, who regularly communicates with the treatment team during the defendant's recovery and who has training or experience that demonstrates the provider's ability to treat and manage patients with alcohol dependency. If no other identified funding source is available, the person shall pay for the costs of the screening, assessment, or assessments, as applicable, and rehabilitative services ordered under this subsection. This subsection does not require the person to successfully complete an ordered rehabilitative program before driving a vehicle with an ignition interlock device on a restricted license. As used in this subsection, "other licensed or certified substance use disorder professional" means an individual or organization licensed or credentialed in this state to treat substance use disorders, including individuals certified by the Michigan certification board for addiction professionals and individuals who have training in providing assessments for alcohol dependency.

(6) If the judgment and sentence are appealed to circuit court, the court may ex parte order the secretary of state to stay the suspension, revocation, or restricted license issued by the secretary of state pending the outcome of the appeal.

History: Add. 1966, Act 243, Eff. Mar. 10, 1967;—Am. 1976, Act 285, Eff. Apr. 1, 1977;—Am. 1980, Act 515, Eff. Apr. 1, 1981;—Am. 1982, Act 309, Eff. Mar. 30, 1983;—Am. 1987, Act 109, Eff. Mar. 30, 1988;—Am. 1991, Act 93, Eff. Jan. 1, 1992;—Am. 1991, Act 100, Eff. Jan. 1, 1993;—Am. 1993, Act 359, Eff. Sept. 1, 1994;—Am. 1994, Act 211, Eff. Nov. 1, 1994;—Am. 1994, Act 450, Eff. May 1, 1995;—Am. 1998, Act 357, Eff. Oct. 1, 1999;—Am. 2004, Act 62, Eff. May 3, 2004;—Am. 2008, Act 462, Eff. Oct. 31, 2010;—Am. 2018, Act 657, Eff. Mar. 28, 2019.

Compiler's note: Section 2 of Act 309 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."

257.625c Consent to chemical tests; persons not considered to have given consent to withdrawal of blood; administration of tests; definitions.

Sec. 625c. (1) A person who operates a vehicle upon a public highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state is considered to have given consent to chemical tests of his or her blood, breath, or urine for the purpose of determining the amount of alcohol or presence of a controlled substance or other intoxicating substance, or any combination of them, in his or her blood or urine or the amount of alcohol in his or her breath in all of the following circumstances:

(a) If the person is arrested for a violation of section 625(1), (3), (4), (5), (6), (7), or (8), section 625a(5), or section 625m or a local ordinance substantially corresponding to section 625(1), (3), (6), or (8), section 625a(5), or section 625m.

(b) If the person is arrested for a violation of section 601d, section 626(3) or (4), or manslaughter, or murder resulting from the operation of a motor vehicle, and the peace officer had reasonable grounds to believe the person was operating the vehicle in violation of section 625.

(2) A person who is afflicted with hemophilia, diabetes, or a condition requiring the use of an anticoagulant under the direction of a physician is not considered to have given consent to the withdrawal of blood.

(3) The tests shall be administered as provided in section 625a(6).

(4) As used in this section:

(a) "Controlled substance" means that term as defined in section 7104 of the public health code, 1978 PA 368, MCL 333.7104.

(b) "Intoxicating substance" means that term as defined in section 625.

History: Add. 1967, Act 253, Eff. Nov. 2, 1967;—Am. 1980, Act 515, Eff. Apr. 1, 1981;—Am. 1982, Act 310, Eff. Mar. 30, 1983;—Am. 1991, Act 95, Eff. Jan. 1, 1992;—Am. 1991, Act 100, Eff. Jan. 1, 1993;—Am. 1994, Act 211, Eff. Nov. 1, 1994;—Am. 1994, Act 450, Eff. May 1, 1995;—Am. 1998, Act 350, Eff. Oct. 1, 1999;—Am. 2003, Act 61, Eff. Sept. 30, 2003;—Am. 2008, Act 463, Eff. Oct. 31, 2010;—Am. 2014, Act 315, Eff. Jan. 12, 2015.

Compiler's note: Section 2 of Act 310 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."

257.625d Refusal to submit to chemical test; court order; report to secretary of state; form.

Sec. 625d. (1) If a person refuses the request of a peace officer to submit to a chemical test offered under section 625a(6), a test shall not be given without a court order, but the officer may seek to obtain the court order.

(2) A written report shall immediately be forwarded to the secretary of state by the peace officer. The report shall state that the officer had reasonable grounds to believe that the person had committed a crime described in section 625c(1), and that the person had refused to submit to the test upon the request of the peace officer and had been advised of the consequences of the refusal. The form of the report shall be prescribed and furnished by the secretary of state.

History: Add. 1967, Act 253, Eff. Nov. 2, 1967;—Am. 1968, Act 335, Eff. Nov. 15, 1968;—Am. 1980, Act 515, Eff. Apr. 1, 1981;—Am. 1982, Act 310, Eff. Mar. 30, 1983;—Am. 1991, Act 95, Eff. Jan. 1, 1992;—Am. 1994, Act 211, Eff. Nov. 1, 1994;—Am. 2014, Act 315, Eff. Jan. 12, 2015.

Compiler's note: Section 2 of Act 310 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."

257.625e Refusal to submit to chemical test pursuant to MCL 257.625d; request for hearing; notice.

Sec. 625e. (1) If a person refuses to submit to a chemical test pursuant to section 625d, the peace officer shall immediately notify the person in writing that within 14 days of the date of the notice the person may request a hearing as provided in section 625f. The form of the notice shall be prescribed and furnished by the secretary of state.

(2) The notice shall specifically state that failure to request a hearing within 14 days will result in the suspension of the person's license or permit to drive. The notice shall also state that there is not a requirement that the person retain counsel for the hearing, though counsel would be permitted to represent the person at the hearing.

History: Add. 1967, Act 253, Eff. Nov. 2, 1967;—Am. 1968, Act 335, Eff. Nov. 15, 1968;—Am. 1976, Act 9, Imd. Eff. Feb. 13, 1976;—Am. 1982, Act 310, Eff. Mar. 30, 1983;—Am. 1991, Act 104, Eff. Jan. 1, 1992.

Compiler's note: Section 2 of Act 310 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."

257.625f Effect of failure to request hearing; hearing procedure; notice; authority of hearing officer; scope of hearing; finding; record; licensing sanctions; judicial review; notice to motor vehicle administrator of another state.

Sec. 625f. (1) If a person who refuses to submit to a chemical test pursuant to section 625d does not request a hearing within 14 days after the date of notice pursuant to section 625e, the secretary of state shall impose the following license sanctions:

(a) If the person was operating a vehicle other than a commercial motor vehicle, suspend or deny the person's operator's or chauffeur's license or permit to drive, or nonresident operating privilege, for 1 year or, for a second or subsequent refusal within 7 years, for 2 years. If the person is a resident without a license or permit to operate a vehicle in the state, the secretary of state shall not issue the person a license or permit for 1 year or, for a second or subsequent refusal within 7 years, for 2 years.

(b) If the person was operating a commercial motor vehicle, for the first refusal, suspend all vehicle group designations on the person's operator's or chauffeur's license or permit or nonresident privilege to operate a commercial motor vehicle or, if the person is a resident without a license or permit to operate a commercial motor vehicle in the state, not issue the person an operator's or chauffeur's license with vehicle group designations, for 1 year.

(c) If the person was operating a commercial motor vehicle, for a second or subsequent refusal that occurred in a separate incident from and within 10 years of a prior refusal, revoke all vehicle group designations on the person's operator's or chauffeur's license or permit or nonresident privilege to operate a commercial motor vehicle or, if the person is a resident without a license or permit to operate a commercial motor vehicle in the state, not issue the person an operator's or chauffeur's license with vehicle group designations, for not less than 10 years and until the person is approved for the issuance of a vehicle group designation.

(d) If the person was operating a commercial motor vehicle and was arrested for an offense enumerated in section 625c other than a violation of section 625a(5) or 625m, impose the license sanction described in subdivision (a) and the license sanction described in subdivision (b) or (c), as applicable.

(2) If a hearing is requested, the secretary of state shall hold the hearing in the same manner and under the same conditions as provided in section 322. Not less than 5 days' notice of the hearing shall be mailed to the person requesting the hearing, to the peace officer who filed the report under section 625d, and if the prosecuting attorney requests receipt of the notice, to the prosecuting attorney of the county where the arrest was made. The hearing officer may administer oaths, issue subpoenas for the attendance of necessary witnesses, and grant a reasonable request for an adjournment. Not more than 1 adjournment shall be granted to a party and the length of an adjournment shall not exceed 14 days. A hearing under this subsection shall be scheduled to be held within 45 days after the date of arrest for the violation. The hearing officer shall not impose any sanction for a failure to comply with these time limits.

(3) Except for delay attributable to the unavailability of the defendant, a witness, or material evidence, or due to an interlocutory appeal or exceptional circumstances, but not a delay caused by docket congestion, a hearing shall be finally adjudicated within 77 days after the date of arrest. The hearing officer shall not impose any sanction for a failure to comply with this time limit.

(4) The hearing shall cover only the following issues:

(a) Whether the peace officer had reasonable grounds to believe that the person had committed a crime described in section 625c(1).

(b) Whether the person was placed under arrest for a crime described in section 625c(1).

(c) If the person refused to submit to the test upon the request of the officer, whether the refusal was reasonable.

(d) Whether the person was advised of the rights under section 625a(6).

(5) A person shall not order a hearing officer to make a particular finding on any issue enumerated in subsection (4)(a) to (d).

(6) The hearing officer shall make a record of a hearing held pursuant to this section. The record shall be prepared and transcribed in accordance with section 86 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.286. Upon notification of the filing of a petition for judicial review pursuant to section 323 and not less than 10 days before the matter is set for review, the hearing officer shall transmit to the court in which the petition was filed the original or a certified copy of the official record of the proceedings. Proceedings at which evidence was presented need not be transcribed and transmitted if the sole reason for review is to determine whether the court will order the issuance of a restricted license. The parties to the proceedings for judicial review may stipulate that the record be shortened. A party unreasonably refusing to stipulate to a shortened record may be taxed by the court in which the petition is filed for the additional costs. The court may permit subsequent corrections to the record.

(7) If the person who requested a hearing does not prevail, the secretary of state shall impose the following license sanctions after the hearing:

(a) If the person was operating a vehicle other than a commercial motor vehicle, suspend or deny issuance of a license or driving permit or a nonresident operating privilege of the person for 1 year or, for a second or subsequent refusal within 7 years, for 2 years. If the person is a resident without a license or permit to operate a vehicle in the state, the secretary of state shall not issue the person a license or permit for 1 year or, for a second or subsequent refusal within 7 years, for 2 years. The person may file a petition in the circuit court of the county in which the arrest was made to review the suspension or denial as provided in section 323.

(b) If the person was operating a commercial motor vehicle, impose the sanction prescribed under subsection (1)(b) or (1)(c), as applicable. The person may file a petition in the circuit court of the county in which the arrest was made to review the suspension or denial as provided in section 323.

(c) If the person was operating a commercial motor vehicle and was arrested for an offense enumerated in section 625c other than a violation of section 625a(5) or 625m, impose the license sanctions described in subdivisions (a) and (b).

(8) If the person who requested the hearing prevails, the peace officer who filed the report under section 625d may, with the consent of the prosecuting attorney, file a petition in the circuit court of the county in which the arrest was made to review the determination of the hearing officer as provided in section 323.

(9) When it has been finally determined that a nonresident's privilege to operate a vehicle in the state has been suspended or denied, the department shall give notice in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of each state in which he or she has a license to operate a motor vehicle.

History: Add. 1967, Act 253, Eff. Nov. 2, 1967;—Am. 1968, Act 335, Eff. Nov. 15, 1968;—Am. 1976, Act 9, Imd. Eff. Feb. 13, 1976;—Am. 1980, Act 515, Eff. Apr. 1, 1981;—Am. 1982, Act 310, Eff. Mar. 30, 1983;—Am. 1991, Act 95, Eff. Jan. 1, 1992;—Am. 1991, Act 100, Eff. Jan. 1, 1993;—Am. 1994, Act 450, Eff. May 1, 1995;—Am. 2003, Act 61, Eff. Sept. 30, 2003.

Compiler's note: Section 2 of Act 310 of 1982 provides: “All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are

commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."

257.625g Duties of peace officer if person refuses chemical test or if test reveals unlawful alcohol content or presence of controlled substance or other intoxicating substance; test results; duration of temporary license or permit; definitions.

Sec. 625g. (1) If a person refuses a chemical test offered under section 625a(6), the peace officer who requested the person to submit to the chemical test shall comply with subdivisions (a) and (b). If a person submits to the chemical test or a chemical test is performed under a court order and the test reveals an unlawful alcohol content, or the presence of a controlled substance or other intoxicating substance, or any combination of them, the peace officer who requested the person to submit to the test shall do all of the following, other than subdivision (b)(*i*):

(a) On behalf of the secretary of state, immediately confiscate the person's license or permit to operate a motor vehicle and, if the person is otherwise eligible for a license or permit, issue a temporary license or permit to the person. The temporary license or permit must be on a form provided by the secretary of state.

(b) Except as provided in subsection (2), immediately do all of the following:

(*i*) Forward a copy of the written report of the person's refusal to submit to a chemical test required under section 625d to the secretary of state.

(*ii*) Notify the secretary of state by means of the law enforcement information network that a temporary license or permit was issued to the person.

(*iii*) Destroy the person's driver's license or permit.

(2) If a person submits to a chemical test offered under section 625a(6) that requires an analysis of blood or urine and a report of the results of that chemical test is not immediately available, the peace officer who requested the person to submit to the test shall comply with subsection (1)(a) and (b)(*ii*) and indicate in the notice under subsection (1)(b)(*ii*) that a subsequent chemical test is pending. If the report reveals an unlawful alcohol content, or the presence of a controlled substance or other intoxicating substance, or any combination of them, the peace officer who requested the person to submit to the test shall immediately comply with subsection (1)(b)(*iii*). If the report does not reveal an unlawful alcohol content, or the presence of a controlled substance or other intoxicating substance, or any combination of them, the peace officer who requested the person to submit to the test shall immediately notify the person of the test results and immediately return the person's license or permit by first-class mail to the address provided at the time of arrest.

(3) A temporary license or permit issued under this section is valid for 1 of the following time periods:

(a) If the case is not prosecuted, for 90 days after issuance or until the person's license or permit is suspended under section 625f, whichever occurs earlier. The prosecuting attorney shall notify the secretary of state if a case referred to the prosecuting attorney is not prosecuted. The arresting law enforcement agency shall notify the secretary of state if a case is not referred to the prosecuting attorney for prosecution.

(b) If the case is prosecuted, until the criminal charges against the person are dismissed, the person is acquitted of those charges, or the person's license or permit is suspended, restricted, or revoked.

(4) As used in this section:

(a) "Controlled substance" means that term as defined in section 7104 of the public health code, 1978 PA 368, MCL 333.7104.

(b) "Intoxicating substance" means that term as defined in section 625.

(c) "Unlawful alcohol content" means any of the following, as applicable:

(*i*) If the person tested is less than 21 years of age, 0.02 grams or more of alcohol per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(*ii*) If the person tested was operating a commercial motor vehicle within this state, 0.04 grams or more of alcohol per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(*iii*) If the person tested is not a person described in subparagraph (*i*) or (*ii*), 0.08 grams or more of alcohol per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine or, beginning October 1, 2021, 0.10 grams or more of alcohol per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

History: Add. 1967, Act 253, Eff. Nov. 2, 1967;—Am. 1980, Act 515, Eff. Apr. 1, 1981;—Am. 1991, Act 95, Eff. Jan. 1, 1992;—Am. 1994, Act 450, Eff. May 1, 1995;—Am. 1999, Act 73, Eff. Oct. 1, 1999;—Am. 2003, Act 61, Eff. Sept. 30, 2003;—Am. 2013, Act 23, Imd. Eff. May 9, 2013;—Am. 2014, Act 315, Eff. Jan. 12, 2015;—Am. 2017, Act 153, Eff. Feb. 6, 2018.

Administrative rules: R 325.2651 et seq. of the Michigan Administrative Code.

257.625h Drunk driving prevention equipment and training fund; drunk driving caseflow assistance fund.

Sec. 625h. (1) The drunk driving prevention equipment and training fund is created as a separate fund in the state treasury. Money in the fund shall be expended only as provided in subsection (2). The state treasurer shall credit to the fund all money received for that purpose under section 320e, and as otherwise provided by law. The state treasurer shall invest money in the fund in the same manner as surplus funds are invested under section 143 of 1855 PA 105, MCL 21.143. Earnings from the fund shall be credited to the fund. Money in the fund at the end of the fiscal year shall remain in the fund, and shall not revert to the general fund.

(2) The department of state police shall administer the fund. Money in the fund shall be used only to administer the fund, to purchase and maintain breath alcohol testing equipment, and to provide training to law enforcement personnel of this state in the use of that breath alcohol testing equipment.

(3) The department of treasury shall, before November 1 of each year, notify the department of state police of the balance in the fund at the close of the preceding fiscal year.

(4) The department of state police shall promulgate rules to implement subsection (2).

(5) The drunk driving caseflow assistance fund is created as a separate fund in the state treasury. The purpose of the fund is to promote the timely disposition of cases in which the defendant is charged with a violation of any of the following or a local ordinance substantially corresponding to any of the following:

(a) Section 625 or 625m.

(b) Section 80176, 81134, 81135, or 82127 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80176, 324.81134, 324.81135, and 324.82127.

(6) Money in the fund shall be expended only as provided in subsection (8).

(7) The state treasurer shall credit the drunk driving caseflow assistance fund with deposits of proceeds from the collection of revenue from license reinstatement fees as provided for in section 320e, and all income from investment credited to the fund by the state treasurer. The state treasurer may invest money contained in the drunk driving caseflow assistance fund in any manner authorized by law for the investment of state money. However, an investment shall not interfere with any apportionment, allocation, or payment of money as required by this section. The state treasurer shall credit to the fund all income earned as a result of an investment. Money in the fund at the end of the fiscal year shall remain in the fund and shall not revert to the general fund.

(8) The state court administrator, at the direction of the supreme court and upon confirmation of the amount by the state treasurer, shall distribute from the drunk driving caseflow assistance fund the total amount available in a fiscal year to each district of the district court and each municipal court as provided in this section. The state court administrator, after reimbursement of costs as provided in this subsection, shall distribute the balance of the drunk driving caseflow assistance fund annually to each district of the district court and each municipal court in an amount determined by multiplying the amount available for distribution by a fraction, the numerator of which is the number of cases in which the defendant was charged with a violation enumerated in subsection (5) in the prior calendar year in that district of the district court or that municipal court as certified by the state court administrator and the denominator of which is the total number of cases in all districts of the district court and all municipal courts in which the defendant was charged with a violation enumerated in subsection (5) in the calendar year. The state court administrative office shall be reimbursed annually from the drunk driving caseflow assistance fund for all reasonable costs associated with the administration of this section, including judicial and staff training, on-site management assistance, and software development and conversion.

History: Add. 1982, Act 310, Eff. Mar. 30, 1983;—Am. 1991, Act 98, Eff. Oct. 1, 1991;—Am. 1994, Act 450, Eff. May 1, 1995;—Am. 1996, Act 59, Imd. Eff. Feb. 26, 1996;—Am. 1999, Act 73, Eff. Oct. 1, 1999.

Compiler's note: Section 2 of Act 310 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."

Another Sec. 6a, as added by Act 104 of 1991, was originally compiled at MCL 257.625h[1] to distinguish it from this Sec. 6a, as added by Act 310 of 1983. Former MCL 257.625h[1], which pertained to preliminary chemical breath analysis, was repealed by Act 104 of 1991, Eff. Jan. 1, 1992.

257.625i Michigan annual drunk driving audit; preparation; contents; report; evaluation of 1998 legislation.

Sec. 625i. (1) The department of state police shall prepare an annual report that shall be designated the Michigan annual drunk driving audit. The secretary of state, circuit court, district court, family division of circuit court, municipal courts, and local units of government in this state shall cooperate with the department of state police to provide information necessary for the preparation of the report. A copy of the report prepared under this subsection shall be submitted to the governor, the secretary of the senate, the clerk of the house of representatives, and the secretary of state on July 1 of each year. The report shall contain for each

county in the state all of the following information applicable to the immediately preceding calendar year:

(a) The number of alcohol related motor vehicle crashes resulting in bodily injury, including a breakdown of the number of those injuries occurring per capita of population and per road mile in the county.

(b) The number of alcohol related motor vehicle crashes resulting in death, including the breakdown described in subdivision (a).

(c) The number of alcohol related motor vehicle crashes, other than those enumerated in subdivisions (a) and (b), including the breakdown described in subdivision (a).

(d) The number of arrests made for violations of section 625(1) or local ordinances substantially corresponding to section 625(1).

(e) The number of arrests made for violations of section 625(3) or local ordinances substantially corresponding to section 625(3).

(f) The number of arrests made for violations of section 625(6) or local ordinances substantially corresponding to section 625(6).

(g) The number of arrests made for violations of section 625(4) or (5).

(h) The number of arrests made for violations of section 625(7).

(i) The number of arrests made for violations of section 625(8).

(j) The number of operator's or chauffeur's licenses suspended pursuant to section 625f.

(k) The number of arrests made for violations of section 625m or local ordinances substantially corresponding to section 625m.

(2) The secretary of state shall compile a report of dispositions of charges for violations of section 625(1), (3), (4), (5), (6), (7), or (8) or section 625m or section 33b(1) or (2) of former 1933 (Ex Sess) PA 8, section 703(1) or (2) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or local ordinances substantially corresponding to section 625(1), (3), (6), or (8) or section 625m or section 33b(1) or (2) of former 1933 (Ex Sess) PA 8, or section 703(1) or (2) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, by each judge for inclusion in the annual report. The report compiled by the secretary of state shall include information regarding all of the following:

(a) The number of dismissals granted.

(b) The number of convictions entered.

(c) The number of acquittals entered.

(d) The average length of imprisonment imposed.

(e) The average length of community service imposed in lieu of imprisonment.

(f) The average fine imposed.

(g) The number of vehicles ordered immobilized under section 904d.

(h) The number of vehicles ordered forfeited under section 625n.

(3) The secretary of state shall include in the compilation under subsection (2) the number of licenses suspended, revoked, or restricted for those violations.

(4) The department of state police shall enter into a contract with the university of Michigan transportation research institute, under which the university of Michigan transportation research institute shall evaluate the effect and impact of the 1998 legislation addressing drunk and impaired driving in this state and report its findings to the governor and the legislature not later than October 1, 2002.

History: Add. 1982, Act 310, Eff. Mar. 30, 1983;—Am. 1991, Act 99, Eff. Jan. 1, 1992;—Am. 1994, Act 211, Eff. Nov. 1, 1994;—Am. 1996, Act 493, Eff. Apr. 1, 1997;—Am. 1998, Act 354, Eff. Oct. 1, 1999;—Am. 2003, Act 61, Eff. Sept. 30, 2003.

Compiler's note: Section 2 of Act 310 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."

257.625j Repealed. 1991, Act 98, Eff. Jan. 1, 1992.

Compiler's note: The repealed section pertained to the Michigan drunk driving task force.

257.625k Ignition interlock device manufacturer; certification; approval; requirements; rules; cost; notice to department by certifying laboratory; list of manufacturers; BAIID manufacturer; approval of BAIID service center; inspections; prohibited conduct by individual; installation requirements; installer qualifications and requirements; approval; renewal.

Sec. 625k. (1) An ignition interlock device (BAIID) manufacturer seeking certification of a device in this state shall do all of the following:

(a) Complete an application to the department for certification of the BAIID.

(b) Submit a report from a department-approved or National Highway Traffic Safety Administration-approved laboratory certifying that the BAIID meets or exceeds the model specifications for BAIIDs, 78 FR 26849 – 26867 (May 8, 2013), or any subsequent version. Subject to subsection (5), the department shall provide a list of all manufacturers of approved certified devices to each person who is approved to be issued a restricted license that permits the person to drive a vehicle only if equipped with a BAIID. The department shall rotate the order of the providers with each list provided under this subsection. Any model of an ignition interlock device certified by a department-approved laboratory as complying with the model specifications for breath alcohol ignition interlock devices (BAIIDs), 57 FR 11772-11787 (April 7, 1992), that was installed in a vehicle before the effective date of the amendatory act that added this subdivision may be used in this state for the 24 months after the effective date of the amendatory act that added this subdivision.

(c) Ensure that a BAIID is capable of recording a digital image of the individual providing the sample, and record the time and date the sample was provided on or logically associated with the digital image. A BAIID presented to the department for certification may include additional technological features, including, but not limited to, the ability to remotely report information collected by the device.

(d) Agree to ensure proper record keeping in a format approved by the department and provide testimony relating to any aspect of the installation, service, repair, use, removal, or interpretation of any report or information recorded in the data storage system of a device or performance of any other duties required by this act at no cost on behalf of the state or any political subdivision of the state.

(2) The secretary of state shall promulgate rules to implement this section in compliance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(3) The manufacturer of an ignition interlock device shall bear the cost of that device's certification.

(4) A laboratory that certifies an ignition interlock device as provided in this section shall immediately notify the department of that certification.

(5) The department shall not include the manufacturer of a certified ignition interlock device on the list of manufacturers published under subsection (1) unless the manufacturer complies with all of the following:

(a) The manufacturer has filed copies of all of the following with the department:

(*i*) A bond executed as provided in section 625o or a letter of credit.

(*ii*) Proof of liability insurance issued by an insurance company authorized to do business in this state specifying all of the following:

(A) That the policy is current and shall remain valid during the duration of device approval.

(B) The name and model number of the device model covered by the policy.

(C) That the policy has a minimum coverage of $1,000,000.00 per occurrence and $3,000,000.00 in the aggregate.

(D) That the policy will indemnify the department and any other person injured as a result of any defects in manufacture, materials, design, calibration, installation, or operation of the device.

(*iii*) An affidavit that the ignition interlock device meets or exceeds all of the following conditions:

(A) Meets the definition in section 20d.

(B) Is set to periodically take samples while the vehicle is in operation. After the vehicle is in operation, the device requires a first retest sample within 5 to 15 minutes of the operator starting the vehicle. The device prompts second and subsequent retests within 15 to 45 minutes of the first retest. The operator of the vehicle is afforded not more than 5 minutes to provide a passing retest sample for each retest prompted by the device. The device accepts multiple attempts to provide a retest sample without initiating a lockout. If the device detects an alcohol content of 0.025 grams or more per 210 liters of breath in the person who offers a breath sample or if a breath sample is not given within the allotted time the device does all of the following:

(I) Emits a visible or audible warning signal.

(II) Renders the vehicle inoperable as soon as the vehicle is no longer being operated, requiring the operator to provide a breath sample containing a breath alcohol level of less than 0.025 grams per 210 liters of breath before the vehicle may be restarted.

(III) Disables the free restart as defined by the National Highway Traffic Safety Administration standards.

(IV) Activates a violation reset. The device initiates an audible or visual cue that warns the driver that the device will enter a permanent lockout in 5 days.

(b) Agrees to have service locations within 50 miles of any location within this state. A manufacturer may request a waiver of this requirement from the secretary of state if the manufacturer is unable to secure an installation facility within 50 miles of any location in this state. Subject to review, the secretary of state may determine whether the manufacturer's waiver request shall be approved. The secretary of state shall only approve a waiver of the 50-mile requirement and designate a location not meeting the 50-mile requirement as a service center if the service center employs a BAIID certified installer who shall perform any installation or

service to a BAIID at that location. If the secretary of state approves a waiver of the 50-mile requirement, that waiver applies only to the approved location. A manufacturer shall make a separate request for a waiver of the 50-mile requirement for any additional installation facility not meeting the 50-mile requirement.

(c) Agrees to provide an ignition interlock device without cost to a person whose gross income for the immediately preceding tax year based on his or her state income tax return was less than 150% of the official poverty line for that same tax year established in the poverty guidelines issued by the secretary of health and human services under 42 USC 9902. A person in whose vehicle an ignition interlock device is installed without cost under this subdivision shall pay a maintenance fee to the installer of not more than $2.00 per day.

(d) Agrees to comply with the reporting requirements of the secretary of state.

(e) Agrees to periodically monitor installed ignition interlock devices and if monitoring indicates that the device has been circumvented, tampered with, or that a person with a breath alcohol level of 0.025 or more grams per 210 liters of breath has attempted to operate the motor vehicle, or both, to communicate all of the relevant information concerning these facts to the secretary of state, and to the court if appropriate.

(6) A manufacturer that has made a filing under subsection (5) shall immediately notify the department if the device no longer meets the requirements of subsection (5).

(7) Upon the request of the department, the BAIID manufacturer shall, at no cost to this state, provide the department with not less than 2 BAIIDs for each model that is certified under this section for demonstration and training purposes by the department.

(8) Upon the request of the department, the BAIID manufacturer shall, at no cost to this state, install 1 of each device that is certified under this section in a vehicle provided by the department. Any service performed under this subsection, including, but not limited to, installation, maintenance, calibration, or removal, shall be completed at no cost to this state.

(9) Upon the request of the department, for each BAIID model approved by the department, the BAIID manufacturer shall provide a total of not less than 10 hours of training to department employees at no cost to this state. This training shall be held at the times and locations within the state designated by the department. The training shall be designed to familiarize department employees with the installation, operation, service, repair, and removal of the BAIIDs and include the training and instructions that a BAIID installer will give to customers. The BAIID manufacturer shall also provide the department, upon request, with the following information:

(a) A detailed description of the device, including complete instructions for installation, operation, service, repair, and removal of the BAIID.

(b) Complete technical specifications, including detailed explanations and definitions of all data log entries.

(10) A BAIID manufacturer shall notify the department not less than 15 days before implementation of any modification, upgrade, or alteration to any hardware, software, or firmware of a device certified for use in this state. The notification shall include both of the following:

(a) A description and explanation of the modification, upgrade, or alteration and proof satisfactory to the department that these modifications, upgrades, or alterations do not adversely affect the ability of the device to satisfy the requirements of this section and section 625*l*.

(b) A comprehensive plan of action for the phasing out of the use of the current device. This plan of action must be approved by the department prior to the implementation of the plan of action.

(11) Any equipment in the possession of the department that was retained for certification of the device shall be modified, upgraded, or altered simultaneously with the implementation of a plan of action under subsection (10). The department, in its discretion, may retain a BAIID device regardless of whether the device is no longer the current version or model of that device.

(12) Material modifications to a certified BAIID device may require recertification under this section as determined by the department.

(13) A BAIID manufacturer shall apply to the department annually for recertification of BAIID devices it manufactures.

(14) The department is responsible for approving BAIID service centers for operation in this state. The department shall not approve a BAIID service center unless all of the following conditions are satisfied:

(a) Only service centers that are BAIID manufacturer and vendor approved shall install, service, or remove BAIIDs approved for use in this state.

(b) Except as provided in subdivision (d), beginning July 1, 2016, a BAIID shall only be installed, serviced, or removed in a motor vehicle repair facility. As used in this subdivision, "motor vehicle repair facility" means that term as defined in section 2 of the motor vehicle service and repair act, 1974 PA 300, MCL 257.1302.

(c) A service center shall be located in a fixed facility within this state.

(d) A business that installs, services, or removes a BAIID, including a BAIID manufacturer's corporate office located in this state, that is installing, repairing, or removing BAIID devices on the effective date of the amendatory act that amended this section may install, service, and remove BAIIDs in this state without being certified as a motor vehicle repair facility under the motor vehicle service and repair act, 1974 PA 300, MCL 257.1302 to 257.1340, if the business employs a certified BAIID installer to perform any installation, service, or removal of a BAIID.

(e) Each service center shall have not less than 1 individual who is a mechanic and who possesses a specialty certification in BAIID service under section 10(1)(j) of the motor vehicle service and repair act, 1974 PA 300, MCL 257.1310, and holds a BAIID certification under this section to work as a BAIID installer.

(f) Each service center shall maintain and make available for inspection records that prove that each certified BAIID installer working at the service center has been properly trained by the BAIID manufacturer to service the BAIID for which the center is a vendor.

(g) Each service center shall provide a designated waiting area for customers that is separate from the area in which BAIIDs are installed or serviced.

(h) Only certified BAIID installers and representatives of the BAIID manufacturer or the department shall be allowed to observe the installation or removal of a BAIID.

(i) Adequate security measures shall be taken to ensure that unauthorized personnel are not allowed access to proprietary materials of BAIID manufacturers or files of customers.

(j) BAIID manufacturer service centers shall install, maintain, service, and remove all BAIIDs handled by that service center and perform any other services determined necessary by the department for using those BAIIDs in this state.

(k) The BAIID manufacturer shall inform the department of a change in its service center's business address 15 days prior to the date of any relocation.

(*l*) BAIIDs approved for use in this state shall only be serviced by service centers located within this state, unless the customer is unable to return to this state for service because of a significant personal hardship.

(m) If a BAIID is serviced by a service center outside of this state, the BAIID service provider shall ensure that all of the following requirements are met:

(*i*) The BAIID operates using the same firmware that is used for devices in this state.

(*ii*) The data recorded by the BAIID remain intact on the device for later retrieval by a service center in this state or the data are transferred to a BAIID manufacturer database for review.

(n) Service centers shall make the addresses of their locations available to the department.

(o) BAIIDs for use in this state shall be installed and shall be removed only in a service center approved by the department for installing that device under this subsection.

(p) Each application for approval shall be for a single service center. A separate service center application is required for each additional service center.

(q) Before issuance of approval, the department may require an on-site evaluation to ensure compliance with the requirements of this section and section 625*l*.

(r) The department's approval of a service center shall be for a period of 1 year. The renewal process shall be the same as the initial service center approval process under this section.

(15) The department may conduct inspections of a manufacturer or a BAIID service center to ensure compliance with this act and rules promulgated to implement this act. The manufacturer shall pay for the actual costs to the department in conducting an inspection under this subsection.

(16) An individual shall not install, service, or remove a BAIID in this state without being certified by the department under this section.

(17) All BAIID installations shall be done in a workmanlike manner by a BAIID certified installer at an approved service center and shall be in accordance with the standards set forth in this section and with the requirements of the manufacturer. All BAIIDs installed shall be in working order and shall perform in accordance with the standards set forth in this act. All connections shall be covered with a tamper seal.

(18) Upon completion of the installation of a BAIID required under this act, the approved BAIID certified installer shall provide the customer with installation verification in the form and format designated by the department.

(19) A manufacturer shall ensure that BAIID certified installers meet the following requirements:

(a) Possess the appropriate certification from the department under this section.

(b) Possess and maintain all necessary training and skills required to install, examine, troubleshoot, and verify the proper operation of BAIIDs.

(c) Possess the tools, test equipment, and manuals needed to install, inspect, download, calibrate, repair, maintain, service, and remove BAIID devices.

(d) Provide all persons who will use the vehicle with written and hands-on training regarding the operation of a vehicle equipped with the BAIID and ensure that each of those persons demonstrates a properly delivered alveolar breath sample and an understanding of how the abort test feature works.

(20) An individual who has been convicted of an alcohol-related driving offense or any offense classified as a felony in this state or elsewhere within 5 years before the date of filing an application for approval as a BAIID certified installer is not eligible for approval as a BAIID certified installer under this act.

(21) The following requirements apply to a BAIID certified installer under this act:

(a) Be not less than 18 years of age.

(b) Possess a valid driver license.

(c) Be a motor vehicle mechanic as defined in section 2 of the motor vehicle service and repair act, 1974 PA 300, MCL 257.1302, and possess a specialty certification in BAIID service under section 10(1)(j) of the motor vehicle service and repair act, 1974 PA 300, 257.1310.

(d) Be certified as a BAIID installer under this section.

(22) To be certified as a BAIID installer under this section, the individual shall meet all of the following requirements:

(a) Possess a specialty certification in BAIID installation under section 10(1)(j) of the motor vehicle service and repair act, 1974 PA 300, MCL 257.1310.

(b) Properly complete and file a BAIID installer application form with the department.

(c) Beginning 180 days after the effective date of the amendatory act that added this subdivision, be a mechanic who is certified as a mechanic with a specialty certification in BAIID service under section (10)(1)(j) of the motor vehicle service and repair act, 1974 PA 300, MCL 257.1310, and hold a BAIID certification under this section.

(d) Submit a criminal history report certified by the department of state police within the immediately preceding 30 days.

(e) Meet the requirements of the department for certification under this act.

(23) Each application for approval shall be for a single BAIID installer. A separate BAIID installer application is required for each additional BAIID installer.

(24) The department's approval of a BAIID installer is for 1 year. The renewal process shall be the same as the initial BAIID installer approval process under this section.

History: Add. 1987, Act 109, Eff. Mar. 30, 1988;—Am. 1994, Act 450, Eff. May 1, 1995;—Am. 1998, Act 340, Eff. Oct. 1, 1999;—Am. 2003, Act 61, Eff. Sept. 30, 2003;—Am. 2008, Act 461, Eff. Oct. 31, 2010;—Am. 2016, Act 32, Eff. June 6, 2016.

Administrative rules: R 257.1001 et seq. of the Michigan Administrative Code.

Compiler's note: Enacting section 1 of Act 32 of 2016 provides:
"Enacting section 1. R 257.1005 and R 257.1006 of the Michigan Administrative Code are rescinded."

257.625*l* Ignition interlock device; warning label; prohibited conduct; violation as misdemeanor; penalty; impoundment of motor vehicle.

Sec. 625*l*. (1) The manufacturer of an ignition interlock device shall design a warning label, and the person who has an ignition interlock device shall promptly affix that label to each ignition interlock device upon installation. The label shall contain a warning that any person tampering with, circumventing, or otherwise misusing the device is guilty of a misdemeanor punishable as provided by law.

(2) A person who is only permitted to operate a motor vehicle equipped with an ignition interlock device shall not operate a motor vehicle on which an ignition interlock device is not properly installed.

(3) A person who has an ignition interlock device installed and whose driving privilege is restricted shall not request, solicit, or allow any other person to blow into an ignition interlock device or to start a vehicle equipped with the device for the purpose of providing the person whose driving privilege is restricted with an operable vehicle.

(4) A person shall not blow into an ignition interlock device or start a motor vehicle equipped with the device for the purpose of providing an operable vehicle to a person who has an interlock device installed and whose driving privilege is restricted.

(5) A person shall not tamper with or circumvent the operation of an ignition interlock device.

(6) A person who violates subsection (2), (3), (4), or (5) is guilty of a misdemeanor punishable by imprisonment for not more than 6 months or a fine of not more than $5,000.00, or both.

(7) If a law enforcement officer detains the operator of a motor vehicle for violating a law of this state or a local ordinance and the operator is a person required to only operate a motor vehicle with an ignition interlock device properly installed, but no ignition interlock device is properly installed on the motor vehicle, the law enforcement officer shall impound the motor vehicle. If a motor vehicle impounded under this subsection is individually or jointly owned by the operator, the law enforcement officer shall do all of the following:

(a) Immediately confiscate the motor vehicle registration plate and destroy it.

(b) Issue a temporary registration plate for the vehicle in the same manner prescribed by the secretary of state for temporary registration plates issued under section 226a or 226b.

(c) Place the temporary registration plate issued under subdivision (b) on the motor vehicle in the manner prescribed by the secretary of state.

(d) Notify the secretary of state through the law enforcement information network in a form prescribed by the secretary of state that the registration plate was destroyed and a temporary registration plate was issued to the motor vehicle.

(8) A temporary registration plate issued under this section is valid until the charges for violating subsection (2) are dismissed, the person pleads guilty or no contest to the charge, or the person is found guilty of or is acquitted of the charge.

(9) If the motor vehicle impounded under this section is not owned individually or jointly by the operator, the law enforcement officer shall impound the motor vehicle by contacting a local towing agency. The motor vehicle shall only be returned to the registered owner.

(10) The owner of a motor vehicle impounded under this section is liable for the expenses incurred in the removal and storage of the motor vehicle whether or not it is returned to him or her. The motor vehicle shall be returned to the owner only if the owner pays the expenses of removal and storage. If redemption is not made or the vehicle is not returned as described under this subsection, it shall be considered an abandoned vehicle and disposed of under section 252a.

History: Add. 1987, Act 109, Eff. Mar. 30, 1988;—Am. 1994, Act 450, Eff. May 1, 1995;—Am. 1998, Act 340, Eff. Oct. 1, 1999;—Am. 2003, Act 61, Eff. Sept. 30, 2003;—Am. 2008, Act 461, Eff. Oct. 31, 2010;—Am. 2016, Act 32, Eff. June 6, 2016.

Compiler's note: Enacting section 1 of Act 32 of 2016 provides:
"Enacting section 1. R 257.1005 and R 257.1006 of the Michigan Administrative Code are rescinded."

257.625m Operation of commercial motor vehicle by person with certain alcohol content; arrest without warrant; violation as misdemeanor or felony; sentence; suspension of term prohibited; prior conviction.

Sec. 625m. (1) A person, whether licensed or not, who has an alcohol content of 0.04 grams or more but less than 0.08 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine or, beginning October 1, 2021, an alcohol content of 0.04 grams or more but less than 0.10 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, shall not operate a commercial motor vehicle within this state.

(2) A peace officer may arrest a person without a warrant under either of the following circumstances:

(a) The peace officer has reasonable cause to believe that the person was, at the time of an accident, the driver of a commercial motor vehicle involved in the accident and was operating the vehicle in violation of this section or a local ordinance substantially corresponding to this section.

(b) The person is found in the driver's seat of a commercial motor vehicle parked or stopped on a highway or street within this state if any part of the vehicle intrudes into the roadway and the peace officer has reasonable cause to believe the person was operating the vehicle in violation of this section or a local ordinance substantially corresponding to this section.

(3) Except as otherwise provided in subsections (4) and (5), a person who is convicted of a violation of this section or a local ordinance substantially corresponding to this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $300.00, or both, together with costs of the prosecution.

(4) A person who violates this section or a local ordinance substantially corresponding to this section within 7 years of 1 prior conviction may be sentenced to imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both.

(5) A person who violates this section or a local ordinance substantially corresponding to this section within 10 years of 2 or more prior convictions is guilty of a felony and must be sentenced to pay a fine of not less than $500.00 or more than $5,000.00 and to either of the following:

(a) Imprisonment under the jurisdiction of the department of corrections for not less than 1 year or more than 5 years.

(b) Probation with imprisonment in the county jail for not less than 30 days or more than 1 year and community service for not less than 60 days or more than 180 days. Not less than 48 hours of the imprisonment imposed under this subdivision must be served consecutively.

(6) A term of imprisonment imposed under subsection (4) or (5) must not be suspended.

(7) Subject to subsection (9), as used in this section, "prior conviction" means a conviction for any of the following, whether under a law of this state, a local ordinance substantially corresponding to a law of this

state, or a law of another state substantially corresponding to a law of this state:

(a) Except as provided in subsection (8), a violation or attempted violation of any of the following:

(*i*) This section.

(*ii*) Section 625, except a violation of section 625(2), or a violation of any prior enactment of section 625 in which the defendant operated a vehicle while under the influence of intoxicating or alcoholic liquor or a controlled substance, or a combination of intoxicating or alcoholic liquor and a controlled substance, or while visibly impaired, or with an unlawful bodily alcohol content.

(*iii*) Former section 625b.

(*iv*) Section 601d or section 626(3) or (4).

(b) Negligent homicide, manslaughter, or murder resulting from the operation of a vehicle or an attempt to commit any of those crimes.

(8) Only 1 violation or attempted violation of section 625(6), a local ordinance substantially corresponding to section 625(6), or a law of another state substantially corresponding to section 625(6) may be used as a prior conviction.

(9) If 2 or more convictions described in subsection (7) are convictions for violations arising out of the same transaction, only 1 conviction must be used to determine whether the person has a prior conviction.

History: Add. 1991, Act 94, Eff. Jan. 1, 1993;—Am. 1994, Act 450, Eff. May 1, 1995;—Am. 1996, Act 491, Eff. Apr. 1, 1997;—Am. 1998, Act 347, Eff. Oct. 1, 1999;—Am. 2000, Act 460, Eff. Mar. 28, 2001;—Am. 2003, Act 61, Eff. Sept. 30, 2003;—Am. 2008, Act 463, Eff. Oct. 31, 2010;—Am. 2013, Act 23, Imd. Eff. May 9, 2013;—Am. 2017, Act 153, Eff. Feb. 6, 2018.

257.625n Forfeiture of vehicle or return to lessor.

Sec. 625n. (1) Except as otherwise provided in this section and section 304 and in addition to any other penalty provided for in this act, the judgment of sentence for a conviction for a violation of section 625(1) described in section 625(9)(b) or (c), a violation of section 625(3) described in section 625(11)(b) or (c), a violation of section 625(4), (5), or (7), or a violation of section 904(4) or (5), or, beginning October 31, 2010, a violation of section 626(3) or (4), may require 1 of the following with regard to the vehicle used in the offense if the defendant owns the vehicle in whole or in part or leases the vehicle:

(a) Forfeiture of the vehicle if the defendant owns the vehicle in whole or in part.

(b) Return of the vehicle to the lessor if the defendant leases the vehicle.

(2) The vehicle may be seized under a seizure order issued by the court having jurisdiction upon a showing of probable cause that the vehicle is subject to forfeiture or return to the lessor.

(3) The forfeiture of a vehicle is subject to the interest of the holder of a security interest who did not have prior knowledge of or consent to the violation.

(4) Within 14 days after the defendant's conviction for a violation described in subsection (1), the prosecuting attorney may file a petition with the court for the forfeiture of the vehicle or to have the court order return of a leased vehicle to the lessor. The prosecuting attorney shall give notice by first-class mail or other process to the defendant and his or her attorney, to all owners of the vehicle, and to any person holding a security interest in the vehicle that the court may require forfeiture or return of the vehicle.

(5) If a vehicle is seized before disposition of the criminal proceedings, a defendant who is an owner or lessee of the vehicle may move the court having jurisdiction over the proceedings to require the seizing agency to file a lien against the vehicle and to return the vehicle to the owner or lessee pending disposition of the criminal proceedings. The court shall hear the motion within 7 days after the motion is filed. If the defendant establishes at the hearing that he or she holds the legal title to the vehicle or that he or she has a leasehold interest and that it is necessary for him or her or a member of his or her family to use the vehicle pending the outcome of the forfeiture action, the court may order the seizing agency to return the vehicle to the owner or lessee. If the court orders the return of the vehicle to the owner or lessee, the court shall order the defendant to post a bond in an amount equal to the retail value of the vehicle, and shall also order the seizing agency to file a lien against the vehicle.

(6) Within 14 days after notice by the prosecuting attorney is given under subsection (4), the defendant, an owner, lessee, or holder of a security interest may file a claim of interest in the vehicle with the court. Within 21 days after the expiration of the period for filing claims, but before or at sentencing, the court shall hold a hearing to determine the legitimacy of any claim, the extent of any co-owner's equity interest, the liability of the defendant to any co-lessee, and whether to order the vehicle forfeited or returned to the lessor. In considering whether to order forfeiture, the court shall review the defendant's driving record to determine whether the defendant has multiple convictions under section 625 or a local ordinance substantially corresponding to section 625, or multiple suspensions, restrictions, or denials under section 904, or both. If the defendant has multiple convictions under section 625 or multiple suspensions, restrictions, or denials under section 904, or both, that factor shall weigh heavily in favor of forfeiture.

(7) If a vehicle is forfeited under this section, the unit of government that seized the vehicle shall sell the vehicle pursuant to the procedures under section 252g(1) and dispose of the proceeds in the following order of priority:

(a) Pay any outstanding security interest of a secured party who did not have prior knowledge of or consent to the commission of the violation.

(b) Pay the equity interest of a co-owner who did not have prior knowledge of or consent to the commission of the violation.

(c) Satisfy any order of restitution entered in the prosecution for the violation.

(d) Pay any outstanding accrued towing and storage fees.

(e) Pay the claim of each person who shows that he or she is a victim of the violation to the extent that the claim is not covered by an order of restitution.

(f) Pay any outstanding lien against the property that has been imposed by a governmental unit.

(g) Pay the proper expenses of the proceedings for forfeiture and sale, including, but not limited to, expenses incurred during the seizure process and expenses for maintaining custody of the property, advertising, and court costs.

(h) The balance remaining after the payment of items (a) through (g) shall be distributed by the court having jurisdiction over the forfeiture proceedings to the unit or units of government substantially involved in effecting the forfeiture. Seventy-five percent of the money received by a unit of government under this subdivision shall be used to enhance enforcement of the criminal laws and 25% of the money shall be used to implement the William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.751 to 780.834. A unit of government receiving money under this subdivision shall report annually to the department of management and budget the amount of money received under this subdivision that was used to enhance enforcement of the criminal laws and the amount that was used to implement the William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.751 to 780.834.

(8) The court may order the defendant to pay to a co-lessee any liability determined under subsection (6). The order may be enforced in the same manner as a civil judgment.

(9) The return of a vehicle to the lessor under this section does not affect or impair the lessor's rights or the defendant's obligations under the lease.

(10) A person who knowingly conceals, sells, gives away, or otherwise transfers or disposes of a vehicle with the intent to avoid forfeiture or return of the vehicle to the lessor under this section is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both.

(11) The failure of the court or prosecutor to comply with any time limit specified in this section does not preclude the court from ordering forfeiture of a vehicle or its return to a lessor, unless the court finds that the owner or claimant suffered substantial prejudice as a result of that failure.

(12) The forfeiture provisions of this section do not preclude the prosecuting attorney from pursuing a forfeiture proceeding under any other law of this state or a local ordinance substantially corresponding to this section.

History: Add. 1996, Act 491, Eff. Apr. 1, 1997;—Am. 1998, Act 349, Eff. Oct. 1, 1999;—Am. 2008, Act 463, Eff. Oct. 31, 2010;—Am. 2008, Act 539, Imd. Eff. Jan. 13, 2009;—Am. 2010, Act 155, Eff. Jan. 1, 2011.

257.625o Ignition interlock device; sale, lease, or installation in vehicle; surety bond.

Sec. 625o. (1) A person shall not sell, lease, or install in a vehicle in this state an ignition interlock device unless the manufacturer of the device has obtained an executed bond described in subsection (2) or a renewal certificate for that bond.

(2) The bond required under subsection (1) shall be in the amount of $50,000.00 with a surety approved by the department and shall be conditioned to indemnify or reimburse a person who has an ignition interlock device installed on his or her vehicle for monetary loss caused by the manufacturer's fraud, cheating, misrepresentation, or defaulting on a contractual obligation, whether the fraud, cheating, misrepresentation, or defaulting was done by the manufacturer or by an employee or agent of the manufacturer.

(3) The surety on the bond described in subsection (2) is required to make indemnification or reimbursement for a monetary loss only after final judgment has been entered in a court of record against the manufacturer or an employee or agent of the manufacturer. The surety on the bond may cancel the bond upon 30 days' written notice to the department and is not liable for a loss arising from an event that occurs after the effective date of the cancellation.

History: Add. 1998, Act 340, Eff. Oct. 1, 1999.

257.625p Operation of commercial quadricycle by person with certain alcohol content;

prohibition; violation as misdemeanor; penalty.

Sec. 625p. (1) A person, whether licensed or not, who has an alcohol content of greater than 0.00 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine shall not operate a commercial quadricycle within this state.

(2) A person who is convicted of a violation of this section or a local ordinance substantially corresponding to this section is guilty of a misdemeanor punishable by 1 of the following:

(a) If the person has an alcohol content of at least 0.04 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, imprisonment for not more than 93 days or a fine of not more than $300.00, or both, together with costs of the prosecution.

(b) If the person has an alcohol content of greater than 0.00 grams, but less than 0.04 grams, per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, a fine of not more than $300.00, together with costs of the prosecution.

History: Add. 2015, Act 126, Imd. Eff. July 15, 2015.

257.625q Compliance with MCL 257.625k; investigation and determination by secretary of state; decertification of installer; notice to manufacturer; violation; penalty; suspension or revocation of manufacturer certification; removal from list of approved certified BAIIDs; summary suspension or revocation; hearing; rules.

Sec. 625q. (1) The secretary of state may investigate a BAIID installer's compliance with section 625k and shall suspend, revoke, or deny an individual's certification as a BAIID installer under section 625k if the secretary of state determines that 1 or more of the following apply:

(a) The BAIID installer violated section 625k or a rule promulgated under section 625k.

(b) The BAIID installer committed a fraudulent act in connection with the installation, monitoring, servicing, or removal of a BAIID.

(c) The BAIID installer performed improper, careless, or negligent inspection, installation, monitoring, servicing, or removal of the BAIID.

(d) The BAIID installer made a false statement of a material fact regarding his or her actions in inspecting, installing, monitoring, servicing, or removing a BAIID.

(2) The department shall notify a manufacturer within 14 days of the date the department decertifies an installer that one of the manufacturer's installers has been decertified.

(3) A person who knowingly provides false information to the department under section 625k(4) or (5) is guilty of a felony punishable by imprisonment for not less than 5 years or more than 10 years or a fine of not less than $5,000.00 or more than $10,000.00, or both, together with costs of the prosecution.

(4) A person who negligently provides false information to the department under section 625k(4) or (5) is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both, together with costs of the prosecution.

(5) A person who knowingly fails to comply with section 625k(6) is guilty of a felony punishable by imprisonment for not less than 5 years or more than 10 years or a fine of not less than $5,000.00 or more than $10,000.00, or both, together with the costs of prosecution.

(6) A person who negligently fails to comply with section 625k(6) is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both, together with the costs of prosecution.

(7) The department may suspend or revoke the certification of a manufacturer and its device from the list of approved certified BAIIDs for any of the following reasons:

(a) The manufacturer, the manufacturer's BAIIDs, or the manufacturer's installer or service provider no longer complies with the requirements of section 625k or 625*l* or the relevant rules promulgated under section 625k or 625*l*.

(b) The manufacturer or the installer and service provider authorized to install and service the manufacturer's BAIIDs have failed to submit reports required under section 625k or the relevant rules promulgated under section 625k in a timely manner in the form prescribed by the department.

(8) Before removing a manufacturer from the list of manufacturers of approved certified BAIIDs under section 625k, the administrator shall give the manufacturer written notice of the reasons for the removal.

(9) The notice issued under subsection (8) shall also indicate that suspension or revocation will occur 30 days after the date of the notice unless the manufacturer establishes, to the satisfaction of the administrator, that both of the following apply:

(a) The conditions set forth in subsection (7)(a) and (b) no longer exist.

(b) The manufacturer, the manufacturer's BAIIDs, or the manufacturer's installer or service provider, as applicable, is complying with the requirements of section 625k or 625*l* and the relevant rules promulgated

under section 625k or 625*l*.

(10) The administrator may order a summary suspension or revocation of the certification of a manufacturer and its device from the list of approved certified BAIIDs under section 625k for the following reasons:

(a) Repeated failure to submit reports in a timely manner.

(b) Repeated failure to report violations as required by the applicable administrative rules.

(c) Repeated submission of inaccurate violation reports or annual reports to the department.

(d) The manufacturer, installer, or service provider has provided an individual with a bypass code.

(e) The manufacturer, installer, or service provider has shown or instructed an individual how to tamper with or circumvent a BAIID.

(f) The manufacturer, installer, or service provider has provided a sample to start a vehicle for an individual, in an attempt to circumvent a BAIID.

(g) The manufacturer, installer, or service provider has allowed an individual other than the individual specified in section 625k(14)(h) to observe the installation or removal of a BAIID.

(h) The BAIID no longer meets the National Highway Safety Traffic Administration's standards or no longer meets the requirements of section 625k or 625*l*.

(11) The manufacturer to whom a summary order is directed shall immediately comply with that order but, upon application to the department, shall be afforded a hearing by the department within 30 days after the date of the application. On the basis of a hearing under this subsection, the order shall be continued, modified, or held in abeyance not later than 30 days after the hearing is held.

(12) The secretary of state may promulgate rules to implement this section in compliance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

History: Add. 2016, Act 32, Eff. June 6, 2016.

Compiler's note: Enacting section 1 of Act 32 of 2016 provides:
"Enacting section 1. R 257.1005 and R 257.1006 of the Michigan Administrative Code are rescinded."

257.625r Authority of peace officer certified as drug recognition expert to require person to submit to preliminary oral fluid analysis; arrest; admissibility of results; refusal; ordering person out of service.

Sec. 625r. (1) A peace officer who is certified as a drug recognition expert as that term is defined in section 625t in a county participating in the roadside drug testing pilot program under section 625t who has reasonable cause to believe that a person was operating a vehicle upon a highway or other place open to the public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state and that the person by the consumption of a controlled substance, may have affected his or her ability to operate a vehicle, or reasonable cause to believe that a person had in his or her body any amount of a controlled substance listed in schedule 1 under section 7212 of the public health code, 1978 PA 368, MCL 333.7212, or a rule promulgated under that section, or of a controlled substance described in section 7214(a)(*iv*) of the public health code, 1978 PA 368, MCL 333.7214, may require the person to submit to a preliminary oral fluid analysis administered under this subsection.

(2) A peace officer who is certified as a drug recognition expert as that term is defined in section 625t in a county participating in the roadside drug testing pilot program under section 625t may arrest a person in whole or in part upon the results of a preliminary oral fluid analysis.

(3) The results of a preliminary oral fluid analysis are admissible in a criminal prosecution for a crime enumerated in section 625c(1) or in an administrative hearing for 1 or more of the following purposes:

(a) To assist the court or hearing officer in determining a challenge to the validity of an arrest. This subdivision does not limit the introduction of other competent evidence offered to establish the validity of an arrest.

(b) As evidence of the presence or nonpresence of a controlled substance in the defendant's oral fluid if offered by the defendant to rebut testimony elicited on cross-examination of a defense witness that a preliminary oral fluid analysis of the defendant's oral fluid showed the presence of a controlled substance that was not found to be present when a chemical test of the defendant's blood or urine was administered under section 625a.

(c) As evidence of the presence or nonpresence of a controlled substance in the defendant's oral fluid if offered by the prosecution to rebut testimony elicited on cross-examination of a prosecution witness that a preliminary oral fluid analysis of the defendant's oral fluid showed no presence of a controlled substance that was found to be present when a chemical test of the defendant's blood or urine was administered under section 625a.

(4) A person who submits to a preliminary oral fluid analysis remains subject to the requirements of

sections 625a, 625c, 625d, 625e, and 625f for purposes of chemical tests described in those sections.

(5) A person who refuses to submit to a preliminary oral fluid analysis upon a lawful request by a peace officer is responsible for a civil infraction.

(6) A peace officer who is certified as a drug recognition expert as that term is defined in section 625t in a county participating in the roadside drug testing pilot program under section 625t shall use the results of a preliminary oral fluid analysis conducted under this section to determine whether to order a person out of service under section 319d.

(7) A peace officer who is certified as a drug recognition expert as that term is defined in section 625t in a county participating in the roadside drug testing pilot program under section 625t shall order out of service as required under section 319d a person who was operating a commercial motor vehicle and who refuses to submit to a preliminary oral fluid analysis as provided in this section. This subsection does not limit use of other competent evidence by the peace officer to determine whether to order a person out of service under section 319d.

(8) A person who operates a commercial motor vehicle and who is requested to submit to a preliminary oral fluid analysis under this section by a peace officer who is certified as a drug recognition expert as that term is defined in section 625t in a county participating in the pilot program under section 625t shall be advised that refusing the request is a civil infraction and will result in the issuance of a 24-hour out-of-service order.

(9) A person who operates a commercial motor vehicle and who refuses to submit to a preliminary oral fluid analysis upon the request of a peace officer who is certified as a drug recognition expert as that term is defined in section 625t in a county participating in the pilot program under section 625t is responsible for a civil infraction.

History: Add. 2016, Act 242, Eff. Sept. 22, 2016.

257.625s Testimony of person qualified in administration of standardized field sobriety tests.

Sec. 625s. A person who is qualified by knowledge, skill, experience, training, or education, in the administration of standardized field sobriety tests, including the horizontal gaze nystagmus (HGN) test, shall be allowed to testify subject to showing of a proper foundation of qualifications. This section does not preclude the admissibility of a nonstandardized field sobriety test if it complies with the Michigan rules of evidence.

History: Add. 2016, Act 242, Eff. Sept. 22, 2016.

257.625t Roadside drug testing pilot program.

Sec. 625t. (1) The department of state police may establish a pilot program in 5 counties in this state for roadside drug testing to determine whether an individual is operating a vehicle while under the influence of a controlled substance in violation of section 625.

(2) A pilot program established under this section shall be for a period of 1 calendar year. The funding of a pilot program established under this section is subject to appropriation.

(3) Except as provided in subsection (8), the department of state police shall select 5 counties in which to implement a pilot program established under this section.

(4) A county is eligible to participate in the pilot program if the county has a law enforcement agency within its boundary, including, but not limited to, a state police post, a sheriff's department, or a municipal police department, that employs not fewer than 1 law enforcement officer who is a certified drug recognition expert.

(5) The department of state police shall develop a written policy for the implementation of the pilot program and the administration of roadside drug testing.

(6) The department of state police may promulgate rules under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to implement a pilot program established under this section.

(7) Not more than 90 days after the conclusion of a pilot program established under this section, the department of state police shall submit a report to the legislative committees of the senate and house of representatives with primary responsibility for judicial and criminal justice issues. The report shall cover all of the following:

(a) How pilot program participant counties were selected.

(b) The different types of law enforcement agencies in the pilot program participant counties that engaged in roadside drug testing.

(c) Relevant statistical data, including, but not limited to, the following:

(*i*) The number of traffic stops resulting in an arrest for operating under the influence of a controlled substance in violation of section 625 as a result of roadside drug testing by a certified drug recognition expert.

(*ii*) The number and type of convictions resulting from an arrest made based on the result of a roadside drug test by a certified drug recognition expert.

(8) Upon the conclusion of a pilot program established under this section, the department of state police may, subject to appropriation, establish additional pilot programs in eligible counties not included among the 5 counties initially selected under subsection (3). The duration of a pilot program established under this subsection shall be for a period of 1 year.

(9) As used in this section:

(a) "Certified drug recognition expert" means a law enforcement officer trained to recognize impairment in a driver under the influence of a controlled substance rather than, or in addition to, alcohol.

(b) "Controlled substance" means that term as defined in section 7104 of the public health code, 1978 PA 368, MCL 333.7104.

History: Add. 2016, Act 243, Eff. Sept. 22, 2016.

Compiler's note: Enacting section 1 of Act 243 of 2016 provides:
"Enacting section 1. This amendatory act shall be known and may be cited as the "Barbara J. and Thomas J. Swift Law"."

257.626 Reckless driving on highway, frozen public lake, or parking place; violation as misdemeanor; penalty.

Sec. 626. (1) A person who violates this section is guilty of reckless driving punishable as provided in this section.

(2) Except as otherwise provided in this section, a person who operates a vehicle upon a highway or a frozen public lake, stream, or pond or other place open to the general public, including, but not limited to, an area designated for the parking of motor vehicles, in willful or wanton disregard for the safety of persons or property is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both.

(3) Beginning October 31, 2010, a person who operates a vehicle in violation of subsection (2) and by the operation of that vehicle causes serious impairment of a body function to another person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not less than $1,000.00 or more than $5,000.00, or both. The judgment of sentence may impose the sanction permitted under section 625n. If the vehicle is not ordered forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence.

(4) Beginning October 31, 2010, a person who operates a vehicle in violation of subsection (2) and by the operation of that vehicle causes the death of another person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not less than $2,500.00 or more than $10,000.00, or both. The judgment of sentence may impose the sanction permitted under section 625n. If the vehicle is not ordered forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence.

(5) In a prosecution under subsection (4), the jury shall not be instructed regarding the crime of moving violation causing death.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1953, Act 3, Eff. Oct. 2, 1953;—Am. 1957, Act 178, Eff. Sept. 27, 1957;—Am. 1965, Act 262, Eff. Mar. 31, 1966;—Am. 2004, Act 331, Eff. Nov. 1, 2004;—Am. 2008, Act 463, Eff. Oct. 31, 2010;—Am. 2010, Act 155, Eff. Jan. 1, 2011.

257.626a Drag races; prohibition on public highways; definition; prima facie evidence.

Sec. 626a. It shall be unlawful for any person to operate any vehicle upon any highway, or any other place open to the general public, including any area designated for the parking of motor vehicles, within this state, in a speed or acceleration contest or for the purpose of making a speed record, whether from a standing start or otherwise over a measured or unmeasured distance, or in a drag race as herein defined.

“Drag racing” means the operation of 2 or more vehicles from a point side by side at accelerating speeds in a competitive attempt to out-distance each other over a common selected course or where timing is involved or where timing devices are used in competitive accelerations of speeds by participating vehicles. Persons rendering assistance in any manner to such competitive use of vehicles shall be equally charged as participants. The operation of 2 or more vehicles either at speeds in excess of prima facie lawfully established speeds or rapidly accelerating from a common starting point to a speed in excess of such prima facie lawful speed is prima facie evidence of drag racing and is unlawful.

History: Add. 1964, Act 206, Eff. Aug. 28, 1964;—Am. 1966, Act 159, Eff. Mar. 10, 1967.

257.626b Careless or negligent operation of vehicle as civil infraction.

Sec. 626b. A person who operates a vehicle upon a highway or a frozen public lake, stream, or pond or

other place open to the general public including an area designated for the parking of vehicles in a careless or negligent manner likely to endanger any person or property, but without wantonness or recklessness, is responsible for a civil infraction.

History: Add. 1965, Act 262, Eff. Mar. 31, 1966;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.626c Repealed. 2008, Act 463, Eff. Oct. 31, 2010.

Compiler's note: The repealed section pertained to operation of vehicle resulting in serious impairment of body function as felony.

SPEED RESTRICTIONS

257.627 Speed limits.

Sec. 627. (1) A person operating a vehicle on a highway shall operate that vehicle at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface, and width of the highway and of any other condition existing at the time. A person shall not operate a vehicle upon a highway at a speed greater than that which will permit a stop within the assured, clear distance ahead. A violation of this subsection shall be known and may be referred to as a violation of the basic speed law or "VBSL".

(2) Except as provided in subsection (1), it is lawful for the operator of a vehicle to operate that vehicle on a highway at a speed not exceeding the following:

(a) 15 miles per hour on a highway segment within the boundaries of a mobile home park, as that term is defined in section 2 of the mobile home commission act, 1987 PA 96, MCL 125.2302.

(b) 25 miles per hour on a highway segment within a business district.

(c) 25 miles per hour on a highway segment within the boundaries of a public park. A local authority may decrease the speed limit to not less than 15 miles per hour in a public park under its jurisdiction.

(d) 25 miles per hour on a highway segment within the boundaries of a residential subdivision, including a condominium subdivision, consisting of a system of interconnected highways with no through highways and a limited number of dedicated highways that serve as entrances to and exits from the subdivision.

(e) 25 miles per hour on a highway segment with 60 or more vehicular access points within 1/2 mile.

(f) 30 miles per hour on a highway segment with not less than 50 vehicular access points but no more than 59 vehicular access points within 1/2 mile.

(g) 35 miles per hour on a highway segment with not less than 45 vehicular access points but no more than 49 vehicular access points within 1/2 mile.

(h) 40 miles per hour on a highway segment with not less than 40 vehicular access points but no more than 44 vehicular access points within 1/2 mile.

(i) 45 miles per hour on a highway segment with not less than 30 vehicular access points but no more than 39 vehicular access points within 1/2 mile.

(3) A person operating a truck with a gross weight of 10,000 pounds or more, a truck-tractor, a truck-tractor with a semi-trailer or trailer, or a combination of these vehicles shall not exceed a speed of 35 miles per hour during the period when reduced loadings are being enforced in accordance with this chapter.

(4) Where the posted speed limit is greater than 65 miles per hour, a person operating a school bus, a truck with a gross weight of 10,000 pounds or more, a truck-tractor, or a truck-tractor with a semi-trailer or trailer or a combination of these vehicles shall not exceed a speed of 65 miles per hour on a limited access freeway or a state trunk line highway.

(5) All of the following apply to the speed limits described in subsection (2):

(a) A highway segment adjacent to or lying between 2 or more areas described in subsection (2)(a), (b), (c), or (d) shall not be considered to be within the boundaries of those areas.

(b) A highway segment of more than 1/2 mile in length with a consistent density of vehicular access points equal to the number of vehicular access points described in subsection (2)(e), (f), (g), (h), or (i) shall be posted at the speed limit specified in the adjoining segment. A separate determination shall be made for each adjoining highway segment where vehicular access point density is different.

(c) A speed limit may be posted on highways less than 1/2 mile in length by prorating in 1/10 mile segments the vehicular access point density described in subsection (2)(e), (f), (g), (h), or (i).

(6) A person operating a vehicle on a highway, when entering and passing through a work zone described in section 79d(a) where a normal lane or part of the lane of traffic has been closed due to highway construction, maintenance, or surveying activities, shall not exceed a speed of 45 miles per hour unless a different speed limit is determined for that work zone by the state transportation department, a county road commission, or a local authority, based on accepted engineering practice. The state transportation department, a county road commission, or a local authority shall post speed limit signs in each work zone described in

section 79d(a) that indicate the speed limit in that work zone and shall identify that work zone with any other traffic control devices necessary to conform to the Michigan manual of uniform traffic control devices. A person shall not exceed a speed limit established under this section or a speed limit established under section 628.

(7) The state transportation department, a county road commission, or a local authority shall decrease the speed limit in a hospital highway zone by up to 10 miles per hour upon request of a hospital located within that hospital highway zone. The state transportation department, county road commission, or local authority may decrease the speed limit in a hospital highway zone by more than 10 miles per hour if the decrease is supported by an engineering and safety study. The state transportation department, county road commission, or local authority shall post speed limit signs in a hospital highway zone that indicate the speed limit in that hospital highway zone and shall identify that hospital highway zone with any other traffic control devices necessary to conform to the Michigan manual of uniform traffic control devices. If a change in a sign, signal, or device, is necessitated by a speed limit decrease described in this subsection, the hospital requesting the decrease shall pay the cost of doing so. As used in this subsection, "hospital highway zone" means a portion of state trunk line highway maintained by the state transportation department that has a posted speed limit of at least 50 miles per hour and has 2 or fewer lanes for travel in the same direction, traverses along property owned by a hospital, contains an ingress and egress point from hospital property, and extends not more than 1,000 feet beyond the boundary lines of hospital property in both directions in a municipality.

(8) Subject to subsection (17), the maximum speed limit on all limited access freeways upon which a speed limit is not otherwise fixed under this act is 70 miles per hour, which shall be known as the "limited access freeway general speed limit". The minimum speed limit on all limited access freeways upon which a minimum speed limit is not otherwise fixed under this act is 55 miles per hour.

(9) Subject to subsection (17), the speed limit on all trunk line highways and all county highways upon which a speed limit is not otherwise fixed under this act is 55 miles per hour, which shall be known as the "general speed limit".

(10) Except as otherwise provided in this subsection, the speed limit on all county highways with a gravel or unimproved surface upon which a speed limit is not otherwise fixed under this act is 55 miles per hour, which shall be known as the "general gravel road speed limit". Upon request of a municipality located within a county with a population of 1,000,000 or more, the county road commission in conjunction with the requesting municipality may lower the speed limit to 45 miles per hour on the requested road segment and if a sign, signal, or device is erected or maintained, taken down, or regulated as a result of a request by a municipality for a speed limit of 45 miles per hour, the municipality shall pay the costs of doing so. If a municipality located within a county with a population of 1,000,000 or more requests a speed different than the speed described in this subsection, the county road commission in conjunction with the department of state police and the requesting municipality may conduct a speed study of free-flow traffic on the fastest portion of the road segment in question for the purpose of establishing a modified speed limit. A speed study conducted under this subsection shall be completed between 3 and 14 days after a full gravel road maintenance protocol has been performed on the road segment. A full gravel road maintenance protocol described in this subsection shall include road grading and the application of a dust abatement chemical treatment. Following a speed study conducted under this subsection, the speed limit for the road segment shall be established at the nearest multiple of 5 miles per hour to the eighty-fifth percentile of speed of free-flow traffic under ideal conditions for vehicular traffic, and shall not be set below the fiftieth percentile speed of free-flow traffic under ideal conditions for vehicular traffic. A speed study conducted under this subsection shall be the responsibility of the department of state police, and if a sign, signal, or device is erected or maintained, taken down, or regulated as a result of a request by a municipality under this subsection, the municipality shall pay the costs of doing so.

(11) A public record of all traffic control orders establishing statutory speed limits authorized under this section shall be filed with the office of the clerk of the county in which the county highway is located or at the office of the city or village clerk or administrative office of the airport, college, or university in which the local highway is located, and a certified copy of the traffic control order shall be evidence in every court of this state of the authority for the issuance of that traffic control order. The public record filed with the county, city, or village clerk or administrative office of the airport, college, or university shall not be required as evidence of authority for issuing a traffic control order in the case of signs temporarily erected or placed at points where construction, maintenance, or surveying activities is in progress. A traffic and engineering investigation is not required for a traffic control order for a speed limit established under subsection (2). A traffic control order shall, at a minimum, contain all of the following information:

(a) The name of the road.

(b) The boundaries of the segment of the road on which the speed limit is in effect.

(c) The basis upon which the speed limit is in effect.

(d) The section of law, including a reference to the subsection, under which the speed limit is established.

(12) Except for speed limits described in subsections (1), (2)(d), and (9), speed limits established under this section are not valid unless properly posted. In the absence of a properly posted sign, the speed limit in effect is the basic speed law described in subsection (1). Speed limits established under subsection (2)(b), (e), (f), (g), (h), and (i) are not valid unless a traffic control order is filed as described in subsection (11).

(13) Nothing in this section prevents the establishment of a modified speed limit after a speed study as described in section 628. A modified speed limit established under section 628 supersedes a speed limit established under this section.

(14) All signs erected or placed under this section shall conform to the Michigan manual on uniform traffic control devices.

(15) If upon investigation the state transportation department or county road commission and the department of state police determine that it is in the interest of public safety, they may order city, village, airport, college, university, and township officials to erect and maintain, take down, or regulate speed limit signs, signals, and devices as directed. In default of an order, the state transportation department or county road commission may cause designated signs, signals, and devices to be erected and maintained, removed, or regulated in the manner previously directed and pay the costs for doing so out of the designated highway fund. An investigation, including a speed study, conducted under this subsection shall be the responsibility of the department of state police.

(16) A person who violates a speed limit established under this section is responsible for a civil infraction.

(17) No later than 1 year after the effective date of the amendatory act that added this subsection, the state transportation department and the department of state police shall increase the speed limits on at least 600 miles of limited access freeway to 75 miles per hour if an engineering and safety study and the eighty-fifth percentile speed of free-flowing traffic under ideal conditions of that section contain findings that the speed limit may be raised to that speed, and the department shall increase the speed limit of 900 miles of trunk line highway to 65 miles per hour if an engineering and safety study and the eighty-fifth percentile speed of free-flowing traffic under ideal conditions of that section contain findings that the speed limit may be raised to that speed.

(18) As used in this section:

(a) "Traffic control order" means a document filed with the proper authority that establishes the legal and enforceable speed limit for the highway segment described in the document.

(b) "Vehicular access point" means a driveway or intersecting roadway.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1957, Act 190, Eff. Sept. 27, 1957;—Am. 1959, Act 76, Eff. Mar. 19, 1960;—Am. 1962, Act 120, Eff. Mar. 28, 1963;—Am. 1966, Act 223, Imd. Eff. July 11, 1966;—Am. 1974, Act 28, Imd. Eff. Mar. 2, 1974;—Am. 1976, Act 190, Imd. Eff. July 8, 1976;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1986, Act 92, Eff. June 5, 1986;—Am. 1988, Act 460, Imd. Eff. Dec. 27, 1988;—Am. 1990, Act 165, Imd. Eff. July 2, 1990;—Am. 2003, Act 315, Eff. Apr. 8, 2004;—Am. 2004, Act 62, Imd. Eff. Apr. 13, 2004;—Am. 2006, Act 19, Eff. Nov. 9, 2006;—Am. 2006, Act 85, Eff. Nov. 9, 2006;—Am. 2012, Act 252, Imd. Eff. July 2, 2012;—Am. 2016, Act 445, Imd. Eff. Jan. 5, 2017.

257.627a "Regularly scheduled school session," "school," and "school zone" defined; speed limit on highway segment in school zone; time period; exception; state trunk line highway or county highway; school in session year-round; signs; violation as civil infraction.

Sec. 627a. (1) As used in this section:

(a) "Regularly scheduled school session" means that part of a day scheduled for student instruction until final dismissal of the student body for that day.

(b) "School" means an educational institution operated by a local school district or by a private, denominational, or parochial organization. School does not include either of the following:

(*i*) An educational institution that the department of education determines has its entire student population in residence at the institution.

(*ii*) An educational institution to which all students are transported in motor vehicles.

(c) "School zone" means school property on which a school building is located and the adjacent property. A school zone extends not more than 1,000 feet from the school property line in any direction. If 2 or more schools occupy the same property or adjacent properties, 1 of the following applies, as applicable:

(*i*) If the hours of instruction at the schools are the same, then a single combined school zone shall be established.

(*ii*) If the hours of instruction at the schools are different, overlapping school zones shall be established.

(2) A school zone speed limit on a highway segment in a school zone, which, except as otherwise provided in this subsection, shall be in force not more than 30 minutes before the first regularly scheduled school

session, rounded to the nearest multiple of 5 minutes, until school commences, and from dismissal until not more than 30 minutes after the last regularly scheduled school session, rounded to the nearest multiple of 5 minutes, may be decreased by not more than 20 miles per hour less than the speed limit normally posted but shall be not less than 25 miles per hour. A school superintendent may begin the 30-minute period before the first regularly scheduled school session described in this subsection at a time that is less than 30 minutes before the first regularly scheduled school session and that extends beyond the time school commences, may begin the 30-minute period after dismissal at a time other than dismissal, and, if a school has an off-campus lunch period, may designate the period provided for off-campus lunch as a period during which the school zone speed limit described in this subsection applies.

(3) School zone speed limits shall not apply to a limited access highway or a highway segment over which a pedestrian overhead walkway is erected, if the walkway is adjacent to school property.

(4) Notwithstanding the requirements for a school zone as defined in subsection (1)(c), if a school is located in an area that requires school children to cross a state trunk line highway or county highway that has a speed limit of 35 miles per hour or more to attend that school, the school superintendent may submit a request to the state transportation commission, county road commission, or local authority having jurisdiction over the roadway, as applicable, for a school crossing as permitted under section 613a. If, based on the traffic engineering studies, the road authority determines the need for a lower speed limit, the road authority may designate the crossing as a school zone. Before submitting a request, the school superintendent shall have completed a school route plan as prescribed by section 7A-1 of the Michigan manual of uniform traffic control devices.

(5) If a school is in session year-round, a sign reading "All Year School" shall be posted on the same signpost as and immediately below the school zone sign.

(6) Louvered signs, digital message signs, and flashing lights may be installed to supplement or replace permanent signs required under this section. Signs erected and maintained as required under this section shall conform to the Michigan manual on uniform traffic control devices.

(7) A person who violates a speed limit established under this section is responsible for a civil infraction.

History: Add. 1978, Act 42, Imd. Eff. Mar. 7, 1978;—Am. 1979, Act 21, Eff. Mar. 27, 1980;—Am. 1980, Act 222, Imd. Eff. July 18, 1980;—Am. 1996, Act 574, Imd. Eff. Jan. 16, 1997;—Am. 2000, Act 110, Imd. Eff. May 22, 2000;—Am. 2005, Act 88, Imd. Eff. July 20, 2005;—Am. 2016, Act 446, Imd. Eff. Jan. 5, 2017.

257.627b Repealed. 2006, Act 85, Eff. Nov. 9, 2006.

Compiler's note: The repealed section pertained to speed limit for school buses.

257.628 Maximum or minimum speed limit; determination; petition by township board; modified speed limit; public record of traffic control order; speed limit signs, signals, or devices; violation as civil infraction; definitions.

Sec. 628. (1) If the county road commission, the township board, and the department of state police unanimously determine upon the basis of an engineering and traffic investigation that the speed of vehicular traffic on a county highway is greater or less than is reasonable or safe under the conditions found to exist upon any part of the highway, then acting unanimously they may establish a reasonable and safe maximum or minimum speed limit on that county highway that is effective at the times determined when appropriate signs giving notice of the speed limit are erected on the highway. A township board may petition the county road commission or the department of state police for a proposed change in the speed limit. A township board that does not wish to continue as part of the process provided by this subsection shall notify in writing the county road commission. A public record of a traffic control order establishing a modified speed limit authorized under this subsection shall be filed at the office of the county clerk of the county in which the limited access freeway or state trunk line highway is located, and a certified copy of a traffic control order shall be evidence in every court of this state of the authority for the issuance of that traffic control order. As used in this subsection, "county road commission" means the board of county road commissioners elected or appointed under section 6 of chapter IV of 1909 PA 283, MCL 224.6, or, in the case of a charter county with a population of 2,000,000 or more with an elected county executive that does not have a board of county road commissioners, the county executive.

(2) In the case of a county highway, a township board may petition the county road commission, or in counties where there is no road commission but there is a county board of commissioners, the township board may petition the county board of commissioners for any of the following:

(a) A proposed change in the speed limit without the necessity of a speed study consistent with the methods prescribed for establishing speed limits under section 627.

(b) A proposed change in the speed limit consistent with the provisions for establishing speed limits under

this section.

(c) The posting of an advisory sign or device for the purpose of drawing the attention of vehicle operators to an unexpected condition on or near the roadway that is not readily apparent to road users.

(3) The state transportation department and the department of state police shall jointly determine any modified maximum or minimum speed limits on limited access freeways or trunk line highways consistent with the requirements of this section. A public record of a traffic control order establishing a modified speed limit authorized under this subsection shall be filed at the office of the county clerk of the county in which the limited access freeway or trunk line highway is located, and a certified copy of a traffic control order shall be evidence in every court of this state of the authority for the issuance of that traffic control order.

(4) A local road authority shall determine any modified speed limits on local highways consistent with the requirements of this section. A public record of a traffic control order establishing a modified speed limit authorized under this subsection shall be filed at the office of the city or village or administrative office of the airport, college, or university in which the local highway is located, and a certified copy of the traffic control order shall be evidence in every court of this state of the authority for the issuance of that traffic control order.

(5) A speed limit established under this section shall be determined by an engineering and safety study and by the eighty-fifth percentile speed of free-flowing traffic under ideal conditions of a section of highway rounded to the nearest multiple of 5 miles per hour. A speed limit established under this act shall not be posted at less than the fiftieth percentile speed of free-flowing traffic under optimal conditions on the fastest portion of the highway segment for which the speed limit is being posted.

(6) If a highway segment includes 1 or more features with a design speed that is lower than the speed limit determined under subsection (5), the road authority may post advisory signs.

(7) If upon investigation the state transportation department or county road commission and the department of state police find it in the interest of public safety, they may order township, city, or village officials to erect and maintain, take down, or regulate the speed limit signs, signals, or devices as directed, and in default of an order the state transportation department or county road commission may cause the designated signs, signals, and devices to be erected and maintained, taken down, regulated, or controlled, in the manner previously directed, and pay for the erecting and maintenance, removal, regulation, or control of the sign, signal, or device out of the highway fund designated.

(8) Signs posted under this section shall conform to the Michigan manual on uniform traffic control devices.

(9) A person who violates a speed limit established under this section is responsible for a civil infraction.

(10) As used in this section:

(a) "County road commission" means any of the following:

(*i*) The board of county road commissioners elected or appointed under section 6 of chapter IV of 1909 PA 283, MCL 224.6.

(*ii*) In the case of the dissolution of the county road commission under section 6 of chapter IV of 1909 PA 283, MCL 224.6, the county board of commissioners.

(*iii*) In the case of a charter county with a population of 1,500,000 or more with an elected county executive that does not have a board of county road commissioners, the county executive.

(*iv*) In the case of a charter county with a population of more than 750,000 but less than 1,000,000 with an elected county executive that does not have a board of county road commissioners, the department of roads.

(b) "Design speed" means that term as used and determined under "A Policy on Geometric Design of Highways and Streets", sixth ed., 2011, or a subsequent edition, issued by the American Association of State Highway and Transportation Officials.

(c) "Local road authority" means the governing body of a city, village, airport, college, or university.

(d) "Traffic control order" means a document filed with the proper authority that establishes the legal and enforceable speed limit for the highway segment described in the document.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1955, 1st Ex. Sess., Act 10, Eff. Feb. 3, 1956;—Am. 1956, Act 93, Imd. Eff. Apr. 5, 1956;—Am. 1961, Act 164, Eff. Sept. 8, 1961;—Am. 1963, Act 143, Eff. Sept. 6, 1963;—Am. 1974, Act 28, Imd. Eff. Mar. 2, 1974;—Am. 1974, Act 162, Imd. Eff. June 23, 1974;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1979, Act 143, Imd. Eff. Nov. 8, 1979;—Am. 1987, Act 154, Eff. Dec. 1, 1987;—Am. 1988, Act 368, Imd. Eff. Dec. 21, 1988;—Am. 1996, Act 320, Imd. Eff. June 25, 1996;—Am. 2000, Act 167, Imd. Eff. June 20, 2000;—Am. 2003, Act 64, Imd. Eff. July 22, 2003;—Am. 2003, Act 65, Imd. Eff. July 22, 2003;—Am. 2006, Act 85, Eff. Nov. 9, 2006;—Am. 2016, Act 447, Imd. Eff. Jan. 5, 2017.

Compiler's note: In OAG 6480, issued November 23, 1987, the Attorney General stated: “It is my opinion, therefore, that 1987 PA 154, which fixes maximum speed limit on certain state highways, becomes effective November 29, 1987.”

257.628a Repealed. 1974, Act 28, Imd. Eff. Mar. 2, 1974.

Compiler's note: The repealed section pertained to minimum speed limit on freeways.

257.629 Repealed. 2016, Act 445, Imd. Eff. Jan. 5, 2017.

Compiler's note: The repealed section pertained to establishment of prima facie speed limits by local authorities.

257.629a County traffic safety organization; creation, appropriation.

Sec. 629a. The board of supervisors of any county may create a county traffic safety organization to cooperate with governmental units and officials thereof in the solution of traffic safety problems in the county and to appropriate such sums as it shall deem necessary for the creation and support thereof and to prescribe rules and regulations relative to the duties of such organization and with respect to the expenditure of any such appropriation.

History: Add. 1954, Act 181, Eff. Aug. 13, 1954.

257.629b Reduction of maximum speed limit; violation as civil infraction.

Sec. 629b. (1) The governor may reduce the maximum speed limit on a street, highway, or freeway pursuant to an executive order issued during a state of energy emergency as provided by law.

(2) A person who violates a speed limit established pursuant to this section is responsible for a civil infraction.

History: Add. 1974, Act 28, Imd. Eff. Mar. 2, 1974;—Am. 1975, Act 24, Imd. Eff. Apr. 15, 1975;—Am. 1979, Act 66, Eff. Aug. 1, 1979;—Am. 1987, Act 154, Eff. Dec. 1, 1987.

Compiler's note: In OAG 6480, issued November 23, 1987, the Attorney General stated: "It is my opinion, therefore, that 1987 PA 154, which fixes maximum speed limit on certain state highways, becomes effective November 29, 1987."

257.629c Points and minimum fine; schedule; applicability of subsection (1).

Sec. 629c. (1) Notwithstanding sections 320a and 907, a person who is determined responsible or responsible "with explanation" for a civil infraction for violating the maximum speed limit on a limited access freeway or part of a limited access freeway upon which the maximum speed limit is 55 miles per hour or more shall be ordered by the court to pay a minimum fine and shall have points entered on his or her driving record by the secretary of state only according to the following schedule, except as otherwise provided in subsections (2) and (3):

Number of miles per hour that the vehicle exceeded the applicable speed limit at the time of the violation	Points	Minimum Fine
1 to 5	0	$10.00
6 to 10	1	$20.00
11 to 15	2	$30.00
16 to 25	3	$40.00
26 or over	4	$50.00

(2) Subsection (1) does not apply to a person operating a vehicle or vehicle combination for which the maximum rate of speed is established pursuant to section 627(5) to (7).

(3) For a violation of a maximum speed limit on a limited access freeway by a person operating a vehicle or vehicle combination described in subsection (2), points shall be assessed under section 320a and fines shall be assessed under section 907.

History: Add. 1987, Act 154, Eff. Dec. 1, 1987;—Am. 1996, Act 320, Imd. Eff. June 25, 1996;—Am. 2006, Act 85, Eff. Nov. 9, 2006.

Compiler's note: In OAG 6480, issued November 23, 1987, the Attorney General stated: "It is my opinion, therefore, that 1987 PA 154, which fixes maximum speed limit on certain state highways, becomes effective November 29, 1987."

257.629d Repealed. 2006, Act 231, Eff. Sept. 24, 2006.

Compiler's note: The repealed section pertained to highway safety task force.

257.629e Levy, transmittal, and disposition of assessments; annual report; highway safety fund, jail reimbursement program fund, secondary road patrol and training fund; creation; administration; use of money collected; annual report.

Sec. 629e. (1) Before October 1, 2003, in addition to any fine or cost ordered to be paid under this act, and in addition to any assessment levied under section 907, the judge or district court magistrate shall levy a highway safety assessment of $5.00, a jail reimbursement program assessment of $5.00, and a secondary road patrol and training assessment of $10.00 for each civil infraction determination except for a parking violation or a violation for which the total fine and costs imposed are $10.00 or less. Upon payment of the assessments, the clerk of the court shall transmit the assessments levied to the department of treasury. Until October 1,

2003, the state treasurer shall deposit the revenue received pursuant to this subsection in the highway safety fund, in the jail reimbursement program fund, and in the secondary road patrol and training fund, and shall report annually to the legislature all revenues received and disbursed under this section. An assessment levied under this subsection shall not be considered a civil fine for purposes of section 909.

(2) A highway safety fund, a jail reimbursement program fund, and a secondary road patrol and training fund are created in the department of treasury. The highway safety fund and the secondary road patrol and training fund shall be administered by the department of state police. The jail reimbursement program fund shall be administered by the department of corrections. Until October 1, 2003, money collected under subsection (1) shall be deposited in the respective funds as provided in subsection (1). Beginning October 1, 2003, money collected under subsection (1) shall be deposited in the justice system fund created in section 181 of the revised judicature act of 1961, 1961 PA 236, MCL 600.181. Money remaining in the respective funds at the end of a fiscal year shall not lapse but shall remain in the respective funds for use for the purposes of the funds. The money deposited in the highway safety fund shall serve as a supplement to, and not as a replacement for, the funds budgeted for the department of state police. The money in the highway safety fund shall be used by the department of state police for the employment of additional state police enlisted personnel to enforce the traffic laws on the highways and freeways of this state. The money in the jail reimbursement program fund shall be used by the department of corrections to reimburse counties for housing and custody of convicted felons pursuant to the requirements of section 35 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.35. The money in the secondary road patrol and training fund shall be used for secondary road patrol and traffic accident grants pursuant to section 77 of 1846 RS 14, MCL 51.77, and for grants under section 14 of the commission on law enforcement standards act, 1965 PA 203, MCL 28.614. The department of state police and the department of corrections shall report annually to the legislature all revenues received and disbursed under this section.

History: Add. 1987, Act 154, Eff. Dec. 1, 1987;—Am. 1991, Act 163, Imd. Eff. Dec. 16, 1991;—Am. 2000, Act 268, Imd. Eff. July 5, 2000;—Am. 2001, Act 213, Imd. Eff. Dec. 27, 2001;—Am. 2003, Act 73, Eff. Oct. 1, 2003.

Compiler's note: In OAG 6480, issued November 23, 1987, the Attorney General stated: "It is my opinion, therefore, that 1987 PA 154, which fixes maximum speed limit on certain state highways, becomes effective November 29, 1987."

257.630 Repealed. 1976, Act 439, Imd. Eff. Jan. 13, 1977.

Compiler's note: The repealed section pertained to motor-driven cycles.

257.631 Public bridge, causeway, or viaduct; maximum speed, load, or gross weight; violation as civil infraction; assessment of civil fine; exceptions; determination of civil fine; determination of gross weight; investigation; signs; evidence.

Sec. 631. (1) A person shall not drive a vehicle upon a public bridge, causeway, or viaduct at a speed or with a load which is greater than the maximum speed or load which can be maintained with safety to the structure, when the structure is signposted as provided in this section. A person who violates this subsection is responsible for a civil infraction.

(2) A person who drives or moves a vehicle or combination of vehicles, or the owner or lessee of a vehicle who causes or allows such a vehicle or combination of vehicles to be loaded and driven or moved, upon a public bridge, causeway, or viaduct when the gross weight of the vehicle or combination of vehicles exceeds the limitations established and signposted pursuant to this section is responsible for a civil infraction and shall be assessed a civil fine as set forth in this subsection. This subsection shall not apply to either of the following:

(a) implements of husbandry operated upon a public bridge, causeway, or viaduct.

(b) The use of a public bridge, causeway, or viaduct by a vehicle or combination of vehicles for a function essential to a farm operation otherwise reasonably inaccessible to vehicles performing the essential agricultural function.

(3) The civil fine assessed under subsection (2) shall be determined as follows:

(a) In the amount equal to 4 cents per pound for each pound of excess load when the excess is more than 2,500 pounds but not more than 3,000 pounds.

(b) In the amount equal to 6 cents per pound for each pound of excess load when the excess is more than 3,000 pounds but not more than 4,000 pounds.

(c) In the amount equal to 8 cents per pound for each pound of excess load when the excess is more than 4,000 pounds but not more than 5,000 pounds.

(d) In the amount equal to 10 cents per pound for each pound of excess load when the excess is more than 5,000 pounds.

(4) For the purpose of this section, the gross weight of a vehicle or combination of vehicles shall be

determined as prescribed in section 722(7).

(5) The department of transportation, county road commission, or other authority having jurisdiction of a public bridge, causeway, or viaduct may conduct an investigation of that bridge, causeway, or viaduct. If it is found after investigation that the structure cannot with safety to itself withstand vehicles traveling at the speed or carrying a load otherwise permissible under this chapter, the department, commission, or other authority shall determine and declare the maximum speed of vehicles or load which the structure can withstand, and shall cause or permit suitable signs stating that maximum speed and load limitations to be erected and maintained not more than 50 feet from each end of the structure, and also at a suitable distance from each end of the bridge to enable vehicles to take a different route.

(6) The findings and determination of the department of transportation, county road commission, or other local authority, shall be conclusive evidence of the maximum speed and load which can with safety be maintained on a public bridge, causeway, or viaduct.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1959, Act 151, Imd. Eff. July 16, 1959;—Am. 1962, Act 112, Eff. Mar. 28, 1963;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1989, Act 173, Imd. Eff. Aug. 22, 1989.

Compiler's note: In subsection (4), the reference to "section 722(7)" evidently should read "section 722(11)."

257.632 Exemption from speed limitations; police vehicles, fire department or fire patrol vehicles, and ambulances; conditions.

Sec. 632. The speed limitation set forth in this chapter shall not apply to vehicles when operated with due regard for safety under the direction of the police when traveling in emergencies or in the chase or apprehension of violators of the law or of persons charged with or suspected of a violation, nor to fire department or fire patrol vehicles when traveling in response to a fire alarm, nor to public or private ambulances when traveling in emergencies. This exemption shall apply only when the driver of the vehicle while in motion sounds an audible signal by bell, siren or exhaust whistle as may be reasonably necessary or when the vehicle is equipped with at least 1 lighted lamp displaying a flashing, oscillating or rotating red or blue light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicles, unless the nature of the mission requires that a law enforcement officer travel without giving warning to suspected law violators. This exemption shall not however protect the driver of the vehicle from the consequences of a reckless disregard of the safety of others.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1976, Act 164, Imd. Eff. June 21, 1976.

257.633 Violation of speed limit; specifications in complaint, citation, summons, or notice; burden of proof.

Sec. 633. (1) In every charge of a violation of a speed limit in this chapter, the complaint or citation and the summons or notice to appear shall specify the speed at which the respondent is alleged to have driven and the speed limit applicable at the location.

(2) The provisions of this chapter establishing speed limits shall not be construed to relieve the plaintiff in a civil action from the burden of proving negligence on the part of the defendant as the proximate cause of a traffic crash.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 2016, Act 446, Imd. Eff. Jan. 5, 2017.

DRIVING ON RIGHT SIDE OF ROADWAY—OVERTAKING AND PASSING, ETC.

257.634 Driving on right half of roadway; exceptions; driving on roadway having 2 or more lanes for travel in 1 direction; traveling on freeway having 3 or more lanes for travel in same direction; ordinance regulating same subject matter prohibited; violation as civil infraction.

Sec. 634. (1) Upon each roadway of sufficient width, the driver of a vehicle shall drive the vehicle upon the right half of the roadway, except as follows:

(a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing that movement.

(b) When the right half of a roadway is closed to traffic while under construction or repair or when an obstruction exists making it necessary to drive to the left of the center of the highway. A driver who is driving on the left half of a roadway under this subdivision shall yield the right-of-way to an oncoming vehicle traveling in the proper direction upon the unobstructed portion of the roadway.

(c) When a vehicle operated by a state agency or a local authority or an agent of a state agency or local authority is engaged in work on the roadway.

(d) Upon a roadway divided into 3 marked lanes for traffic under the rules applicable on the roadway.

(2) Upon a roadway having 2 or more lanes for travel in 1 direction, the driver of a vehicle shall drive the vehicle in the extreme right-hand lane available for travel except as otherwise provided in this section. However, the driver of a vehicle may drive the vehicle in any lane lawfully available to traffic moving in the same direction of travel when the lanes are occupied by vehicles moving in substantially continuous lanes of traffic and in any left-hand lane lawfully available to traffic moving in the same direction of travel for a reasonable distance before making a left turn.

(3) This section shall not be construed to prohibit a vehicle traveling in the appropriate direction from traveling in any lane of a freeway having 3 or more lanes for travel in the same direction. However, a city, village, township, or county may not enact an ordinance which regulates the same subject matter as any provision of this subsection. The driver of a truck with a gross weight of more than 10,000 pounds, a truck tractor, or a combination of a vehicle and trailer or semitrailer shall drive the vehicle or combination of vehicles only in either of the 2 lanes farthest to the right, except for a reasonable distance when making a left turn or where a special hazard exists that requires the use of an alternative lane for safety reasons.

(4) A person who violates this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1968, Act 260, Eff. Nov. 15, 1968;—Am. 1976, Act 170, Imd. Eff. June 25, 1976;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1988, Act 346, Eff. Jan. 1, 1989.

257.635 Passing vehicle proceeding in opposite direction; violation as civil infraction.

Sec. 635. (1) Drivers of vehicles proceeding in opposite directions shall pass each other to the right, each giving to the other not less than 1/2 of the main traveled portion of the roadway as nearly as possible.

(2) A person who violates this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.636 Overtaking and passing of vehicles proceeding in same direction; limitations, exceptions, and special rules; overtaking a bicycle proceeding in same direction; violation as civil infraction.

Sec. 636. (1) The following rules govern the overtaking and passing of vehicles proceeding in the same direction, subject to the limitations, exceptions, and special rules stated in sections 637 to 643a:

(a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe distance to the left of that vehicle, and when safely clear of the overtaken vehicle shall take up a position as near the right-hand edge of the main traveled portion of the highway as is practicable.

(b) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his or her vehicle until completely passed by the overtaking vehicle.

(2) The driver of a motor vehicle overtaking a bicycle proceeding in the same direction shall pass at a safe distance of at least 3 feet to the left of that bicycle or, if it is impracticable to pass the bicycle at a distance of 3 feet to the left, at a safe distance to the left of that bicycle at a safe speed, and when safely clear of the overtaken bicycle shall take up a position as near the right-hand edge of the main traveled portion of the highway as is practicable.

(3) Notwithstanding section 640, if it is safe to do so, the driver of a vehicle overtaking a bicycle proceeding in the same direction may overtake and pass the bicycle in a no-passing zone.

(4) A person who violates this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1979, Act 66, Eff. Aug. 1, 1979;—Am. 2018, Act 279, Eff. Sept. 27, 2018.

257.637 Overtaking and passing on right of another vehicle or bicycle; conditions; violation as civil infraction.

Sec. 637. (1) The driver of a vehicle may overtake and pass upon the right of another vehicle only if 1 or more of the following conditions exist:

(a) When the vehicle overtaken is making or about to make a left turn.

(b) Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for 2 or more lines of moving vehicles in each direction and when the vehicles are moving in substantially continuous lanes of traffic.

(c) Upon a 1-way street, or upon a roadway on which traffic is restricted to 1 direction of movement, where the roadway is free from obstructions and of sufficient width for 2 or more lines of moving vehicles and when the vehicles are moving in substantially continuous lanes of traffic.

(2) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting the overtaking and passing in safety. The driver of a vehicle shall not overtake and pass another

vehicle upon the right by driving off the pavement or main-traveled portion of the roadway.

(3) The driver of a vehicle overtaking a bicycle proceeding in the same direction shall, when otherwise permitted by this section, pass at a distance of 3 feet to the right of that bicycle or, if it is impracticable to pass the bicycle at a distance of 3 feet to the right, at a safe distance to the right of that bicycle at a safe speed.

(4) A person who violates this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1979, Act 66, Eff. Aug. 1, 1979;—Am. 2018, Act 280, Eff. Oct. 16, 2018.

Compiler's note: Enacting section 1 of Act 342 of 2018 provides:
"Enacting section 1. Enacting section 1 of 2018 PA 280 is repealed."

257.638 Overtaking and passing on left of another vehicle; violation as civil infraction.

Sec. 638. (1) A vehicle shall not be driven to the left side of the center of a 2-lane highway or in the center lane of a 3-lane highway in overtaking and passing another vehicle proceeding in the same direction unless the left side or center lane is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit the overtaking and passing to be completely made without interfering with the safe operation of a vehicle approaching from the opposite direction or the vehicle overtaken.

(2) A person who violates this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.639 Driving to left side of roadway; limitations; violation as civil infraction.

Sec. 639. (1) A vehicle shall not be driven to the left side of the roadway under the following conditions:

(a) When approaching the crest of a grade or upon a curve in the highway where the driver's view is obstructed within a distance as to create a hazard in the event another vehicle might approach from the opposite direction.

(b) When the view is obstructed upon approaching within 100 feet of a bridge, viaduct, or tunnel.

(2) The limitations of subsection (1) shall not apply upon a 1-way roadway.

(3) A person who violates this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.640 No-passing zones; determination; signs or markings; traffic control devices; violation as civil infraction.

Sec. 640. (1) The state highway commission and county road commissions shall determine those portions of a highway under their jurisdiction where overtaking and passing or driving to the left of the roadway would be especially hazardous, and by appropriate signs or markings on the roadway shall indicate the beginning and end of those zones in a manner enabling an ordinary observant driver of a vehicle to observe the directions and obey them. A sign shall be placed to the left of the highway on those portions of a highway where additional notice is considered necessary.

(2) The no-passing zones provided for by this section shall be based upon a traffic survey and engineering study. Traffic-control devices installed pursuant to this section shall conform to the state manual and specifications as provided for by section 608.

(3) A person who fails to obey the traffic-control devices installed pursuant to this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1959, Act 230, Eff. Mar. 19, 1960;—Am. 1965, Act 275, Imd. Eff. July 21, 1965;—Am. 1970, Act 120, Imd. Eff. July 23, 1970;—Am. 1971, Act 224, Imd. Eff. Dec. 30, 1971;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.641 Designating 1-way traffic; signs; driving to right of rotary traffic island; violation as civil infraction.

Sec. 641. (1) The state highway commissioner may designate any highway or any separate roadway under his jurisdiction for 1-way traffic and shall erect appropriate signs giving notice thereof.

(2) Upon a roadway designated and signposted for 1-way traffic a vehicle shall be driven only in the direction designated.

(3) A vehicle passing around a rotary traffic island shall be driven only to the right of that island.

(4) A person who violates subsection (2) or (3) is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.642 Roadway divided into 2 or more marked lanes; applicable rules; designation as HOV lane; restrictions; exceptions; violation as civil infraction.

Sec. 642. (1) When a roadway has been divided into 2 or more clearly marked lanes for traffic, the

following rules in addition to all others consistent with this act apply:

(a) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from the lane until the operator has first ascertained that the movement can be made with safety. Upon a roadway with 4 or more lanes that provides for 2-way movement of traffic, a vehicle shall be operated within the extreme right-hand lane except when overtaking and passing, but shall not cross the center line of the roadway except where making a left turn.

(b) Upon a roadway that is divided into 3 lanes and provides for 2-way movement of traffic, a vehicle shall not be operated in the center lane except when overtaking and passing another vehicle traveling in the same direction, when the center lane is clear of traffic within a safe distance, or in preparation for a left turn, or where the center lane is at the time allocated exclusively to traffic moving in the same direction the vehicle is proceeding and the allocation is designated by official traffic control devices.

(c) Official traffic control devices may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and operators of vehicles shall obey the directions of the traffic-control device.

(d) Official traffic-control devices may be installed prohibiting the changing of lanes on sections of roadway, and operators of vehicles shall obey the directions of the traffic-control devices.

(2) When any lane has been designated as an HOV lane under section 1 of 1951 PA 51, MCL 247.651, and has been appropriately marked with signs and pavement markings, the lane shall be reserved during the periods indicated for the exclusive use of buses and HOVs. The restrictions imposed on HOV lanes do not apply to any of the following:

(a) Authorized emergency vehicles.

(b) Law enforcement vehicles.

(c) Transit buses operated by a regional transit authority created under the regional transit authority act.

(3) A person who violates this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1974, Act 289, Imd. Eff. Oct. 15, 1974;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 2008, Act 304, Imd. Eff. Dec. 9, 2008;—Am. 2012, Act 498, Eff. Mar. 28, 2013.

257.643 Distance between vehicles; violation as civil infraction.

Sec. 643. (1) The operator of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of the vehicles and the traffic upon and the condition of the highway.

(2) Except as provided in subsection (4), a person shall not operate a motor vehicle with a gross weight, loaded or unloaded, in excess of 5,000 pounds outside the corporate limits of a city or village, within 500 feet of a like vehicle described in this subsection, moving in the same direction, except when overtaking and passing the vehicle.

(3) Except as provided in subsection (4), a distance of not less than 500 feet shall be maintained between 2 or more driven vehicles being delivered from 1 place to another.

(4) Subsections (2) and (3) do not apply to a vehicle in a platoon.

(5) A person who violates this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 2016, Act 332, Imd. Eff. Dec. 9, 2016.

***** *257.643a THIS SECTION IS AMENDED EFFECTIVE MARCH 17, 2019: See 257.643a.amended* *****

257.643a Leaving space between trucks or truck tractors; passing; violation as civil infraction.

Sec. 643a. (1) The operator of a truck or truck tractor, when traveling upon a highway outside of a business or residence district, when conditions permit, shall leave sufficient space between the vehicle and another truck or truck tractor so that an overtaking vehicle may enter and occupy the space without danger. This subsection does not prevent the operator of a truck or truck tractor from overtaking and passing another truck, truck tractor, or other vehicle in a lawful manner.

(2) When traveling upon a highway, the operator of a truck or truck tractor that is in a platoon shall allow reasonable access for other vehicles to afford those vehicles safe movement among lanes to exit or enter the highway.

(3) A person who violates this section is responsible for a civil infraction.

History: Add. 1957, Act 291, Eff. Sept. 27, 1957;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 2016, Act 332, Imd. Eff. Dec. 9, 2016.

257.643a.amended Leaving space between trucks or truck tractors; passing; exclusion for platoon; violation as civil infraction.

Sec. 643a. (1) The operator of a truck or truck tractor, when traveling upon a highway outside of a business or residence district, when conditions permit, shall leave sufficient space between the vehicle and another truck or truck tractor so that an overtaking vehicle may enter and occupy the space without danger. This subsection does not prevent the operator of a truck or truck tractor from overtaking and passing another truck, truck tractor, or other vehicle in a lawful manner. This subsection does not apply to a vehicle in a platoon.

(2) When traveling upon a highway, the operator of a truck or truck tractor that is in a platoon shall allow reasonable access for other vehicles to afford those vehicles safe movement among lanes to exit or enter the highway.

(3) A person who violates this section is responsible for a civil infraction.

History: Add. 1957, Act 291, Eff. Sept. 27, 1957;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 2016, Act 332, Imd. Eff. Dec. 9, 2016;—Am. 2018, Act 377, Eff. Mar. 17, 2019.

257.644 Driving on highway divided into 2 roadways; parking or driving on dividing space, barrier, or section; use of crossovers on limited access highways; violation as civil infraction.

Sec. 644. (1) When a highway has been divided into 2 roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section constructed to impede vehicular traffic, a vehicle shall be driven only upon the right-hand roadway and a vehicle shall not park or be driven over, across, or within the dividing space, barrier, or section, except through an opening in the physical barrier, dividing section, or space or at a crossover or intersection established by public authority. Crossovers on limited access highways shall not be used except by vehicles described in section 603, road service vehicles while going to or returning from servicing a disabled vehicle, and as otherwise permitted by authorized signs. “Road service vehicles” means vehicles clearly marked and readily recognizable as a vehicle used to assist disabled vehicles.

(2) A person who violates this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1964, Act 222, Eff. Aug. 28, 1964;—Am. 1966, Act 184, Imd. Eff. July 1, 1966;—Am. 1967, Act 277, Eff. Nov. 2, 1967;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.645 Driving onto or from limited access roadway; violation as civil infraction.

Sec. 645. (1) A person shall not drive a vehicle onto or from a limited access roadway except at entrances and exits established by public authority.

(2) A person who violates this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.646 Repealed. 1967, Act 277, Eff. Nov. 2, 1967.

Compiler's note: The repealed section pertained to limited access highway restrictions on use.

TURNING AND STARTING AND SIGNALS ON STOPPING AND TURNING

257.647 Turning at intersection; violation as civil infraction.

Sec. 647. (1) The driver of a vehicle intending to turn at an intersection shall do so as follows:

(a) Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(b) Approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line in a manner as not to interfere with the progress of any streetcar, and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered.

(c) Approach for a left turn from a 2-way roadway into a 1-way roadway shall be made in that portion of the right half of the roadway nearest the center line and clear of existing car tracks in use, and by passing to the right of the center line where it enters the intersection. Approach for a left turn from a 1-way roadway into a 2-way roadway shall be made as close as practicable to the left curb or edge of the roadway and by passing to the right of the center line of the roadway being entered.

(d) Where both streets or roadways are 1-way, both the approach for a left turn and a left turn shall be made as close as practicable to the left-hand curb or edge of the roadway.

(e) Local authorities in their respective jurisdictions may cause pavement markers, signs, or signals to be placed within or adjacent to intersections and thereby require and direct that a different course from that

specified in this section be traveled by vehicles turning at an intersection. When markers, signs, or signals are so placed, a driver of a vehicle shall not turn a vehicle at an intersection other than as directed and required by those markers, signs, or signals.

(2) A person who violates this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1967, Act 277, Eff. Nov. 2, 1967;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.648 Operation of vehicle or bicycle; signals for stopping or turning; signal lamp or mechanical signal device on commercial motor vehicle; violation as civil infraction.

Sec. 648. (1) The operator of a vehicle or bicycle upon a highway, before stopping or turning from a direct line, shall first determine that the stopping or turning can be made in safety and shall give a signal as required in this section.

(2) Except as otherwise provided in subsection (5), a signal required under this section shall be given either by means of the hand and arm in the manner specified in this section, or by a mechanical or electrical signal device that conveys an intelligible signal or warning to other highway traffic.

(3) When a person is operating a vehicle and signal is given by means of the hand and arm, the operator shall signal as follows:

(a) For a left turn, the operator shall extend his or her left hand and arm horizontally.

(b) For a right turn, the operator shall extend his or her left hand and arm upward.

(c) To stop or decrease speed, the operator shall extend his or her left hand and arm downward.

(4) When a person is operating a bicycle and signal is given by means of the hand and arm, the operator shall signal as follows:

(a) For a left turn, the operator shall extend his or her left hand and arm horizontally.

(b) For a right turn, the operator shall extend his or her left hand and arm upward or shall extend his or her right hand and arm horizontally.

(c) To stop or decrease speed, the operator shall extend his or her left hand and arm downward.

(5) A commercial motor vehicle, other than a commercial motor vehicle in transit from a manufacturer to a dealer, in use on a highway shall be equipped with, and required signal shall be given by, a signal lamp or mechanical signal device when the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of the commercial motor vehicle exceeds 24 inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load of the commercial vehicle exceeds 14 feet. The measurement from steering post to rear limit applies to a single vehicle or combination of vehicles.

(6) A person who violates this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1954, Act 181, Eff. Aug. 13, 1954;—Am. 1958, Act 166, Eff. Sept. 13, 1958;—Am. 1974, Act 334, Imd. Eff. Dec. 17, 1974;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 2014, Act 1, Imd. Eff. Jan. 28, 2014.

RIGHT-OF-WAY

257.649 Right of way; rules; violation as civil infraction.

Sec. 649. (1) The driver of a vehicle approaching an intersection shall yield the right of way to a vehicle that has entered the intersection from a different highway.

(2) When 2 vehicles enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right.

(3) The right of way rules in subsections (1) and (2) are modified at through highways and otherwise as provided in subsection (4) and in this chapter.

(4) The driver of a vehicle approaching an intersection that is controlled by a traffic control signal shall do all of the following, if the signal facing the driver exhibits no colored lights or colored lighted arrows, exhibits a combination of colored lights or colored lighted arrows that fails to clearly indicate the assignment of right of way, or the signals are otherwise malfunctioning:

(a) Stop at a clearly marked stop line, or, if there is no clearly marked stop line, stop before entering the crosswalk on the near side of the intersection, or, if there is no crosswalk, stop before entering the intersection.

(b) Yield the right of way to all vehicles in the intersection or approaching on an intersecting road, if those vehicles will constitute an immediate hazard during the time the driver is moving across or within the intersection.

(c) Exercise ordinary care while proceeding through the intersection.

(5) Subsection (4) does not apply to either of the following:

(a) An intersection that is controlled by a traffic control signal that is flashing yellow unless certain events

occur, including, but not limited to, activation by an emergency vehicle.

(b) A traffic control signal that is located in a school zone and is flashing yellow only during prescribed periods of time.

(6) The driver of a vehicle approaching a yield sign, in obedience to the sign, shall slow down to a speed reasonable for the existing conditions and shall yield the right of way to a vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time the driver would be moving across or within the intersection. However, if required for safety to stop, the driver shall stop before entering the crosswalk on the near side of the intersection or, if there is not a crosswalk, at a clearly marked stop line; but if there is not a crosswalk or a clearly marked stop line, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

(7) The driver of a vehicle traveling at an unlawful speed forfeits a right of way that the driver might otherwise have under this section.

(8) Except when directed to proceed by a police officer, the driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection, or if there is not a crosswalk shall stop at a clearly marked stop line; or if there is not a crosswalk or a clearly marked stop line, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After having stopped, the driver shall yield the right of way to a vehicle that has entered the intersection from another highway or that is approaching so closely on the highway as to constitute an immediate hazard during the time when the driver would be moving across or within the intersection.

(9) When a vehicle approaches the intersection of a highway from an intersecting highway or street that is intended to be, and is constructed as, a merging highway or street, and is plainly marked at the intersection with appropriate merge signs, the vehicle shall yield right of way to a vehicle so close as to constitute an immediate hazard on the highway about to be entered and shall adjust its speed so as to enable it to merge safely with the through traffic.

(10) A person who violates this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1955, Act 165, Imd. Eff. June 13, 1955;—Am. 1959, Act 234, Eff. Mar. 19, 1960;—Am. 1966, Act 237, Eff. Mar. 10, 1967;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 2018, Act 109, Eff. July 23, 2018.

257.650 Right-of-way; turning left at intersection; violation as civil infraction.

Sec. 650. (1) The driver of a vehicle within an intersection intending to turn to the left shall yield the right of way to a vehicle approaching from the opposite direction which is within the intersection or so close to the intersection as to constitute an immediate hazard; but the driver, having so yielded and having given a signal when and as required by this chapter, may make the left turn and the drivers of all other vehicles approaching the intersection from the opposite direction shall yield the right of way to the vehicle making the left turn. At an intersection at which a traffic signal is located, a driver intending to make a left turn shall permit vehicles bound straight through in the opposite direction which are waiting a go signal to pass through the intersection before making the turn.

(2) A person who violates this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.651 State trunk line highways; preference at intersections; stop, yield or merge signs.

Sec. 651. (a) Except where approved traffic signals are used to control traffic, the state highway commissioner shall erect stop, yield or merge signs at every entrance to a state trunk line highway from intersecting highways or streets. However, after a traffic engineering investigation the state highway commission acting jointly with the commissioner of the Michigan state police may give preference to a city street or a county road over a state trunk line highway, and shall erect appropriate signs.

(b) Where 2 or more state trunk line highways intersect or cross, the state highway commissioner and the commissioner of the Michigan state police, acting jointly, shall determine which traffic, if any, shall be given preference and appropriate stop, yield or merge signs shall be erected.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1959, Act 151, Imd. Eff. July 16, 1959;—Am. 1966, Act 237, Eff. Mar. 10, 1967.

257.652 Stopping before entering or crossing highway from alley, private road, or driveway; violation as civil infraction.

Sec. 652. (1) The driver of a vehicle about to enter or cross a highway from an alley, private road, or driveway shall come to a full stop before entering the highway and shall yield right of way to vehicles approaching on the highway.

(2) A person who violates this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1959, Act 234, Eff. Mar. 19, 1960;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.653 Immediate approach of authorized emergency vehicle; duty of driver of another vehicle; duty of streetcar operator; violation as civil infraction.

Sec. 653. (1) Upon the immediate approach of an authorized emergency vehicle equipped with not less than 1 lighted flashing, rotating, or oscillating lamp exhibiting a red or blue light visible under normal atmospheric condition from a distance of 500 feet to the front of the vehicle and when the driver is giving audible signal by siren, exhaust whistle, or bell:

(a) The driver of another vehicle shall yield the right of way and shall immediately drive to a position parallel to and as close as possible to the right-hand edge or curb of the roadway, clear of an intersection, and shall stop and remain in that position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(b) The operator of a streetcar shall immediately stop the car, clear of an intersection, and shall keep it in that position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(2) This section does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of persons using the highway.

(3) A person who violates this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951;—Am. 1964, Act 7, Imd. Eff. Mar. 20, 1964;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.653a Stationary emergency vehicle giving visual signal; duty of approaching vehicle to exhibit due care and caution; violation; penalty; exception on certain highways.

Sec. 653a. (1) Upon approaching and passing a stationary authorized emergency vehicle that is giving a visual signal by means of flashing, rotating, or oscillating red, blue, white, or amber lights as permitted by section 698, the driver of an approaching vehicle shall exhibit due care and caution, as required under the following:

(a) On any public roadway with at least 2 adjacent lanes proceeding in the same direction of the stationary authorized emergency vehicle, the driver of the approaching vehicle shall proceed with caution, reduce his or her speed by at least 10 miles per hour below the posted speed limit, and yield the right-of-way by moving into a lane at least 1 moving lane or 2 vehicle widths apart from the stationary authorized emergency vehicle, unless directed otherwise by a police officer. If movement to an adjacent lane or 2 vehicle widths apart is not possible due to weather, road conditions, or the immediate presence of vehicular or pedestrian traffic in parallel moving lanes, the driver of the approaching vehicle shall proceed as required in subdivision (b).

(b) On any public roadway that does not have at least 2 adjacent lanes proceeding in the same direction as the stationary authorized emergency vehicle, or if the movement by the driver of the vehicle into an adjacent lane or 2 vehicle widths apart is not possible as described in subdivision (a), the approaching vehicle shall proceed with due care and caution and reduce his or her speed by at least 10 miles per hour below the posted speed limit, or as directed by a police officer.

(2) Except as provided in this subsection and subsections (3) and (4), a person who violates this section is guilty of a misdemeanor punishable by a fine of not more than $500.00 or imprisonment for not more than 90 days, or both. Beginning 60 days after the effective date of the amendatory act that amended this subsection, except as provided in subsections (3) and (4), a person who violates this section is responsible for a civil infraction and shall be ordered to pay a civil fine of $400.00.

(3) A person who violates this section and causes injury to a police officer, firefighter, or other emergency response personnel in the immediate area of the stationary authorized emergency vehicle is guilty of a felony punishable by a fine of not more than $1,000.00 or imprisonment for not more than 2 years, or both.

(4) A person who violates this section and causes death to a police officer, firefighter, or other emergency response personnel in the immediate area of the stationary authorized emergency vehicle is guilty of a felony punishable by a fine of not more than $7,500.00 or by imprisonment for not more than 15 years, or both.

(5) The operator of a vehicle upon a highway that has been divided into 2 roadways by leaving an intervening space, or by a physical barrier or clearly indicated dividing sections so constructed as to impede vehicular traffic, is not required to proceed with caution, reduce his or her speed, or yield the right-of-way for an authorized emergency vehicle that is stopped across the dividing space, barrier, or section.

History: Add. 2000, Act 458, Eff. Mar. 28, 2001;—Am. 2018, Act 349, Eff. Feb. 13, 2019.

257.653b Approaching and passing stationary solid waste collection vehicle, utility service vehicle, or road maintenance vehicle; duty to exhibit due care and caution; exception on

certain highways; definitions.

Sec. 653b. (1) Upon approaching and passing a stationary solid waste collection vehicle, a utility service vehicle, or a road maintenance vehicle that is giving a visual signal by means of flashing, rotating, or oscillating amber lights as permitted by section 698, the driver of an approaching vehicle shall exhibit due care and caution, as required under the following:

(a) On any public roadway with at least 2 adjacent lanes proceeding in the same direction of the stationary solid waste collection vehicle, utility service vehicle, or road maintenance vehicle, the driver of the approaching vehicle shall proceed with caution, reduce his or her speed by at least 10 miles per hour below the posted speed limit, and yield the right-of-way by moving into a lane at least 1 moving lane or 2 vehicle widths apart from the stationary solid waste collection vehicle, utility service vehicle, or road maintenance vehicle, unless directed otherwise by a police officer. If movement to an adjacent lane or 2 vehicle widths apart is not possible due to weather, road conditions, or the immediate presence of vehicular or pedestrian traffic in parallel moving lanes, the driver of the approaching vehicle shall proceed as required in subdivision (b).

(b) On any public roadway that does not have at least 2 adjacent lanes proceeding in the same direction as the stationary solid waste collection vehicle, utility service vehicle, or road maintenance vehicle, or if the movement by the driver of the vehicle into an adjacent lane or 2 vehicle widths apart is not possible as described in subdivision (a), the approaching vehicle shall proceed with due care and caution and reduce his or her speed by 10 miles per hour.

(2) The operator of a vehicle upon a highway that has been divided into 2 roadways by leaving an intervening space, or by a physical barrier or clearly indicated dividing sections so constructed as to impede vehicular traffic, is not required to proceed with caution, reduce his or her speed, or yield the right-of-way for a stationary solid waste collection vehicle, utility service vehicle, or road maintenance vehicle that is stopped across the dividing space, barrier, or section.

(3) As used in this section:

(a) "Road maintenance authority" means any of the following:

(*i*) The state department of transportation.

(*ii*) A local authority.

(*iii*) An entity operating under contract with the state department of transportation or a local authority to provide road construction or road maintenance services.

(b) "Road maintenance vehicle" means a vehicle owned or operated by a road maintenance authority.

(c) "Solid waste" means that term as defined in section 11506 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11506.

(d) "Solid waste collection vehicle" means a solid waste transporting unit that is used for the curbside collection of municipal solid waste.

(e) "Solid waste hauler" means that term as defined in section 11506 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11506.

(f) "Solid waste transporting unit" means that term as defined in section 11506 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11506.

(g) "Utility provider" means an entity that does any of the following and that is regulated as a utility under the laws of this state or of the United States:

(*i*) Generates or distributes electrical power to the public.

(*ii*) Generates or distributes natural gas to the public.

(*iii*) Provides sewage collection services to the public.

(*iv*) Provides water distribution services to the public.

(*v*) Provides telephone services to the public.

(*vi*) Provides cable or video services to the public.

(h) "Utility service vehicle" means a vehicle owned or operated by a utility provider.

History: Add. 2008, Act 464, Imd. Eff. Jan. 9, 2009;—Am. 2018, Act 349, Eff. Feb. 13, 2019.

257.654 Vehicles forming part of funeral procession; right-of-way; flags; passing through funeral procession with vehicle as civil infraction.

Sec. 654. (1) A motor vehicle forming part of a funeral procession, when going to a place of burial, shall have the right of way over all other vehicles except fire apparatus, ambulances, and police patrol vehicles at a street or highway intersection within this state if the vehicle in the funeral procession displays a flag which shall be fluorescent orange in color, and upon which shall be printed, stamped, or stained a black cross, the star of David, or the crescent and star. The lead vehicle and the last vehicle in the funeral procession may carry an additional flag. The flags shall not contain a name embossed or printed on the flag, except the word

"funeral".

(2) A person passing through a funeral procession of motor vehicles, designated pursuant to subsection (1), with a vehicle of any kind, is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1952, Act 9, Eff. Sept. 18, 1952;—Am. 1960, Act 105, Eff. Aug. 17, 1960;—Am. 1975, Act 49, Imd. Eff. May 20, 1975;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1979, Act 148, Eff. Jan. 1, 1980.

257.655 Pedestrians on highways; violation as civil infraction.

Sec. 655. (1) Where sidewalks are provided, a pedestrian shall not walk upon the main traveled portion of the highway. Where sidewalks are not provided, pedestrians shall, when practicable, walk on the left side of the highway facing traffic which passes nearest.

(2) A person who violates this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

OPERATION OF BICYCLES, MOTORCYCLES AND TOY VEHICLES

257.656 Violations of MCL 257.656 to 257.661a as civil infractions; duty of parent or guardian; regulations applicable to bicycles and motorcycles.

Sec. 656. (1) A person who violates any of sections 656 to 661a is responsible for a civil infraction.

(2) The parent of a child or the guardian of a ward shall not authorize or knowingly permit the child or ward to violate this chapter.

(3) The regulations applicable to bicycles under sections 656 to 662 shall apply when a bicycle is operated upon a highway or upon a path set aside for the exclusive use of bicycles, subject to those exceptions stated in sections 656 to 662.

(4) The regulations applicable to motorcycles in sections 656 to 662 shall be considered supplementary to other provisions of this chapter governing the operation of motorcycles.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.657 Rights and duties of persons riding bicycle, electric bicycle, electric skateboard, electric personal assistive mobility device, moped, low-speed vehicle, or commercial quadricycle.

Sec. 657. Each person riding a bicycle, electric bicycle, electric personal assistive mobility device, electric skateboard, or moped or operating a low-speed vehicle or commercial quadricycle upon a roadway has all of the rights and is subject to all of the duties applicable to the driver of a vehicle under this chapter, except for special regulations in this article and except for the provisions of this chapter that by their nature do not apply.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977;—Am. 2000, Act 82, Eff. July 1, 2000;—Am. 2002, Act 494, Imd. Eff. July 3, 2002;—Am. 2015, Act 126, Imd. Eff. July 15, 2015;—Am. 2017, Act 139, Eff. Jan. 28, 2018;—Am. 2018, Act 204, Eff. Sept. 18, 2018.

257.657a Operation of golf cart on village, city, or township streets or state trunk line highway.

Sec. 657a. (1) A village or city having a population of fewer than 30,000 individuals based upon the 2010 decennial census may by resolution allow the operation of golf carts on the streets of that village or city, subject to the requirements of this section. A township having a population of fewer than 30,000 individuals based upon the 2010 decennial census may by resolution, unless disapproved by the county board of commissioners under subsection (3), allow the operation of golf carts on the streets of that township, subject to the requirements of this section.

(2) If a village, city, or township allows the operation of golf carts on the streets of that village, city, or township, that village, city, or township may require those golf carts and the operators of those golf carts to be recorded on a list maintained by that village, city, or township. A village, city, or township shall not charge a fee for listing golf carts or the operators of those golf carts.

(3) A county board of commissioners may, by resolution, disapprove the operation of golf carts on the streets of a township located within that county if the county board of commissioners conducts a hearing and determines that 1 or more of the following apply:

(a) The operation of golf carts on the streets of that township would cause significant environmental damage.

(b) The operation of golf carts on the streets of that township would cause a significant concern of public safety.

(4) The county board of commissioners shall provide public notice of a hearing under subsection (3) at

least 45 days before the hearing is conducted. The county board of commissioners shall also provide written notice of a hearing under subsection (3) to the township at least 45 days before the hearing is conducted.

(5) A person shall not operate a golf cart on any street unless he or she is at least 16 years old and is licensed to operate a motor vehicle.

(6) The operator of a golf cart shall comply with the signal requirements of section 648 that apply to the operation of a vehicle.

(7) A person operating a golf cart upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or a vehicle proceeding in the same direction.

(8) Except as otherwise provided in subsection (9), a person shall not operate a golf cart on a state trunk line highway. This subsection does not prohibit a person from crossing a state trunk line highway when operating a golf cart on a street of a village, city, or township, using the most direct line of crossing.

(9) The legislative body of a local unit of government may request the state transportation department to authorize the local unit of government to adopt an ordinance authorizing the operation of golf carts on a state trunk line highway, other than an interstate highway, located within the local unit of government. The request shall describe how the authorization would meet the requirements of subsection (10). The state transportation department shall solicit comment on the request from the local units of government where the state trunk line highway is located. The state transportation department shall consider comments received on the request before making a decision on the request. The state transportation department shall grant the request in whole or in part or deny the request not more than 60 days after the request is received. If the state transportation department grants a request in whole or in part under this subsection, the local unit of government that submitted the request may adopt an ordinance authorizing the operation of golf carts on the state trunk line highway that was the subject of the request. A county may submit a request for authorization under this subsection on behalf of 1 or more local units of government located within that county if requested by those local units of government.

(10) The state transportation department shall authorize operation of a golf cart under subsection (9) only on a state trunk line highway that is not an interstate highway within a local unit of government that has already adopted an ordinance under subsection (1), that serves as a connector between portions of the local unit of government that only connect through the state trunk line highway, and that meets 1 or more of the following requirements:

(a) Provides access to tourist attractions, food service establishments, fuel, motels, or other services.

(b) Serves as a connector between 2 segments of the same county road that run along discontinuous town lines.

(c) Includes a bridge or culvert that allows a golf cart to cross a river, stream, wetland, or gully that is not crossed by a street or county road on which golf carts are authorized to operate under an ordinance adopted as provided in subsection (1).

(11) The state transportation department may permanently or temporarily close a state trunk line highway to the operation of golf carts otherwise authorized under subsection (9) after written notice to the clerk of the local unit of government that requested the authorization under subsection (9). The notice shall be in writing and sent by first-class United States mail or personally delivered not less than 30 days before the adoption of the rule or order closing the state trunk line highway. The notice shall set forth specific reasons for the closure. The state transportation department is not required to develop a plan for an alternate route for a state trunk line highway that it has temporarily closed to the operation of golf carts.

(12) Where a usable and designated path for golf carts is provided adjacent to a highway or street, a person operating a golf cart may, by local ordinance, be required to use that path.

(13) A person operating a golf cart shall not pass between lines of traffic, but may pass on the left of traffic moving in his or her direction in the case of a 2-way street or on the left or right of traffic in the case of a 1-way street, in an unoccupied lane.

(14) A golf cart shall not be operated on a sidewalk constructed for the use of pedestrians.

(15) A golf cart shall be operated at a speed not to exceed 15 miles per hour and shall not be operated on a state trunk line highway or a highway or street with a speed limit of more than 30 miles per hour except to cross that state trunk line highway or highway or street. A village, city, or township may, by resolution, designate roads or classifications of roads for use by golf carts under this subsection.

(16) A golf cart shall not be operated on a state trunk line highway or the streets of a city, village, or township during the time period from 1/2 hour before sunset to 1/2 hour after sunrise.

(17) A person operating a golf cart or who is a passenger in a golf cart is not required to wear a crash helmet.

(18) A person operating a golf cart on a state trunk line highway shall ride as near to the right side of the

roadway as practicable.

(19) This section does not apply to a police officer in the performance of his or her official duties.

(20) A golf cart operated on a street of a village, city, or township under this section is not required to be registered under this act for purposes of section 3101 of the insurance code of 1956, 1956 PA 218, MCL 500.3101.

(21) As used in this section, "golf cart" means a vehicle designed for transportation while playing the game of golf. A village, city, or township may require a golf cart registered within its jurisdiction to meet any or all of the following vehicle safety requirements of a low-speed vehicle for approval under this section:

(a) At least 2 headlamps that comply with section 685.

(b) At least 1 tail lamp that complies with section 686.

(c) At least 1 stop lamp and 1 lamp or mechanical signal device that comply with sections 697 and 697b.

(d) At least 1 red reflector on each side of the golf cart as far to the rear as practicable and 1 red reflector on the rear of the golf cart as required for low-speed vehicles by 49 CFR 571.500.

(e) One exterior mirror mounted on the driver's side of the golf cart and either 1 exterior mirror mounted on the passenger side of the golf cart or 1 interior mirror as required for low-speed vehicles by 49 CFR 571.500.

(f) Brakes and a parking brake that comply with section 704.

(g) A horn that complies with section 706.

(h) A windshield that complies with section 708a.

(i) A manufacturer's identification number permanently affixed to the frame of the golf cart.

(j) Safety belts that comply with section 710a and that are used as required by section 710e.

(k) The crash helmet requirements applicable to low-speed vehicles under section 658b.

History: Add. 2014, Act 491, Imd. Eff. Jan. 13, 2015;—Am. 2018, Act 139, Eff. Aug. 8, 2018.

257.658 Riding on seat of bicycle, motorcycle, moped, electric skateboard, or electric personal assistive mobility device; number of persons; wearing of crash helmet; conditions; rules; requirements for autocycle.

Sec. 658. (1) A person propelling a bicycle or operating a motorcycle or moped shall not ride other than upon and astride a permanent and regular seat attached to that vehicle.

(2) A bicycle or motorcycle shall not be used to carry more persons at 1 time than the number for which it is designed and equipped.

(3) An electric personal assistive mobility device or an electric skateboard shall not be used to carry more than 1 person at a time.

(4) A person less than 19 years of age operating a moped on a public thoroughfare shall wear a crash helmet on his or her head. A person less than 19 years of age operating an electric skateboard shall wear a crash helmet on his or her head. Except as provided in subsection (5), a person operating or riding on a motorcycle shall wear a crash helmet on his or her head.

(5) The following conditions apply to a person 21 years of age or older operating or riding on a motorcycle, as applicable:

(a) A person who is operating a motorcycle is not required to wear a crash helmet on his or her head if he or she has had a motorcycle endorsement on his or her operator's or chauffeur's license for not less than 2 years or the person passes a motorcycle safety course conducted under section 811a or 811b and satisfies the requirements of subdivision (c).

(b) A person who is riding on a motorcycle is not required to wear a crash helmet on his or her head if the person or the operator of the motorcycle satisfies the requirements of subdivision (c).

(c) A person who is operating a motorcycle and a person who is riding on a motorcycle are not required to wear crash helmets on their heads if the operator of the motorcycle or the rider has in effect security for the first-party medical benefits payable in the event that he or she is involved in a motorcycle accident, as provided in section 3103 of the insurance code of 1956, 1956 PA 218, MCL 500.3103, in 1 of the following amounts, as applicable:

(*i*) A motorcycle operator without a rider, not less than $20,000.00.

(*ii*) A motorcycle operator with a rider, not less than $20,000.00 per person per occurrence. However, if the rider has security in an amount not less than $20,000.00, then the operator is only required to have security in the amount of not less than $20,000.00.

(6) Crash helmets shall be approved by the department of state police. The department of state police shall promulgate rules for the implementation of this section under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. Rules in effect on June 1, 1970, apply to helmets required by this act.

(7) The crash helmet requirements under this section do not apply to a person operating or riding in an

autocycle if the vehicle is equipped with a roof that meets or exceeds standards for a crash helmet.

(8) A person operating or riding in an autocycle shall wear seat belts when on a public highway in this state.

(9) A person under the age of 12 shall not operate an electric skateboard on a public highway or street.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1959, Act 260, Eff. Mar. 19, 1960;—Am. 1966, Act 207, Eff. Mar. 10, 1967;—Am. 1968, Act 141, Imd. Eff. June 12, 1968;—Am. 1969, Act 118, Eff. Sept. 1, 1969;—Am. 1969, Act 134, Eff. June 1, 1970;—Am. 1970, Act 24, Imd. Eff. June 1, 1970;—Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977;—Am. 1983, Act 91, Imd. Eff. June 16, 1983;—Am. 1984, Act 328, Imd. Eff. Dec. 26, 1984;—Am. 2002, Act 494, Imd. Eff. July 3, 2002;—Am. 2012, Act 98, Imd. Eff. Apr. 13, 2012;—Am. 2012, Act 589, Eff. Mar. 28, 2013;—Am. 2018, Act 204, Eff. Sept. 18, 2018.

Constitutionality: The legislature may reasonably require that helmets be worn with a view to mitigating potential civil and criminal liability of drivers who collide with motorcycles. People v Poucher, 398 Mich 316; 247 NW2d 798 (1976).

Popular name: Helmet Law

Administrative rules: R 28.901 et seq. and R 28.951 et seq. of the Michigan Administrative Code.

257.658a Seats and foot rests; requirements; exception; violation as civil infraction.

Sec. 658a. (1) In addition to the requirements of section 658, a motorcycle shall be equipped with adequate seats and foot rests or pegs for each designated seating position. Foot rests or pegs must be securely attached. A passenger shall not ride on a motorcycle unless his or her feet can rest on the assigned foot rests or pegs except that this requirement does not apply to a person who is unable to reach the foot rests or pegs due to a permanent physical disability.

(2) A person who violates this section is responsible for a civil infraction.

History: Add. 1995, Act 68, Eff. Jan. 1, 1996.

257.658b Crash helmet required; exception.

Sec. 658b. (1) Except as provided in subsection (2), a person operating or riding in a low-speed vehicle shall wear a crash helmet on his or her head. The crash helmet shall meet the requirements of the rules promulgated by the department of state police under section 658.

(2) Subsection (1) does not apply to a person operating or riding in a low-speed vehicle equipped with a roof that meets or exceeds the standards for roof-crush resistance, provided under 49 C.F.R. 571.500.

History: Add. 2000, Act 82, Eff. July 1, 2000.

257.659 Riding while attached to streetcar or vehicle.

Sec. 659. A person riding upon a bicycle, moped or motorcycle, coaster, roller skates, sled, or toy vehicle shall not attach the same or himself to a streetcar or vehicle upon a roadway.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977.

***** *257.660 THIS SECTION IS AMENDED EFFECTIVE MARCH 19, 2019: See 257.660.amended* *****

257.660 Electric personal assistive mobility device, low-speed vehicle, electric skateboard, or moped; operation; limitations; applicability to police officer; regulation by local government; prohibitions; regulation by department of natural resources.

Sec. 660. (1) A person operating an electric personal assistive mobility device, low-speed vehicle, electric skateboard, or moped upon a roadway shall ride as near to the right side of the roadway as practicable and shall exercise due care when passing a standing vehicle or one proceeding in the same direction. A motorcycle is entitled to full use of a lane, and a motor vehicle shall not be driven in such a manner as to deprive a motorcycle of the full use of a lane. This subsection does not apply to motorcycles operated 2 abreast in a single lane.

(2) A person riding an electric personal assistive mobility device, motorcycle, electric skateboard, or moped upon a roadway shall not ride more than 2 abreast except on a path or part of a roadway set aside for the exclusive use of those vehicles.

(3) Where a usable and designated path for bicycles is provided adjacent to a highway or street, a person operating an electric personal assistive mobility device or electric skateboard may, by local ordinance, be required to use that path.

(4) A person operating a motorcycle, moped, low-speed vehicle, electric personal assistive mobility device, or electric skateboard shall not pass between lines of traffic, but may pass on the left of traffic moving in his or her direction in the case of a 2-way street or on the left or right of traffic in the case of a 1-way street, in an unoccupied lane.

(5) A person operating an electric personal assistive mobility device or electric skateboard on a sidewalk constructed for the use of pedestrians shall yield the right-of-way to a pedestrian and shall give an audible signal before overtaking and passing the pedestrian.

(6) A moped, low-speed vehicle, or commercial quadricycle shall not be operated on a sidewalk constructed for the use of pedestrians.

(7) A low-speed vehicle or commercial quadricycle shall be operated at a speed of not more than 25 miles per hour. A low-speed vehicle shall not be operated on a highway or street with a speed limit of more than 35 miles per hour except for the purpose of crossing that highway or street. A commercial quadricycle shall not be operated on a highway or street with a speed limit of more than 45 miles per hour except for the purpose of crossing that highway or street. An individual shall not operate a commercial quadricycle that is equipped with a motor unless he or she has a valid operator's license issued under this act. The state transportation department may prohibit the operation of a low-speed vehicle or commercial quadricycle on any highway or street under its jurisdiction if it determines that the prohibition is necessary in the interest of public safety.

(8) This section does not apply to a police officer in the performance of his or her official duties.

(9) An electric personal assistive mobility device shall be operated at a speed of not more than 15 miles per hour and shall not be operated on a highway or street with a speed limit of more than 25 miles per hour except to cross that highway or street.

(10) An electric skateboard shall be operated at a speed of not more than 25 miles per hour and shall not be operated on a highway or street with a speed limit of more than 25 miles per hour except to cross that highway or street.

(11) The governing body of a county, a city, a village, an entity created under the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512, or a township may, by ordinance based on the health, safety, and welfare of the citizens, regulate the operation of electric personal assistive mobility devices, electric skateboards, or commercial quadricycles on sidewalks, highways or streets, or crosswalks. Except as otherwise provided in this subsection, a governing body of a county, city, village, entity created under the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512, or township may prohibit the operation of electric personal assistive mobility devices, electric skateboards or commercial quadricycles in an area open to pedestrian traffic adjacent to a waterfront or on a trail under its jurisdiction or in a downtown or central business district. Signs indicating the regulation shall be conspicuously posted in the area where the use of an electric personal assistive mobility device, electric skateboard, or commercial quadricycle is regulated.

(12) Operation of an electric personal assistive mobility device or electric skateboard is prohibited in a special charter city and a state park under the jurisdiction of the Mackinac Island State Park commission.

(13) Operation of an electric personal assistive mobility device or electric skateboard may be prohibited in a historic district.

(14) The department of natural resources may by order regulate the use of electric personal assistive mobility devices or electric skateboards on all lands under its control.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1966, Act 207, Eff. Mar. 10, 1967;—Am. 1969, Act 134, Eff. June 1, 1970;—Am. 1975, Act 209, Imd. Eff. Aug. 25, 1975;—Am. 1975, Act 273, Eff. Mar. 31, 1976;—Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977;—Am. 1994, Act 348, Eff. Mar. 30, 1995;—Am. 2000, Act 82, Eff. July 1, 2000;—Am. 2002, Act 494, Imd. Eff. July 3, 2002;—Am. 2006, Act 339, Imd. Eff. Aug. 15, 2006;—Am. 2015, Act 126, Imd. Eff. July 15, 2015;—Am. 2018, Act 204, Eff. Sept. 18, 2018.

Compiler's note: For transfer of powers and duties of department of natural resources to department of natural resources and environment, and abolishment of department of natural resources, see E.R.O. No. 2009-31, compiled at MCL 324.99919.

For transfer of powers and duties of department of natural resources and environment to department of natural resources, see E.R.O. No. 2011-1, compiled at MCL 324.99921.

***** *257.660.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 19, 2019* *****

257.660.amended Electric personal assistive mobility device, low-speed vehicle, commercial quadricycle; electric skateboard, or moped; operation; limitations; applicability to police officer; regulation by local government; prohibitions; regulation by department of natural resources.

Sec. 660. (1) A person operating an electric personal assistive mobility device, low-speed vehicle, electric skateboard, or moped upon a roadway shall ride as near to the right side of the roadway as practicable and shall exercise due care when passing a standing vehicle or one proceeding in the same direction. A motorcycle is entitled to full use of a lane, and a motor vehicle shall not be driven in such a manner as to deprive a motorcycle of the full use of a lane. This subsection does not apply to motorcycles operated 2 abreast in a single lane.

(2) A person riding an electric personal assistive mobility device, motorcycle, electric skateboard, or moped upon a roadway shall not ride more than 2 abreast except on a path or part of a roadway set aside for the exclusive use of those vehicles.

(3) Where a usable and designated path for bicycles is provided adjacent to a highway or street, a person operating an electric personal assistive mobility device or electric skateboard may, by local ordinance, be required to use that path.

(4) A person operating a motorcycle, moped, low-speed vehicle, electric personal assistive mobility device, or electric skateboard shall not pass between lines of traffic, but may pass on the left of traffic moving in his or her direction in the case of a 2-way street or on the left or right of traffic in the case of a 1-way street, in an unoccupied lane.

(5) A person operating an electric personal assistive mobility device or electric skateboard on a sidewalk constructed for the use of pedestrians shall yield the right-of-way to a pedestrian and shall give an audible signal before overtaking and passing the pedestrian.

(6) A moped, low-speed vehicle, or commercial quadricycle shall not be operated on a sidewalk constructed for the use of pedestrians.

(7) A low-speed vehicle or commercial quadricycle shall be operated at a speed of not more than 25 miles per hour. A low-speed vehicle shall not be operated on a highway or street with a speed limit of more than 35 miles per hour except for the purpose of crossing that highway or street. A commercial quadricycle shall not be operated on a highway or street with a speed limit of more than 45 miles per hour except for the purpose of crossing that highway or street. An individual shall not operate a commercial quadricycle that is equipped with a motor unless he or she has a valid operator's license issued under this act. The state transportation department may prohibit the operation of a low-speed vehicle or commercial quadricycle on any highway or street under its jurisdiction if it determines that the prohibition is necessary in the interest of public safety.

(8) This section does not apply to a police officer in the performance of his or her official duties.

(9) An electric personal assistive mobility device shall be operated at a speed of not more than 15 miles per hour and shall not be operated on a highway or street with a speed limit of more than 25 miles per hour except to cross that highway or street.

(10) An electric skateboard shall be operated at a speed of not more than 25 miles per hour. An electric skateboard that does not have handlebars shall not be operated on a highway or street with a speed limit of more than 25 miles per hour except to cross that highway or street, and an electric skateboard equipped with handlebars shall not be operated on a highway or street with a speed limit of more than 45 miles per hour except to cross that highway or street.

(11) The governing body of a county, a city, a village, an entity created under the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512, or a township may, by ordinance based on the health, safety, and welfare of the citizens, regulate the operation of electric personal assistive mobility devices, electric skateboards, or commercial quadricycles on sidewalks, highways or streets, or crosswalks. Except as otherwise provided in this subsection, a governing body of a county, city, village, entity created under the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512, or township may prohibit the operation of electric personal assistive mobility devices, electric skateboards or commercial quadricycles in an area open to pedestrian traffic adjacent to a waterfront or on a trail under its jurisdiction or in a downtown or central business district. Signs indicating the regulation shall be conspicuously posted in the area where the use of an electric personal assistive mobility device, electric skateboard, or commercial quadricycle is regulated.

(12) Operation of an electric personal assistive mobility device or electric skateboard is prohibited in a special charter city and a state park under the jurisdiction of the Mackinac Island State Park commission.

(13) Operation of an electric personal assistive mobility device or electric skateboard may be prohibited in a historic district.

(14) The department of natural resources may by order regulate the use of electric personal assistive mobility devices or electric skateboards on all lands under its control.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1966, Act 207, Eff. Mar. 10, 1967;—Am. 1969, Act 134, Eff. June 1, 1970;—Am. 1975, Act 209, Imd. Eff. Aug. 25, 1975;—Am. 1975, Act 273, Eff. Mar. 31, 1976;—Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977;—Am. 1994, Act 348, Eff. Mar. 30, 1995;—Am. 2000, Act 82, Eff. July 1, 2000;—Am. 2002, Act 494, Imd. Eff. July 3, 2002;—Am. 2006, Act 339, Imd. Eff. Aug. 15, 2006;—Am. 2015, Act 126, Imd. Eff. July 15, 2015;—Am. 2018, Act 204, Eff. Sept. 18, 2018;—Am. 2018, Act 394, Eff. Mar. 19, 2019.

Compiler's note: For transfer of powers and duties of department of natural resources to department of natural resources and environment, and abolishment of department of natural resources, see E.R.O. No. 2009-31, compiled at MCL 324.99919.

For transfer of powers and duties of department of natural resources and environment to department of natural resources, see E.R.O. No. 2011-1, compiled at MCL 324.99921.

257.660a Operation of bicycle upon highway or street; riding close to right-hand curb or edge of roadway; exceptions.

Sec. 660a. A person operating a bicycle upon a highway or street at less than the existing speed of traffic shall ride as close as practicable to the right-hand curb or edge of the roadway except as follows:

(a) When overtaking and passing another bicycle or any other vehicle proceeding in the same direction.

(b) When preparing to turn left.

(c) When conditions make the right-hand edge of the roadway unsafe or reasonably unusable by bicycles, including, but not limited to, surface hazards, an uneven roadway surface, drain openings, debris, parked or moving vehicles or bicycles, pedestrians, animals, or other obstacles, or if the lane is too narrow to permit a vehicle to safely overtake and pass a bicycle.

(d) When operating a bicycle in a lane in which the traffic is turning right but the individual intends to go straight through the intersection.

(e) When operating a bicycle upon a 1-way highway or street that has 2 or more marked traffic lanes, in which case the individual may ride as near the left-hand curb or edge of that roadway as practicable.

History: Add. 2006, Act 339, Imd. Eff. Aug. 15, 2006.

Compiler's note: Former MCL 257.660a, which pertained to operation of bicycle with motor, was repealed by Act 439 of 1976, Imd. Eff. Jan. 13, 1997.

257.660b Operation of bicycle upon highway or street; riding more than 2 abreast.

Sec. 660b. Two or more individuals operating bicycles upon a highway or street shall not ride more than 2 abreast except upon a path or portion of the highway or street set aside for the use of bicycles.

History: Add. 2006, Act 339, Imd. Eff. Aug. 15, 2006.

257.660c Operation of bicycle upon sidewalk or pedestrian crosswalk.

Sec. 660c. (1) An individual operating a bicycle upon a sidewalk or a pedestrian crosswalk shall yield the right-of-way to pedestrians and shall give an audible signal before overtaking and passing a pedestrian.

(2) An individual shall not operate a bicycle upon a sidewalk or a pedestrian crosswalk if that operation is prohibited by an official traffic control device.

(3) An individual lawfully operating a bicycle upon a sidewalk or a pedestrian crosswalk has all of the rights and responsibilities applicable to a pedestrian using that sidewalk or crosswalk.

History: Add. 2006, Act 339, Imd. Eff. Aug. 15, 2006.

***** *257.660d THIS SECTION IS AMENDED EFFECTIVE MARCH 19, 2019: See 257.660d.amended* *****

257.660d Parking bicycle on sidewalk, highway, or street.

Sec. 660d. (1) An individual may park a bicycle on a sidewalk except as prohibited by an official traffic control device.

(2) An individual shall not park a bicycle on a sidewalk in such a manner that the bicycle impedes the lawful movement of pedestrians or other traffic.

(3) An individual may park a bicycle on a highway or street at any location where parking is allowed for motor vehicles, may park at any angle to the curb or the edge of the highway, and may park abreast of another bicycle.

(4) An individual shall not park a bicycle on a highway or street in such a manner as to obstruct the movement of a legally parked motor vehicle.

(5) Except as otherwise provided in this section, an individual parking a bicycle on a highway or street shall do so in compliance with this act and any local ordinance.

History: Add. 2006, Act 339, Imd. Eff. Aug. 15, 2006.

***** *257.660d.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 19, 2019* *****

257.660d.amended Parking bicycle or electric skateboard on sidewalk, highway, or street.

Sec. 660d. (1) An individual may park a bicycle or an electric skateboard equipped with handlebars on a sidewalk except as prohibited by an official traffic control device.

(2) An individual shall not park a bicycle or an electric skateboard equipped with handlebars on a sidewalk in such a manner that the bicycle or electric skateboard equipped with handlebars impedes the lawful movement of pedestrians or other traffic.

(3) An individual may park a bicycle or an electric skateboard equipped with handlebars on a highway or

street at any location where parking is allowed for motor vehicles, may park at any angle to the curb or the edge of the highway, and may park abreast of another bicycle or electric skateboard equipped with handlebars.

(4) An individual shall not park a bicycle or an electric skateboard equipped with handlebars on a highway or street in such a manner as to obstruct the movement of a legally parked motor vehicle.

(5) Except as otherwise provided in this section, an individual parking a bicycle or an electric skateboard equipped with handlebars on a highway or street shall do so in compliance with this act and any local ordinance.

History: Add. 2006, Act 339, Imd. Eff. Aug. 15, 2006;—Am. 2018, Act 394, Eff. Mar. 19, 2019.

257.661 Carrying package, bundle, or article on bicycle, electric personal assistive mobility device, moped, or motorcycle.

Sec. 661. A person operating a bicycle, electric personal assistive mobility device, moped, or motorcycle shall not carry any package, bundle, or article that prevents the driver from keeping both hands upon the handlebars of the vehicle.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1966, Act 207, Eff. Mar. 10, 1967;—Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977;—Am. 2002, Act 494, Imd. Eff. July 3, 2002.

257.661a Handlebars of motorcycle or moped.

Sec. 661a. A person shall not operate on a public highway of this state a motorcycle or moped equipped with handlebars that are higher than 30 inches from the lowest point of the undepressed saddle to the highest point of the handle grip of the operator.

History: Add. 1969, Act 134, Eff. June 1, 1970;—Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977;—Am. 2018, Act 160, Imd. Eff. May 23, 2018.

257.662 Bicycle, electric personal assistive mobility device, electric skateboard, or commercial quadricycle; equipment; violation as civil infraction.

Sec. 662. (1) A bicycle, electric personal assistive mobility device, electric skateboard, or commercial quadricycle being operated on a roadway between 1/2 hour after sunset and 1/2 hour before sunrise shall be equipped with a lamp on the front that emits a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear that shall be visible from all distances from 100 feet to 600 feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

(2) A bicycle shall be equipped with a brake that enables the operator to make the braked wheels skid on dry, level, clean pavement.

(3) An electric personal assistive mobility device, electric skateboard, or commercial quadricycle shall enable the operator to bring it to a controlled stop.

(4) A person shall not sell, offer for sale, or deliver for sale in this state a bicycle or a pedal for use on a bicycle, either of which was manufactured after January 1, 1976, unless it is equipped with a type of reflex reflector located on the front and rear surfaces of the pedal. The reflector elements may be either integral with the construction of the pedal or mechanically attached, but shall be sufficiently recessed from the edge of the pedal, or of the reflector housing, to prevent contact of the reflector element with a flat surface placed in contact with the edge of the pedal. The pedal reflectors shall be visible from the front and rear of the bicycle during the nighttime from a distance of 200 feet when directly exposed to the lower beam head lamps of a motor vehicle.

(5) A person shall not sell, offer for sale, or deliver for sale in this state a bicycle manufactured after January 1, 1976 or an electric personal assistive mobility device unless it is equipped with either tires that have reflective sidewalls or with wide-angle prismatic spoke reflectors. If the bicycle or the electric personal assistive mobility device is manufactured with reflective sidewalls, the reflective portion of the sidewall shall form a continuous circle on the sidewall, and may not be removed from the tire without removal of tire material. If the bicycle is equipped with wide-angle prismatic spoke reflectors, the reflectors of the front wheel shall be essentially colorless or amber, and the reflectors on the rear wheel shall be essentially colorless or red. Reflective sidewalls or spoke reflectors shall cause the bicycle to be visible from all distances from 100 feet to 600 feet when viewed under lawful low beam motor vehicle head lamps under normal atmospheric conditions.

(6) A person who violates subsection (1) or (2) is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1975, Act 209, Imd. Eff. Aug. 25, 1975;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 2000, Act 131, Imd. Eff. June 1, 2000;—Am. 2002, Act 494, Imd. Eff. July 3, 2002;—Am. 2015, Act 126, Imd. Eff. July 15, 2015

;—Am. 2018, Act 204, Eff. Sept. 18, 2018.

257.662a Electric bicycle; rights of individual; label to be affixed by manufacturer or distributor; tampering with or modification of electric bicycle prohibited; requirements applicable to class 3 electric bicycle; compliance with federal requirements; operation on highway or within city; operation of class 1, class 2, or class 3 electric bicycle on certain trails; compliance with Americans with disabilities act of 1990 and persons with disabilities civil rights act; public hearing; inapplicability of subsections (6) to (10) to use of electric bicycles on congressionally authorized public trail system.

Sec. 662a. (1) Except as otherwise provided in this section, an individual riding an electric bicycle is subject to the same requirements under this act as an individual riding a bicycle.

(2) Beginning on January 1, 2018, a manufacturer or distributor of electric bicycles offered for sale or distribution in this state shall permanently affix in a prominent location on the electric bicycle a label that contains the classification number, top assisted speed, and motor wattage of the electric bicycle. The label required under this subsection shall be printed in Arial font and shall be at least 9-point type.

(3) A person shall not tamper with or modify an electric bicycle so as to change the manufactured motor-powered speed capability or motor engagement of the electric bicycle without replacing the label required under subsection (2) with an appropriate label printed in Arial font and in at least 9-point type. For purposes of this act, a device shall not be considered an electric bicycle if the motor is modified in a manner that no longer meets the criteria described in section 13e, or if the motor exceeds 750 watts.

(4) All of the following apply to a class 3 electric bicycle:

(a) A class 3 electric bicycle shall not be operated by an individual less than 14 years of age. An individual less than 14 years of age may ride as a passenger on a class 3 electric bicycle that is designed to accommodate passengers.

(b) An individual less than 18 years of age who operates or rides as a passenger on a class 3 electric bicycle shall wear a properly fitted and fastened bicycle helmet that meets federal standards established by the United States Consumer Product Safety Commission or the American Society for Testing and Materials.

(5) An electric bicycle shall comply with applicable equipment and manufacturing requirements for electric bicycles established under federal law, including standards adopted by the United States Consumer Product Safety Commission and compiled in 16 CFR part 1512.

(6) Except as otherwise provided in subsection (7), an individual may operate an electric bicycle on any part of a highway that is open to a bicycle, including, but not limited to, a lane designated for the exclusive use of bicycles and the shoulder.

(7) An individual shall not operate an electric bicycle within a city that prohibits the use of nonemergency motor vehicles, unless the city council of that city, by majority vote, adopts a resolution allowing the operation of electric bicycles within city limits. An individual shall not operate an electric bicycle within the Mackinac Island State Park, unless he or she has obtained the required permit from the Mackinac Island State Park Commission created in part 767 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.76701 to 324.76709, or unless the Mackinac Island State Park Commission authorizes the operation of electric bicycles within its jurisdiction. If a city described in this subsection or the Mackinac Island State Park Commission authorizes the operation of electric bicycles within its jurisdiction, the city or the Mackinac Island State Park Commission may regulate the operation of electric bicycles within its jurisdiction.

(8) An individual may operate a class 1 electric bicycle on a linear trail that has an asphalt, crushed limestone, or similar surface, or a rail trail. A local authority or agency of this state having jurisdiction over a trail described in this subsection may regulate or prohibit the operation of a class 1 electric bicycle on that trail.

(9) An individual may operate a class 2 or class 3 electric bicycle on a linear trail that has an asphalt, crushed limestone, or similar surface, or a rail trail if authorized by the local authority or agency of this state having jurisdiction over the trail.

(10) Except as otherwise provided in this subsection, an individual shall not operate an electric bicycle on a trail that is designated as nonmotorized and that has a natural surface tread that is made by clearing and grading the native soil with no added surfacing materials. A local authority or agency of this state having jurisdiction over a trail described in this subsection may allow and regulate the operation of an electric bicycle on that trail.

(11) This state or a local authority or agency of this state shall administer the provisions of this section in a manner that complies with the Americans with disabilities act of 1990, Public Law 101-336, and the persons with disabilities civil rights act, 1976 PA 220, MCL 37.1101 to 37.1607.

(12) Before an entity described in subsections (7) to (10) may prohibit, authorize, or regulate the use of

electric bicycles within its jurisdiction, that entity shall hold a public hearing on the matter.

(13) Subsections (6) to (10) do not apply to the use of electric bicycles on a congressionally authorized public trail system.

History: Add. 2017, Act 139, Eff. Jan. 28, 2018.

AUTOMATED VEHICLES

257.663 Repealed. 2016, Act 332, Imd. Eff. Dec. 9, 2016.

Compiler's note: The repealed section pertained to prohibition against operation of automated motor vehicle.

257.664 Repealed. 2000, Act 126, Imd. Eff. May 30, 2000.

257.665 Research or testing of automated motor vehicle, technology allowing motor vehicle to operate without human operator, or any automated driving system; proof of insurance; existence of certain circumstances; operation; Michigan council on future mobility; creation; membership; chairperson; recommendations; plan for general platoon operations; provisions applicable to platoon.

Sec. 665. (1) Before beginning research or testing on a highway or street in this state of an automated motor vehicle, technology that allows a motor vehicle to operate without a human operator, or any automated driving system installed in a motor vehicle under this section, the manufacturer of automated driving systems or upfitter performing that research or testing shall submit proof satisfactory to the secretary of state that the vehicle is insured under chapter 31 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 to 500.3179.

(2) A manufacturer of automated driving systems or upfitter shall ensure that all of the following circumstances exist when researching or testing the operation, including operation without a human operator, of an automated motor vehicle or any automated technology or automated driving system installed in a motor vehicle upon a highway or street:

(a) The vehicle is operated only by an employee, contractor, or other person designated or otherwise authorized by that manufacturer of automated driving systems or upfitter. This subdivision does not apply to a university researcher or an employee of the state transportation department or the department described in subsection (3).

(b) An individual described in subdivision (a) has the ability to monitor the vehicle's performance while it is being operated on a highway or street in this state and, if necessary, promptly take control of the vehicle's movements. If the individual does not, or is unable to, take control of the vehicle, the vehicle shall be capable of achieving a minimal risk condition.

(c) The individual operating the vehicle under subdivision (a) and the individual who is monitoring the vehicle for purposes of subdivision (b) may lawfully operate a motor vehicle in the United States.

(3) A university researcher or an employee of the state transportation department or the department who is engaged in research or testing of automated motor vehicles may operate an automated motor vehicle if the operation is in compliance with subsection (2).

(4) An automated motor vehicle may be operated on a street or highway in this state.

(5) When engaged, an automated driving system allowing for operation without a human operator shall be considered the driver or operator of a vehicle for purposes of determining conformance to any applicable traffic or motor vehicle laws and shall be deemed to satisfy electronically all physical acts required by a driver or operator of the vehicle.

(6) The Michigan council on future mobility is created within the state transportation department. The council shall provide to the governor, legislature, department, state transportation department, department of insurance and financial services, department of technology, management, and budget, and department of state police recommendations for changes in state policy to ensure that this state continues to be the world leader in autonomous, driverless, and connected vehicle technology. The council created under this subsection shall consist of all of the following members, who shall serve without compensation:

(a) Eleven individuals appointed by the governor who represent the interests of local government or are business, policy, research, or technological leaders in future mobility. The individuals appointed under this subdivision shall be voting members.

(b) One individual appointed by the governor who is representative of insurance interests. The individual appointed under this subdivision shall be a voting member.

(c) Two state senators appointed by the senate majority leader to serve as nonvoting ex officio members. One of the senators appointed under this subdivision shall be a member of the majority party, and 1 of the senators appointed under this subdivision shall be a member of the minority party.

(d) Two state representatives appointed by the speaker of the house of representatives to serve as nonvoting ex officio members. One of the representatives appointed under this subdivision shall be a member of the majority party, and 1 of the representatives appointed under this subdivision shall be a member of the minority party.

(e) The secretary of state or his or her designee. The individual appointed under this subdivision shall be a voting member.

(f) The director of the state transportation department or his or her designee. The individual appointed under this subdivision shall be a voting member.

(g) The director of the department of state police or his or her designee. The individual appointed under this subdivision shall be a voting member.

(h) The director of the department of insurance and financial services or his or her designee. The individual appointed under this subdivision shall be a voting member.

(i) The director of the department of technology, management, and budget or his or her designee. The individual appointed under this subdivision shall be a voting member.

(7) The governor shall designate 1 or more of the members of the commission to serve as chairperson of the commission who shall serve at the governor's pleasure.

(8) The council created under subsection (6) shall submit recommendations for statewide policy changes and updates no later than March 31, 2017 and shall continue to make recommendations annually thereafter, or more frequently in the commission's discretion.

(9) A person may operate a platoon on a street or highway of this state if the person files a plan for general platoon operations with the department of state police and the state transportation department before starting platoon operations. If the plan is not rejected by either the department of state police or the state transportation department within 30 days after receipt of the plan, the person shall be allowed to operate the platoon.

(10) All of the following apply to a platoon:

(a) Vehicles in a platoon shall not be considered a combination of vehicles for purposes of this act.

(b) The lead vehicle in a platoon shall not be considered to draw the other vehicles.

(c) If the platoon includes a commercial motor vehicle, an appropriately endorsed driver who holds a valid commercial driver license shall be present behind the wheel of each commercial motor vehicle in the platoon.

History: Add. 2013, Act 231, Eff. Mar. 27, 2014;—Am. 2016, Act 332, Imd. Eff. Dec. 9, 2016.

Compiler's note: Former MCL 257.665, was repealed by Act 126 of 2000, Imd. Eff. May 30, 2000.

257.665a Liability.

Sec. 665a. A manufacturer of automated driving technology, an automated driving system, or a motor vehicle is immune from liability that arises out of any modification made to a motor vehicle, an automated motor vehicle, an automated driving system, or automated driving technology by another person without the manufacturer's consent, as provided in section 2949b of the revised judicature act of 1961, 1961 PA 236, MCL 600.2949b. Nothing in this section supersedes or otherwise affects the contractual obligations, if any, between a motor vehicle manufacturer and a manufacturer of automated driving systems or a manufacturer of automated driving technology.

History: Add. 2016, Act 332, Imd. Eff. Dec. 9, 2016.

257.665b Participation of motor vehicle manufacturer in SAVE project.

Sec. 665b. (1) A motor vehicle manufacturer may participate in a SAVE project if it self-certifies to all of the following:

(a) That it is a motor vehicle manufacturer. A person that is not a motor vehicle manufacturer may not participate in a SAVE project.

(b) That each vehicle in the participating fleet is owned or controlled by the motor vehicle manufacturer and is equipped with all of the following:

(*i*) An automated driving system.

(*ii*) Automatic crash notification technology.

(*iii*) A data recording system that has the capacity to record the automated driving system's status and other vehicle attributes including, but not limited to, speed, direction, and location during a specified time period before a crash as determined by the motor vehicle manufacturer.

(c) That the participating fleet complies with all applicable state and federal laws.

(d) That each vehicle in the participating fleet is capable of being operated in compliance with applicable traffic and motor vehicle laws of this state.

(2) A motor vehicle manufacturer's eligibility to participate in a SAVE project under this section is conditioned solely upon meeting the requirements of this section. A motor vehicle manufacturer shall verify

its satisfaction of the requirements of this section using the self-certification described in subsection (1).

(3) All of the following apply to a motor vehicle manufacturer that participates in a SAVE project:

(a) The motor vehicle manufacturer may commence a SAVE project at any time after it notifies the department that it has self-certified as provided in subsection (1). The notification required by this subdivision shall also set forth the geographical boundaries for the SAVE project. A motor vehicle manufacturer may make multiple notifications under this subsection.

(b) The motor vehicle manufacturer may participate in a SAVE project under any terms it deems appropriate so long as the terms are consistent with this section and other applicable law.

(c) The motor vehicle manufacturer shall determine the geographical boundaries for a SAVE project, which may include, but are not limited to, any of the following:

(*i*) A designated area within a municipality.

(*ii*) An area maintained by a regional authority.

(*iii*) A university campus.

(*iv*) A development that caters to senior citizens.

(*v*) A geographic or demographic area that is similar to the areas described in subparagraphs (*i*) to (*iv*).

(d) Public operation of a participating fleet shall be confined to the boundaries selected by the motor vehicle manufacturer under subdivision (c).

(e) For the duration of a SAVE project, the motor vehicle manufacturer shall maintain incident records and provide periodic summaries related to the safety and efficacy of travel of the participating fleet to the department and the National Highway Traffic Safety Administration.

(f) An individual who participates in a SAVE project is deemed by his or her participation to have consented to the collection of the information described in subdivision (e) while he or she is in a vehicle that is part of the participating fleet and to the provision of the summaries to the department and the National Highway Traffic Safety Administration as described in subdivision (e). Before commencing a SAVE project, and for the duration of the SAVE project, the motor vehicle manufacturer shall make publicly available a privacy statement disclosing its data handling practices in connection with the applicable participating fleet.

(4) When engaged, an automated driving system or any remote or expert-controlled assist activity shall be considered the driver or operator of the vehicle for purposes of determining conformance to any applicable traffic or motor vehicle laws and shall be deemed to satisfy electronically all physical acts required by a driver or operator of the vehicle. A motor vehicle manufacturer shall insure each vehicle in a participating fleet as required under this act and chapter 31 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 to 500.3179. For each SAVE project in which it participates, during the time that an automated driving system is in control of a vehicle in the participating fleet, a motor vehicle manufacturer shall assume liability for each incident in which the automated driving system is at fault, subject to chapter 31 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 to 500.3179.

History: Add. 2016, Act 333, Imd. Eff. Dec. 9, 2016.

257.666 Violation; civil infraction; other violations arising from same transaction.

Sec. 666. (1) A person who violates this division is responsible for a civil infraction and may be fined as provided in section 907.

(2) This division does not prohibit a person from being charged with, convicted of or being found responsible for, ordered to pay a fine or costs, or punished for any other violation of law arising out of the same transaction as the violation of this division.

History: Add. 2013, Act 231, Eff. Mar. 27, 2014.

Compiler's note: Former MCL 257.666, was repealed by Act 126 of 2000, Imd. Eff. May 30, 2000.

SPECIAL STOPS REQUIRED

***** *257.667 THIS SECTION IS AMENDED EFFECTIVE MARCH 19, 2019: See 257.667.amended* *****

257.667 Stopping at railroad grade crossing; driving through, around, or under crossing gate or barrier; violation as civil infraction.

Sec. 667. (1) When a person driving a vehicle approaches a railroad grade crossing under any of the following circumstances, the driver shall stop the vehicle not more than 50 feet but not less than 15 feet from the nearest rail of the railroad, and shall not proceed until the driver can do so safely:

(a) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train.

(b) A crossing gate is lowered or a flagman gives or continues to give a signal of the approach or passage of a railroad train.

(c) A railroad train approaching within approximately 1,500 feet of the highway crossing gives a signal audible from that distance, and the train by reason of its speed or nearness to the crossing is an immediate hazard.

(d) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing.

(2) A person shall not drive a vehicle through, around, or under a crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is being opened or closed or against the direction of a police officer.

(3) A person who violates this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1966, Act 237, Eff. Mar. 10, 1967;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 2002, Act 534, Eff. Oct. 1, 2002.

***** *257.667.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 19, 2019* *****

257.667.amended Stopping at railroad grade crossing; driving through, around, or under crossing gate or barrier; violation as civil infraction.

Sec. 667. (1) When a person driving a vehicle approaches a railroad grade crossing under any of the following circumstances, the driver shall stop the vehicle not more than 50 feet but not less than 15 feet from the nearest rail of the railroad, and shall not proceed until the driver can do so safely:

(a) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train or other on-track equipment.

(b) A crossing gate is lowered or a flagman gives or continues to give a signal of the approach or passage of a railroad train or other on-track equipment.

(c) A railroad train or other on-track equipment approaching within approximately 1,500 feet of the highway crossing gives a signal audible from that distance, and the railroad train or on-track equipment by reason of its speed or nearness to the crossing is an immediate hazard.

(d) An approaching railroad train or other on-track equipment is plainly visible and is in hazardous proximity to the crossing.

(2) A person shall not drive a vehicle through, around, or under a crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is being opened or closed or against the direction of a police officer.

(3) A person who violates this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1966, Act 237, Eff. Mar. 10, 1967;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 2002, Act 534, Eff. Oct. 1, 2002;—Am. 2018, Act 394, Eff. Mar. 19, 2019.

257.667a Installation and use of unmanned traffic monitoring devices at railroad grade crossing; civil infraction; evidence; diagnostic study team review required where fatality at public railroad grade crossing; exception.

Sec. 667a. (1) The department of state police or the state transportation department; the county board of commissioners, board of county road commissioners, or county sheriff; or other local authority having jurisdiction over a highway or street may authorize the installation and use of unmanned traffic monitoring devices at a railroad grade crossing with flashing signals and gates on a highway or street under their respective jurisdictions. Each device shall be sufficiently marked or identified or a sign shall be placed at the approach to the crossing indicating that the crossing is monitored by an unmanned traffic monitoring device.

(2) Beginning 31 days after the installation of an unmanned traffic monitoring device at a railroad grade crossing described in subsection (1), a person is responsible for a civil infraction as provided in section 667 if the person violates a provision of that section on the basis of evidence obtained from an unmanned traffic monitoring device. However, for the first 30 days after the installation of an unmanned traffic monitoring device, a person shall be issued a written warning only. It is an affirmative defense to a charge of violating section 667 that the mechanical warning devices at the crossing were malfunctioning.

(3) A sworn statement of a police officer from the state or local authority having jurisdiction over the highway or street upon which the railroad grade crossing described in subsection (1) is located, based upon inspection of photographs, microphotographs, videotape, or other recorded images produced by an unmanned traffic monitoring device, is prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images indicating such a violation shall be available for inspection in any proceeding to adjudicate the responsibility for a violation of section 667. Any photographs, videotape, or digital images of the violation shall be destroyed 90 days after final disposition of the citation.

(4) In a prosecution for a violation of section 667 established by an unmanned traffic monitoring device under this section, prima facie evidence that the vehicle described in the citation issued was operated in violation of section 667, together with proof that the defendant was at the time of the violation the registered owner of the vehicle, shall constitute in evidence a rebuttable presumption that the registered owner of the vehicle was the person who committed the violation. The presumption is rebutted if the registered owner of the vehicle files an affidavit by regular mail with the clerk of the court that he or she was not the operator of the vehicle at the time of the alleged violation or testifies in open court under oath that he or she was not the operator of the vehicle at the time of the alleged violation. The presumption also is rebutted if a certified copy of a police report, showing that the vehicle had been reported to the police as stolen before the time of the alleged violation of this section, is presented before the appearance date established on the citation. For purposes of this subsection, the owner of a leased or rental vehicle shall provide the name and address of the person to whom the vehicle was leased or rented at the time of the violation.

(5) Notwithstanding section 742, a citation for a violation of section 667 on the basis of evidence obtained from an unmanned traffic monitoring device may be executed by mailing by first-class mail a copy to the address of the owner of the vehicle as shown on the records of the secretary of state. If the summoned person fails to appear on the date of return set out in the citation previously mailed by first-class mail under this subsection, a copy shall be sent by certified mail-return receipt requested. If the summoned person fails to appear on either of the dates of return set out in the copies of the citation mailed under this section, the citation shall be executed in the manner provided by law for personal service. The court may issue a warrant for the arrest of a person who fails to appear within the time limit established on the citation if a sworn complaint is filed with the court for that purpose.

(6) If there is a fatality resulting from a train-vehicle crash at a public railroad grade crossing, the state transportation department shall convene a diagnostic study team review, if there has not been a diagnostic study team review at the crossing in the last 2 years. However, a diagnostic study team review is not required if the initial law enforcement investigation of the fatality indicates that the motorist's consumption of alcohol or a controlled substance or his or her disregard of an existing traffic control device conveying a "stop" message contributed to the fatality, or that the fatality was a suicide. The diagnostic study team review shall be conducted within 120 days after the state transportation department is made aware of the fatality. If the diagnostic study team review reaches consensus that warning device enhancements are needed, the state transportation department shall order those improvements. The cost for the improvements shall be financed consistent with the financing of similar projects by the state transportation department according to its annual prioritization of grade crossing safety improvements.

History: Add. 2000, Act 367, Imd. Eff. Jan. 2, 2001;—Am. 2002, Act 534, Eff. Oct. 1, 2002;—Am. 2006, Act 600, Imd. Eff. Jan. 3, 2007.

***** *257.668 THIS SECTION IS AMENDED EFFECTIVE MARCH 19, 2019: See 257.668.amended* *****

257.668 Designating certain grade crossings as “stop” crossings or “yield” crossings; signs; duties of driver; cost of yield sign installations; action for negligence; failure to stop or yield as civil infraction.

Sec. 668. (1) The state transportation department with respect to highways under its jurisdiction, the county road commissions, and local authorities with reference to highways under their jurisdiction, may designate certain grade crossings of railways by highways as “stop” crossings, and erect signs at the crossings notifying drivers of vehicles upon the highway to come to a complete stop before crossing the railway tracks. When a crossing is so designated and signposted, the driver of a vehicle shall stop not more than 50 feet but not less than 15 feet from the railway tracks. The driver shall then traverse the crossing when it may be done in safety.

(2) The state transportation department with respect to highways under its jurisdiction, the county road commissions, and local authorities with reference to highways under their jurisdiction, may designate certain grade crossings of railways by highways as yield crossings, and erect signs at the crossings notifying drivers of vehicles upon the highway to yield. Yield signs may be mounted on the same post as is the crossbuck sign. Drivers of vehicles approaching a yield sign at the grade crossing of a railway shall maintain a reasonable speed based upon existing conditions and shall yield the right-of-way. The cost of yield sign installations shall be borne equally by the railroad and the governmental authority under whose jurisdiction the highway rests. The erection of or failure to erect, replace, or maintain a stop or yield sign or other railroad warning device, unless such devices or signs were ordered by public authority, shall not be a basis for an action of negligence against the state transportation department, county road commissions, the railroads, or local authorities.

(3) A person who fails to stop or yield as required by this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1953, Act 76, Eff. Oct. 2, 1953;—Am. 1961, Act 179, Eff. Sept. 8, 1961;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1980, Act 101, Imd. Eff. Apr. 27, 1980;—Am. 2002, Act 534, Eff. Oct. 1, 2002.

***** *257.668.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 19, 2019* *****

257.668.amended Designating certain grade crossings as "stop" crossings or "yield" crossings; signs; duties of driver; cost of yield sign installations; action for negligence; exception for on-track equipment; failure to stop or yield as civil infraction.

Sec. 668. (1) The state transportation department with respect to highways under its jurisdiction and the county road commissions and local authorities with respect to highways under their jurisdiction may designate certain grade crossings of railways by highways as "stop" crossings, and erect signs at the crossings notifying drivers of vehicles upon the highway to come to a complete stop before crossing the railway tracks. When a crossing is designated and signposted as provided in this subsection, the driver of a vehicle shall stop not more than 50 feet but not less than 15 feet from the railway tracks. The driver shall then traverse the crossing when it may be done in safety.

(2) The state transportation department with respect to highways under its jurisdiction and the county road commissions and local authorities with respect to highways under their jurisdiction may designate certain grade crossings of railways by highways as yield crossings, and erect signs at the crossings notifying drivers of vehicles upon the highway to yield. Yield signs may be mounted on the same post as the crossbuck sign. Drivers of vehicles approaching a yield sign at the grade crossing of a railway shall maintain a reasonable speed based upon existing conditions and shall yield the right-of-way. The cost of yield sign installations shall be borne equally by the railroad and the governmental authority under whose jurisdiction the highway rests. The erection of or failure to erect, replace, or maintain a stop or yield sign or other railroad warning device, unless the device or sign was ordered by public authority, is not a basis for an action of negligence against the state transportation department, county road commissions, the railroads, or local authorities.

(3) If other on-track equipment does not trigger the activation of an electric or mechanical signal device, and employees of the railroad have followed all applicable railroad operating rules, there is no basis for a civil action against the railroad that operated the other on-track equipment, the state transportation department, a county road commission, or a local authority, or an employee or agent of the railroad that operated the other on-track equipment, the state transportation department, a county road commission, or a local authority.

(4) A person who fails to stop or yield as required by this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1953, Act 76, Eff. Oct. 2, 1953;—Am. 1961, Act 179, Eff. Sept. 8, 1961;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1980, Act 101, Imd. Eff. Apr. 27, 1980;—Am. 2002, Act 534, Eff. Oct. 1, 2002;—Am. 2018, Act 394, Eff. Mar. 19, 2019.

***** *257.669 THIS SECTION IS AMENDED EFFECTIVE MARCH 19, 2019: See 257.669.amended* *****

257.669 Vehicles required to activate hazard warning lights and stop at railroad track grade crossing; driver to listen and look in both directions; shifting gears prohibited; exceptions; "inactive railroad track" defined; violation as civil infraction.

Sec. 669. (1) Except as provided in subsections (2), (3), and (4), the driver of a motor vehicle transporting 16 or more passengers including the driver, a motor vehicle carrying passengers for hire, or a motor vehicle that is required to be marked or placarded under 49 CFR parts 100 to 180, before crossing a railroad track at grade, shall activate the vehicle hazard warning lights and stop the vehicle within 50 feet but not less than 15 feet from the nearest rail. While stopped, the driver shall listen and look in both directions along the track for an approaching train and for signals indicating the approach of a train, and shall not proceed until the driver can do so safely. After stopping as required in this subsection, and upon proceeding when it is safe to do so, the driver of the vehicle shall cross only in a gear of the vehicle that does not require changing gears while traversing the crossing. The driver shall not shift gears while crossing the track or tracks.

(2) A stop need not be made at a railroad track grade crossing where a police officer or a traffic-control signal directs traffic to proceed.

(3) A stop need not be made at an inactive railroad track grade crossing. As used in this subsection, "inactive railroad track" means a railroad track that meets all of the following requirements:

(*i*) The track has been covered or removed.

(*ii*) All signs, signals, and other warning devices are removed.

(4) A stop shall not be made at a railroad grade crossing marked with a sign reading "exempt". Exempt signs may be erected only by or with the consent of the state transportation department after notice to and an opportunity to be heard by the primary railroad operating over that crossing.

(5) A person who violates this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1965, Act 235, Imd. Eff. July 21, 1965;—Am. 1967, Act 99, Eff. Sept. 1, 1967;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1978, Act 612, Imd. Eff. Jan. 6, 1979;—Am. 1988, Act 383, Eff. Apr. 1, 1989;—Am. 1990, Act 188, Eff. Aug. 15, 1990;—Am. 1995, Act 248, Imd. Eff. Dec. 27, 1995;—Am. 2002, Act 534, Eff. Oct. 1, 2002;—Am. 2015, Act 128, Imd. Eff. July 15, 2015.

***** *257.669.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 19, 2019* *****

257.669.amended Vehicles required to activate hazard warning lights and stop at railroad track grade crossing; driver to listen and look in both directions; shifting gears prohibited; exceptions; "inactive railroad track" defined; violation as civil infraction.

Sec. 669. (1) Except as provided in subsections (2), (3), and (4), the driver of a motor vehicle transporting 16 or more passengers including the driver, a motor vehicle carrying passengers for hire, or a motor vehicle that is required to be marked or placarded under 49 CFR parts 100 to 180, before crossing a railroad track at grade, shall activate the vehicle hazard warning lights and stop the vehicle within 50 feet but not less than 15 feet from the nearest rail. While stopped, the driver shall listen and look in both directions along the track for an approaching railroad train or other on-track equipment and for signals indicating the approach of a railroad train or other on-track equipment, and shall not proceed until the driver can do so safely. After stopping as required in this subsection, and upon proceeding when it is safe to do so, the driver of the vehicle shall cross only in a gear of the vehicle that does not require changing gears while traversing the crossing. The driver shall not shift gears while crossing the track or tracks.

(2) A stop need not be made at a railroad track grade crossing where a police officer or a traffic-control signal directs traffic to proceed.

(3) A stop need not be made at an inactive railroad track grade crossing. As used in this subsection, "inactive railroad track" means a railroad track that meets all of the following requirements:

(a) The track has been covered or removed.

(b) All signs, signals, and other warning devices are removed.

(4) A stop shall not be made at a railroad grade crossing marked with a sign reading "exempt". Exempt signs may be erected only by or with the consent of the state transportation department after notice to and an opportunity to be heard by the primary railroad operating over that crossing.

(5) A person who violates this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1965, Act 235, Imd. Eff. July 21, 1965;—Am. 1967, Act 99, Eff. Sept. 1, 1967;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1978, Act 612, Imd. Eff. Jan. 6, 1979;—Am. 1988, Act 383, Eff. Apr. 1, 1989;—Am. 1990, Act 188, Eff. Aug. 15, 1990;—Am. 1995, Act 248, Imd. Eff. Dec. 27, 1995;—Am. 2002, Act 534, Eff. Oct. 1, 2002;—Am. 2015, Act 128, Imd. Eff. July 15, 2015;—Am. 2018, Act 394, Eff. Mar. 19, 2019.

257.669a Federal motor carrier safety regulations; adoption; transportation of persons and property over railroad-highway grade crossings.

Sec. 669a. (1) This state adopts motor carrier safety regulations 49 C.F.R. 392.10 and 392.11 on file with the office of the secretary of state, to provide for the safe transportation of persons and property over railroad-highway grade crossings with the intent of following the policies and procedures of the United States department of transportation's federal motor carrier safety administration as they relate to title 49 of the code of federal regulations. For purposes of this subsection, “commercial motor vehicle” means that term as defined in section 7a.

(2) The driver of a commercial motor vehicle shall comply with a lawful order or direction of a police officer guiding, directing, controlling, or regulating traffic at a railroad-highway grade crossing.

(3) The driver of a commercial motor vehicle shall not cross a railroad-highway grade crossing unless the vehicle has sufficient undercarriage clearance.

(4) The driver of a commercial motor vehicle shall not cross a railroad-highway grade crossing unless the vehicle can be driven completely through the crossing without stopping.

(5) A person who violates this section is responsible for a civil infraction.

History: Add. 2002, Act 534, Eff. Oct. 1, 2002.

***** *257.670 THIS SECTION IS AMENDED EFFECTIVE MARCH 19, 2019: See 257.670.amended* *****

257.670 Operating or moving certain vehicles or equipment upon or across steam railroad tracks at grade level; notice of intended crossing; stopping, listening, and looking; warning; violation as civil infraction.

Sec. 670. (1) A person shall not operate or move a caterpillar tractor, shovel, derrick, roller, boiler,

machinery, or other structure or object upon rollers, or other equipment or structure, which, because of its limited power, or weight, character, or load, has a normal operating speed of 4 miles per hour or less, or which has a vertical load or body clearance of less than 9 inches above the level surface of the roadway, upon or across the tracks of a railroad at grade level without first complying with this section, except this section shall not apply to the movement of electrically propelled cars on fixed rails or to their loads.

(2) Notice of the intended crossing described in subsection (1) shall be given to the nearest agent or officer of the railroad in time to afford protection to its locomotives, trains, or cars at the crossing.

(3) Before making the crossing, the person operating or moving the vehicle or equipment shall first stop not less than 15 feet or more than 50 feet from the nearest rail of the track and while stopped shall listen and look in both directions along the track for an approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

(4) A crossing shall not be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car.

(5) A person who violates this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 2002, Act 534, Eff. Oct. 1, 2002.

***** *257.670.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 19, 2019* *****

257.670.amended Operating or moving certain vehicles or equipment upon or across steam railroad tracks at grade level; notice of intended crossing; stopping, listening, and looking; warning; violation as civil infraction.

Sec. 670. (1) A person shall not operate or move a caterpillar tractor, shovel, derrick, roller, boiler, machinery, or other structure or object upon rollers, or other equipment or structure, which, because of its limited power, or weight, character, or load, has a normal operating speed of 4 miles per hour or less, or which has a vertical load or body clearance of less than 9 inches above the level surface of the roadway, upon or across the tracks of a railroad at grade level without first complying with this section, except this section shall not apply to the movement of electrically propelled cars on fixed rails or to their loads.

(2) Notice of the intended crossing described in subsection (1) shall be given to the nearest agent or officer of the railroad in time to afford protection to its locomotives, trains, or cars at the crossing.

(3) Before making the crossing, the person operating or moving the vehicle or equipment shall first stop not less than 15 feet or more than 50 feet from the nearest rail of the track and while stopped shall listen and look in both directions along the track for an approaching railroad train or other on-track equipment and for signals indicating the approach of a railroad train or other on-track equipment, and shall not proceed until the crossing can be made safely.

(4) A crossing shall not be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car.

(5) A person who violates this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 2002, Act 534, Eff. Oct. 1, 2002;—Am. 2018, Act 392, Eff. Mar. 19, 2019.

257.671 Designation of through highways; designation of stop, yield, or merge intersections; stop, yield, or merge signs; violation as civil infraction.

Sec. 671. (1) The state highway commission with respect to highways under its jurisdiction, the county road commission, and local authorities with reference to other highways under their jurisdiction, subject to the approval of the state highway commission if a state trunk line highway, may designate through highways and erect stop, yield, or merge signs at specified entrances thereto or may designate any intersection as a stop, yield, or merge intersection and erect like signs at 1 or more entrances to the intersections.

(2) Every stop, yield, or merge sign shall be reflectorized or illuminated at night. Every stop, yield, or merge sign shall be located as near as practicable at the nearest line of the crosswalk thereat, or, if none, at the nearest line of the roadway.

(3) A person who fails to obey a stop, yield, or merge sign erected pursuant to this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1976, Act 75, Imd. Eff. Apr. 11, 1976;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

STOPPING, STANDING AND PARKING

257.672 Stopping, parking or leaving vehicle upon paved or main traveled part of highway or upon paved or unpaved part of limited access highway; violation as civil infraction.

Sec. 672. (1) Outside of the limits of a city or village, a vehicle shall not be stopped, parked, or left standing, attended or unattended, upon the paved or main traveled part of a highway, when it is possible to stop, park, or to leave the vehicle off the paved or main traveled part of the highway. Inside or outside of the limits of a city or village, a vehicle shall not be stopped, parked, or left standing, attended or unattended, upon the paved or unpaved part of a limited access highway, except in an emergency or mechanical difficulty. This section shall apply to the stopping of school buses pursuant to the pupil transportation act.

(2) A person who violates this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1959, Act 151, Imd. Eff. July 16, 1959;—Am. 1963, Act 207, Eff. Sept. 6, 1963;—Am. 1968, Act 123, Imd. Eff. June 11, 1968;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1979, Act 66, Eff. Aug. 1, 1979;—Am. 1980, Act 518, Eff. Mar. 31, 1981;—Am. 1990, Act 188, Eff. Aug. 15, 1990.

257.673 Removal of illegally stopped vehicles; costs.

Sec. 673. (a) Whenever any police officer finds a vehicle standing upon a highway in violation of the provisions of this chapter, such officer is hereby authorized to remove such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or improved or main traveled part of such highway.

(b) Whenever any police officer finds a vehicle unattended upon any highway where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.

(c) The necessary costs for such removal shall become a lien upon such vehicle and the person into whose custody the vehicle is given may retain it until the expenses involved have been paid.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.674 Prohibited parking; exceptions; bus loading zone; violation as civil infraction.

Sec. 674. (1) A vehicle shall not be parked, except if necessary to avoid conflict with other traffic or in compliance with the law or the directions of a police officer or traffic-control device, in any of the following places:

(a) On a sidewalk.

(b) In front of a public or private driveway.

(c) Within an intersection.

(d) Within 15 feet of a fire hydrant.

(e) On a crosswalk.

(f) Within 20 feet of a crosswalk, or if there is not a crosswalk, then within 15 feet of the intersection of property lines at an intersection of highways.

(g) Within 30 feet of the approach to a flashing beacon, stop sign, or traffic-control signal located at the side of a highway.

(h) Between a safety zone and the adjacent curb or within 30 feet of a point on the curb immediately opposite the end of a safety zone, unless a different length is indicated by an official sign or marking.

(i) Within 50 feet of the nearest rail of a railroad crossing.

(j) Within 20 feet of the driveway entrance to a fire station and on the side of a street opposite the entrance to a fire station within 75 feet of the entrance if properly marked by an official sign.

(k) Alongside or opposite a street excavation or obstruction, if the stopping, standing, or parking would obstruct traffic.

(*l*) On the roadway side of a vehicle stopped or parked at the edge or curb of a street.

(m) Upon a bridge or other elevated highway structure or within a highway tunnel.

(n) At a place where an official sign prohibits stopping or parking.

(o) Within 500 feet of an accident at which a police officer is in attendance, if the scene of the accident is outside of a city or village.

(p) In front of a theater.

(q) In a place or in a manner that blocks immediate egress from an emergency exit conspicuously marked as an emergency exit of a building.

(r) In a place or in a manner that blocks or hampers the immediate use of an immediate egress from a fire escape conspicuously marked as a fire escape providing an emergency means of egress from a building.

(s) In a parking space clearly identified by an official sign as being reserved for use by disabled persons that is on public property or private property available for public use, unless the individual is a disabled person as described in section 19a or unless the individual is parking the vehicle for the benefit of a disabled person. In order for the vehicle to be parked in the parking space the vehicle shall display 1 of the following:

(*i*) A certificate of identification or windshield placard issued under section 675 to a disabled person.

(*ii*) A special registration plate issued under section 803d to a disabled person.

(*iii*) A similar certificate of identification or windshield placard issued by another state to a disabled person.

(*iv*) A similar special registration plate issued by another state to a disabled person.

(*v*) A special registration plate to which a tab for persons with disabilities is attached issued under this act.

(t) In a clearly identified access aisle or access lane immediately adjacent to a space designated for parking by persons with disabilities.

(u) On a street or other area open to the parking of vehicles that results in the vehicle interfering with the use of a curb-cut or ramp by persons with disabilities.

(v) Within 500 feet of a fire at which fire apparatus is in attendance, if the scene of the fire is outside a city or village. However, volunteer fire fighters responding to the fire may park within 500 feet of the fire in a manner not to interfere with fire apparatus at the scene. A vehicle parked legally previous to the fire is exempt from this subdivision.

(w) In violation of an official sign restricting the period of time for or manner of parking.

(x) In a space controlled or regulated by a meter on a public highway or in a publicly owned parking area or structure, if the allowable time for parking indicated on the meter has expired, unless the vehicle properly displays 1 or more of the items listed in section 675(8).

(y) On a street or highway in such a way as to obstruct the delivery of mail to a rural mailbox by a carrier of the United States postal service.

(z) In a place or in a manner that blocks the use of an alley.

(aa) In a place or in a manner that blocks access to a space clearly designated as a fire lane.

(2) A person shall not move a vehicle not owned by the person into a prohibited area or away from a curb a distance that makes the parking unlawful.

(3) A bus, for the purpose of taking on or discharging passengers, may be stopped at a place described in subsection (1)(b), (d), or (f) or on the roadway side of a vehicle illegally parked in a legally designated bus loading zone. A bus, for the purpose of taking on or discharging a passenger, may be stopped at a place described in subsection (1)(n) if the place is posted by an appropriate bus stop sign, except that a bus shall not stop at such a place if the stopping is specifically prohibited by the responsible local authority, the state transportation department, or the director of the department of state police.

(4) A person who violates this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1977, Act 19, Eff. Oct. 1, 1977;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1978, Act 546, Imd. Eff. Dec. 22, 1978;—Am. 1979, Act 66, Eff. Aug. 1, 1979;—Am. 1980, Act 518, Eff. Mar. 31, 1981;—Am. 1985, Act 69, Imd. Eff. July 1, 1985;—Am. 1986, Act 69, Eff. Mar. 31, 1987;—Am. 1986, Act 222, Eff. Oct. 1, 1986;—Am. 1988, Act 150, Eff. Nov. 11, 1988;—Am. 1994, Act 104, Eff. Oct. 1, 1994;—Am. 1998, Act 68, Imd. Eff. May 4, 1998;—Am. 2000, Act 76, Eff. Oct. 1, 2000;—Am. 2000, Act 268, Eff. Oct. 1, 2000.

257.674a Clear vision areas; parking and commercial enterprises prohibited; violation as civil infraction.

Sec. 674a. (1) A vehicle shall not be parked in an area purchased, acquired, or used as a clear vision area adjacent to or on a highway right of way. A person shall not conduct vending or other commercial enterprises in a clear vision area.

(2) A person who violates this section is responsible for a civil infraction.

History: Add. 1967, Act 277, Eff. Nov. 2, 1967;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1980, Act 518, Eff. Mar. 31, 1981.

257.675 Stopping, standing, or parking of vehicle; requirements; signs; traffic control orders as rules; hearing; use of windshield placard by disabled person; courtesy required; free parking sticker; display; confiscation; false statement, deception, or fraud as misdemeanor; penalty; violation as civil infraction; cancellation, revocation, or suspension; driver, chauffeur's, or state personal identification card number; signature of physician, physician assistant, certified nurse practitioner, or physical therapist; third party reimbursement or worker's compensation; "disabled person" defined.

Sec. 675. (1) Except as otherwise provided in this section and this chapter, a vehicle stopped or parked upon a highway or street shall be stopped or parked with the wheels of the vehicle parallel to the roadway and within 12 inches of any curb existing at the right of the vehicle.

(2) A local authority may by ordinance permit parking of a vehicle on a 1-way roadway with the vehicle's left wheels adjacent to and within 12 inches of any curb existing at the left of the vehicle.

(3) A local authority may by ordinance permit angle parking on a roadway, except that angle parking is not permitted on a state trunk line highway unless authorized by the state transportation department.

(4) The state transportation commission with respect to state trunk line highways and a board of county road commissioners with respect to county roads, acting jointly with the director of the department of state police, may place signs prohibiting or restricting the stopping, standing, or parking of vehicles on a highway where, in the opinion of the officials as determined by an engineering survey, the stopping, standing, or parking is dangerous to those using the highway or where the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic on the highway or street. The signs shall be official signs and a person shall not stop, stand, or park a vehicle in violation of the restrictions stated on the signs. The signs shall be installed only after a proper traffic order is filed with the county clerk. Upon the application to the state transportation commission by a home rule city affected by an order, opportunity shall be given to the city for a hearing before the state transportation commission, under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, except when an ordinance of the home rule city prohibits or restricts the parking of vehicles on a state trunk line highway; when the home rule city, by lawfully authorized official action, requests the state transportation department to prohibit or restrict parking on a state trunk line highway; or when the home rule city enters into a construction agreement with the state transportation department providing for the prohibition or restriction of parking on a state trunk line highway during or after the period of construction. Traffic control orders, so long as they affect parking upon a state trunk line highway within the corporate limits of a home rule city, are considered "rules" within the meaning of the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, and upon application for a hearing by a home rule city, the proceedings before the state transportation commission shall be considered a "contested case" within the meaning of that act.

(5) A disabled person may apply, on a form prescribed by the secretary of state, for a serially numbered nontransferable temporary or permanent windshield placard for the personal use of the disabled person. An individual who has a religious objection to having a medical examination may personally apply at a branch office of the secretary of state for a serially numbered nontransferable temporary or permanent windshield placard for the personal use of the disabled individual. If it appears obvious that the individual has a qualifying disability, the individual is not required to present a medical statement attesting to the disability. The application for and the issuance of the serially numbered nontransferable temporary or permanent windshield placard is subject to all of the following:

(a) The secretary of state may issue to a disabled person with a temporary disability a temporary windshield placard that is valid for a period of not more than 6 months.

(b) The secretary of state may issue to a disabled person with a permanent disability an original or renewal permanent windshield placard that is valid for a period of not more than 4 years.

(c) An original or permanent windshield placard expires on the disabled person's fifth birthday after the date of issuance.

(d) A renewal permanent windshield placard expires on the disabled person's fourth birthday after the date of renewal.

(e) Except as otherwise provided in this subsection, not more than 45 days immediately preceding the expiration of his or her certificate or placard, a person holding a permanent windshield placard may apply for a new or renewal placard as provided in this section. However, if the person will be out of state during the 45 days immediately preceding expiration of the placard or for other good cause shown cannot apply for a placard within the 45-day period, the person may apply for a new or renewal placard not more than 6 months before the placard expires. A placard issued or renewed under this subdivision expires as provided in this subsection.

(f) Upon application in the manner prescribed by the secretary of state for replacement of a lost, stolen, or destroyed placard described in this section, a disabled person or organization that provides specialized services to disabled persons may be issued a placard that in substance duplicates the original certificate or placard for a fee of $10.00.

(g) A placard described in this section may be used by a person other than the disabled person for the sole purpose of transporting the disabled person. An organization that provides specialized services to disabled persons may apply for and receive a permanent windshield placard to be used in any motor vehicle actually transporting a disabled person. If the organization ceases to transport disabled persons, the placard shall be returned to the secretary of state for cancellation and destruction.

(h) The secretary of state shall not issue a permanent placard to an individual under this section unless that individual has provided proof of Michigan residency.

(6) A disabled person with a certificate of identification, windshield placard, special registration plates issued under section 803d, a special registration plate issued under section 803f that has a tab for persons with disabilities attached, a certificate of identification or windshield placard from another state, or special registration plates from another state issued for persons with disabilities is entitled to courtesy in the parking

of a vehicle. The courtesy shall relieve the disabled person or the person transporting the disabled person from liability for a violation with respect to parking, other than in violation of this act. A local authority may by ordinance prohibit parking on a street or highway to create a fire lane or to provide for the accommodation of heavy traffic during morning and afternoon rush hours, and the privileges extending to veterans and physically disabled persons under this subsection do not supersede that ordinance.

(7) Except as otherwise provided in subsection (20), an application for an initial free parking sticker shall contain a certification by a physician, physician assistant, certified nurse practitioner, or physical therapist licensed to practice in this state attesting to the nature and estimated duration of the applicant's disabling condition and verifying that the applicant qualifies for a free parking sticker. An individual who has a religious objection to having a medical examination may personally apply at a branch office of the secretary of state for an initial free parking sticker. If it appears obvious that the individual is unable to do 1 or more of the acts listed in subdivisions (a) to (d), the individual is not required to present a certification by a physician, a physician assistant, a certified nurse practitioner, or a physical therapist attesting to the nature and estimated duration of the applicant's disabling condition or verifying that the applicant qualifies for a free parking sticker. The applicant qualifies for a free parking sticker if the applicant is a licensed driver and the physician, physician assistant, certified nurse practitioner, or physical therapist certifies or, if an individual is not required to have a certification by a physician, a physician assistant, a certified nurse practitioner, or a physical therapist, it is obvious that the applicant is unable to do 1 or more of the following:

(a) Manage, manipulate, or insert coins, or obtain tickets or tokens in parking meters or ticket machines in parking lots or parking structures, due to the lack of fine motor control of both hands.

(b) Reach above his or her head to a height of 42 inches from the ground, due to a lack of finger, hand, or upper extremity strength or mobility.

(c) Approach a parking meter due to his or her use of a wheelchair or other device.

(d) Walk more than 20 feet due to an orthopedic, neurological, cardiovascular, or lung condition in which the degree of debilitation is so severe that it almost completely impedes the ability to walk.

(8) To be entitled to free parking in a metered space or in a publicly owned parking structure or area, a vehicle must properly display 1 of the following:

(a) A windshield placard bearing a free parking sticker issued under this act.

(b) A valid windshield placard issued by another state.

(c) A certificate of identification issued by another state.

(d) A license plate for persons with disabilities issued by another state.

(e) A special registration plate with a tab for persons with disabilities attached issued by another state.

(9) A vehicle that does not properly display 1 of the items listed in subsection (8) is not entitled to free parking in a metered parking space or in a publicly owned parking area or structure, and the disabled person or vehicle operator shall pay all parking fees and may be responsible for a civil infraction.

(10) Blindness that is not accompanied by an incapacity described in subsection (7) does not entitle a person to a free parking sticker.

(11) The secretary of state shall attach a free parking sticker, in contrasting colors, to the windshield placard of a person certified as having an incapacity described in subsection (7).

(12) A windshield placard issued under this section shall be displayed on the interior rearview mirror of the vehicle or, if there is no interior rearview mirror, on the lower left corner of the dashboard while the vehicle is parked or being parked by or under the direction of a disabled person pursuant to this section.

(13) Upon conviction of an offense involving a violation of the special privileges conferred upon a holder of a windshield placard or free parking sticker, a magistrate or judge trying the case, as a part of any penalty imposed, may confiscate the windshield placard or free parking sticker and return the confiscated item or items to the secretary of state together with a certified copy of the sentence imposed. Upon receipt of a windshield placard or free parking sticker from a judge or magistrate, the secretary of state shall cancel and destroy the placard or sticker, and the disabled person to whom it was issued shall not receive another placard or sticker until he or she submits a completed application and presents a current medical statement attesting to his or her condition. A law enforcement officer who observes a misuse of a windshield placard or free parking sticker may immediately confiscate the placard or sticker and forward it with a copy of his or her report to the secretary of state.

(14) A person who intentionally makes a false statement of material fact or commits or attempts to commit a deception or fraud on a medical statement attesting to a disability, submitted in support of an application for a windshield placard, free parking sticker, special registration plate, or tab for persons with disabilities under this section, section 803d, or section 803f, is guilty of a misdemeanor punishable by a fine of not more than $500.00 or imprisonment for not more than 30 days, or both.

(15) A person who commits or attempts to commit a deception or fraud by 1 or more of the following

methods is guilty of a misdemeanor punishable by a fine of not more than $500.00 or imprisonment for not more than 30 days, or both:

(a) Using a windshield placard or free parking sticker issued under this section or by another state to provide transportation to a disabled person, if the person is not providing transportation to a disabled person.

(b) Altering, modifying, or selling a windshield placard or free parking sticker issued under this section or by another state.

(c) Copying or forging a windshield placard or free parking sticker described in this section or selling a copied or forged placard or sticker described in this section. In the case of a violation of this subdivision, the fine described in this subsection shall be not less than $250.00.

(d) Using a copied or forged windshield placard or free parking sticker described in this section.

(e) Making a false statement of material fact to obtain or assist an individual in obtaining a placard or sticker described in this section, a special registration plate under section 803d, or a tab for persons with disabilities under section 803f.

(f) Knowingly using or displaying a placard or sticker described in this section that has been canceled by the secretary of state.

(16) Except as otherwise provided in this section, a person who violates this section is responsible for a civil infraction.

(17) The secretary of state may cancel, revoke, or suspend a windshield placard or free parking sticker under any of the following circumstances:

(a) The secretary of state determines that a windshield placard or free parking sticker was fraudulently or erroneously issued.

(b) The secretary of state determines that a person has made or is making an unlawful use of his or her windshield placard or free parking sticker.

(c) The secretary of state determines that a check or draft used to pay the required fee is not paid on its first presentation and is not paid upon reasonable notice or demand or that the required fee is paid by an invalid credit card.

(d) The secretary of state determines that the person is no longer eligible to receive or use a windshield placard or free parking sticker.

(e) The secretary of state determines that the owner has committed an offense under this act involving a windshield placard or free parking sticker.

(f) A person has violated this act and the secretary of state is authorized under this act to cancel, revoke, or suspend a windshield placard or free parking sticker for that violation.

(g) The secretary of state receives notice from another state or foreign country that a windshield placard or free parking sticker issued by the secretary of state has been surrendered by the owner or seized in conformity with the laws of that other state or foreign country or has been improperly used or displayed in violation of the laws of that other state or foreign country.

(18) Before a cancellation, revocation, or suspension under subsection (17), the person affected by that action shall be given notice and an opportunity to be heard.

(19) A windshield placard issued to a disabled person shall bear the first letter and the last 3 digits of the disabled person's driver or chauffeur's license number or official state personal identification card number.

(20) For purposes of this section only, the secretary of state may accept an application for a windshield placard, special registration plate, or free parking sticker from a disabled person that is signed by a physician, physician assistant, certified nurse practitioner, or physical therapist licensed or certified to practice in another state if the application is accompanied by a copy of that physician's, physician assistant's, certified nurse practitioner's, or physical therapist's current medical license or certification issued by that state.

(21) This section does not require new or additional third party reimbursement or worker's compensation benefits for services rendered.

(22) As used in this section, "disabled person" means a person who is determined by a physician, a physician assistant, a physical therapist, or an optometrist as specifically provided in this section licensed to practice in this state to have 1 or more of the following physical characteristics:

(a) Blindness as determined by an optometrist, a physician, or a physician assistant.

(b) Inability to walk more than 200 feet without having to stop and rest.

(c) Inability to do both of the following:

(*i*) Use 1 or both legs or feet.

(*ii*) Walk without the use of a wheelchair, walker, crutch, brace, prosthetic, or other device, or without the assistance of another person.

(d) A lung disease from which the person's forced expiratory volume for 1 second, when measured by spirometry, is less than 1 liter, or from which the person's arterial oxygen tension is less than 60 mm/hg of

room air at rest.

(e) A cardiovascular condition that causes the person to measure between 3 and 4 on the New York heart classification scale, or that renders the person incapable of meeting a minimum standard for cardiovascular health that is established by the American Heart Association and approved by the department of public health.

(f) An arthritic, neurological, or orthopedic condition that severely limits the person's ability to walk.

(g) The persistent reliance upon an oxygen source other than ordinary air.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 47, Imd. Eff. May 14, 1951;—Am. 1952, Act 90, Eff. Sept. 18, 1952;—Am. 1956, Act 71, Eff. Aug. 11, 1956;—Am. 1957, Act 28, Eff. Sept. 27, 1957;—Am. 1959, Act 234, Eff. Mar. 19, 1960;—Am. 1967, Act 277, Eff. Nov. 2, 1967;—Am. 1974, Act 41, Imd. Eff. Mar. 13, 1974;—Am. 1974, Act 138, Imd. Eff. June 5, 1974;—Am. 1977, Act 19, Eff. Oct. 1, 1977;—Am. 1978, Act 132, Imd. Eff. May 4, 1978;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1980, Act 518, Eff. Mar. 31, 1981;—Am. 1982, Act 283, Imd. Eff. Oct. 7, 1982;—Am. 1986, Act 222, Eff. Oct. 1, 1986;—Am. 1987, Act 257, Eff. Apr. 1, 1988;—Am. 1988, Act 150, Eff. Nov. 11, 1988;—Am. 1989, Act 89, Eff. Sept. 19, 1989;—Am. 1990, Act 272, Imd. Eff. Dec. 3, 1990;—Am. 1994, Act 104, Eff. Oct. 1, 1994;—Am. 1994, Act 432, Imd. Eff. Jan. 6, 1995;—Am. 1998, Act 68, Imd. Eff. May 4, 1998;—Am. 1999, Act 34, Eff. Oct. 1, 1999;—Am. 2001, Act 18, Imd. Eff. June 12, 2001;—Am. 2002, Act 618, Imd. Eff. Dec. 23, 2002;—Am. 2004, Act 151, Imd. Eff. June 15, 2004;—Am. 2013, Act 247, Imd. Eff. Dec. 26, 2013;—Am. 2018, Act 62, Eff. June 12, 2018;—Am. 2018, Act 179, Eff. Sept. 9, 2018.

Administrative rules: R 257.801 et seq. of the Michigan Administrative Code.

257.675a Unlawful standing or parked vehicle; proof; presumption.

Sec. 675a. Except as provided in section 675b involving leased vehicles, in a proceeding for a violation of a local ordinance or state statute relating to a standing or parked vehicle, proof that the particular vehicle described in the citation, complaint, or warrant was parked in violation of the ordinance or state statute, together with proof from the secretary of state that the defendant named in the citation, complaint, or warrant was at the time of the violation the vehicle's registered owner, creates in evidence a presumption that the vehicle's registered owner was the person who parked or placed the vehicle at the point where and at the time that the violation occurred.

History: Add. 1974, Act 78, Imd. Eff. Apr. 9, 1974;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1980, Act 518, Eff. Mar. 31, 1981;—Am. 2000, Act 268, Eff. Oct. 1, 2000.

257.675b Unlawful standing or parked leased or rented motor vehicle; liability proof; information to be provided by owner; definitions.

Sec. 675b. (1) The lessee or renter of a motor vehicle and not the leased vehicle owner is liable for a violation of a local ordinance or state statute relating to a standing or parked vehicle involving the motor vehicle if the leased vehicle owner furnishes proof that the vehicle described in the citation, complaint, warrant, or notice was in the possession of, custody of, or was being operated or used by the lessee or renter of the vehicle at the time of the violation.

(2) If a leased vehicle is leased or rented for 30 days or less, the leased vehicle owner may avoid liability for a violation described in subsection (1) if the leased vehicle owner provides all of the following information to the clerk of the court or parking violations bureau issuing the violation not later than 30 days after the leased vehicle owner has received notice of the violation:

(a) The lessee's or renter's name, address, and operator's or chauffeur's license number.

(b) A copy of the signed rental or lease agreement or an expedited rental agreement without signature as part of a master rental agreement, including proof of the date and time the possession of the vehicle was given to the lessee or renter and the date and time the vehicle was returned to the leased vehicle owner or the leased vehicle owner's authorized agent under the agreement.

(3) If a leased vehicle is leased or rented for 30 days or less, the leased vehicle owner is liable for a violation of a local ordinance or state statute relating to a standing or parked vehicle if 1 or more of the following occur:

(a) The leased vehicle owner does not provide the information described in subsection (2) within the 30-day period specified in that subsection.

(b) The court or parking violations bureau issuing the violation proceeds against the lessee or renter of the vehicle and the lessee or renter of the vehicle is not convicted of or found responsible for the violation.

(4) As used in this section:

(a) “Affiliate” means a person that directly or indirectly through 1 or more intermediaries controls, is controlled by, or is under common control with another person.

(b) “Leased vehicle owner” means a person in the business of renting or leasing leased vehicles or an affiliate of the person, if the person or the affiliate is the registered owner of a standing or parked leased vehicle involved in a violation of a local ordinance or state statute.

History: Add. 1974, Act 78, Imd. Eff. Apr. 9, 1974;—Am. 1980, Act 518, Eff. Mar. 31, 1981;—Am. 2000, Act 268, Eff. Oct. 1, 2000.

257.675c Stopping, standing, or parking violations; registered owner as person prima facie responsible for violation; affirmative defense; civil action; written indemnification agreement; applicability of subsection (3) to leased vehicle; issuing citation to operator.

Sec. 675c. (1) Except as provided in section 675b, if a vehicle is stopped, standing, or parked in violation of section 672, 674, 674a, 675, or 676, or other state statute, or a local ordinance prohibiting or restricting the stopping, standing, or parking of a vehicle and the violation is a civil infraction, the person in whose name that vehicle is registered in this state or another state at the time of the violation is prima facie responsible for that violation and subject to section 907.

(2) The owner of a vehicle cited for a stopping, standing, or parking violation pursuant to subsection (1) may assert as an affirmative defense that the vehicle in question, at the time of the violation, was in the possession of a person whom the owner had not knowingly permitted to operate the vehicle.

(3) The registered owner of a vehicle who is found to be responsible for a civil infraction as the result of subsection (1) or a leased vehicle owner as defined in section 675b that is found to be responsible for a civil infraction described in section 675b has the right to recover in a civil action against the person who parked, stopped, or left standing the vehicle in question damages including, but not limited to, the amount of any civil fine or costs, or both, imposed pursuant to section 907. The registered owner of a vehicle or the leased vehicle owner may provide in a written agreement that the person who parked, stopped, or left standing the vehicle in violation of a state statute or local ordinance, when the violation is a civil infraction, shall indemnify the registered owner or the leased vehicle owner for the damages incurred including, but not limited to, any civil fine and costs imposed upon the registered owner for that civil infraction. With regard to a leased vehicle, this subsection does not apply if the court or parking violations bureau issuing the violation finds that the lessee or renter of the vehicle is not responsible for the violation and it is determined that the lessee or renter did not violate the terms of the rental contract or lease agreement.

(4) A police officer who issues a citation for a vehicle that is stopped, standing, or parked in violation of a state statute or a local ordinance prohibiting or restricting the stopping, standing, or parking of a vehicle may issue the citation for the violation to the operator of the vehicle if the operator is present at the time of the violation.

History: Add. 1980, Act 518, Eff. Mar. 31, 1981;—Am. 2000, Act 268, Eff. Oct. 1, 2000.

257.675d Authorizing and utilizing persons other than police officers to issue citations; violations; training program; definitions.

Sec. 675d. (1) Except as provided in subsection (2), a law enforcement agency or a local unit of government may implement and administer a program to authorize and utilize persons other than police officers as volunteers to issue citations for the following violations:

(a) Parking on a sidewalk in violation of section 674(1)(a) or a local ordinance substantially corresponding to section 674(1)(a).

(b) Parking in front of a public or private driveway in violation of section 674(1)(b) or a local ordinance substantially corresponding to section 674(1)(b).

(c) Parking within 15 feet of a fire hydrant in violation of section 674(1)(d) or a local ordinance substantially corresponding to section 674(1)(d).

(d) Parking on a crosswalk in violation of section 674(1)(e) or a local ordinance substantially corresponding to section 674(1)(e).

(e) Parking within 20 feet of a crosswalk or, if there is not a crosswalk, within 15 feet of the intersection of property lines at an intersection of highways, in violation of section 674(1)(f) or a local ordinance substantially corresponding to section 674(1)(f).

(f) Parking at a place where an official sign prohibits stopping or parking in violation of section 674(1)(n) or a local ordinance substantially corresponding to section 674(1)(n). This subdivision does not authorize a volunteer to issue a citation for any other violation set forth in section 674 or a local ordinance substantially corresponding to section 674.

(g) Parking in a space reserved for use by disabled persons in violation of section 674(1)(s) or a local ordinance substantially corresponding to section 674(1)(s).

(h) Parking in an access aisle or access lane immediately adjacent to a space designated for parking by persons with disabilities in violation of section 674(1)(t) or a local ordinance substantially corresponding to section 674(1)(t).

(i) Parking in violation of an official sign restricting the period of time for or manner of parking in

violation of section 674(1)(w) or a local ordinance substantially corresponding to section 674(1)(w). This subdivision does not authorize a volunteer to issue a citation for any other violation set forth in section 674 or a local ordinance substantially corresponding to section 674.

(j) Parking in a space or in a manner that blocks access to a fire lane in violation of section 674(1)(aa) or a local ordinance substantially corresponding to section 674(1)(aa).

(2) Before authorizing and utilizing persons other than police officers to issue citations, the law enforcement agency or local unit of government shall implement a program to train the persons to properly issue citations as provided in this section, of which not less than 8 hours shall be in parking enforcement, conducted by that law enforcement agency or the law enforcement agency for that local unit of government or, if the local unit of government does not have a law enforcement agency, by the county sheriff. A person who successfully completes a program of training implemented under this section may issue citations as provided in this section as authorized by the law enforcement agency or local unit of government. A law enforcement agency of a local unit of government shall not implement or administer a program under this section without the specific authorization of the governing body of that local unit of government. A law enforcement agency shall not implement or administer a program under this section that would allow volunteers to issue citations under subsection (1)(a), (b), (c), (d), (e), (f), or (i) for any violations for which the use of volunteers is prohibited under a collective bargaining agreement between that local unit of government and any law enforcement officers of that local unit of government.

(3) As used in this section:

(a) "Law enforcement agency" means any of the following:

(*i*) A police agency of a city, village, or township.

(*ii*) A sheriff's department.

(*iii*) The department of state police.

(*iv*) Any other governmental law enforcement agency in this state.

(b) "Local unit of government" means a state university or college or a county, city, village, or township.

History: Add. 1989, Act 89, Eff. Sept. 19, 1989;—Am. 1992, Act 230, Imd. Eff. Oct. 16, 1992;—Am. 2000, Act 268, Eff. Oct. 1, 2000;—Am. 2004, Act 49, Imd. Eff. Apr. 1, 2004;—Am. 2008, Act 171, Imd. Eff. July 2, 2008;—Am. 2010, Act 211, Imd. Eff. Nov. 17, 2010.

MISCELLANEOUS RULES

257.676 Unattended vehicle; setting brakes, stopping motor, placing in park, removing ignition key, and turning front wheels; vehicle with remote starter; rescission of R 28.1458; violation as civil infraction.

Sec. 676. (1) A person shall not allow a motor vehicle to stand on a highway unattended without engaging the parking brake or placing the vehicle in park, stopping the motor of the vehicle, and removing and taking possession of the ignition key. If the vehicle is standing upon a grade, the front wheels of the vehicle shall be turned to the curb or side of the highway. This section does not apply to a vehicle that is standing in place and is equipped with a remote start feature, if the remote start feature is engaged.

(2) R 28.1458 of the Michigan Administrative Code is rescinded.

(3) A person who violates subsection (1) is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1980, Act 518, Eff. Mar. 31, 1981;—Am. 2003, Act 184, Imd. Eff. Oct. 17, 2003;—Am. 2017, Act 61, Eff. Sept. 26, 2017.

257.676a Sale or display for sale of produce or merchandise within right-of-way of highway; civil infraction; issuance of permit; conditions; exceptions; logo signage; disposition of revenue.

Sec. 676a. (1) Except as otherwise provided in this section, a person, firm, or corporation who sells or offers for sale, or displays or attempts to display for sale, goods, wares, produce, fruit, vegetables, or merchandise within the right-of-way of a highway outside of the corporate limits of a city or village, or within the right-of-way of a state trunk line highway, is responsible for a civil infraction.

(2) The state transportation department may issue a permit to a person, firm, or corporation to conduct activities described in subsection (1) if the permitted activities do not create an unsafe situation and do not interfere with transportation along the state trunk line highway. As a condition of issuing a permit under this subsection, the state transportation department shall require the municipality having jurisdiction over the site to pass a resolution authorizing the activities described in subsection (1) and may require that the municipality having jurisdiction over the site of the permitted activities agree to enforce compliance with the permit. The issuance of a permit under this subsection does not confer any property right. The state transportation

department may charge a fee for issuing a permit under this subsection in an amount not greater than the administrative cost of issuing the permit.

(3) A holder of a permit issued under subsection (2) that conducts activities in violation of that permit is responsible for a civil infraction. Each day during which the permit holder conducts activities in violation of the permit is a separate violation. The state transportation department may limit or revoke a permit issued under subsection (2) if the permit holder conducts activities that create an unsafe situation or interfere with transportation along the state trunk line highway, or if the permit holder is in violation of the conditions of the permit.

(4) This section does not interfere with a permanently established business that, as of September 27, 1957, was located on or partially on private property or grant to the owner of that business additional rights or authority that the owner did not possess on September 27, 1957, or diminish the legal rights or duties of the authority having jurisdiction of the right-of-way.

(5) In conjunction with the exemption granted by federal law from the restrictions contained in 23 USC 111, and described in the "manual on uniform traffic control devices for streets and highways", U.S. department of transportation and federal highway administration, part 2g (LOGOS), this section does not prohibit the use of a facility located in part on the right-of-way of I-94 in the vicinity of the interchange of I-94 and I-69 business loop/I-94 business loop for the sale of only those articles which are for export and consumption outside the United States.

(6) This section does not prohibit the use of logo signage within the right-of-way of limited access highways. For purposes of this subsection, "logo signage" means a sign containing the trademark or other symbol that identifies a business in a manner and at locations approved by the state transportation department. The state transportation department may enter into agreements to allow logo signage, and any revenue received by the state transportation department under this subsection shall be deposited into the state trunk line fund established under section 11 of 1951 PA 51, MCL 247.661.

History: Add. 1957, Act 269, Eff. Sept. 27, 1957;—Am. 1964, Act 222, Eff. Aug. 28, 1964;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1990, Act 87, Imd. Eff. May 30, 1990;—Am. 1995, Act 92, Imd. Eff. June 20, 1995;—Am. 1998, Act 224, Imd. Eff. July 1, 1998;—Am. 1999, Act 46, Imd. Eff. June 15, 1999;—Am. 2005, Act 1, Imd. Eff. Mar. 24, 2005.

257.676b Interference with normal flow of vehicular or pedestrian traffic prohibited; public utility facilities; solicitation of contributions on behalf of charitable or civic organization; violation as civil infraction; local regulations; "charitable or civic organization" defined.

Sec. 676b. (1) Subject to subsection (2), a person, without authority, shall not block, obstruct, impede, or otherwise interfere with the normal flow of vehicular or pedestrian traffic upon a public street or highway in this state, by means of a barricade, object, or device, or with his or her person. This section does not apply to persons maintaining, rearranging, or constructing public utility facilities in or adjacent to a street or highway.

(2) Subsection (1) and any provision of the Michigan Administrative Code that prohibits a person from standing in a roadway other than a limited access highway for the purpose of soliciting a ride, employment, or business from the occupant of any vehicle do not apply to a person who is soliciting contributions on behalf of a charitable or civic organization during daylight hours, if all of the following are satisfied:

(a) The charitable or civic organization complies with applicable local government regulations. A local government may enact or enforce regulations restricting, but not prohibiting, the activity described in this subsection.

(b) The charitable or civic organization maintains at least $500,000.00 in liability insurance.

(c) The person is 18 years of age or older.

(d) The person is wearing high-visibility safety apparel that meets current American standards promulgated by the International Safety Equipment Association.

(e) The portion of the roadway upon which the solicitation occurs is not a work zone and is within an intersection where traffic control devices are present.

(3) A local government or road authority that has jurisdiction over a roadway upon which solicitation occurs as described in subsection (2) is not liable for any claim for damages arising out of the use of the roadway as described in subsection (2).

(4) A person who violates this section is responsible for a civil infraction.

(5) A local government that, on the effective date of the amendatory act that added this subsection, has enacted or is enforcing regulations that are prohibited under subsection (2)(a) shall bring those regulations into compliance with subsection (2)(a) no later than 60 days after the effective date of the amendatory act that added this subsection.

(6) As used in this section, "charitable or civic organization" means a nonprofit organization that is qualified under section 501(c)(3), 501(c)(4), 501(c)(7), 501(c)(8), or 501(c)(10) of the internal revenue code,

26 USC 501, or a veterans' organization that has tax-exempt status under the internal revenue code.

History: Add. 1968, Act 151, Eff. Nov. 15, 1968;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 2017, Act 112, Imd. Eff. July 27, 2017;—Am. 2018, Act 75, Imd. Eff. Mar. 19, 2018.

257.676c Scene of motor vehicle accident or disabled vehicle; business solicitation by wrecker, recovery, or towing service; prohibition; violation; civil fine; exception; request by owner or operator of motor vehicle.

Sec. 676c. (1) Except as provided in subsection (2), a person shall not travel to the scene of a motor vehicle accident or a disabled vehicle located on public property, property open to the public, or a state trunk line highway and solicit business for a wrecker, recovery, or towing service. A person who violates this subsection is responsible for a civil infraction and shall be ordered to pay a civil fine of $1,000.00.

(2) Subsection (1) does not apply if any of the following conditions apply:

(a) A law enforcement agency having jurisdiction over the scene of the accident or disabled vehicle, or an individual involved in that accident or disabled vehicle, requests the owner or operator of a wrecker or towing service to come to the scene.

(b) A wrecker, recovery truck, or tow truck operator, who does not travel to the scene of a motor vehicle accident or disabled vehicle as described in subsection (1) for the purpose of soliciting business for a wrecker, recovery, or towing service, offers assistance to a stranded motorist without creating a nuisance or interfering with management of a motor vehicle accident by law enforcement.

(3) Subject to section 252d, the law enforcement agency at the scene shall permit an owner or operator of a motor vehicle to request the towing, wrecker, or recovery service or roadside assistance service of his or her choice unless the vehicle is involved in a suspected criminal activity, fatality, or law enforcement investigation, if the vehicle is being impounded, or if the requested preference wrecker service is unavailable or cannot respond within a timely manner and the vehicle is creating a road or safety hazard as determined by law enforcement at the scene.

History: Add 2014, Act 303, Eff. Jan. 7, 2015.

257.676d Contract between local unit of government and wrecker, recovery, or towing service.

Sec. 676d. A local unit of government shall not require as a term of a contract with a wrecker, recovery, or towing service that the wrecker, recovery, or towing service pay a fee to that local unit of government for responding to the scene of an impound, accident, disabled vehicle, or abandoned vehicle and providing wrecker, recovery, or towing services. This section only applies to a contract between a local unit of government and a wrecker, recovery, or towing service that is entered into or renewed after the effective date of the amendatory act that added this section.

History: Add. 2014, Act 303, Eff. Jan. 7, 2015.

257.677 Interference with view or control of driver or operation; violation as civil infraction.

Sec. 677. (1) A person shall not drive a vehicle when it is loaded, or when there are in the front seat a number of persons, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

(2) A passenger in a vehicle or streetcar shall not ride in a position as to interfere with the driver's or operator's view ahead or to the sides, or to interfere with the driver's or operator's control over the driving mechanism of the vehicle or streetcar.

(3) A person who violates this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.677a Obstruction of safety vision by removal or deposit of snow, ice, or slush prohibited.

Sec. 677a. (1) As used in this section:

(a) “Person” shall not include the state or a political subdivision of the state or an employee of the state or a political subdivision of the state operating within the scope of his duties.

(b) “Safety vision” means an unobstructed line of sight enabling a driver to travel upon, enter, or exit a roadway in a safe manner.

(2) A person shall not remove, or cause to be removed, snow, ice, or slush onto or across a roadway or the shoulder of the roadway in a manner which obstructs the safety vision of the driver of a motor vehicle other than off-road vehicles.

(3) A person shall not deposit, or cause to be deposited, snow, ice, or slush onto or across a roadway or the

shoulder of the roadway in a manner which obstructs the safety vision of the driver of a motor vehicle.

(4) A person shall not deposit, or cause to be deposited, snow, ice or slush on any roadway or highway.

History: Add. 1978, Act 82, Imd. Eff. Mar. 29, 1978.

257.678 Coasting prohibited; violation as civil infraction.

Sec. 678. (1) The driver of a motor vehicle when traveling upon a down grade shall not coast with the gears of the vehicle in neutral.

(2) The driver of a commercial motor vehicle when traveling upon a down grade shall not coast with the clutch disengaged.

(3) A person who violates this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.679 Following or parking within certain distance of fire apparatus; violation as civil infraction.

Sec. 679. (1) The driver of a vehicle other than a vehicle on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or driver into or park the vehicle within 500 feet where fire apparatus has stopped in answer to a fire alarm.

(2) A person who violates this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

Compiler's note: The words “driver into” in subsection (1) evidently should read “drive into”.

257.679a Limited access highway; pedestrians and certain vehicles prohibited; bicycles permitted on paths; violation as civil infraction.

Sec. 679a. (1) A person shall not operate a motorcycle with less than a 125 cubic centimeter engine, moped, farm tractor, or other self-propelled farm implement, nor shall a pedestrian, bicycle, except as provided in this section, or other nonmotorized traffic be permitted on a limited access highway in this state. Bicycles shall be permitted on paths constructed separately from the roadway and designated for the exclusive use of bicycles.

(2) A person who violates this section is responsible for a civil infraction.

History: Add. 1961, Act 164, Eff. Sept. 8, 1961;—Am. 1964, Act 222, Eff. Aug. 28, 1964;—Am. 1969, Act 134, Imd. Eff. June 1, 1970;—Am. 1974, Act 212, Imd. Eff. July 19, 1974;—Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.680 Driving over unprotected fire hose; violation as civil infraction.

Sec. 680. (1) A streetcar or vehicle shall not be driven over an unprotected hose of a fire department when laid down on a street, private driveway, or streetcar track, to be used at a fire or alarm of fire, without the consent of the fire department official in command.

(2) A person who violates this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.681 Bus; fire extinguisher required.

Sec. 681. (1) A person, owner, or motor carrier shall not drive a bus or cause or permit a bus to be driven or moved, unless the bus is equipped with properly filled fire extinguishers as follows:

(a) If the bus is used to transport hazardous materials and required to be marked or placarded pursuant to 49 C.F.R. parts 100 to 199, a fire extinguisher having an underwriters laboratories rating of 10 B:C or more.

(b) If the bus is not used to transport hazardous materials, either a fire extinguisher having an underwriters laboratories rating of 5 B:C or more, or 2 fire extinguishers having an underwriters laboratories rating of 4 B:C or more.

(2) The fire extinguishers required by this section shall be securely mounted on the vehicle in a location readily accessible for use. The fire extinguishers shall be designed, constructed, and maintained to permit a determination of whether they are fully charged and in proper operating condition.

(3) A fire extinguisher, required under this section, must have an extinguishing agent that does not need protection from freezing.

(4) A fire extinguisher, required under this section, must not use a vaporizing liquid that gives off vapors more toxic than those shown as having toxicity rating of 5 or 6 in the underwriters' laboratories classification of comparative life hazard of gases and vapors.

(5) Each fire extinguisher required under this section must be labeled or marked with its underwriters' laboratories rating.

History: Add. 1988, Act 219, Imd. Eff. July 1, 1988.

Compiler's note: Former MCL 257.681, which prohibited deposit of glass, nails, rubbish or garbage on highways and required any person removing damaged vehicle from highway to remove any glass or injurious substance dropped upon highway from such vehicle, was repealed by Act 106 of 1963, Eff. Sept. 6, 1963.

257.682 Stopping for school bus displaying flashing red lights; violation as civil infraction; meeting stopped school bus on divided highway; proof; rebuttable presumption; community service.

Sec. 682. (1) The operator of a vehicle overtaking or meeting a school bus that has stopped and is displaying 2 alternately flashing red lights located at the same level shall bring the vehicle to a full stop not less than 20 feet from the school bus and shall not proceed until the school bus resumes motion or the visual signals are no longer actuated. The operator of a vehicle who fails to stop for a school bus as required by this subsection, who passes a school bus in violation of this subsection, or who fails to stop for a school bus in violation of an ordinance that is substantially similar to this subsection, is responsible for a civil infraction.

(2) The operator of a vehicle upon a highway that has been divided into 2 roadways by leaving an intervening space, or by a physical barrier, or clearly indicated dividing sections so constructed as to impede vehicular traffic, is not required to stop upon meeting a school bus that has stopped across the dividing space, barrier, or section.

(3) In a proceeding for a violation of subsection (1), proof that the particular vehicle described in the citation was in violation of subsection (1), together with proof that the defendant named in the citation was, at the time of the violation, the registered owner of the vehicle, constitutes a rebuttable presumption that the registered owner of the vehicle was the driver of the vehicle at the time of the violation.

(4) In addition to the civil fine and costs provided for a civil infraction under section 907, the judge, district court referee, or district court magistrate may order a person who violates this section to perform not more than 100 hours of community service at a school.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1956, Act 48, Eff. Aug. 11, 1956;—Am. 1957, Act 284, Eff. Sept. 27, 1957;—Am. 1958, Act 160, Eff. Sept. 13, 1958;—Am. 1962, Act 92, Eff. Mar. 28, 1963;—Am. 1963, Act 149, Eff. Sept. 6, 1963;—Am. 1969, Act 240, Eff. Mar. 20, 1970;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1979, Act 66, Eff. Aug. 1, 1979;—Am. 1982, Act 65, Imd. Eff. Apr. 8, 1982;—Am. 1990, Act 188, Eff. Aug. 15, 1990;—Am. 2012, Act 263, Imd. Eff. July 3, 2012.

257.682a Device causing emission of flame or smoke from vehicle; civil infraction.

Sec. 682a. A person who installs, sells, or distributes a device for the purpose of causing flame or smoke to be emitted from a motor vehicle, except highway maintenance vehicles, or a person who uses such a device on a motor vehicle which is not a highway maintenance vehicle on a highway of this state is responsible for a civil infraction.

History: Add. 1952, Act 22, Imd. Eff. Mar. 14, 1952;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.682b Permitting person under 18 to ride in open bed of pickup truck prohibited; exceptions; civil infraction.

Sec. 682b. (1) Except as provided in this section, an operator shall not permit a person less than 18 years of age to ride in the open bed of a pickup truck on a highway, road, or street in a city, village, or township at a speed greater than 15 miles per hour.

(2) Subsection (1) does not apply to the operator of any of the following:

(a) A motor vehicle operated as part of a parade pursuant to a permit issued by the governmental unit with jurisdiction over the highway or street.

(b) A military motor vehicle.

(c) An authorized emergency vehicle.

(d) A motor vehicle controlled or operated by an employer or an employee of a farm operation, construction business, or similar enterprise during the course of work activities.

(e) A motor vehicle used to transport a search and rescue team to and from the site of an emergency.

(3) A person who violates this section is responsible for a civil infraction.

History: Add. 2000, Act 434, Eff. Mar. 28, 2001.

Compiler's note: Former MCL 257.682b, which pertained to persons authorized to be transported on school bus and to first aid kits, fire extinguishers, and traffic flares, was repealed by Act 188 of 1990, Eff. Aug. 15, 1990.

257.682c Operation of commercial snow removal vehicle; yellow or amber light required; violation as misdemeanor; penalty; definitions.

Sec. 682c. (1) A person shall not operate a commercial snow removal vehicle to remove snow or ice on a public street or highway or in a parking lot accessible for use by the public unless the vehicle is operated with

at least 1 flashing, rotating, or oscillating yellow or amber light that is clearly visible in a 360-degree arc from a distance of 500 feet when in use.

(2) A person who owns or leases a commercial snow removal vehicle shall not knowingly allow a person to operate that vehicle in violation of subsection (1).

(3) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $500.00, or both.

(4) As used in this section:

(a) "Commercial snow removal vehicle" means a vehicle equipped with a plow or other device that is used to remove snow or ice for payment or other remuneration.

(b) "Person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.

History: Add. 2012, Act 262, Imd. Eff. July 2, 2012.

EQUIPMENT

257.683 Driving or moving vehicle in unsafe condition; condition and adjustment of parts and equipment; stopping and inspecting vehicle; citation; training requirements as motor carrier enforcement officer; additional parts and accessories; exceptions; violation as civil infraction.

Sec. 683. (1) A person shall not drive or move or the owner shall not cause or knowingly permit to be driven or moved on a highway a vehicle or combination of vehicles that is in such an unsafe condition as to endanger a person, or that does not contain those parts or is not at all times equipped with lamps and other equipment in proper condition and adjustment as required in sections 683 to 711, or that is equipped in a manner in violation of sections 683 to 711. A person shall not do an act forbidden or fail to perform an act required under sections 683 to 711.

(2) A police officer on reasonable grounds shown may stop a motor vehicle and inspect the motor vehicle, and if a defect in equipment is found, the officer may issue the driver a citation for a violation of a provision of sections 683 to 711.

(3) In order to be classified as a motor carrier enforcement officer, a police officer must have training equal to the minimum training requirements, including any annual training updates, established by the department of state police for an officer of the motor carrier division of the department of state police. A police officer who has received training equal to these minimum training requirements before the effective date of this section is considered a motor carrier enforcement officer for purposes of this act.

(4) Sections 683 to 711 shall not prohibit the use of additional parts and accessories on a vehicle that are not inconsistent with those sections.

(5) The provisions of sections 683 to 711 with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors, except as specifically provided in sections 683 to 711.

(6) Except as otherwise provided in section 698 or 707d, a person who violates a provision of sections 683 to 711 with respect to equipment on vehicles is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1979, Act 66, Eff. Aug. 1, 1979;—Am. 2000, Act 97, Imd. Eff. May 15, 2000;—Am. 2005, Act 179, Imd. Eff. Oct. 20, 2005.

257.684 Head lamps; lighting, distance, height.

Sec. 684. (a) Every vehicle upon a highway within this state at any time from a half hour after sunset to a half hour before sunrise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of 500 feet ahead shall display lighted lamps and illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles as hereinafter stated. When lighted lamps and illuminated devices are required by law no vehicle shall be operated upon any highway of this state with only the parking lights illuminated on the front of the vehicle.

(b) Whenever requirement is hereinafter declared as to the distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible, said provisions shall apply during the times stated in paragraph (a) of this section upon a straight, level, unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated.

(c) Whenever requirement is hereinafter declared as to the mounted height of lamps or devices, it shall mean from the center of such lamp or device to the level ground upon which the vehicle stands when such vehicle is without a load.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1961, Act 160, Eff. Sept. 8, 1961;—Am. 1963, Act 58, Eff. Sept. 6, 1963.

257.684a Implement of husbandry; sale; requirements; posting standards.

Sec. 684a. (1) Beginning January 1, 2007, a person shall not sell an implement of husbandry that does not comply with this section. This section does not apply to an implement of husbandry that was manufactured before January 1, 2007.

(2) An implement of husbandry shall comply with the following, which are incorporated by reference:

(a) ANSI/ASAE S276.6 JAN2005, Slow-Moving Vehicle Identification Emblem.

(b) ANSI/ASAE S279.12 DEC02, Lighting and Marking of Agricultural Equipment on Highways.

(3) The secretary of state shall post, on its website, the standards incorporated by reference under subsection (2) not later than 30 days after enactment of the amendatory act that added this section.

History: Add. 2006, Act 14, Imd. Eff. Feb. 9, 2006.

257.685 Head lamps; number; modulator; height; auxiliary, spot, or other lamp; exemption.

Sec. 685. (1) Except as otherwise provided in subsection (2), a motor vehicle shall be equipped with at least 2 head lamps with at least 1 head lamp on each side of the front of the motor vehicle, in compliance with this chapter. An implement of husbandry manufactured on or after January 1, 2007 shall comply with section 684a.

(2) A motorcycle or moped shall be equipped with at least 1 and not more than 2 head lamps that comply with this chapter.

(3) A motorcycle or moped head lamp may be wired or equipped to allow either its upper beam or its lower beam, but not both, to modulate from a higher intensity to a lower intensity. A head lamp modulator installed on a motorcycle or moped with 2 head lamps shall be wired in a manner to prevent the head lamps from modulating at different rates or not in synchronization with each other. A head lamp modulator installed on a motorcycle or moped shall meet the standards prescribed in 49 CFR 571.108.

(4) Every head lamp upon a motor vehicle shall be located at a height measured from the center of the head lamp of not more than 54 inches nor less than 24 inches above the level surface upon which the vehicle stands.

(5) When a motor vehicle equipped with head lamps as required in this section is also equipped with auxiliary lamps or a spot lamp or any other lamp on the front of the motor vehicle projecting a beam of an intensity greater than 300 candlepower, not more than a total of 4 of those lamps on the front of a vehicle shall be lighted at a time when upon a highway.

(6) A motor vehicle licensed as an historic vehicle is exempt from the requirements of this section if the vehicle as originally equipped failed to meet these requirements. An historic vehicle shall not be operated in violation of section 684.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1957, Act 22, Imd. Eff. Apr. 19, 1957;—Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977;—Am. 1978, Act 55, Imd. Eff. Mar. 10, 1978;—Am. 2006, Act 14, Imd. Eff. Feb. 9, 2006;—Am. 2006, Act 453, Imd. Eff. Dec. 14, 2006.

257.686 Rear lamps; exemption; requirements for implement of husbandry; pickup camper.

Sec. 686. (1) A motor vehicle, trailer, semitrailer, pole trailer, or vehicle which is being drawn in a train of vehicles shall be equipped with at least 1 rear lamp mounted on the rear, which, when lighted as required by this act, shall emit a red light plainly visible from a distance of 500 feet to the rear.

(2) Either a tail lamp or a separate lamp shall be constructed and placed so as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of 50 feet to the rear. A tail lamp or tail lamps, together with any separate lamp for illuminating the rear registration plate, shall be wired so as to be lighted whenever the head lamps or auxiliary driving lamps are lighted.

(3) A motor vehicle licensed as an historic vehicle is exempt from the requirements of this section if the vehicle as originally equipped failed to meet these requirements.

(4) When operated or moved on a highway at the times specified in section 684, an implement of husbandry shall meet either of the following requirements:

(a) For implements of husbandry manufactured before January 1, 2007, the following:

(*i*) Display lighted rear lamps which meet the requirements of subsection (1).

(*ii*) Be accompanied by a vehicle which follows behind the implement of husbandry at a distance of not more than 50 feet, illuminates the implement of husbandry with the vehicle's headlights, and displays on the rear of the vehicle lighted rear lamps as required by this section.

(b) For implements of husbandry manufactured on or after January 1, 2007, the provisions of section 684a.

(5) A pickup camper shall be attached to the motor vehicle in a manner so that the registration plate of the motor vehicle is clearly visible.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 55, Imd. Eff. Mar. 10, 1978;—Am. 1987, Act 90, Imd. Eff. July 1, 1987;—Am. 1990, Act 98, Eff. Jan. 1, 1991;—Am. 2006, Act 14, Imd. Eff. Feb. 9, 2006.

257.687 Special lamps for passenger buses, trucks and trailers.

Sec. 687. The sections of this chapter immediately following relating to clearance and marker lamps, reflectors and stop lights shall apply as stated in said sections to vehicles of the type therein enumerated, namely: Passenger busses, trucks, truck tractors, and certain trailers, semi-trailers, and pole-trailers, respectively, when operated upon any highway, and said vehicles shall be equipped as required and all lamp equipment required shall be lighted at the times mentioned in section 684 of this chapter except that clearance and side marker lamps need not be lighted on any said vehicle when operated within any municipality where there is sufficient light to render clearly discernible persons and vehicles on the highway at a distance of 500 feet.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.688 Additional lights or reflectors on vehicles.

Sec. 688. (1) In addition to other equipment required in this chapter, the following vehicles shall be equipped as provided in this section under the conditions stated in section 687:

(a) On every bus or truck, whatever its size, there shall be on the rear, 2 red reflectors, 1 on each side, and 1 red or amber stop light.

(b) On every bus or truck 80 inches or more in overall width, in addition to the requirements in subdivision (a), the following:

(*i*) On the front, 2 clearance lamps, 1 at each side.

(*ii*) On the rear, 2 clearance lamps, 1 at each side.

(*iii*) On each side, 2 side marker lamps, 1 at or near the front and 1 at or near the rear.

(*iv*) On each side, 2 reflectors, 1 at or near the front and 1 at or near the rear.

(*v*) Three identification lamps, mounted on the vertical centerline of the vehicle or the vertical centerline of the cab where different from the centerline of the vehicle, except that, if the cab is not more than 42 inches wide at the front roofline, a single lamp at the center of the cab satisfies the requirements for identification lamps. The identification lamps or their mounts shall not extend below the top of the vehicle windshield.

(c) On every truck tractor, the following:

(*i*) On the front, 2 clearance lamps, 1 at each side.

(*ii*) On the rear, 1 stop light.

(d) On every trailer, pickup camper, or semitrailer having a gross weight in excess of 3,000 pounds, the following:

(*i*) On the front, 2 clearance lamps, 1 at each side.

(*ii*) On each side, 2 side marker lamps, 1 at or near the front and 1 at or near the rear.

(*iii*) On each side, 2 reflectors, 1 at or near the front and 1 at or near the rear.

(*iv*) On the rear, 2 clearance lamps, 1 at each side, also 2 reflectors, 1 at each side, and 1 stop light.

(e) On every poletrailer, the following:

(*i*) On each side, 1 side marker lamp and 1 clearance lamp which may be in combination, to show to the front, side, or rear.

(*ii*) On the rear of the poletrailer or load, 2 reflectors, 1 on each side.

(f) On every trailer, pickup camper, or semitrailer weighing 3,000 pounds gross or less, on the rear, 2 reflectors, 1 on each side if any trailer or semitrailer is so loaded or is of such dimensions as to obscure the stop light on the towing vehicle, then such vehicle shall also be equipped with 1 stop light.

(g) Subject to subsection (3), when operated on the highway, every vehicle that has a maximum potential speed of 25 miles an hour, implement of husbandry, farm tractor, modified agriculture vehicle, or special mobile equipment shall be identified with a reflective device as follows:

(*i*) An equilateral triangle in shape, at least 16 inches wide at the base and at least 14 inches in height: with a dark red border, at least 1-3/4 inches wide of highly reflective beaded material.

(*ii*) A center triangle, at least 12-1/4 inches on each side of yellow-orange fluorescent material.

(2) The device described in subsection (1)(g) shall be mounted on the rear of the vehicle, broad base down, not less than 3 feet nor more than 5 feet above the ground and as near the center of the vehicle as possible. The use of this reflective device is restricted to use on slow moving vehicles specified in this section, and use of such reflective device on any other type of vehicle or stationary object on the highway is prohibited. On the rear, at each side, red reflectors or reflectorized material visible from all distances within 500 to 50 feet to the rear when directly in front of lawful upper beams of headlamps.

(3) An implement of husbandry manufactured on or after January 1, 2007 shall comply with section 684a.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1963, Act 211, Eff. Sept. 6, 1963;—Am. 1966, Act 163, Eff. Mar. 10, 1967;—Am. 1988, Act 383, Eff. Apr. 1, 1989;—Am. 1990, Act 98, Eff. Jan. 1, 1991;—Am. 2006, Act 14, Imd. Eff. Feb. 9, 2006;—Am. 2012, Act 252, Imd. Eff. July 2, 2012.

257.689 Clearance and marker lamps and reflectors; color.

Sec. 689. (a) Front clearance lamps and those marker lamps and reflectors mounted on the front or on the side near the front of a vehicle shall display or reflect an amber color.

(b) Rear clearance lamps and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle shall display or reflect a red color.

(c) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stop light or other signal device, which may be red or amber, and except that the light illuminating the license plate shall be white.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.690 Reflectors, clearance lamps, and side marker lamps; mounting.

Sec. 690. (1) Reflectors shall be mounted at a height not less than 15 inches and not higher than 60 inches above the ground on which the vehicle stands, except that if the highest part of the permanent structure of the vehicle is less than 15 inches, the reflector at such point shall be mounted as high as that part of the permanent structure will permit.

(2) The rear reflectors on a pole-trailer may be mounted on each side of the bolster or load.

(3) Any required red reflector on the rear of a vehicle may be incorporated with the tail lamp, but such reflector shall meet all the other reflector requirements of this chapter.

(4) Clearance lamps shall be mounted on the permanent structure of the vehicle in such a manner as to indicate its extreme width and as near the top thereof as practicable. Clearance lamps and side marker lamps may be mounted in combination if illumination is given as required herein with reference to both.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1988, Act 383, Eff. Apr. 1, 1989.

257.691 Clearance and marker lamps and reflectors; visibility.

Sec. 691. (a) Every reflector upon any vehicle referred to in section 689 of this chapter shall be of such size and characteristics and so maintained as to be readily visible at nighttime from all distances within 500 feet to 50 feet from the vehicle when directly in front of lawful upper beams of headlamps. Reflectors required to be mounted on the sides of the vehicle shall reflect the required color of light to the sides, and those mounted on the rear shall reflect a red color to the rear.

(b) Front and rear clearance lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at a distance of 500 feet from the front and rear, respectively, of the vehicle.

(c) Side marker lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at a distance of 500 feet from the side of the vehicle on which mounted.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.692 Combination vehicles; obstructed lights, lighting requirements.

Sec. 692. Whenever motor and other vehicles are operated in combination during the time that lights are required, any lamp (except tail lamps) need not be lighted which, by reason of its location on a vehicle of the combination, would be obscured by another vehicle of the combination, but this shall not affect the requirement that lighted clearance lamps be displayed on the front of the foremost vehicle required to have clearance lamps, nor that all lights required on the rear of the rearmost vehicle of any combination shall be lighted.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.693 Lamp or flag on projecting load.

Sec. 693. Whenever the load upon any vehicle extends to the rear 4 feet or more beyond the bed or body of such vehicle there shall be displayed at the extreme rear end of the load, at the times specified in section 684 hereof, a red light or lantern plainly visible from a distance of at least 500 feet to the sides and rear. The red light or lantern required under this section shall be in addition to the red rear light required upon every vehicle. At any other time there shall be displayed at the extreme rear end of such load a red flag or cloth not less than 12 inches square and so hung that the entire area is visible to the driver of a vehicle approaching from the rear.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.694 Parked vehicles; lighting.

Sec. 694. Whenever a vehicle is parked or stopped upon a highway whether attended or unattended during the times mentioned in section 684, there shall be displayed upon the left side of such vehicle 1 or more lamps projecting a white or amber light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle and projecting a red light visible under like conditions from a distance of 500 feet to the rear, except that local authorities may provide by ordinance that no lights need be displayed upon any such vehicle when parked in accordance with local ordinances upon a highway where there is sufficient light to reveal any person within a distance of 500 feet upon such highway.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1959, Act 80, Imd. Eff. June 29, 1959.

257.695 Minimum lighting for all vehicles.

Sec. 695. All vehicles, including animal-drawn vehicles, implements of husbandry, road machinery, road rollers, and farm tractors, not otherwise required under this act to be equipped with head or rear lamps, shall at the times specified in section 684 be in compliance with either of the following:

(a) For implements of husbandry manufactured before January 1, 2007, be equipped with at least 1 lighted lamp exhibiting a white light visible from a distance of 500 feet to the front of the vehicle and with a lamp exhibiting a red light visible from a distance of 500 feet to the rear of the vehicle.

(b) For implements of husbandry manufactured on or after January 1, 2007, be in compliance with section 684a.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1987, Act 90, Imd. Eff. July 1, 1987;—Am. 1995, Act 221, Eff. Jan. 1, 1996;—Am. 2006, Act 14, Imd. Eff. Feb. 9, 2006.

257.696 Spot lamps; fog lamps.

Sec. 696. (a) A motor vehicle may be equipped with not more than 2 spot lamps, except that a motorcycle shall not be equipped with more than 1 spot lamp, and every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the beam will be directed into the eyes of the approaching driver. Spot lamps may not emit other than either a white or amber light.

(b) A motor vehicle may be equipped with not more than 2 fog lamps mounted on the front at a height of not less than 12 inches nor more than 30 inches above the level surface upon which the vehicle stands, which fog lamps shall be so aimed that when the vehicle is not loaded none of the high-intensity portion of the light to the left of the center of the vehicle shall at a distance of 25 feet ahead project higher than a level 4 inches below the level of the center of the lamp from which it comes. Lighted fog lamps meeting the requirements of this subsection may be used with lower head-lamp beams.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1977, Act 38, Imd. Eff. June 22, 1977.

257.697 Signal lamps or devices; exemption.

Sec. 697. (a) A motor vehicle may be equipped and when required under this chapter shall be equipped with the following signal lamps or devices:

(1) A stop lamp on the rear which shall emit a red or amber light and which shall be actuated upon application of the service or foot brake and which may but need not be incorporated with a tail lamp.

(2) A lamp or lamps or mechanical signal device which conveys an intelligible signal or warning to another driver approaching from the rear.

(b) A stop lamp shall be capable of being seen and distinguished from a distance of 100 feet to the rear both during normal sunlight and at nighttime and a signal lamp or lamps indicating intention to turn shall be capable of being seen and distinguished during daytime and nighttime from a distance of 100 feet both to the front and rear. When a vehicle is equipped with a stop lamp or other signal lamps, the lamp or lamps shall at all times be maintained in good working condition. A stop lamp or signal lamp shall not project a glaring or dazzling light.

(c) All mechanical signal devices shall be self-illuminated when in use at the times mentioned in section 684.

(d) A motor vehicle licensed as an historic vehicle is exempt from the requirements of this section if the vehicle as originally equipped failed to meet these requirements.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 55, Imd. Eff. Mar. 10, 1978.

257.697a Sale or operation of certain vehicles unlawful; exception.

Sec. 697a. No person shall sell or offer for sale or operate on the highways any vehicles manufactured or assembled after January 1, 1955, except those exempted from certificate of title requirements under the

provisions of section 216 of chapter 2 of this act, as amended, unless it is equipped with mechanical or electrical turn signals meeting the requirements of section 697. This section shall not apply to any motorcycle or motor-driven cycle.

History: Add. 1954, Act 181, Eff. Aug. 13, 1954.

257.697b Rear stop lamps.

Sec. 697b. A person shall not sell or offer for sale or operate on the highways a vehicle manufactured or assembled after January 1, 1965, except those exempted from certificate of title requirements under the provisions of section 216, unless the vehicle is equipped with 2 rear stop lamps except on a motorcycle or moped meeting the requirements of section 697. A motorcycle or moped shall be required to have 1 rear stop lamp.

History: Add. 1964, Act 150, Eff. Aug. 28, 1964;—Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977.

257.698 Side cowl or fender lamps; running board courtesy lamp; backing lights; lamp or reflector; flashing, oscillating, or rotating lights; private motor vehicle of security guard agency or alarm company; use of lights authorized or required under MCL 257.697, 257.697a, and 257.698a; violation as civil infraction.

Sec. 698. (1) A motor vehicle may be equipped with not more than 2 side cowl or fender lamps that emit an amber or white light without glare.

(2) A motor vehicle may be equipped with not more than 1 running board courtesy lamp on each side that emits a white or amber light without glare.

(3) Backing lights of red, amber, or white may be mounted on the rear of a motor vehicle if the switch controlling the light is so arranged that the light may be turned on only if the vehicle is in reverse gear. The backing lights when unlighted shall be covered or otherwise arranged so as not to reflect objectionable glare in the eyes of an operator of a vehicle approaching from the rear.

(4) Unless both covered and unlit, a vehicle operated on the highways of this state shall not be equipped with a lamp or a part designed to be a reflector unless expressly required or permitted by this chapter or that meets the standards prescribed in 49 CFR 571.108. A lamp or a part designed to be a reflector, if visible from the front, shall display or reflect a white or amber light; if visible from either side, shall display or reflect an amber or red light; and if visible from the rear, shall display or reflect a red light, except as otherwise provided by law.

(5) The use or possession of flashing, oscillating, or rotating lights of any color is prohibited except as otherwise provided by law, or under the following circumstances:

(a) A police vehicle shall be equipped with flashing, rotating, or oscillating red or blue lights, for use in the performance of police duties.

(b) A fire vehicle or ambulance available for public use or for use of the United States, this state, or any unit of this state, whether publicly or privately owned, shall be equipped with flashing, rotating, or oscillating red lights and used as required for safety.

(c) An authorized emergency vehicle may be equipped with flashing, rotating, or oscillating red lights for use when responding to an emergency call if when in use the flashing, rotating, or oscillating red lights are clearly visible in a 360-degree arc from a distance of 500 feet when in use. A person operating lights under this subdivision at any time other than when responding to an emergency call is guilty of a misdemeanor.

(d) Flashing, rotating, or oscillating amber or green lights, placed in a position as to be visible throughout an arc of 360 degrees, shall be used by a state, county, or municipal vehicle engaged in the removal of ice, snow, or other material from the highway and in other operations designed to control ice and snow, or engaged in other non-winter operations. This subdivision does not prohibit the use of a flashing, rotating, or oscillating green light by a fire service.

(e) A vehicle used for the cleanup of spills or a necessary emergency response action taken pursuant to state or federal law or a vehicle operated by an employee of the department of natural resources or the department of environmental quality that responds to a spill, emergency response action, complaint, or compliance activity may be equipped with flashing, rotating, or oscillating amber or green lights. The lights described in this subdivision shall not be activated unless the vehicle is at the scene of a spill, emergency response action, complaint, or compliance activity. This subdivision does not prohibit the use of a flashing, rotating, or oscillating green light by a fire service.

(f) A vehicle to perform public utility service, a vehicle owned or leased by and licensed as a business for use in the collection and hauling of refuse, an automobile service car or wrecker, a vehicle of a peace officer, a vehicle operated by a rural letter carrier or a person under contract to deliver newspapers or other publications by motor route, a vehicle utilized for snow or ice removal under section 682c, a private security

guard vehicle as authorized in subsection (7), a motor vehicle while engaged in escorting or transporting an oversize load that has been issued a permit by the state transportation department or a local authority with respect to highways under its jurisdiction, a vehicle owned by the National Guard or a United States military vehicle while traveling under the appropriate recognized military authority, a motor vehicle while towing an implement of husbandry, or an implement of husbandry may be equipped with flashing, rotating, or oscillating amber lights. However, a wrecker may be equipped with flashing, rotating, or oscillating red lights that shall be activated only when the wrecker is engaged in removing or assisting a vehicle at the scene of a traffic accident or disablement. The flashing, rotating, or oscillating amber lights shall not be activated except when the warning produced by the lights is required for public safety. A vehicle engaged in authorized highway repair or maintenance may be equipped with flashing, rotating, or oscillating amber or green lights. This subdivision does not prohibit the operator of a vehicle utilized for snow or ice removal under section 682c that is equipped with flashing, rotating, or oscillating amber lights from activating the flashing, rotating, or oscillating amber lights when that vehicle is traveling between locations at which it is being utilized for snow or ice removal.

(g) A vehicle engaged in leading or escorting a funeral procession or any vehicle that is part of a funeral procession may be equipped with flashing, rotating, or oscillating purple or amber lights that shall not be activated except during a funeral procession.

(h) An authorized emergency vehicle may display flashing, rotating, or oscillating white lights in conjunction with an authorized emergency light as prescribed in this section.

(i) A private motor vehicle of a physician responding to an emergency call may be equipped with and the physician may use flashing, rotating, or oscillating red lights mounted on the roof section of the vehicle either as a permanent installation or by means of magnets or suction cups and clearly visible in a 360-degree arc from a distance of 500 feet when in use. The physician shall first obtain written authorization from the county sheriff.

(j) A public transit vehicle may be equipped with a flashing, oscillating, or rotating light mounted on the roof of the vehicle approximately 6 feet from the rear of the vehicle that displays a white light to the front, side, and rear of the vehicle, which light may be actuated by the driver for use only in inclement weather such as fog, rain, or snow, when boarding or discharging passengers, from 1/2 hour before sunset until 1/2 hour after sunrise, or when conditions hinder the visibility of the public transit vehicle. As used in this subdivision, "public transit vehicle" means a motor vehicle, other than a station wagon or passenger van, with a gross vehicle weight rating of more than 10,000 pounds.

(k) A person engaged in the manufacture, sale, or repair of flashing, rotating, or oscillating lights governed by this subsection may possess the lights for the purpose of employment, but shall not activate the lights upon the highway unless authorized to do so under subsection (6).

(*l*) A vehicle used as part of a neighborhood watch program may be equipped with flashing, rotating, or oscillating amber lights, if the vehicle is clearly identified as a neighborhood watch vehicle and the neighborhood watch program is working in cooperation with local law enforcement. The lights described in this subdivision shall not be activated when the vehicle is not being used to perform neighborhood watch program duties.

(6) A person shall not sell, loan, or otherwise furnish a flashing, rotating, or oscillating blue or red light designed primarily for installation on an authorized emergency vehicle to a person except a police officer, sheriff, deputy sheriff, authorized physician, volunteer or paid fire fighter, volunteer ambulance driver, licensed ambulance driver or attendant of this state, a county or municipality within this state, a person engaged in the business of operating an ambulance or wrecker service, or a federally recognized nonprofit charitable organization that owns and operates an emergency support vehicle used exclusively for emergencies. This subsection does not prohibit an authorized emergency vehicle, equipped with flashing, rotating, or oscillating blue or red lights, from being operated by a person other than a person described in this section if the person receives authorization to operate the authorized emergency vehicle from a police officer, sheriff, deputy sheriff, authorized physician, volunteer or paid fire fighter, volunteer ambulance driver, licensed ambulance driver or attendant, a person operating an ambulance or wrecker service, or a federally recognized nonprofit charitable organization that owns and operates an emergency support vehicle used exclusively for emergencies, except that the authorization shall not permit the person to operate lights as described in subsection (5)(a), (b), (c), (i), or (j), or to exercise the privileges described in section 603. A person who operates an authorized emergency vehicle in violation of the terms of an authorization is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $100.00, or both.

(7) A private motor vehicle of a security guard agency or alarm company licensed under the private security business and security alarm act, 1968 PA 330, MCL 338.1051 to 338.1092, may display flashing,

rotating, or oscillating amber lights. The flashing, rotating, or oscillating amber lights shall not be activated on a public highway when a vehicle is in motion.

(8) This section does not prohibit, restrict, or limit the use of lights authorized or required under sections 697, 697a, and 698a.

(9) A person who operates a vehicle in violation of subsection (1), (2), (3), or (4) is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951;—Am. 1953, Act 206, Imd. Eff. June 10, 1953;—Am. 1957, Act 19, Eff. Sept. 27, 1957;—Am. 1959, Act 151, Imd. Eff. July 16, 1959;—Am. 1964, Act 7, Imd. Eff. Mar. 20, 1964;—Am. 1975, Act 100, Eff. July 1, 1976;—Am. 1976, Act 347, Imd. Eff. Dec. 21, 1976;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1980, Act 37, Imd. Eff. Mar. 12, 1980;—Am. 1980, Act 270, Imd. Eff. Oct. 1, 1980;—Am. 1984, Act 100, Imd. Eff. May 8, 1984;—Am. 1984, Act 326, Imd. Eff. Dec. 26, 1984;—Am. 1990, Act 188, Eff. Aug. 15, 1990;—Am. 1990, Act 335, Imd. Eff. Dec. 21, 1990;—Am. 1994, Act 101, Imd. Eff. Apr. 18, 1994;—Am. 1997, Act 8, Imd. Eff. May 16, 1997;—Am. 1998, Act 247, Imd. Eff. July 8, 1998;—Am. 2012, Act 262, Imd. Eff. July 2, 2012;—Am. 2016, Act 161, Eff. Sept. 7, 2016;—Am. 2017, Act 37, Eff. Aug. 21, 2017;—Am. 2018, Act 278, Eff. Sept. 27, 2018;—Am. 2018, Act 342, Eff. Jan. 14, 2019.

257.698a Vehicular traffic hazard; front and rear warning lamps.

Sec. 698a. Any vehicle may be equipped with lamps which may be used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing, and when so equipped may display such warning in addition to any other warning signals required by this act. The lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable, and shall display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights, or any shade of color between amber and red. These warning lights shall be visible from a distance of not less than 500 feet under normal atmospheric conditions at night.

History: Add. 1962, Act 166, Eff. Mar. 28, 1963.

257.699 Multiple beam road lighting equipment; requirements and limitations.

Sec. 699. Except as hereinafter provided, the head lamps, or the auxiliary driving lamps, or combinations thereof, on motor vehicles shall be so arranged that selection may be made between distributions of light projected to different elevations, subject to the following requirements and limitations:

(a) Head lamps shall in all cases emit a white light. Auxiliary lamps may emit either a white or amber light.

(b) There shall be an uppermost distribution of light, or composite beam, so aimed and of an intensity as to reveal persons and vehicles at a distance of at least 350 feet ahead for all conditions of loading.

(c) There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead; and under any condition of loading none of the high intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

(d) Every new motor vehicle except motorcycles and mopeds registered in this state which has multiple beam road lighting equipment shall be equipped with a beam indicator, which shall be lighted when the uppermost distribution of light from the head lamps is in use and shall not otherwise be lighted. The indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1954, Act 101, Eff. Aug. 13, 1954;—Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977.

257.700 Multiple-beam road lighting equipment; oncoming traffic; intensity.

Sec. 700. (a) Whenever a motor vehicle is being operated on a highway or shoulder adjacent thereto during the times specified in section 684, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

(b) Whenever the driver of a vehicle approaches an oncoming vehicle within 500 feet, such driver shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the oncoming driver.

The lowermost distribution of light, specified in section 699 paragraph (c), shall be deemed to avoid glare at all times regardless of road contour and loading.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1954, Act 101, Eff. Aug. 13, 1954.

257.701 Single-beam road-lighting equipment; intensity.

Sec. 701. Head lamps arranged to provide a single distribution of light not supplemented by auxiliary

driving lamps shall be permitted on motor vehicles manufactured and sold prior to the effective date of this act in lieu of multiple-beam road-lighting equipment herein specified if the single distribution of light complies with the following requirements and limitations:

1. The head lamps shall be so aimed that when the vehicle is not loaded none of the high-intensity portion of the light shall at a distance of 25 feet ahead project higher than a level of 5 inches below the level of the center of the lamp from which it comes, and in no case higher than 42 inches above the level on which the vehicle stands at a distance of 75 feet ahead.

2. The intensity shall be sufficient to reveal persons and vehicles at a distance of at least 200 feet.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.702 Head lamps on mopeds; single beam or multiple beam type; requirements and limitations.

Sec. 702. The head lamp or head lamps upon every moped may be of the single beam or multiple beam type, but in either event shall comply with the requirements and limitations as follows:

(1) Every head lamp or head lamps on a moped shall be of sufficient intensity to reveal a person or a vehicle at a distance of not less than 100 feet.

(2) If the moped is equipped with a multiple beam head lamp or head lamps, the upper beam shall meet the minimum requirements set forth above and shall not exceed the limitations set forth in section 699(b) and the lowermost beam shall meet the requirements applicable to a lowermost distribution of light, as set forth in section 699(c).

(3) If the moped is equipped with a single beam lamp or lamps, the lamp or lamps shall be so aimed that when the vehicle is loaded none of the high intensity portion of light, at a distance of 25 feet ahead, shall project higher than the level of the center of the lamp from which it comes.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977.

257.703 Slow-moving vehicles; reduced lighting power.

Sec. 703. Any motor vehicle may be operated under the conditions specified in section 684 when equipped with 2 lighted lamps upon the front thereof capable of revealing persons and objects 75 feet ahead in lieu of lamps required in section 699 or section 701: Provided, however, That at no time shall it be operated at a speed in excess of 20 miles per hour.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.704 Special restriction as to direction of certain lights.

Sec. 704. Any lighted lamp or illuminating device upon a motor vehicle other than head lamps, spot lamps, auxiliary lamps, or flashing front direction signals which projects a beam of light of an intensity greater than 300 candlepower shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than 75 feet from the vehicle.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.705 Brake equipment.

Sec. 705. (1) Brake equipment shall be required as follows:

(a) A motor vehicle, other than a motorcycle or moped, and a low-speed vehicle when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold the vehicle, including 2 separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least 2 wheels. If these 2 separate means of applying the brakes are connected in any way, they shall be constructed in a way that failure of 1 part of the operating mechanism shall not leave the motor vehicle without brakes on at least 2 wheels.

(b) A motorcycle or moped when operated upon a highway shall be equipped with at least 2 brakes, 1 on the front wheel and 1 on the rear wheel, that may be operated by hand or foot.

(c) A trailer or semitrailer of a gross weight of 15,001 pounds or more when operated upon a highway shall be equipped with brakes operating on all wheels and designed to be applied by the driver of the towing motor vehicle from its cab.

(d) A new motor vehicle, trailer, or semitrailer sold in this state and operated upon the highways shall be equipped with brakes on all wheels, except a motorcycle or moped, and except that a semitrailer, pole trailer, or trailer of less than 3,000 pounds gross weight need not be equipped with brakes if the gross weight of a trailer or pole trailer, no part of the load of which rests upon the towing vehicle, does not exceed 40% of the gross weight of the towing vehicle, and if the gross weight of the towing vehicle and the gross weight of a semitrailer or pole trailer, part of the load of which rests upon the towing vehicle, does not exceed 40% of the

gross weight of the towing vehicle when connected to the semitrailer or pole trailer. This subdivision does not apply to a trailer or semitrailer owned by a farmer and used exclusively in connection with the farming operations of the farmer and not used for hire.

(e) Every bus, school bus, truck, or truck tractor shall be equipped with brakes operating on all wheels, except that a truck or truck tractor that has 3 or more axles need not have brakes on the front wheels if the vehicle was manufactured before July 25, 1980.

(f) In any combination of motor driven vehicles, means shall be provided for applying the rearmost trailer brakes, for a trailer equipped with brakes, in approximate synchronism with the brakes on the towing vehicle and developing the required braking effort on the rearmost wheels at the fastest rate; or means shall be provided for applying braking effort first on the rearmost trailer equipped with brakes; or both of the above means capable of being used alternatively may be employed.

(g) A motor vehicle and combination of vehicles, except pole trailers, motorcycles, and mopeds, shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading on a surface free from snow, ice, or loose material. The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other source of power if failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes shall be designed in a manner that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind. The same brake drums, brake shoes, and lining assemblies, brake shoe anchors, and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be constructed in a manner that failure of 1 part shall not leave the vehicle without operative brakes.

(h) The brake shoes operating within or upon the drums of the vehicle wheels of a motor vehicle may be used for both service and hand operation.

(2) A motor vehicle or combination of motor-drawn vehicles shall be capable at all times and under all conditions of loading, of being stopped on a dry, smooth, level road free from loose material within the distances specified in this subsection, or shall be capable of being decelerated at a sustained rate corresponding to these distances upon initial application of the service (foot) brake.

	Feet to stop from 20 miles per hour	Deceleration in feet per second
Vehicles or combination of vehicles having brakes on all wheels	30	14
Vehicles or combination of vehicles not having brakes on all wheels	40	10.7

(3) Subsection (2) does not apply to a combination of motor-drawn vehicles under all of the following circumstances:

(a) The drawn vehicle is an implement of husbandry.

(b) The motor vehicle hauling the implement of husbandry does not exceed a maximum speed of 25 miles per hour if the implement of husbandry being drawn is not equipped with brakes that meet the standards set forth in 49 CFR 393.40 and this act.

(c) If the implement of husbandry being drawn does not exceed any other implement or component design maximum speed limitation, the combination of vehicles shall not exceed that maximum speed limitation.

(4) Nothing in this act or rules promulgated under this act requires a slasher saw table to be equipped with brakes.

(5) All brakes shall be maintained in good working order and shall be adjusted in a manner as to operate as equally as practicable with respect to the wheels on the opposite side of the vehicle.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1964, Act 29, Imd. Eff. May 1, 1964;—Am. 1969, Act 134, Imd. Eff. June 1, 1970;—Am. 1974, Act 60, Imd. Eff. Apr. 1, 1974;—Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977;—Am. 1988, Act 357, Eff. Apr. 1, 1989;—Am. 1995, Act 91, Imd. Eff. June 20, 1995;—Am. 2000, Act 82, Eff. July 1, 2000;—Am. 2000, Act 214, Imd. Eff. June 27, 2000;—Am. 2011, Act 151, Imd. Eff. Sept. 21, 2011.

Compiler's note: In subsection (2), the second column heading that reads “Deceleration in feet per second” evidently should read “Deceleration in feet per second per second.”

257.705a Brake fluid specifications.

Sec. 705a. On and after January 1, 1961, no person shall have for sale, or sell or offer for sale, for use in motor vehicle brake systems in this state, any hydraulic brake fluid which does not meet the minimum specifications of the society of automotive engineers for heavy duty brake fluid, as prescribed March 1, 1960.

History: Add. 1960, Act 60, Eff. Aug. 17, 1960.

257.706 Horn or other warning device; siren, whistle, air horn, or bell; theft alarm signal device.

Sec. 706. (a) A motor vehicle, including a motorcycle or moped, when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 200 feet but a horn or other warning device shall not emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall when reasonably necessary to insure safe operation give audible warning with his horn but shall not otherwise use the horn when upon a highway.

(b) A vehicle shall not be equipped with nor shall a person use upon a vehicle a siren, whistle, or bell, except as otherwise permitted in this section.

(c) A commercial vehicle may be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal.

(d) An authorized emergency vehicle may be equipped with a siren, whistle, air horn, or bell capable of emitting sound audible under normal conditions from a distance of not less than 500 feet, but the siren shall not be used except when the vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law. In those cases the driver of the vehicle shall sound the siren when necessary to warn pedestrians and other drivers of the approach of the vehicle.

(e) A motor vehicle licensed as an historic vehicle may be equipped with a siren, whistle, or bell which may be used when participating in a parade, exhibition, tour, or similar event.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1969, Act 134, Imd. Eff. June 1, 1970;—Am. 1975, Act 100, Eff. July 1, 1976;—Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977;—Am. 1978, Act 55, Imd. Eff. Mar. 10, 1978.

257.707 Muffler, engine, power mechanism, and exhaust system; requirements; prohibitions.

Sec. 707. (1) A motor vehicle, including a motorcycle or moped, shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke. A person shall not remove, destroy, or damage any of the baffles contained in the muffler, nor shall a person use a muffler cutout, bypass, or similar device upon a motorcycle or moped on a highway or street.

(2) The engine and power mechanism of a motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

(3) A motor vehicle shall at all times be equipped with a properly operating exhaust system which shall include a tailpipe and resonator on a vehicle where the original design included a tailpipe and resonator.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1969, Act 134, Imd. Eff. June 1, 1970;—Am. 1976, Act 44, Imd. Eff. Mar. 17, 1976;—Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977.

257.707a Definitions used in MCL 257.707a to 257.707e.

Sec. 707a. As used in sections 707a to 707e:

(a) "Decibel" means a unit of sound level on a logarithmic scale measured relative to the threshold of audible sound by the human ear, in compliance with American national standards institute standard S 1.1-1960.

(b) "Decibels on the a-weighted network" or "DBA" means decibels measured on the a-weighted network of a sound level meter, as specified in American national standards institute standard S 1.4-1971.

(c) "Fast meter response" means the meter ballistics of meter dynamic characteristics as specified by American national standard S 1.4-1971.

(d) "Maximum noise" means the noise emitted from a vehicle during that manner of operation which causes the highest DBA level possible from that vehicle.

(e) "Muffler" means a device for abating the sound of escaping gases of an internal combustion engine.

(f) "Exhaust system" means the system comprised of a combination of components which provides for enclosed flow of exhaust gas from engine parts to the atmosphere.

(g) "Noise" means any sound.

(h) "Total noise" means noises radiating from a vehicle but does not include noises emitted from a horn, siren, bell or other similar device of an authorized emergency vehicle.

(i) "Gross vehicle weight rating" means the value specified by the manufacturer as the loaded weight of a vehicle.

(j) "Combination vehicle" means any combination of truck, truck tractor, trailer, semi-trailer or pole trailer

used upon the highways or streets in the transportation of passengers or property.

History: Add. 1978, Act 73, Imd. Eff. Mar. 21, 1978;—Am. 1978, Act 492, Imd. Eff. Dec. 1, 1978.

257.707b Exhaust system; requirements.

Sec. 707b. (1) A motor vehicle, while being operated on a highway or street, shall be equipped with an exhaust system in good working order to prevent excessive or unusual noise and shall be equipped to prevent noise in excess of the limits established in this act.

(2) For purposes of sections 707a to 707f, a motor vehicle does not include a special mobile equipment.

History: Add. 1978, Act 73, Imd. Eff. Mar. 21, 1978.

257.707c Noise limitations; prohibitions.

Sec. 707c. (1) After April 1, 1978, a motor vehicle shall not be operated or driven on a highway or street if the motor vehicle produces total noise exceeding 1 of the following limits at a distance of 50 feet except as provided in subdivisions (b)(*iii*) and (c)(*iii*):

(a) A motor vehicle with a gross weight or gross vehicle weight rating of 8,500 pounds or more, combination vehicle with gross weight or gross vehicle weight ratings of 8,500 pounds or more.

(*i*) Ninety DBA if the maximum lawful speed on the highway or street is greater than 35 miles per hour.

(*ii*) Eighty-six DBA if the maximum lawful speed on the highway or street is not more than 35 miles per hour.

(*iii*) Eighty-eight DBA under stationary run-up test.

(b) A motorcycle or a moped:

(*i*) Eighty-six DBA if the maximum lawful speed on the highway or street is greater than 35 miles per hour.

(*ii*) Eighty-two DBA if the maximum lawful speed on the highway or street is not more than 35 miles per hour.

(*iii*) Ninety-five DBA under stationary run-up test at 75 inches.

(c) A motor vehicle or a combination of vehicles towed by a motor vehicle not covered in subdivision (a) or (b):

(*i*) Eighty-two DBA if the maximum lawful speed on the highway or street is greater than 35 miles per hour.

(*ii*) Seventy-six DBA if the maximum lawful speed on the highway or street is not more than 35 miles per hour.

(*iii*) Ninety-five DBA under stationary run-up test 20 inches from the end of the tailpipe.

(2) A dealer shall not sell or offer for sale for use upon a street or highway in this state a new motor vehicle manufactured after April 1, 1978, which produces a maximum noise exceeding the following limits:

(a) A motor vehicle with a gross vehicle weight rating of 8,500 pounds or more—83 DBA.

(b) A motorcycle or a moped—83 DBA.

(c) A motor vehicle not covered in subdivision (a) or (b)—80 DBA.

(3) A person shall not operate a vehicle on a highway or street if the vehicle has a defect in the exhaust system which affects sound reduction, is not equipped with a muffler or other noise dissipative device, or is equipped with a cutout, bypass, amplifier, or a similar device.

(4) A person, either acting for himself or herself or as the agent or employee of another, shall not sell, install, or replace a muffler or exhaust part that causes the motor vehicle to which the muffler or exhaust part is attached to exceed the noise limits established by this act or a rule promulgated under this act.

(5) A person shall not modify, repair, replace, or remove a part of an exhaust system causing the motor vehicle to which the system is attached to produce noise in excess of the levels established by this act, or operate a motor vehicle so altered on a street or highway.

(6) A dealer shall not sell a used or secondhand motor vehicle for use upon a street or highway which is not in compliance with this act.

History: Add. 1978, Act 73, Imd. Eff. Mar. 21, 1978;—Am. 1978, Act 492, Imd. Eff. Dec. 1, 1978.

257.707d Violations; penalties; liability; prima facie evidence.

Sec. 707d. (1) A person who violates section 707c(2), (4), or (6) is guilty of a misdemeanor punishable by a fine of $100.00.

(2) A person who violates section 707b or 707c(1), (3), or (5) is responsible for a civil infraction.

(3) A person who, at the time of installation, knowingly installs a muffler or exhaust system which exceeds the decibel limits of this act shall be liable to the person who receives a citation for violation of 707c for the amount of not less than $100.00, plus reasonable attorney fees and court costs.

(4) If it is shown that the noise level of a motor vehicle is in excess of the DBA levels established in this act, that evidence shall be prima facie evidence that the motor vehicle was producing excessive noise in violation of this act.

(5) A violation of section 707c(4) or (6) by a dealer licensed under this act is prima facie evidence of a fraudulent act under section 249.

History: Add. 1978, Act 73, Imd. Eff. Mar. 21, 1978;—Am. 1979, Act 66, Eff. Aug. 1, 1979.

257.707e Test instrumentation and procedures; rules; local vehicle noise rules.

Sec. 707e. (1) Test instrumentation and procedures used for implementation and enforcement of sections 707a to 707d shall substantially conform with applicable standards and recommended practices established by the society of automotive engineers, inc., and the American national standards institute, inc., for the measurement of motor vehicle sound levels. Rules establishing these test procedures shall be promulgated by the department of state highways and transportation. The rules may provide for measurement at other than the distance specified in section 707c, provided that the decibel limits applied at the other distances are adjusted accordingly, to meet the standards in section 707c. The rules shall be promulgated pursuant to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws.

(2) This act occupies the whole field of vehicle noise regulation. A city, county, village, or township shall not adopt or enforce vehicle noise rules unless the rules are identical to the requirements of this act.

History: Add. 1978, Act 73, Imd. Eff. Mar. 21, 1978.

257.707f Appropriation.

Sec. 707f. Funds shall be appropriated annually from the motor vehicle highway fund to implement sections 707a to 707e.

History: Add. 1978, Act 73, Imd. Eff. Mar. 21, 1978.

257.708 Mirrors.

Sec. 708. A person shall not drive a motor vehicle on a highway which is so constructed or loaded as to prevent the driver from obtaining a view of the highway to the rear by looking backward from the driver's position, unless the vehicle is equipped with a mirror located so as to reflect to the driver a view of the highway to the rear of the vehicle. In addition all motor vehicles shall be equipped with an outside rearview mirror on the driver's side which shall be positioned to give the driver a rearviewing angle from the driver's side of the vehicle, except a motor vehicle licensed as an historic vehicle if the vehicle was not originally equipped with an outside rearview mirror. Rearview mirrors may be positioned on the helmet or visor worn by the operator of a motorcycle if the helmet is securely attached to the head of the operator. Every commercial vehicle of 1/2 ton capacity or more, operating upon the public highways of this state, shall be equipped with 2 mirrors, 1 on each side, adjusted so that the operator shall have a clear view of the highway behind the commercial vehicle. The outside mirrors shall not be considered to be a part of the vehicle for the purpose of determining the maximum width under section 717.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1967, Act 90, Eff. Jan. 1, 1968;—Am. 1970, Act 94, Imd. Eff. July 20, 1970;—Am. 1978, Act 55, Imd. Eff. Mar. 10, 1978.

257.708a Windshields; goggles, eyeglasses, or face shields.

Sec. 708a. A motor vehicle shall not be operated on the public highways of this state unless it is equipped with a windshield of sufficient dimensions to protect the driver and occupants from insects, other airborne objects, and highway surface water and debris, when the motor vehicle is moving forward. A farm tractor, other implement of husbandry, and historic vehicles as defined in section 803a are exempt from this section. When a motorcycle operated on the public highways of this state in excess of 35 miles per hour is not equipped with a windshield, the operator shall wear goggles with transparent lenses or a transparent face shield or eyeglasses, which goggles, eyeglasses, or face shield shall be of shatter resistant material and of sufficient size to protect his eyes against insects, other airborne material, and highway surface water and debris.

History: Add. 1968, Act 142, Eff. Sept. 1, 1968;—Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977.

257.708b Operating motor vehicle with television or similar electronic device viewable by operator prohibited; exceptions; location of permitted visual device; special permit for research vehicle; violation as civil infraction.

Sec. 708b. (1) A person shall not operate a motor vehicle that is to be used upon the highways of this state with a television or other similar electronic device that displays a video image that can be viewed by the

operator while the motor vehicle is in motion.

(2) This section does not apply to:

(a) An audio entertainment system, heating or air-conditioning controls, or other accessory controls in the motor vehicle.

(b) A vehicle information or navigation system for use in displaying only information pertaining to vehicle location, available routes and destinations, road layouts, weather conditions, traffic and road conditions, vehicle conditions, or traveler services.

(c) A research vehicle if the test plan for the vehicle has been approved by a process meeting federal guidelines established in 45 CFR part 46 for the protection of human beings and the vehicle has been issued a special registration permit by the secretary of state.

(d) A motor vehicle equipped with a video display to enhance or supplement the driver's view.

(e) A police vehicle, fire vehicle, or ambulance equipped with a monitor for use with a computer-aided dispatch system or emergency equipment controls.

(f) A police vehicle equipped with a monitor for use with recording equipment.

(g) A motor vehicle equipped with a video display to communicate vehicle, driver, or safety conditions.

(3) Except as otherwise provided in this subsection, a visual device permitted under subsection (2)(a) or (b) shall be built into the dashboard, center console, instrument panel, rearview mirror, or other control area of the vehicle and shall meet all applicable federal motor vehicle dash safety standards. An aftermarket visual device described in subsection (2)(a) or (b) may be installed or mounted on the windshield or above the dashboard, but shall not be mounted within the deployment profile of the vehicle airbags or in a manner that interferes with the operator's view or control. This subsection does not apply to a research vehicle described in subsection (2)(c).

(4) Upon receipt of a completed application, on a form prescribed by the secretary of state, and payment of a fee of $10.00, the secretary of state may issue a special permit authorizing a research vehicle to use the highways of this state. A copy of the authority received by the applicant under subsection (2)(c) shall be submitted as part of the application for the special permit. The special permit may be in a form as prescribed by, and shall be displayed on a research vehicle in a manner determined by, the secretary of state. The special permit shall expire upon completion of or expiration of the specific test plan approved under subsection (2)(c), whichever occurs first, and shall be immediately removed from the research vehicle and destroyed. A special permit shall not be transferred to another vehicle or person. The fee collected under this subsection shall be credited to the Michigan transportation fund and used to defray the expenses of the secretary of state in administering the special permit program. In addition to a special permit, the appropriate vehicle registration plate shall be displayed on a research vehicle to use a highway of this state.

(5) A person who violates this section is responsible for a civil infraction.

History: Add. 1991, Act 55, Imd. Eff. June 27, 1991;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004;—Am. 2008, Act 19, Imd. Eff. Mar. 7, 2008.

257.709 Windshields and windows; prohibitions; rearview mirrors; exceptions; windshield wipers; exemption; hot air windshield defroster or electrically heated windshield or other device; windshield device; definitions.

Sec. 709. (1) A person shall not operate a motor vehicle with any of the following:

(a) A sign, poster, nontransparent material, window application, reflective film, or nonreflective film upon or in the front windshield, the side windows immediately adjacent to the driver or front passenger, or the sidewings adjacent to and forward of the driver or front passenger, except that a tinted film may be used along the top edge of the windshield and the side windows or sidewings immediately adjacent to the driver or front passenger if the material does not extend more than 4 inches from the top of the windshield, or lower than the shade band, whichever is closer to the top of the windshield.

(b) A rear window or side window to the rear of the driver composed of, covered by, or treated with a material that creates a total solar reflectance of 35% or more in the visible light range, including a silver or gold reflective film.

(c) An object that obstructs the vision of the driver of the vehicle, except as authorized by law.

(2) A person shall not drive a motor vehicle if driver visibility through the rear window is obstructed, unless the vehicle is equipped with 2 rearview mirrors, 1 on each side, adjusted so that the operator has a clear view of the highway behind the vehicle.

(3) This section does not apply to any of the following:

(a) The use of draperies, louvers, or other special window treatments, except those specifically designated in this section, on the rear window, or a side window to the rear of the driver if the vehicle is equipped with 2 outside rearview mirrors, 1 on each side, adjusted so that the driver has a clear view of the highway behind

the vehicle.

(b) The use of a nonreflective, smoked or tinted glass, nonreflective film, perforated window screen, or other decorative window application on the rear window or a side window to the rear of the driver.

(c) The placement of a necessary certificate or sticker that does not obstruct the driver's clear view of the roadway or an intersecting roadway.

(d) A vehicle registered in another state, territory, commonwealth of the United States, or another country or province.

(e) A special window treatment or application determined necessary by a physician or optometrist, for the protection of a person who is light sensitive or photosensitive, if the owner or operator of a motor vehicle has in possession a letter signed by a physician or optometrist, indicating that the special window treatment or application is a medical necessity. However, the special window treatment or application shall not interfere with or obstruct the driver's clear vision of the highway or an intersecting highway.

(4) Except as provided in subsection (5), the windshield on each motor vehicle shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle. A vehicle licensed as an historical vehicle is exempt from this subsection if the vehicle was not originally equipped with such a device. Each windshield wiper upon a motor vehicle shall be maintained in good working order.

(5) A truck with a gross weight over 10,000 pounds, a truck tractor, a bus, or a truck regardless of weight carrying hazardous materials on which a placard is required to be posted pursuant to 49 CFR parts 100 to 199 having a windshield shall be equipped with not less than 2 automatically operating windshield wiper blades, 1 on each side of the centerline of the windshield, for cleaning rain, snow, or other moisture from the windshield. The blades shall be in such condition as to provide clear vision for the driver, unless 1 blade is so arranged as to clean an area of the windshield extending to within 1 inch of the limit of vision through the windshield at each side. However, in driveaway-towaway operations, this subsection applies only to the operated vehicle. In addition, 1 windshield wiper blade suffices under this subsection when the driven vehicle in a driveaway-towaway operation constitutes part or all of the property being transported and has no provision for 2 blades. A truck and truck tractor, manufactured after June 30, 1953, that depends upon vacuum to operate the windshield wipers, shall be so constructed that the operation of the wipers is not materially impaired by change in the intake manifold pressure.

(6) A truck with a gross weight over 10,000 pounds, a truck tractor, a bus, or a truck regardless of weight carrying hazardous materials on which a placard is required to be posted under 49 CFR parts 100 to 199 shall not be operated on the highways at any time unless it is equipped with a hot air windshield defroster or an electrically heated windshield or other device to heat and maintain the windshield in operable condition at all times.

(7) As used in this section:

(a) "Physician" means that term as defined in section 17001 or 17501 of the public health code, 1978 PA 368, MCL 333.17001 and 333.17501.

(b) "Optometrist" means that term as defined in section 17401 of the public health code, 1978 PA 368, MCL 333.17401.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 142, Eff. Sept. 28, 1951;—Am. 1954, Act 167, Eff. Aug. 13, 1954;—Am. 1955, Act 174, Eff. Oct. 14, 1955;—Am. 1958, Act 23, Eff. Sept. 13, 1958;—Am. 1978, Act 55, Imd. Eff. Mar. 10, 1978;—Am. 1980, Act 220, Eff. Mar. 31, 1981;—Am. 1988, Act 383, Eff. Apr. 1, 1989;—Am. 1988, Act 470, Eff. Apr. 1, 1989;—Am. 2000, Act 127, Imd. Eff. May 30, 2000;—Am. 2010, Act 258, Imd. Eff. Dec. 14, 2010.

257.710 Tires; studs or other traction devices; rules; exceptions; use or sale of unsafe tires prohibited.

Sec. 710. (a) A person shall not operate on a public highway of this state a vehicle or special mobile equipment which has metal or plastic track or a tire which is equipped with metal that comes in contact with the surface of the road or which has a partial contact of metal or plastic with the surface of the road, except as provided in subsections (c), (d), and (e).

(b) A person shall not operate on a highway a vehicle which has a tire that has on its periphery a block, stud, flange, cleat, spike, or other protuberance of a material other than rubber which projects beyond the tread of the traction surface of the tire, except as provided in subsections (c), (d), and (e). A person may, however, use farm machinery with a tire having a protuberance which will not injure a highway. A person may also use a tire chain of reasonable proportion upon a vehicle when required for safety because of snow, ice, or other condition tending to cause a vehicle to skid.

(c) A person may operate on a highway a vehicle which has a pneumatic tire in which wire of .075 inches in diameter or less is embedded if the tire is constructed so that the percent of metal in contact with the

highway does not exceed 5% of the total tire area in contact with the roadway, except that during the first 1,000 miles of use or operation of the tire the metal in contact with the highway shall not exceed 20% of the area.

(d) The department of state highways and transportation shall promulgate rules establishing acceptable standards to permit the use of a tire with studs or other traction devices to be used on a street or highway after April 1, 1975. The rules shall make separate provision for the extreme winter snow and ice conditions of the Upper Peninsula and the northern Lower Peninsula. The rules shall include a restriction on the amount and dimension of protrusions that may be allowed on a tire, the type of material that may be used in a stud, traction device, or tire, and the amount of road wear that a tire with studs or other traction devices may cause on a street or highway.

(e) A person may operate on a highway a vehicle which has a pneumatic tire in which are inserted ice grips or tire studs if the person is a law enforcement officer operating a vehicle owned by a law enforcement agency, a person operating an ambulance, or a United States postal service rural carrier driving a vehicle the rural carrier owns and maintains as a prerequisite to employment in the postal service.

(f) A person shall not operate a vehicle on a highway when a tire in use on that vehicle is unsafe as provided in subsection (h).

(g) A person in the business of selling tires shall not sell or offer for sale for highway use a tire which is unsafe as provided in subsection (h).

(h) A tire is unsafe if it is in any of the following conditions:

(*i*) Has a part of the belting material, tire cords, or plys exposed.

(*ii*) Has evidence of cord or tread separations.

(*iii*) Is worn to or below the minimum tread level in 2 or more adjacent major grooves at 3 or more locations spaced around the circumference of the tire. Minimum allowable tread levels are as follows:

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motorcycles and moped.....................1/32 inch front and rear
passenger cars and vehicles
   weighing less than 10,000
   pounds.................................2/32 inch front and rear
vehicles weighing 10,000 pounds
   or more...........................4/32 inch front and 2/32 rear
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Measurements shall not be made at locations of tread wear indicators or tie bars. A motor vehicle licensed as an historic vehicle under section 803a is exempt from the tread depth requirements of this subsection.

(*iv*) Has a marking "not for highway use", "for racing purposes only", "for farm use only", or "unsafe for highway use".

(*v*) Has been regrooved or recut below the original tread design depth except in the case of special purpose designed tires having extra undertread rubber provided for this purpose and identified as those tires.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1962, Act 41, Eff. Mar. 28, 1963;—Am. 1966, Act 237, Eff. Mar. 10, 1967;—Am. 1967, Act 127, Imd. Eff. June 27, 1967;—Am. 1973, Act 138, Eff. Mar. 29, 1974;—Am. 1977, Act 119, Imd. Eff. Oct. 19, 1977.

Compiler's note: In subdivision (h)(*i*), the word “plys” evidently should read “plies.”

Administrative rules: R 247.171 et seq. of the Michigan Administrative Code.

257.710a Safety belts and restraining devices; standards, rules and regulations.

Sec. 710a. No person shall sell, offer or keep for sale, or install for use in any motor vehicle to be operated on the highways of this state, any safety belt, safety restraining device, or attachments thereto as referred to in this section, unless of a type conforming to standards and specifications established by rules and regulations which have been established by the commissioner of the Michigan state police.

The rules and regulations established pursuant to the authorization given in this section shall be promulgated in accordance with the provisions of Act No. 88 of the Public Acts of 1943, as amended, being sections 24.71 to 24.82, inclusive, of the Compiled Laws of 1948, and subject to Act No. 197 of the Public Acts of 1952, as amended, being sections 24.101 to 24.110, inclusive, of the Compiled Laws of 1948.

History: Add. 1955, 1st Ex. Sess., Act 2, Eff. Feb. 3, 1956.

Popular name: Seat Belt Law

Administrative rules: R 28.901 et seq. of the Michigan Administrative Code.

257.710b Safety belts; bolts and brackets.

Sec. 710b. A private passenger vehicle manufactured after January 1, 1965 shall not be offered for sale in this state unless the vehicle is equipped with safety belts for the use of the driver and 1 other front seat passenger. All safety belts and bolts and brackets used in the installation of the safety belts shall meet the minimum specifications of the society of automotive engineers as prescribed on April 1, 1963. This section

shall not apply to trucks, buses, hearses, motorcycles, or mopeds.

History: Add. 1961, Act 163, Eff. Sept. 8, 1961;—Am. 1963, Act 212, Eff. Sept. 6, 1963;—Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977.

Popular name: Seat Belt Law

257.710c Bumpers; height limitations; lift blocks; prohibited modifications; construction of section; applicability; definitions.

Sec. 710c. (1) A person shall not operate a motor vehicle on a public highway or street of this state unless the vehicle is equipped with a bumper or other energy absorption system with an analogous function which bumper or system is securely bolted or permanently attached on both the front and rear of the vehicle. The bumper or energy absorption system shall be maintained in good operational condition, except as provided in subsection (5). Notwithstanding subsection (6), a person shall not drive a vehicle having a raised or lifted body height unless the vehicle is equipped with bumpers that comply with this subsection and subsection (2).

(2) A person shall not operate a motor vehicle of a type defined in subsection (8) that exceeds either of the following limits:

Vehicle Type	Frame Height	Bumper Height
Passenger vehicle.....	12 inches	22 inches
Other motor vehicle:		
Less than 4,501 pounds GVWR...	24 inches	26 inches
4,501 to 7,500 pounds GVWR....	24 inches	28 inches
7,501 to 10,000 pounds GVWR...	26 inches	30 inches

(3) If the GVWR cannot be determined on a motor vehicle other than a passenger vehicle, the limitations for a motor vehicle having less than 4,501 pounds GVWR shall apply.

(4) Notwithstanding subsection (2), a person shall not operate a motor vehicle having lift blocks between the front axle and springs, or with lift blocks that exceed 4 inches in height between the rear axle and springs in addition to those provided by the original manufacturer. Any body lift block shall be of single piece construction and shall not use more than a 3-inch spacer. Any suspension lift block shall use an alignment pin between the axle and the spring, and shall be of single piece construction. Spring shackle replacements shall not exceed the original equipment manufacture length by more than 2 inches, and coil spring spacers are prohibited. All steering components shall be geometrically arranged to function as original equipment manufacture. Welded pitman arms, drag links, and tie rods are prohibited. All parts used to modify the original suspension or height of a motor vehicle shall be factory manufactured and shall meet or exceed the original manufacturer's specifications.

(5) A person shall not modify a vehicle to be in violation of this section, alter or add to an original frame resulting in an increase in height of the vehicle, or cause the vehicle body or chassis to come in contact with the ground, expose the fuel tank to damage from collision, or cause the wheels to come in contact with the body. No part of the suspension on a vehicle shall extend below the lowest portion of a wheel rim on the vehicle. A part of the original suspension system shall not be disconnected or modified to defeat the safe operation of the suspension system. This section does not prohibit the installation of heavy duty equipment including bumpers, shock absorbers, and overload springs within the limitations of this section, or the removal of a bumper when necessary to install a snowplow, lift ramp, or similar device while the device is in place and operational.

(6) This section shall not be construed to establish standards stricter than those formulated by the United States department of transportation for bumpers on a passenger motor vehicle sold within the United States.

(7) This section does not apply to a vehicle having a manufacturer's design which intrinsically precludes conformance with this section, a vehicle with a GVWR of 10,001 pounds or more, a vehicle designed to carry 16 or more passengers including the driver, implements of husbandry, or a road tractor, truck or truck tractor owned by a wood harvester or contractor and used exclusively in connection with wood harvesting and logging operations, or a vehicle which has an unaltered bumper or suspension system as supplied by the manufacturer. The operator of a vehicle cited for a violation of this section may assert as an affirmative defense that the vehicle in question, at the time of the violation, met original manufacturer's specifications for equipment which affected its bumper or frame height. The operator shall establish by a preponderance of this evidence the affirmative defense asserted pursuant to this subsection.

(8) As used in this section:

(a) "Bumper height" means the vertical distance between the ground and the highest point of the bottom of the bumper, as measured to a level surface when the vehicle is unladen with the vehicle tires inflated to the manufacturer's recommended pressure. If the bottom of the bumper cannot be determined due to vehicle design, the measurement shall be made from the lowest point on the rearmost portion of the rear horizontal

bumper bar, or the vertical distance between the lowest point on the forwardmost portion of the front horizontal bumper bar, as measured to a level surface when the vehicle is unladen with the vehicle tires inflated to the manufacturer's recommended pressure.

(b) "Frame" means the main longitudinal structural members of the chassis of the vehicle as equipped from the factory or, for a vehicle with unitized body construction, the lowest main longitudinal structural members of the body of the vehicle.

(c) "Frame height" means the vertical distance between the ground and the lowest point on the frame, measured when the vehicle is unladen on a level surface at the lowest point on the frame midway between the front axle and the second axle on the vehicle with the vehicle tires inflated to the manufacturer's recommended pressure.

(d) "GVWR" means the original manufacturer's gross vehicle weight rating as defined in section 18b.

(e) "Multipurpose passenger motor vehicle" means a motor vehicle, other than a truck or passenger vehicle, designed to carry 10 passengers or less and constructed either on a truck chassis or with special features for occasional off-road operation.

(f) "Other motor vehicle" means any truck, multipurpose passenger motor vehicle, or other motor vehicle having a GVWR of 10,000 pounds or less, not including a passenger vehicle or motorcycle.

(g) "Passenger vehicle" means a motor vehicle with motive power designed to carry 10 passengers or less, or a van having a GVWR of 5,000 pounds or less, but not including a multipurpose passenger motor vehicle, motorcycle, or truck.

History: Add. 1978, Act 225, Eff. Mar. 30, 1979;—Am. 1987, Act 19, Eff. Jan. 1, 1991;—Am. 1991, Act 129, Eff. Mar. 30, 1992.

257.710d Child restraint system required; position; exceptions; violation as civil infraction; points; abstract; exemption by rules; alternate means of protection.

Sec. 710d. (1) Except as provided in this section, or as otherwise provided by law, a rule promulgated under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, or federal regulation, each driver transporting a child less than 4 years of age in a motor vehicle shall properly secure that child in a child restraint system that meets the standards prescribed in 49 CFR 571.213.

(2) A driver transporting a child as required under subsection (1) shall position the child in the child restraint system in a rear seat, if the vehicle is equipped with a rear seat. If all available rear seats are occupied by children less than 4 years of age, then a child less than 4 years of age may be positioned in the child restraint system in the front seat. A child in a rear-facing child restraint system may be placed in the front seat only if the front passenger air bag is deactivated.

(3) This section does not apply if the motor vehicle being driven is a bus, school bus, taxicab, moped, motorcycle, or other motor vehicle not required to be equipped with safety belts under federal law or regulations.

(4) A person who violates this section is responsible for a civil infraction.

(5) Points shall not be assessed under section 320a for a violation of this section. An abstract required under section 732 shall not be submitted to the secretary of state regarding a violation of this section.

(6) The secretary of state may exempt by rules promulgated under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, a class of children from the requirements of this section, if the secretary of state determines that the use of the child restraint system required under subsection (1) is impractical because of physical unfitness, a medical problem, or body size. The secretary of state may specify alternate means of protection for children exempted under this subsection.

History: Add. 1981, Act 117, Eff. Mar. 31, 1982;—Am. 1990, Act 90, Eff. Mar. 28, 1991;—Am. 1999, Act 29, Eff. Mar. 10, 2000;—Am. 2009, Act 57, Imd. Eff. June 26, 2009.

Compiler's note: Enacting section 1 of 1999 PA 29, which amended this section, provides:

"Enacting section 1. It is the intent of the legislature that the cost savings realized by insurance companies because of the changes made by this amendatory act shall be passed on to insurance policy holders."

Popular name: Seat Belt Law

257.710e Safety belt required; driver or passenger to which section inapplicable; transporting child 4 years of age but less than 16 years of age; use of lap belt for purpose of road construction or maintenance; enforcement of section; violation as evidence of negligence; reduction of recovery for damages; violation as civil infraction; reports of police harassment; effect of primary enforcement; report of findings; intent; assessment of points prohibited.

Sec. 710e. (1) This section does not apply to an operator or passenger of any of the following:

(a) A motor vehicle manufactured before January 1, 1965.

(b) A bus.

(c) A motorcycle.

(d) A moped.

(e) A motor vehicle if the operator or passenger possesses a written verification from a physician that the operator or passenger is unable to wear a safety belt for physical or medical reasons.

(f) A motor vehicle that is not required to be equipped with safety belts under federal law.

(g) A commercial or United States Postal Service vehicle that makes frequent stops for the purpose of pickup or delivery of goods or services.

(h) A motor vehicle operated by a rural carrier of the United States Postal Service while serving his or her rural postal route.

(2) This section does not apply to a passenger of a school bus.

(3) Each operator and front seat passenger of a motor vehicle operated on a street or highway in this state shall wear a properly adjusted and fastened safety belt except as follows:

(a) A child who is less than 4 years of age shall be protected as required in section 710d.

(b) A child who is 4 years of age or older but less than 8 years of age and who is less than 4 feet 9 inches in height shall be properly secured in a child restraint system in accordance with the child restraint manufacturer's and vehicle manufacturer's instructions and the standards prescribed in 49 CFR 571.213.

(4) If there are more passengers than safety belts available for use, and all safety belts in the motor vehicle are being utilized in compliance with this section, the operator of the motor vehicle is in compliance with this section.

(5) Except as otherwise provided in subsection (3)(b), each operator of a motor vehicle transporting a child 4 years of age or older but less than 16 years of age in a motor vehicle shall secure the child in a properly adjusted and fastened safety belt and seated as required under this section. If the motor vehicle is transporting more children than there are safety belts available for use, all safety belts available in the motor vehicle are being utilized in compliance with this section, and the operator and all front seat passengers comply with subsection (3), the operator of a motor vehicle transporting a child 8 years of age or older but less than 16 years of age for which there is not an available safety belt is in compliance with this subsection if that child is seated in other than the front seat of the motor vehicle. However, if that motor vehicle is a pickup truck without an extended cab or jump seats, and all safety belts in the front seat are being used, the operator may transport the child in the front seat without a safety belt.

(6) The operator of a motor vehicle shall wear a lap belt, but is not required to wear a shoulder harness, if the operator is operating the vehicle for the purpose of performing road construction or maintenance in a work zone.

(7) If after December 31, 2005 the office of highway safety planning certifies that there has been less than 80% compliance with the safety belt requirements of this section during the preceding year, enforcement of this section by state or local law enforcement agencies shall be accomplished only as a secondary action when an operator of a motor vehicle has been detained for a suspected violation of another section of this act.

(8) Failure to wear a safety belt in violation of this section may be considered evidence of negligence and may reduce the recovery for damages arising out of the ownership, maintenance, or operation of a motor vehicle. However, that negligence shall not reduce the recovery for damages by more than 5%.

(9) A person who violates this section is responsible for a civil infraction.

(10) A law enforcement agency shall conduct an investigation for all reports of police harassment that result from the enforcement of this section.

(11) The secretary of state shall engage an independent organization to conduct a 3-year study to determine the effect that the primary enforcement of this section has on the number of incidents of police harassment of motor vehicle operators. The organization that conducts the study shall submit a report to the legislature not later than June 30, 2001 and an annual report not later than June 30 each year thereafter.

(12) The secretary of state shall promote compliance with the safety belt requirements of this section at the branch offices and through any print or visual media determined appropriate by the secretary of state.

(13) It is the intent of the legislature that the enforcement of this section be conducted in a manner calculated to save lives and not in a manner that results in the harassment of the citizens of this state.

(14) Points shall not be assessed under section 320a for a violation of this section.

History: Add. 1985, Act 1, Eff. July 1, 1985;—Am. 1989, Act 3, Imd. Eff. Apr. 6, 1989;—Am. 1990, Act 90, Eff. Mar. 28, 1991;—Am. 1991, Act 25, Imd. Eff. May 20, 1991;—Am. 1999, Act 29, Eff. Mar. 10, 2000;—Am. 2008, Act 43, Eff. July 1, 2008;—Am. 2016, Act 460, Eff. Apr. 5, 2017.

Compiler's note: Enacting section 1 of 1999 PA 29, which amended this section, provides:

"Enacting section 1. It is the intent of the legislature that the cost savings realized by insurance companies because of the changes made by this amendatory act shall be passed on to insurance policy holders."

Popular name: Seat Belt Law

257.710f Adoption of program to encourage compliance.

Sec. 710f. The secretary of state shall adopt a program to encourage compliance with the safety belt usage requirement, which shall inform all applicants for an operator license that safety belts are beneficial and that failure to use them properly is unlawful.

History: Add. 1985, Act 1, Eff. July 1, 1985.

Popular name: Seat Belt Law

257.710g Child car seat safety grant program; establishment.

Sec. 710g. The department of community health shall establish a child car seat safety grant program for the purpose of providing grants for training, promotion, and education concerning the child restraint system use requirements under sections 710d and 710e. The child car seat safety grant program shall provide grants to persons that the department of community health considers eligible.

History: Add. 2000, Act 282, Imd. Eff. July 10, 2000;—Am. 2000, Act 439, Imd. Eff. Jan. 9, 2001.

257.711 Safety glass required; safety plastic on buses; "safety glass" defined; penalties.

Sec. 711. (1) A person shall not sell a new motor vehicle nor shall a new motor vehicle be registered thereafter which is designed or used for the purpose of transporting passengers for compensation unless that vehicle is equipped with safety glass wherever glass is used in doors, windows, and windshields. Rigid safety plastic which meets the test requirements of American national standards institute standard Z26.1-1966, as supplemented and amended, may be used on buses in lieu of safety glass, except that front windshields shall be equipped with safety glass.

(2) A person shall not sell a new motor vehicle nor shall a new motor vehicle be registered thereafter unless that vehicle is equipped with safety glass wherever glass is used in the windshield, doors, and windows; nor shall any glass be replaced in the windshield, doors, and windows of a motor vehicle unless the glass is safety glass as herein defined.

(3) The term "safety glass" shall mean a product composed of glass, so manufactured, fabricated, or treated as substantially to prevent shattering and flying of the glass when struck or broken.

(4) In addition to the penalties imposed by this act, the permit issued by the Michigan public service commission to a person engaged in the passenger carrying business shall be subject to revocation or suspension in the discretion of the Michigan public service commission.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1974, Act 64, Imd. Eff. Apr. 1, 1974;—Am. 1990, Act 188, Eff. Aug. 15, 1990.

257.711a Repealed. 1990, Act 188, Eff. Aug. 15, 1990.

Compiler's note: The repealed section pertained to school bus gasoline tanks.

257.712, 257.713 Repealed. 2002, Act 282, Imd. Eff. May 9, 2002.

Compiler's note: The repealed sections pertained to flares, flags, reflector units, and flashing signals on stopped vehicles.

257.714 Repealed. 1980, Act 487, Imd. Eff. Jan. 21, 1981.

Compiler's note: The repealed section pertained to vehicles transporting explosives as cargo.

257.714a, 257.714b Repealed. 2005, Act 179, Imd. Eff. Oct. 20, 2005.

Compiler's note: The repealed sections pertained to preventing commercial vehicles from throwing road surface substances from rear wheel and to fuel systems for trucks over 10,000 pounds, truck tractors, road tractors, or buses.

INSPECTION OF VEHICLES

257.715 Maintenance of equipment on vehicles; stopping and inspecting vehicles; citation for defects in equipment; inspection of vehicles involved in accident; temporary vehicle check lanes.

Sec. 715. (1) Equipment on motor vehicles as required under this act shall be maintained as provided in this act. A uniformed police officer may on reasonable grounds shown stop a motor vehicle to inspect the vehicle, and if any defects in equipment are found, issue an appropriate citation under section 728 or 742 to the driver and order the driver to have the defect or defects repaired immediately. In case of an accident a police officer may make an inspection of the vehicles involved in the accident.

(2) The director of the department of state police shall cause inspection to be made of motor vehicles operating on the public highways to detect defective equipment or other violations of law governing the use of public highways by motor vehicles, operators, and chauffeurs. For that purpose the director may establish

temporary vehicle check lanes at appropriate locations throughout the state for checking for inadequacies and violations. A county, city, village, or township police department also may operate a temporary check lane within its limits with the express authorization of the director of the department of state police and under the direct supervision of a designated representative of the director.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1966, Act 214, Eff. Mar. 10, 1967;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1979, Act 66, Eff. Aug. 1, 1979.

257.715a Inspection of certain school buses, buses, or other motor vehicles with seating capacity of 12 or more; delegation of inspection; rules.

Sec. 715a. (1) A school bus, bus, or other motor vehicle with a manufacturers rated seating capacity of 12 or more which is owned, leased or used by a nonpublic school, religious organization, nonprofit youth organization, nonprofit rehabilitation facility, or senior citizen center for the transportation of passengers shall not be operated on a highway unless the vehicle has been inspected as provided in this section.

(2) The department of state police shall inspect each school bus, bus, or other motor vehicle with a manufacturers rated seating capacity of 12 or more, which is owned, leased or used by a nonpublic school, religious organization, nonprofit youth organization, nonprofit rehabilitation facility, or senior citizen center for the transportation of passengers, annually, and more frequently if defects are found in the organization's vehicles, to determine if the vehicles meet the specifications of the department of state police. The department of state police may delegate the inspection of vehicles under this section to publicly employed inspectors if the inspections comply with this section.

(3) The department of state police shall promulgate rules for safety equipment for a school bus, bus, or other motor vehicle regulated under this section pursuant to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws.

History: Add. 1978, Act 547, Imd. Eff. Dec. 22, 1978;—Am. 1984, Act 269, Imd. Eff. Dec. 18, 1984.

Administrative rules: R 257.951 et seq. of the Michigan Administrative Code.

SIZE, WEIGHT AND LOAD

257.716 Exceeding size and weight limitations as misdemeanor; exceptions; rules; operation of wrecker, disabled vehicle, and trailer; noncompliance as civil infraction; fine.

Sec. 716. (1) Unless specifically declared to be a civil infraction, it is a misdemeanor for a person to drive or move or for the owner to cause or permit to be driven or moved on a highway a vehicle or vehicles of a size or weight exceeding the limitations stated in this chapter or otherwise in violation of this chapter, and the maximum size and weight specified in this chapter are lawful throughout this state, and local authorities shall not alter those size and weight limitations except as express authority is granted in this chapter.

(2) The provision of this chapter governing size, weight, and load do not apply to a fire apparatus, to an implement of husbandry, a boat lift or oversized hydraulic boat trailer owned and operated by a marina or watercraft dealer used exclusively in a commercial boat storage operation and incidentally moved upon a highway, a combination of vehicles described in, and under the conditions provided by, subsection (4), or to a vehicle operated under the terms of a special permit issued as provided in this chapter.

(3) The state transportation department, under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, may promulgate rules permitting and regulating the operation of a vehicle or vehicles of a size or weight that exceeds the size or weight limitations in this chapter. The rules may restrict or proscribe the conditions of operation of a vehicle or vehicles of a size or weight that exceeds the size or weight limitations in this chapter, if the restriction or proscription is necessary to protect the public safety or to prevent undue damage to a road foundation or surface, a structure, or an installation. The rules may provide for a reasonable inspection fee for an inspection of a vehicle or vehicles to determine whether their sizes and weights are in conformance with this act, and may require other security necessary to compensate for damage caused by the vehicle or vehicles described in this subsection.

(4) A wrecker and a disabled vehicle, or a wrecker and a combination of a disabled vehicle and 1 trailer, that exceeds the size and weight limitations in this chapter may be operated upon the highways of this state under the following conditions:

(a) The wrecker is specifically designed for such towing operations, is equipped with flashing, oscillating, or rotating amber or red lights as permitted under section 698, and is capable of utilizing the lighting and braking systems of the disabled vehicle or combination of disabled vehicles if those systems are operational.

(b) For a combination of disabled vehicles, the wrecker is issued a special permit under section 725 by the state transportation department. The special permit is valid for the entire towing distance, and the operator of the wrecker may remove the disabled vehicles from the roadway at any lawful point of his or her choosing

within that distance.

(c) For a single disabled vehicle, the wrecker is issued a special permit under section 725 by the state transportation department for the transport of the disabled vehicle. A wrecker operator is not subject to mileage limitations for a special permit issued for purposes of this subdivision.

(d) The wrecker does not operate on any highway, road, street, or structure included on a list provided by the state transportation department unless the disabled vehicle or combination of vehicles is located on 1 of those roads or structures.

(5) The owner or operator of a wrecker that does not comply with subsection (4)(d) is responsible for a civil infraction and shall pay a civil fine of not less than $250.00 or more than $500.00. The civil fine imposed under this subsection is in addition to any fine that may be imposed under section 724 or 725.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1970, Act 177, Imd. Eff. Aug. 3, 1970;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1980, Act 311, Imd. Eff. Dec. 4, 1980;—Am. 1998, Act 427, Eff. Mar. 1, 1999;—Am. 2006, Act 509, Imd. Eff. Dec. 29, 2006;—Am. 2008, Act 539, Imd. Eff. Jan. 13, 2009;—Am. 2016, Act 453, Eff. Apr. 5, 2017.

257.717 Maximum permissible width of vehicle or load; extension beyond center line of highway; permit; designation of highway for operation of vehicle or vehicle combination; special permit; boat lift or trailer; snowplow blade; violation as civil infraction; charging owner.

Sec. 717. (1) The total outside width of a vehicle or the load on a vehicle shall not exceed 96 inches, except as otherwise provided in this section.

(2) A person may operate or move an implement of husbandry of any width on a highway as required, designed, and intended for farming operations, including the movement of implements of husbandry being driven or towed and not hauled on a trailer, without obtaining a special permit for an excessively wide vehicle or load under section 725. The operation or movement of the implement of husbandry shall be in a manner so as to minimize the interruption of traffic flow. A person shall not operate or move an implement of husbandry to the left of the center of the roadway from a half hour after sunset to a half hour before sunrise, under the conditions specified in section 639, or at any time visibility is substantially diminished due to weather conditions. A person operating or moving an implement of husbandry shall follow all traffic regulations.

(3) The total outside width of the load of a vehicle hauling concrete pipe, ferrous pipe, agricultural products, or unprocessed logs, pulpwood, or wood bolts shall not exceed 108 inches.

(4) Except as provided in subsections (2) and (5) and this subsection, if a vehicle that is equipped with pneumatic tires is operated on a highway, the maximum width from the outside of 1 wheel and tire to the outside of the opposite wheel and tire shall not exceed 102 inches, and the outside width of the body of the vehicle or the load on the vehicle shall not exceed 96 inches. However, a truck and trailer or a tractor and semitrailer combination hauling pulpwood or unprocessed logs may be operated with a maximum width of not to exceed 108 inches in accordance with a special permit issued under section 725.

(5) The total outside body width of a school bus, a bus, a trailer coach, a trailer, a semitrailer, a truck camper, or a motor home shall not exceed 102 inches. However, an appurtenance of a school bus, a trailer coach, a truck camper, or a motor home that extends not more than 6 inches beyond the total outside body width does not violate this section.

(6) A vehicle shall not extend beyond the center line of a state trunk line highway except when authorized by law. Except as provided in subsection (2), if the width of the vehicle makes it impossible to stay away from the center line, a permit shall be obtained under section 725.

(7) The director of the state transportation department, a county road commission, or a local authority may designate a highway under the agency's jurisdiction as a highway on which a person may operate a vehicle or vehicle combination that is not more than 102 inches in width, including load, the operation of which would otherwise be prohibited by this section. The agency making the designation may require that the owner or lessee of the vehicle or of each vehicle in the vehicle combination secure a permit before operating the vehicle or vehicle combination. This subsection does not restrict the issuance of a special permit under section 725 for the operation of a vehicle or vehicle combination. This subsection does not permit the operation of a vehicle or vehicle combination described in section 722a carrying a load described in that section if the operation would otherwise result in a violation of that section.

(8) The director of the state transportation department, a county road commission, or a local authority may issue a special permit under section 725 to a person operating a vehicle or vehicle combination if all of the following are met:

(a) The vehicle or vehicle combination, including load, is not more than 106 inches in width.

(b) The vehicle or vehicle combination is used solely to move new motor vehicles or parts or components of new motor vehicles between facilities that meet all of the following:

(*i*) New motor vehicles or parts or components of new motor vehicles are manufactured or assembled in the facilities.

(*ii*) The facilities are located within 10 miles of each other.

(*iii*) The facilities are located within the city limits of the same city and the city is located in a county that has a population of more than 400,000 and less than 500,000 according to the most recent federal decennial census.

(c) The special permit and any renewals are each issued for a term of 1 year or less.

(9) A person may move or operate a boat lift of any width or an oversized hydraulic boat trailer owned and operated by a marina or watercraft dealer in a commercial boat storage operation on a highway under a multiple trip permit issued on an annual basis as specified under section 725. The operation or movement of the boat lift or trailer shall minimize the interruption of traffic flow. It shall be used exclusively to transport a boat between a place of storage and a marina or in and around a marina. A boat lift or oversized hydraulic boat trailer may be operated, drawn, or towed on a street or highway only when transporting a vessel between a body of water and a place of storage or when traveling empty to or from transporting a vessel. A boat lift shall not be operated on limited access highways. A person moving or operating a boat lift or oversized hydraulic boat trailer shall follow all traffic regulations and shall ensure the route selected has adequate power and utility wire height clearance.

(10) A person may operate or move a truck to which a snowplow blade that is wider than 96 inches but no more than 132 inches wide is mounted without obtaining a special permit for an excessively wide vehicle or load under section 725. This subsection only applies between October 1 and May 1 of each year. A person operating a truck described in this subsection shall minimize the overwidth condition of the snowplow blade when not engaged in snow removal by angling the plow blade or any other method. This subsection does not apply to a person operating construction equipment for snow removal.

(11) A person who violates this section is responsible for a civil infraction. The owner of the vehicle may be charged with a violation of this section.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 68, Eff. Sept. 28, 1951;—Am. 1952, Act 69, Imd. Eff. Apr. 8, 1952;—Am. 1953, Act 206, Imd. Eff. June 10, 1953;—Am. 1954, Act 92, Eff. Aug. 13, 1954;—Am. 1964, Act 222, Eff. Aug. 28, 1964;—Am. 1966, Act 237, Eff. Mar. 10, 1967;—Am. 1976, Act 320, Imd. Eff. Dec. 7, 1976;—Am. 1978, Act 391, Eff. Jan. 15, 1979;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1979, Act 16, Eff. Aug. 1, 1979;—Am. 1982, Act 533, Eff. Mar. 30, 1983;—Am. 1987, Act 90, Imd. Eff. July 1, 1987;—Am. 1992, Act 257, Imd. Eff. Dec. 7, 1992;—Am. 1999, Act 63, Imd. Eff. June 17, 1999;—Am. 2000, Act 7, Imd. Eff. Feb. 25, 2000;—Am. 2002, Act 453, Imd. Eff. June 21, 2002;—Am. 2002, Act 552, Eff. Oct. 1, 2002;—Am. 2004, Act 511, Imd. Eff. Jan. 3, 2005;—Am. 2008, Act 539, Imd. Eff. Jan. 13, 2009;—Am. 2014, Act 391, Imd. Eff. Dec. 22, 2014;—Am. 2018, Act 273, Eff. Sept. 27, 2018;—Am. 2018, Act 342, Eff. Jan. 14, 2019.

257.718 Width of load carried on passenger type vehicle; violation as civil infraction.

Sec. 718. (1) A passenger type vehicle shall not be operated on a highway with a load carried on the vehicle extending beyond the line of the fenders on the left side of the vehicle nor extending more than 6 inches beyond the line of the fenders on the right side of the vehicle.

(2) A person who violates this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

***** *257.719 SUBSECTIONS (2)(a) AND (3)(b) MAY NOT APPLY: See subsection (9)* *****

257.719 Height of vehicle; liability for damage to bridge or viaduct or resulting injury; normal length maximum; prohibitions; length of certain vehicles prohibited from operation on state highways; combination of truck and semitrailer transporting assembled motor vehicles or bodies; connecting assemblies and lighting devices; gross weight; violation as civil infraction; applicability of subsections (2)(a) and (3)(b); definitions.

Sec. 719. (1) A vehicle unloaded or with load shall not exceed a height of 13 feet 6 inches. The owner of a vehicle that collides with a lawfully established bridge or viaduct is liable for all damage and injury resulting from a collision caused by the height of the vehicle, whether the clearance of the bridge or viaduct is posted or not.

(2) Lengths described in this subsection shall be known as the normal length maximum. Except as provided in subsection (3), the following vehicles and combinations of vehicles shall not be operated on a highway in this state in excess of these lengths:

(a) Subject to subsection (9), any single vehicle: 40 feet; a crib vehicle on which logs are loaded lengthwise of the vehicle: 42.5 feet; any single bus or motor home: 45 feet.

(b) Articulated buses: 65 feet.

(c) Notwithstanding any other provision of this section, a combination of a truck and semitrailer or trailer, or a truck tractor, semitrailer, and trailer, or truck tractor and semitrailer or trailer, designed and used exclusively to transport assembled motor vehicles or bodies, recreational vehicles, or boats: 65 feet. A combination of a truck and semitrailer or trailer, or a truck tractor, semitrailer, and trailer, or a truck tractor and semitrailer or trailer designed and used to transport boats from the manufacturer: 75 feet. A stinger-steered combination: 80 feet. The load on the combinations of vehicles described in this subdivision may extend an additional 3 feet beyond the front and 4 feet beyond the rear of the combinations of vehicles, except that the load on a stinger-steered combination may extend an additional 4 feet beyond the front and 6 feet beyond the rear. Retractable extensions used to support and secure the load that do not extend beyond the allowable overhang for the front and rear shall not be included in determining length of a loaded vehicle or vehicle combination.

(d) Truck tractor and semitrailer combinations: no overall length, the semitrailer: 50 feet.

(e) Except as provided in subdivision (j), truck and semitrailer or trailer: 59 feet.

(f) Except as provided in subdivisions (g) and (k), truck tractor, semitrailer, and trailer, or truck tractor and 2 semitrailers: 59 feet.

(g) A truck tractor, semitrailer, and trailer, or a truck tractor and 2 semitrailers, in which no semitrailer or trailer is more than 28-1/2 feet long: 65 feet. This subdivision only applies while the vehicle is being used for a business purpose reasonably related to picking up or delivering a load and only if each semitrailer or trailer is equipped with a device or system capable of mechanically dumping construction materials or dumping construction materials by force of gravity.

(h) More than 1 motor vehicle, wholly or partially assembled, in combination, utilizing 1 tow bar or 3 saddle mounts with full mount mechanisms and utilizing the motive power of 1 of the vehicles in combination: 55 feet.

(i) A recreational vehicle that has its own motive power, in combination with a trailer: 65 feet or, if the operator of the recreational vehicle has a group commercial motor vehicle designation on his or her operator's or chauffeur's license, 75 feet.

(j) Truck and trailer combinations designed and used to transport agricultural drainage tubing: 75 feet.

(k) A towaway trailer transporter combination: 82 feet. As used in this subdivision, "towaway trailer transportation combination" means that term as defined in 49 USC 31111.

(3) Notwithstanding subsection (2), the following vehicles and combinations of vehicles shall not be operated on a designated highway of this state in excess of these lengths:

(a) Truck tractor and semitrailer combinations: no overall length limit, the semitrailer 53 feet. City, village, or county authorities may prohibit stops of vehicles with a semitrailer longer than 50 feet within their jurisdiction unless the stop occurs along appropriately designated routes, or is necessary for emergency purposes or to reach shippers, receivers, warehouses, and terminals along designated routes.

(b) Except as provided in subsection (2)(k), truck and semitrailer or trailer combinations: 65 feet, except that a person may operate a truck and semitrailer or trailer designed and used to transport saw logs, pulpwood, and tree length poles that does not exceed an overall length of 70 feet or a crib vehicle and semitrailer or trailer designed and used to transport saw logs that does not exceed an overall length of 75 feet. A crib vehicle and semitrailer or trailer designed to and used to transport saw logs shall not exceed a gross vehicle weight of 164,000 pounds. A person may operate a truck tractor and semitrailer designed and used to transport saw logs, pulpwood, and tree length wooden poles with a load overhang to the rear of the semitrailer which does not exceed 6 feet if the semitrailer does not exceed 50 feet in length.

(c) Notwithstanding subsection (5)(d), a truck tractor with a log slasher unit and a log saw unit: no overall limit if the length of each unit does not exceed 28-1/2 feet, or the overall length of the log slasher unit and the log saw unit, as measured from the front of the first towed unit to the rear of the second towed unit while the units are coupled together, does not exceed 58 feet. The coupling devices of the truck tractor and units set forth in this subdivision shall meet the requirements established under the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.25.

(d) Except as provided in subsection (2)(k), truck tractor and 2 semitrailers, or truck tractor, semitrailer, and trailer combinations: no overall length limit, if the length of each semitrailer or trailer does not exceed 28-1/2 feet each, or the overall length of the semitrailer and trailer, or 2 semitrailers as measured from the front of the first towed unit to the rear of the second towed unit while the units are coupled together does not exceed 58 feet.

(e) More than 1 motor vehicle, wholly or partially assembled, in combination, utilizing 1 tow bar or 3 saddle mounts with full mount mechanisms and utilizing the motive power of 1 of the vehicles in combination: 97 feet.

(f) Truck tractor and lowboy semitrailer combinations: no maximum overall length, if the lowboy

semitrailer does not exceed 59 feet, except as otherwise permitted under this subdivision. A lowboy semitrailer more than 59 feet in length shall not operate with more than any combination of 4 axles on the lowboy unless an oversized load permit is issued by the state transportation department or a local authority with respect to highways under its jurisdiction. As used in this subdivision, "lowboy semitrailer" means a flatbed semitrailer with a depressed section that has the specific purpose of being lowered and raised for loading and unloading.

(4) Notwithstanding any other provision of this section, a combination of a truck and semitrailer, or truck tractor and semitrailer, used exclusively to transport assembled motor vehicles or bodies that have a trailer length of 53 feet may have a load that extends an additional 3 feet beyond the front of the trailer and 4 feet beyond the rear of the trailer. Retractable extensions used to support and secure the load that do not extend beyond the allowable overhang for the front and rear shall not be included in determining length of a loaded vehicle or vehicle combination. The total overall length loaded of the combination of vehicles described in this subsection shall not exceed 79 feet.

(5) The following combinations and movements are prohibited:

(a) A truck shall not haul more than 1 trailer or semitrailer, and a truck tractor shall not haul more than 2 semitrailers or 1 semitrailer and 1 trailer in combination at any 1 time, except that a farm tractor may haul 2 wagons or trailers, or garbage and refuse haulers may, during daylight hours, haul up to 4 trailers for garbage and refuse collection purposes, not exceeding in any combination a total length of 55 feet and at a speed limit not to exceed 15 miles per hour.

(b) A combination of vehicles or a vehicle shall not have more than 11 axles, except when operating under a valid permit issued by the state transportation department or a local authority with respect to a highway under its jurisdiction.

(c) Any combination of vehicles not specifically authorized under this section is prohibited.

(d) Except as provided in subsection (3)(c), a combination of 2 semitrailers pulled by a truck tractor, unless each semitrailer uses a fifth wheel connecting assembly that conforms to the requirements of the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.25.

(e) Except as provided in subsection (2)(c), a vehicle or a combination of vehicles shall not carry a load extending more than 3 feet beyond the front of the lead vehicle.

(f) A vehicle described in subsections (2)(e) and (3)(e) employing triple saddle mounts unless all wheels that are in contact with the roadway have operating brakes.

(6) All combinations of vehicles under this section shall employ connecting assemblies and lighting devices that are in compliance with the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.25.

(7) The total gross weight of a truck tractor, semitrailer, and trailer combination or a truck tractor and 2 semitrailers combination that exceeds 59 feet in length shall not exceed a ratio of 400 pounds per engine net horsepower delivered to clutch or its equivalent specified in the handbook published by the Society of Automotive Engineers, Inc. (SAE), 1977 edition.

(8) A person who violates this section is responsible for a civil infraction. The owner of the vehicle may be charged with a violation of this section.

(9) The provisions in subsections (2)(a) and (3)(b) prescribing the length of a crib vehicle on which logs are loaded lengthwise do not apply unless 23 USC 127(d) is amended to allow crib vehicles carrying logs to be loaded as described in this section.

(10) As used in this section:

(a) "Designated highway" means a highway approved by the state transportation department or a local authority with respect to a highway under its jurisdiction.

(b) "Length" means the total length of a vehicle, or combination of vehicles, including any load the vehicle is carrying. Length does not include devices described in 23 CFR 658.16 and 23 CFR part 658, appendix D, 23 CFR 658.16 and 23 CFR part 658, appendix D, as on file with the secretary of state are adopted by reference. A safety or energy conservation device shall be excluded from a determination of length only if it is not designed or used for the carrying of cargo, freight, or equipment. Semitrailers and trailers shall be measured from the front vertical plane of the foremost transverse load supporting structure to the rearmost transverse load supporting structure. Vehicle components not excluded by law shall be included in the measurement of the length, height, and width of the vehicle.

(c) "Stinger-steered combination" means a truck tractor and semitrailer combination in which the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 43, Eff. Sept. 28, 1951;—Am. 1954, Act 111, Imd. Eff. Apr. 15, 1954;—Am. 1955, Act 208, Imd. Eff. June 17, 1955;—Am. 1956, Act 141, Imd. Eff. Apr. 16, 1956;—Am. 1957, Act 291, Eff. Sept. 27, 1957;

—Am. 1958, Act 88, Imd. Eff. Apr. 11, 1958;—Am. 1964, Act 94, Eff. Aug. 28, 1964;—Am. 1966, Act 79, Imd. Eff. June 14, 1966;—Am. 1968, Act 43, Imd. Eff. May 21, 1968;—Am. 1969, Act 59, Imd. Eff. July 21, 1969;—Am. 1970, Act 70, Imd. Eff. July 12, 1970;—Am. 1973, Act 207, Imd. Eff. Jan. 11, 1974;—Am. 1974, Act 95, Imd. Eff. Apr. 25, 1974;—Am. 1976, Act 201, Imd. Eff. July 23, 1976;—Am. 1978, Act 225, Eff. Mar. 30, 1979;—Am. 1978, Act 386, Imd. Eff. July 27, 1978;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1978, Act 565, Imd. Eff. Dec. 29, 1978;—Am. 1980, Act 487, Imd. Eff. Jan. 21, 1981;—Am. 1981, Act 147, Imd. Eff. Nov. 10, 1981;—Am. 1982, Act 350, Imd. Eff. Dec. 21, 1982;—Am. 1982, Act 533, Eff. Mar. 30, 1983;—Am. 1984, Act 1, Imd. Eff. Jan. 24, 1984;—Am. 1985, Act 174, Imd. Eff. Dec. 2, 1985;—Am. 1986, Act 187, Imd. Eff. July 8, 1986;—Am. 1988, Act 88, Eff. Apr. 15, 1988;—Am. 1988, Act 356, Imd. Eff. Dec. 7, 1988;—Am. 1990, Act 78, Imd. Eff. May 24, 1990;—Am. 1992, Act 127, Imd. Eff. June 30, 1992;—Am. 1995, Act 248, Imd. Eff. Dec. 27, 1995;—Am. 1996, Act 136, Imd. Eff. Mar. 21, 1996;—Am. 2000, Act 306, Imd. Eff. Oct. 16, 2000;—Am. 2002, Act 78, Imd. Eff. Mar. 25, 2002;—Am. 2002, Act 453, Imd. Eff. June 21, 2002;—Am. 2003, Act 142, Imd. Eff. Aug. 5, 2003;—Am. 2004, Act 420, Eff. Jan. 1, 2006;—Am. 2009, Act 37, Imd. Eff. June 4, 2009;—Am. 2012, Act 80, Imd. Eff. Apr. 11, 2012;—Am. 2012, Act 282, Imd. Eff. July 5, 2012;—Am. 2015, Act 208, Eff. Feb. 28, 2016;—Am. 2017, Act 35, Eff. Aug. 21, 2017;—Am. 2017, Act 170, Eff. Feb. 19, 2018;—Am. 2018, Act 35, Eff. May 22, 2018.

257.719a Operation of towing vehicle to which mobile home or park model trailer attached.

Sec. 719a. (1) Notwithstanding any other provisions of this act, a person shall not operate a towing vehicle to which a mobile home or park model trailer is attached on a street or highway if that mobile home or park model trailer is more than 45 feet in length or more than 60 feet in length when combined with the towing vehicle, is more than 12-1/2 feet in height, and has an actual body width of more than 102 inches at base rail, unless that person possesses either of the following:

(a) A permit issued by the jurisdictional authority under this section.

(b) A special permit issued by the jurisdictional authority under section 725.

(2) A jurisdictional authority may issue to a mobile home or park model trailer transport company, a mobile home or park model trailer manufacturer, or a mobile home or park model trailer dealer an annual permit to move on a street or highway, in the ordinary course of that company's, manufacturer's, or dealer's business, a mobile home or park model trailer that conforms to each of the following:

(a) The mobile home or park model trailer is not more than 12 feet wide.

(b) The actual body length of the mobile home or park model trailer is not more than 80 feet and the combined length of the mobile home or park model trailer and towing vehicle is not more than 105 feet or the total length of a combination of mobile homes or park model trailers is not more than 80 feet and the total length of a combination of mobile homes or park model trailers and towing vehicle is not more than 105 feet.

(3) A jurisdictional authority under section 725 may issue a special permit for the movement of a mobile home or park model trailer on a street or highway within its jurisdiction if the width of that mobile home or park model trailer conforms to both of the following:

(a) The mobile home or park model trailer is not more than 16 feet wide plus normal appurtenances or eaves that extend not more than 6 inches from any side of the mobile home or park model trailer.

(b) The length of the mobile home or park model trailer complies with subsection (2)(b).

(4) A person operating a towing vehicle under subsection (3) shall transport a mobile home or park model trailer only on the lane farthest to the right of that person. A person shall not move a mobile home or park model trailer that is 14 or more feet in width including an eave of 2 feet when the wind velocity exceeds 25 miles per hour.

(5) A jurisdictional authority shall not issue a permit described in subsection (2) or (3) for the transport of a mobile home or park model trailer on a Saturday, Sunday, legal holiday, from the noon before until the noon after a holiday, or during the hours between sunset and sunrise.

(6) A jurisdictional authority shall provide and a person operating a towing vehicle shall comply with all of the following in a permit issued under this section:

(a) The date, day, and time period during which a mobile home or park model trailer subject to the permit may be moved on a highway.

(b) Notice that the permit is conditioned upon its holder's compliance with the permit's terms and with the law.

(c) Notice that the operator of a towing vehicle transporting the mobile home or park model trailer shall operate the towing vehicle on a highway as follows:

(*i*) At a safe speed and in a safe manner that will not impede motor traffic.

(*ii*) Only when the surface condition of the highway is not slippery.

(*iii*) In compliance with seasonal load restrictions.

(d) For a mobile home or park model trailer and towing vehicle that, when combined, are more than 80 feet in length or more than 12 feet wide, all of the following:

(*i*) Notice that the mobile home or park model trailer shall be equipped with 2 flashing amber lights on the rear of the mobile home or park model trailer and 1 flashing amber light on the top of the towing vehicle.

(*ii*) Notice that the mobile home or park model trailer shall be equipped with stop lights and directional lights on the rear of the mobile home or park model trailer.

(*iii*) Notice that signs with the words "oversize load" shall be displayed on the front bumper of the towing vehicle and the back of the mobile home or park model trailer or, in the case of mobile homes or park model trailers that are 16 feet wide, notice that signs with the words "16-ft wide load" shall be displayed on the front bumper of the towing vehicle and the back of the mobile home or park model trailer.

(*iv*) Notice that the signs identified in subparagraph (*iii*) shall be of durable material, in good condition, with black lettering on interstate yellow background, and that each letter shall be of block lettering not less than 12 inches high at the front and not less than 16 inches high at the rear of the unit.

(*v*) Notice that a vehicle escort is required on those roads where the state police consider escort vehicles necessary for highway safety.

(7) Signs and other special identification for escort vehicles shall conform to state transportation department requirements for all escort vehicles for oversized loads.

(8) For a mobile home or park model trailer being moved pursuant to this section or section 725, the distance between mobile home or park model trailer axle centers shall not be less than 34 inches. The axles and tires shall meet standards established by the state transportation department.

(9) This section does not grant or give authority to the state transportation department that did not exist on May 1, 1982, in accordance with 23 USC 127.

(10) A person that violates this section is responsible for a civil infraction and may be assessed a civil fine of not more than $500.00. The owner of the towing vehicle may be charged with a violation of this section.

(11) The state transportation commission may order the state transportation department to immediately cease issuing all special permits to move on the highways of the lower peninsula of this state a mobile home or park model trailer that is more than 14-1/3 feet wide plus normal appurtenances that extend no more than 6 inches, and an eave that extends no more than 2 feet from the width of that mobile home or park model trailer if the state transportation commission makes a determination that those permits create an unreasonable safety hazard or hazards. The state transportation commission shall notify all other jurisdictional authorities of a determination made under this subsection. The order shall not prohibit the issuance of a special permit for the movement of a mobile home or park model trailer if a binding contract for the movement of that mobile home or park model trailer was executed before the commission determination of an unreasonable safety hazard or hazards.

(12) As used in this section:

(a) "Jurisdictional authority" means the state transportation department, a county road commission, or a local authority that has jurisdiction over a street or highway on which a mobile home is proposed to be moved.

(b) "Mobile home" means any of the following:

(*i*) A prebuilt housing module.

(*ii*) That term as defined in section 2 of the mobile home commission act, 1987 PA 96, MCL 125.2302.

(*iii*) A section of a mobile home as that term is defined in subparagraph (*ii*).

History: Add. 1954, Act 111, Imd. Eff. Apr. 15, 1954;—Am. 1963, Act 84, Imd. Eff. May 8, 1963;—Am. 1969, Act 156, Eff. Mar. 20, 1970;—Am. 1971, Act 58, Imd. Eff. July 20, 1971;—Am. 1972, Act 163, Imd. Eff. June 13, 1972;—Am. 1973, Act 207, Imd. Eff. Jan. 11, 1974;—Am. 1975, Act 336, Imd. Eff. Jan. 12, 1976;—Am. 1980, Act 175, Imd. Eff. June 26, 1980;—Am. 1982, Act 533, Eff. Mar. 30, 1983;—Am. 1983, Act 224, Imd. Eff. Nov. 28, 1983;—Am. 1986, Act 284, Imd. Eff. Dec. 22, 1986;—Am. 1991, Act 19, Imd. Eff. May 8, 1991;—Am. 1992, Act 128, Imd. Eff. June 30, 1992;—Am. 1992, Act 257, Imd. Eff. Dec. 7, 1992;—Am. 1993, Act 243, Imd. Eff. Nov. 22, 1993;—Am. 1996, Act 136, Imd. Eff. Mar. 21, 1996;—Am. 2009, Act 32, Eff. Dec. 1, 2009.

257.719b Certain mobile homes transported in lower peninsula; additional requirements.

Sec. 719b. All mobile homes transported on the highways of the Lower Peninsula of this state that are more than 14-1/3 feet wide, plus normal appurtenances that extend no more than 6 inches, and an eave that extends no more than 2 feet from the width of the mobile home, are subject to the following requirements in addition to the requirements of section 719a:

(a) Two escort vehicles shall escort the towing vehicle and mobile home on all 2-lane roads and on those roads where the state police consider 2 escort vehicles necessary for highway safety.

(b) Each towing vehicle shall be equipped with a radio or other device that allows for continuous communication between the towing vehicle and each escort vehicle.

(c) The person transporting the mobile home shall have in effect a liability insurance policy covering personal injury and property damage and having policy limits of not less than $1,000,000.00.

(d) The towing vehicle and mobile home shall not exceed a speed of 45 miles per hour or 10 miles per hour below the posted speed limit, whichever is lower.

History: Add. 1991, Act 19, Imd. Eff. May 8, 1991;—Am. 1992, Act 128, Imd. Eff. June 30, 1992;—Am. 1992, Act 257, Imd. Eff. Dec. 7, 1992;—Am. 1993, Act 243, Imd. Eff. Nov. 22, 1993.

257.719c Truck and semitrailers used for transporting passengers for sightseeing purposes.

Sec. 719c. (1) Notwithstanding section 719, a truck may be used to haul not more than 4 semitrailers for the purpose of transporting passengers for sightseeing purposes with the approval of the local unit of government in which the truck is to be operated not to exceed 3 miles beyond the boundaries of the local unit and if the truck does not exceed a speed of 25 miles per hour.

(2) A truck and semitrailers described in this section shall meet the following requirements:

(a) Be equipped with hazard warning lights, and slow-moving vehicle emblems as described in section 688.

(b) Be equipped with safety belts as described in section 710e for each individual seat within 1 year after the effective date of this section.

(c) Any applicable federal safety standards.

(3) A driver of a truck regulated by this section shall secure the proper group vehicle designation and any endorsement required on his or her operator's or chauffeur's license before operating a truck regulated by this section.

(4) A truck and semitrailers used as described in this section shall be inspected annually by the department of state police.

History: Add. 1995, Act 105, Imd. Eff. June 23, 1995.

257.720 Construction or loading of vehicles to prevent contents from escaping; exception; closing tailgates, faucets, and taps; exemption; proof of violation; loading of vehicles not completely enclosed; prima facie liability; exceptions; front end loading device; violation; penalty; "logs" defined.

Sec. 720. (1) A person shall not drive or move a vehicle on a highway unless the vehicle is so constructed or loaded as to prevent its contents from dropping, sifting, leaking, blowing off, or otherwise escaping from the vehicle. This requirement does not apply to a vehicle transporting agricultural or horticultural products when hay, straw, silage, or residue from a product, but not including the product itself, or when materials such as water used to preserve and handle agricultural or horticultural products while in transportation, escape from the vehicle in an amount that does not interfere with other traffic on the highway. The tailgate, faucets, and taps on a vehicle shall be securely closed to prevent spillage during transportation whether the vehicle is loaded or empty, and the vehicle shall not have any holes or cracks through which material can escape. Any highway maintenance vehicle engaged in either ice or snow removal shall be exempt from this section.

(2) Actual spillage of material on the highway or proof of that spillage is not necessary to prove a violation of this section.

(3) Except as provided in this section, a vehicle carrying a load, other than logs or tubular products, which is not completely enclosed shall meet either of the following requirements:

(a) Have the load covered with firmly secured canvas or a similar type of covering. A device used to comply with the requirement of this subdivision shall not exceed a width of 108 inches nor by design or use have the capability to carry cargo by itself.

(b) Have the load securely fastened to the body or the frame of the vehicle with binders of adequate number and of adequate breaking strength to prevent the dropping off or shifting of the load.

(4) A company or individual who loads or unloads a vehicle or causes it to be loaded or unloaded, with knowledge that it is to be driven on a public highway, in a manner so as to cause a violation of subsection (1) shall be prima facie liable for a violation of this section.

(5) Subsection (3) does not apply to a person operating a vehicle to transport agricultural commodities or to a person operating a farm truck or implement of husbandry transporting sand, gravel, and dirt necessary in the normal operation of a farm. However, a person operating a vehicle to transport agricultural commodities or sand, gravel, and dirt in the normal operation of the farm who violates subsection (1) or (4) is guilty of a misdemeanor and is subject to the penalties prescribed in subsection (9).

(6) Subsection (3)(a) does not apply to a motor vehicle transporting items of a load that because of their weight will not fall off the moving vehicle and that have their centers of gravity located at least 6 inches below the top of the enclosure nor to a motor vehicle carrying metal that because of its weight and density is so loaded as to prevent it from dropping or falling off the moving vehicle.

(7) Subsection (3)(a) does not apply to motor vehicles and other equipment engaged in work upon the surface of a highway or street in a designated work area.

(8) A person shall not drive or move on a highway a vehicle equipped with a front end loading device with

a tine protruding parallel to the highway beyond the front bumper of the vehicle unless the tine is carrying a load designed to be carried by the front end loading device. This subsection does not apply to a vehicle designed to be used or being used to transport agricultural commodities, to a vehicle en route to a repair facility, or to a vehicle engaged in construction activity. As used in this subsection, "agricultural commodities" means that term as defined in section 722.

(9) A person who violates this section is guilty of a misdemeanor punishable by a fine of not more than $500.00 or imprisonment for not more than 90 days, or both.

(10) As used in this section, "logs" means sawlogs, pulpwood, or tree length poles.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1959, Act 215, Imd. Eff. July 30, 1959;—Am. 1976, Act 301, Eff. Mar. 31, 1977;—Am. 1977, Act 111, Imd. Eff. Oct. 6, 1977;—Am. 1987, Act 41, Eff. July 1, 1987;—Am. 1988, Act 354, Eff. Apr. 1, 1989;—Am. 1989, Act 37, Imd. Eff. June 5, 1989;—Am. 1990, Act 67, Imd. Eff. Apr. 27, 1990;—Am. 1994, Act 50, Imd. Eff. Mar. 25, 1994;—Am. 1996, Act 136, Imd. Eff. Mar. 21, 1996;—Am. 2002, Act 535, Imd. Eff. July 26, 2002;—Am. 2003, Act 142, Imd. Eff. Aug. 5, 2003;—Am. 2008, Act 131, Imd. Eff. May 21, 2008.

257.721 Passenger vehicle or pickup truck towing vehicle or trailer; drawbar or other connection; coupling devices and safety chains; pickup truck with fifth wheel assembly; conditions for towing additional trailer or semitrailer; speed limit requirements; violation as civil infraction.

Sec. 721. (1) Except as otherwise provided in subsection (5), a passenger vehicle or a pickup truck shall not be driven upon a highway drawing or having attached to the passenger vehicle or pickup truck more than 1 vehicle or trailer.

(2) The drawbar or other connection between 2 vehicles, 1 of which is towing or drawing the other on a highway, shall not exceed 15 feet in length from 1 vehicle to the other. If the connection consists of a chain, rope, or cable, there shall be displayed upon the connection a red flag or other signal or cloth not less than 12 inches both in length and width.

(3) A vehicle or trailer towed or drawn by a vehicle shall be attached to the vehicle with forms of coupling devices in a manner so that when the combination is operated in a linear alignment on a level, smooth, paved surface, the movement of the towed or drawn vehicle or trailer does not deviate more than 3 inches to either side of the path of the towing vehicle that tows or draws it. The vehicle or trailer shall also be connected to the towing vehicle by suitable safety chains or devices, 1 on each side of the coupling and at the extreme outer edge of the vehicle or trailer. Each chain or device and connection used shall be of sufficient strength to haul the vehicle or trailer when loaded. In the case of an implement of husbandry with a gross vehicle weight rating or gross combination weight rating of 10,000 pounds or less, the safety chains or devices required under this subsection shall conform to the federal motor carrier safety regulations requirements contained in 49 CFR 393.70(d)(5).

(4) A pickup truck with a fifth wheel assembly shall not tow a semitrailer unless the fifth wheel assembly conforms to the standards prescribed in the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.25.

(5) Notwithstanding subsection (1), a pickup truck with a towing rating equal to, or greater than, the weight being towed, equipped with a fifth wheel assembly that conforms with the standards prescribed in the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.25, towing attached with a semitrailer designed for recreational living purposes may tow an additional trailer or semitrailer under the following conditions:

(a) The additional trailer or semitrailer shall be attached as provided in subsection (3). The safety chains described in subsection (3) shall be securely attached at the extreme outer edge of the attached trailer or semitrailer with a locking mechanism. The towing vehicle hitch shall be of substantial material and shall be attached in a proper and skillful manner to the frame of the towing vehicle.

(b) The total length of the pickup truck, semitrailer designed for recreational living purposes, and additional trailer or semitrailer, and load, shall not exceed 75 feet on any highways in this state.

(c) The gross weight of the additional trailer or semitrailer towed or drawn shall not exceed the empty weight of the pickup truck or the empty weight of the semitrailer.

(6) For the purposes of this section, a pickup truck towing a semitrailer and additional trailer shall be considered a passenger vehicle and shall comply with the speed limit requirements of section 627(5).

(7) A person who violates this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1990, Act 75, Imd. Eff. May 17, 1990;—Am. 1995, Act 248, Imd. Eff. Dec. 27, 1995;—Am. 1999, Act 24, Imd. Eff. May 13, 1999;—Am. 2000, Act 154, Imd. Eff. June 14, 2000 ;—Am. 2012, Act 80, Imd. Eff. Apr. 11, 2012.

257.722 Maximum axle load; normal loading maximum; designating highways as adequate

for heavier loading; restrictions as to tandem axle assemblies; exceptions; public utility vehicles; normal size of tires; maximum wheel load; reduction of maximum axle load on concrete pavements during March, April, and May; exemptions; suspension of restrictions; determination of gross vehicle weight and axle weights; designation of highways for operation of certain vehicles; increase in axle loading maximums; engine fueled by compressed or liquefied natural gas; definitions.

Sec. 722. (1) Except as otherwise provided in this section, the maximum axle load shall not exceed the number of pounds designated in the following provisions that prescribe the distance between axles:

(a) If the axle spacing is 9 feet or more between axles, the maximum axle load shall not exceed 18,000 pounds for vehicles equipped with high pressure pneumatic or balloon tires.

(b) If the axle spacing is less than 9 feet between 2 axles but more than 3-1/2 feet, the maximum axle load shall not exceed 13,000 pounds for high pressure pneumatic or balloon tires.

(c) If the axles are spaced less than 3-1/2 feet apart, the maximum axle load shall not exceed 9,000 pounds per axle.

(d) Subdivisions (a), (b), and (c) shall be known as the normal loading maximum.

(2) When normal loading is in effect, the state transportation department, or a local authority with respect to highways under its jurisdiction, may designate certain highways, or sections of those highways, where bridges and road surfaces are adequate for heavier loading, and revise a designation as needed, on which the maximum tandem axle assembly loading shall not exceed 16,000 pounds for any axle of the assembly, if there is no other axle within 9 feet of any axle of the assembly.

(3) A combination of vehicles may operate on designated highways with not more than 1 tandem axle assembly having a gross weight of 16,000 pounds per axle, if there is no other axle within 9 feet of the assembly. On a combination of truck tractor and semitrailer having not more than 5 axles, 2 consecutive tandem axle assemblies may operate on designated highways at a gross permissible weight of 16,000 pounds per axle, if there is no other axle within 9 feet of any axle of either assembly.

(4) Notwithstanding subsection (3), on a combination of truck tractor and semitrailer having not more than 5 axles, 2 consecutive sets of tandem axles may carry a gross permissible weight of not to exceed 17,000 pounds on any axle of the tandem axles if there is no other axle within 9 feet of any axle of the tandem axles and if the first and last axles of the consecutive sets of tandem axles are not less than 36 feet apart and the gross vehicle weight does not exceed 80,000 pounds to pick up and deliver agricultural commodities between the national truck network or special designated highways and any other highway. This subsection is not subject to the maximum axle loads of subsections (1), (2), and (3). For purposes of this subsection, a "tandem axle" means 2 axles spaced more than 40 inches but not more than 96 inches apart or 2 axles spaced more than 3-1/2 feet but less than 9 feet apart. This subsection does not apply during that period when reduced maximum loads are in effect under subsection (8).

(5) The seasonal reductions described under subsection (8) to the loading maximums and gross vehicle weight requirement of subsection (12) do not apply to a person hauling agricultural commodities if the person who picks up or delivers the agricultural commodity either from a farm or to a farm notifies the county road commission for roads under its authority not less than 48 hours before the pickup or delivery of the time and location of the pickup or delivery. The county road commission shall issue a permit to the person and charge a fee that does not exceed the administrative costs incurred. The permit shall contain all of the following:

(a) The designated route or routes of travel for the load.

(b) The date and time period requested by the person who picks up or delivers the agricultural commodities during which the load may be delivered or picked up.

(c) A maximum speed limit of travel, if necessary.

(d) Any other specific conditions agreed to between the parties.

(6) The seasonal reductions described under subsection (8) to the loading maximums and gross vehicle weight requirements of subsection (12) do not apply to public utility vehicles under the following circumstances:

(a) For emergency public utility work on restricted roads, as follows:

(*i*) If required by the county road commission, the public utility or its subcontractor shall notify the county road commission, as soon as practical, of the location of the emergency public utility work and provide a statement that the vehicles that were used to perform the emergency utility work may have exceeded the loading maximums and gross vehicle weight requirements of subsection (12) as reduced under subsection (8). The notification may be made via facsimile or electronically.

(*ii*) The public utility vehicle travels to and from the site of the emergency public utility work while on a restricted road at a speed not greater than 35 miles per hour.

(b) For nonemergency public utility work on restricted roads, as follows:

(*i*) If the county road commission requires, the public utility or its subcontractor shall apply to the county road commission annually for a seasonal truck permit for roads under its authority before seasonal weight restrictions are effective. The county road commission shall issue a seasonal truck permit for each public utility vehicle or vehicle configuration the public utility or subcontractor anticipates will be utilized for nonemergency public utility work. The county road commission may charge a fee for a seasonal truck permit that does not exceed the administrative costs incurred for the permit. The seasonal truck permit shall contain all of the following:

(A) The seasonal period requested by the public utility or subcontractor during which the permit is valid.

(B) A unique identification number for the vehicle and any vehicle configuration to be covered on the seasonal truck permit requested by the public utility or subcontractor.

(C) A requirement that travel on restricted roads during weight restrictions will be minimized and only utilized when necessary to perform public utility work using the public utility vehicle or vehicle configuration and that nonrestricted roads shall be used for travel when available and for routine travel.

(D) A requirement that in the case of a subcontractor the permit is only valid while the subcontractor vehicle is being operated in the performance of public utility work.

(E) A requirement that a subcontractor vehicle or vehicle configuration shall display signage on the outside of the vehicle to identify the vehicle as operating on behalf of the public utility.

(*ii*) If the county road commission requires notification, the county road commission shall provide a notification application for the public utility or its subcontractor to use when requesting access to operate on restricted roads and the public utility or its subcontractor shall provide notification to the county road commission, via facsimile or electronically, not later than 24 hours before the time of the intended travel. A subcontractor using a vehicle on a restricted road shall have a copy of any notification provided to a county road commission in the subcontractor's possession while performing the relevant nonemergency work. Notwithstanding this subsection or an agreement under this subsection, if the county road commission determines that the condition of a particular road under its jurisdiction makes it unusable, the county road commission may deny access to all or any part of that road. The denial shall be made and communicated via facsimile or electronically to the public utility or its subcontractor within 24 hours after receiving notification that the public utility or subcontractors intends to perform nonemergency work that requires use of that road. Any notification that is not disapproved within 24 hours after the notice is received by the county road commission is considered approved. The notification application required under this subparagraph may include all of the following information:

(A) The address or location of the nonemergency work.

(B) The date or dates of the nonemergency work.

(C) The route to be taken to the nonemergency work site.

(D) The restricted road or roads intended to be traveled upon to the nonemergency work site or sites.

(E) In the case of a subcontractor, the utility on whose behalf the subcontractor is performing services.

(7) The normal size of tires shall be the rated size as published by the manufacturers, and the maximum wheel load permissible for any wheel shall not exceed 700 pounds per inch of width of tire.

(8) Except as provided in this subsection and subsection (9), during the months of March, April, and May in each year, the maximum axle load allowable on concrete pavements or pavements with a concrete base is reduced by 25% from the maximum axle load as specified in this chapter, and the maximum axle loads allowable on all other types of roads during these months are reduced by 35% from the maximum axle loads as specified. The maximum wheel load shall not exceed 525 pounds per inch of tire width on concrete and concrete base or 450 pounds per inch of tire width on all other roads during the period the seasonal road restrictions are in effect. Subject to subsection (5), this subsection does not apply to vehicles transporting agricultural commodities or, subject to subsection (6), public utility vehicles on a highway, road, or street under the jurisdiction of a local road agency, or a school bus. In addition, this subsection does not apply to a vehicle delivering propane fuel to a residence if the vehicle's propane tank is filled to not more than 50% of its capacity and the vehicle is traveling at not more than 35 miles per hour. The state transportation department and each local authority with highways and streets under its jurisdiction to which the seasonal restrictions prescribed under this subsection apply shall post all of the following information on the homepage of its website or, if a local authority does not have a website, then on the website of a statewide road association of which it is a member:

(a) The dates when the seasonal restrictions are in effect.

(b) The names of the highways and streets and portions of highways and streets to which the seasonal restrictions apply.

(9) The state transportation department for roads under its jurisdiction and a county road commission for

roads under its jurisdiction may grant exemptions from seasonal weight restrictions for milk on specified routes when requested in writing. Approval or denial of a request for an exemption shall be given by written notice to the applicant within 30 days after the date of submission of the application. If a request is denied, the written notice shall state the reason for denial and alternate routes for which the permit may be issued. The applicant may appeal to the state transportation commission or the county road commission. These exemptions do not apply on county roads in counties that have negotiated agreements with milk haulers or haulers of other commodities during periods of seasonal load limits before April 14, 1993. This subsection does not limit the ability of these counties to continue to negotiate such agreements.

(10) The state transportation department, or a local authority with respect to highways under its jurisdiction, may suspend the restrictions imposed by this section when and where conditions of the highways or the public health, safety, and welfare warrant suspension, and impose the restricted loading requirements of this section on designated highways at any other time that the conditions of the highway require.

(11) For the purpose of enforcing this act, the gross vehicle weight of a single vehicle and load or a combination of vehicles and loads shall be determined by weighing individual axles or groups of axles, and the total weight on all the axles shall be the gross vehicle weight. In addition, the gross axle weight shall be determined by weighing individual axles or by weighing a group of axles and dividing the gross weight of the group of axles by the number of axles in the group. For purposes of subsection (12), the overall gross weight on a group of 2 or more axles shall be determined by weighing individual axles or several axles, and the total weight of all the axles in the group shall be the overall gross weight of the group.

(12) The loading maximum in this subsection applies to interstate highways, and the state transportation department, or a local authority with respect to highways under its jurisdiction, may designate a highway, or a section of a highway, for the operation of vehicles having a gross vehicle weight of not more than 80,000 pounds that are subject to the following load maximums:

(a) Twenty thousand pounds on any 1 axle, including all enforcement tolerances.

(b) A tandem axle weight of 34,000 pounds, including all enforcement tolerances.

(c) An overall gross weight on a group of 2 or more consecutive axles equaling:

$$W=500[(LN)/(N-1)+12N+36]$$

where W = overall gross weight on a group of 2 or more consecutive axles to the nearest 500 pounds, L = distance in feet between the extreme of a group of 2 or more consecutive axles, and N = number of axles in the group under consideration; except that 2 consecutive sets of tandem axles may carry a gross load of 34,000 pounds each if the first and last axles of the consecutive sets of tandem axles are not less than 36 feet apart. The gross vehicle weight shall not exceed 80,000 pounds including all enforcement tolerances. Except for 5 axle truck tractor, semitrailer combinations having 2 consecutive sets of tandem axles, vehicles having a gross weight in excess of 80,000 pounds or in excess of the vehicle gross weight determined by application of the formula in this subsection are subject to the maximum axle loads of subsections (1), (2), and (3). As used in this subsection, "tandem axle weight" means the total weight transmitted to the road by 2 or more consecutive axles, the centers of which may be included between parallel transverse vertical planes spaced more than 40 inches but not more than 96 inches apart, extending across the full width of the vehicle. Except as otherwise provided in this section, vehicles transporting agricultural commodities shall have weight load maximums as set forth in this subsection.

(13) The axle loading maximums under subsections (1), (2), (3), and (4) are increased by 10% for vehicles transporting agricultural commodities or raw timber, excluding farm equipment and fuel, from the place of harvest or farm storage to the first point of delivery on a road in this state. However, the axle loading maximums as increased under this subsection do not alter the gross vehicle weight restrictions set forth in this act. This subsection does not apply to either of the following:

(a) A vehicle utilizing an interstate highway.

(b) A vehicle utilizing a road that is subject to seasonal weight restrictions under subsection (8) during the time that the seasonal weight restrictions are in effect.

(14) Notwithstanding any other provision of this section, a vehicle that has a gross weight of 80,000 pounds or less and that is operated by an engine that is fueled wholly or partially by compressed or liquefied natural gas may exceed the axle loading maximums under subsections (1), (2), (3), and (4) and the weight load maximums under subsection (12) by an amount equal to the difference between the weight of the vehicle attributable to the natural gas tank and fueling system carried by that vehicle and the weight of a comparable diesel tank and fueling system. The amount by which a vehicle described in this subsection may exceed the axle loading maximums under subsections (1), (2), (3), and (4) and the weight load maximums under subsection (12) shall not exceed 2,000 pounds.

(15) As used in this section:

(a) "Agricultural commodities" means those plants and animals useful to human beings produced by

agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, mushrooms, fertilizer, livestock bedding, farming equipment, fuel for agricultural use, and maple sap. Agricultural commodities do not include trees or lumber.

(b) "Emergency public utility work" means work performed to restore public utility service or to eliminate a danger to the public due to a natural disaster, an act of God, or an emergency situation, whether or not a public official has declared an emergency.

(c) "Farm storage" means any of the following:

(*i*) An edifice, silo, tank, bin, crib, interstice, or protected enclosed structure, or more than 1 edifice, silo, tank, bin, crib, interstice, or protected enclosed structure located contiguous to each other.

(*ii*) An open environment used for the purpose of temporarily storing a crop.

(d) "Public utility" means a public utility under the jurisdiction of the public service commission or a transmission company.

(e) "Public utility vehicle" means a vehicle owned or operated by a public utility or operated by a subcontractor on behalf of a public utility.

(f) "Transmission company" means either an affiliated transmission company or an independent transmission company as those terms are defined in section 2 of the electric transmission line certification act, 1995 PA 30, MCL 460.562.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1965, Act 36, Imd. Eff. May 19, 1965;—Am. 1967, Act 277, Eff. Nov. 2, 1967;—Am. 1974, Act 348, Imd. Eff. Dec. 21, 1974;—Am. 1975, Act 270, Imd. Eff. Nov. 10, 1975;—Am. 1978, Act 385, Imd. Eff. July 27, 1978;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1980, Act 217, Imd. Eff. July 18, 1980;—Am. 1980, Act 487, Imd. Eff. Jan. 21, 1981;—Am. 1982, Act 206, Imd. Eff. July 1, 1982;—Am. 1984, Act 74, Imd. Eff. Apr. 18, 1984;—Am. 1988, Act 346, Eff. Jan. 1, 1989;—Am. 1993, Act 22, Imd. Eff. Apr. 14, 1993;—Am. 2000, Act 6, Imd. Eff. Feb. 24, 2000;—Am. 2002, Act 41, Imd. Eff. Mar. 12, 2002;—Am. 2006, Act 83, Imd. Eff. Mar. 29, 2006;—Am. 2006, Act 658, Imd. Eff. Jan. 10, 2007;—Am. 2008, Act 579, Imd. Eff. Jan. 16, 2009;—Am. 2009, Act 146, Imd. Eff. Nov. 19, 2009;—Am. 2012, Act 252, Imd. Eff. July 2, 2012;—Am. 2012, Act 498, Eff. Mar. 28, 2013;—Am. 2012, Act 522, Imd. Eff. Dec. 28, 2012;—Am. 2016, Act 72, Eff. July 4, 2016;—Am. 2017, Act 80, Eff. Oct. 9, 2017;—Am. 2018, Act 273, Eff. Sept. 27, 2018;—Am. 2018, Act 274, Eff. Sept. 27, 2018.

Compiler's note: Enacting section 1 of Act 522 of 2012 provides:

"Enacting section 1. It is the intent of the legislature that the exception to the seasonal weight reductions in subsection (8) of section 722 of the Michigan vehicle code, 1949 PA 300, MCL 257.722, as added by this amendatory act, applies only to emergency deliveries of propane. As used in this enacting section, "emergency delivery" means a delivery to a customer whose residential fuel tank is estimated to contain no more than 25% of its heating fuel capacity on the date of delivery."

257.722a Transporting flammable liquid; violation as misdemeanor; penalty; enforcement; "in bulk" defined; vehicles transporting hazardous materials.

Sec. 722a. (1) A truck pulling a trailer, a truck tractor pulling a semitrailer and trailer combination, or a truck tractor pulling 2 semitrailers shall not transport a flammable liquid, in bulk, which has a flash point at or below 70 degrees Fahrenheit within this state.

(2) A truck pulling a trailer, a truck tractor pulling a semitrailer and trailer combination, or a truck tractor pulling 2 semitrailers shall not transport a flammable gas or a compressed flammable gas, in bulk, as defined by 49 C.F.R. parts 100 to 180, within this state.

(3) A truck or a truck tractor pulling a semitrailer shall not transport a flammable liquid, in bulk, which has a flash point at or below 70 degrees Fahrenheit in this state, unless the truck or the semitrailer has a water capacity of less than 13,800 gallons. This subsection does not apply to those vehicles registered with the motor carrier division of the department of state police on or before January 1, 1986.

(4) A truck or truck tractor pulling a semitrailer shall not transport a flammable liquid, in bulk, which has a flash point at or below 70 degrees Fahrenheit in a quantity of more than 13,400 gallons.

(5) The owner or driver of a vehicle that transports, or a shipper who loads a vehicle with a flammable liquid, flammable gas, or compressed flammable gas in violation of this section is guilty of a misdemeanor, punishable by a fine of not more than $3,000.00, or imprisonment for not more than 90 days, or both.

(6) This section shall be enforced only by a police officer.

(7) For the purposes of this section, "in bulk" means an amount of product or material of 3,500 water gallons or more in a single containment system. Commercial motor vehicles transporting hazardous materials shall comply with the motor carrier safety act, Act No. 181 of the Public Acts of 1963, being sections 480.11 to 480.21 of the Michigan Compiled Laws.

History: Add. 1984, Act 74, Imd. Eff. Apr. 18, 1984;—Am. 1985, Act 141, Imd. Eff. Oct. 31, 1985;—Am. 1993, Act 249, Imd. Eff. Nov. 22, 1993;—Am. 1995, Act 248, Imd. Eff. Dec. 27, 1995.

257.723 Towing or platform bed wreckers or road service vehicles; compliance with federal identification requirements; violation as civil infraction.

Sec. 723. (1) All towing or platform bed wreckers or road service vehicles in operation upon the public highways of this state shall have the name, city, and state or the registered logo or emblem of the registered owner of the vehicle, and lessee of the vehicle if the vehicle is being operated under lease, painted or permanently attached on each side of the vehicle in letters of not less than 3 inches in height, not lower than the bottom edge of the door. This information shall be in sharp color contrast to the background.

(2) A vehicle in compliance with the identification requirements of the federal motor carrier safety regulations, 49 CFR parts 390-399, is considered to be in compliance with this section.

(3) A person who violates this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1963, Act 185, Eff. Sept. 6, 1963;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1988, Act 346, Eff. Jan. 1, 1989;—Am. 2003, Act 152, Eff. Oct. 1, 2003;—Am. 2005, Act 179, Imd. Eff. Oct. 20, 2005;—Am. 2014, Act 294, Eff. Mar. 31, 2015.

***** *257.724 THIS SECTION IS AMENDED EFFECTIVE MARCH 29, 2019: See 257.724.amended* *****

257.724 Stopping vehicle for weighing; shifting or removing load; civil fine and costs; moving vehicle to place of safekeeping; impoundment; lien; foreclosure sale; powers of authorized agent; unlawful weight as civil infraction; fine; driving duly marked vehicle; failure to stop as misdemeanor.

Sec. 724. (1) A police officer, a peace officer, or an authorized agent of the state transportation department or a county road commission having reason to believe that the weight of a vehicle and load is unlawful may require the driver to stop and submit to a weighing of the vehicle by either portable or stationary scales approved and sealed as a legal weighing device by a qualified person using testing equipment certified or approved by the department of agriculture and rural development as a legal weighing device and may require that the vehicle be driven to the nearest weigh station of the state transportation department for the purpose of allowing a police officer, peace officer, or agent of the state transportation department or county road commission to determine whether the vehicle is loaded in conformity with this chapter.

(2) When the officer or agent, upon weighing a vehicle and load, determines that the weight is unlawful, the officer or agent may require the driver to stop the vehicle in a suitable place and remain standing until that portion of the load is shifted or removed as necessary to reduce the gross axle load weight of the vehicle to the limit permitted under this chapter. All material unloaded as provided under this subsection shall be cared for by the owner or operator of the vehicle at the risk of the owner or operator. A judge or magistrate imposing a civil fine and costs under this section that are not paid in full immediately or for which a bond is not immediately posted in the amount of the civil fine and costs shall order the driver or owner to move the vehicle at the driver's own risk to a place of safekeeping within the jurisdiction of the judge or magistrate, inform the judge or magistrate in writing of the place of safekeeping, and keep the vehicle until the fine and costs are paid or sufficient bond is furnished or until the judge or magistrate is satisfied that the fine and costs will be paid. The officer or agent who has determined, after weighing a vehicle and load, that the weight is unlawful, may require the driver to proceed to a judge or magistrate within the county. If the judge or magistrate is satisfied that the probable civil fine and costs will be paid by the owner or lessee, the judge or magistrate may allow the driver to proceed, after the load is made legal. If the judge or magistrate is not satisfied that the owner or lessee, after a notice and a right to be heard on the merits is given, will pay the amount of the probable civil fine and costs, the judge or magistrate may order the vehicle to be impounded until trial on the merits is completed under conditions set forth in this section for the impounding of vehicles after the civil fine and costs have been imposed. Removal of the vehicle, and forwarding, care, or preservation of the load shall be under the control of and at the risk of the owner or driver. Vehicles impounded shall be subject to a lien, subject to a prior valid bona fide lien of prior record, in the amount of the civil fine and costs and if the civil fine and costs are not paid within 90 days after the seizure, the judge or magistrate shall certify the unpaid judgment to the prosecuting attorney of the county in which the violation occurred, who shall proceed to enforce the lien by foreclosure sale in accordance with procedure authorized in the case of chattel mortgage foreclosures. When the duly authorized agent of the state transportation department or county road commission is performing duties under this chapter, the agent has all the powers conferred upon peace officers by the general laws of this state.

(3) Subject to subsection (4), an owner of a vehicle or a lessee of the vehicle of an owner-operator, or other person, who causes or allows a vehicle to be loaded and driven or moved on a highway when the weight of

that vehicle violates section 722 is responsible for a civil infraction and shall pay a civil fine in an amount equal to 3 cents per pound for each pound of excess load over 1,000 pounds when the excess is 2,000 pounds or less; 6 cents per pound of excess load when the excess is over 2,000 pounds but not over 3,000 pounds; 9 cents per pound for each pound of excess load when the excess is over 3,000 pounds but not over 4,000 pounds; 12 cents per pound for each pound of excess load when the excess is over 4,000 pounds but not over 5,000 pounds; 15 cents per pound for each pound of excess load when the excess is over 5,000 pounds but not over 10,000 pounds; and 20 cents per pound for each pound of excess load when the excess is over 10,000 pounds. If a person operates a vehicle in violation of increased axle loading maximums provided for under section 722(13), the owner or lessee of the vehicle is responsible for a civil infraction and shall pay the civil fine under this subsection that applies to the amount of weight by which the vehicle exceeds the original loading maximum.

(4) If the court determines that the motor vehicle or the combination of vehicles was operated in violation of this section, the court shall impose a fine as follows:

(a) If the court determines that the motor vehicle or the combination of vehicles was operated in such a manner that the gross weight of the vehicle or the combination of vehicles would not be lawful by a proper distribution of the load upon all the axles of the vehicle or the combination of vehicles, the court shall impose a fine for the violation according to the schedule provided for in subsection (3).

(b) If the court determines that the motor vehicle or the combination of vehicles would be lawful by a proper distribution of the load upon all of the axles of the vehicle or the combination of vehicles, but that 1 or more axles of the vehicle exceeded the maximum allowable axle weight by more than 1,000 pounds but less than 4,000 pounds, the court shall impose a misload fine of $200.00 per axle. Not more than 3 axles shall be used in calculating the fine to be imposed under this subdivision. This subdivision does not apply to a vehicle subject to the maximum loading provisions of section 722(12) or to a vehicle for which a fine as calculated under the schedule in subsection (3) would be less than the fine as calculated under this subsection.

(c) If the court determines that the motor vehicle or the combination of vehicles would meet the loading conditions specified in a special permit that was issued under section 725 by a proper distribution of the load upon all of the axles of the vehicle or the combination of vehicles, but that 1 or more axles of the vehicle exceeded the permitted axle weight by 1,000 pounds or less, the court shall impose a misload fine of $200.00 per axle. If the court determines that the motor vehicle or the combination of vehicles would meet the loading conditions specified in a special permit that was issued under section 725 by a proper distribution of the load upon all of the axles of the vehicle or the combination of vehicles, but that 1 or more axles of the vehicle exceeded the permitted axle weight by more than 1,000 pounds, the court shall impose a fine for the violation according to the schedule provided in subsection (3) for the amount of pounds exceeding the permitted axle weight. Not more than 3 axles shall be used in calculating the fine to be imposed under this subdivision. If the court determines that the load was misloaded, the conditions of the special permit remain valid. The imposition of a fine does not void the special permit.

(d) If the court determines that the motor vehicle or the combination of vehicles would be lawful by a proper distribution of the load upon all of the axles of the vehicle or the combination of vehicles, but that 1 or more axles of the vehicle exceeded the permitted axle weight by at least 4,000 pounds but no more than 8,000 pounds, the court shall impose a misload fine of $400.00 per axle. Not more than 3 axles shall be used in calculating the fine to be imposed under this subdivision.

(e) If the court determines that the motor vehicle or the combination of vehicles would be lawful by a proper distribution of the load upon all of the axles of the vehicle or the combination of vehicles, but that 1 or more axles of the vehicle exceeded the permitted axle weight by more than 8,000 pounds, the court shall impose a fine for the violation according to the schedule provided in subsection (3).

(5) A driver or owner of a commercial vehicle with other vehicles or trailers in combination, a truck or truck tractor, a truck or truck tractor with other vehicles in combination, or any special mobile equipment who fails to stop at or bypasses any scales or weighing station is guilty of a misdemeanor.

(6) An agent or authorized representative of the state transportation department or a county road commission shall not stop a truck or vehicle in movement upon a road or highway within the state for any purpose, unless the agent or authorized representative is driving a duly marked vehicle, clearly showing and denoting the branch of government represented.

(7) A driver or owner of a vehicle who knowingly fails to stop when requested or ordered to do so and submit to a weighing by a police officer, a peace officer, or an authorized agent of the state transportation department, or a representative or agent of a county road commission, authorized to require the driver to stop and submit to a weighing of the vehicle and load by means of a portable scale, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $100.00, or both. A driver or person who dumps his or her load when ordered to submit to a weigh or who otherwise attempts to commit

or commits an act to avoid a vehicle weigh is in violation of this section.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 233, Eff. Sept. 28, 1951;—Am. 1952, Act 13, Imd. Eff. Feb. 28, 1952;—Am. 1955, Act 209, Imd. Eff. June 17, 1955;—Am. 1964, Act 222, Eff. Aug. 28, 1964;—Am. 1967, Act 277, Eff. Nov. 2, 1967;—Am. 1968, Act 135, Imd. Eff. June 11, 1968;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1988, Act 346, Eff. Jan. 1, 1989;—Am. 2004, Act 420, Eff. Jan. 1, 2006;—Am. 2005, Act 179, Imd. Eff. Oct. 20, 2005;—Am. 2009, Act 169, Imd. Eff. Dec. 14, 2009;—Am. 2012, Act 252, Imd. Eff. July 2, 2012;—Am. 2012, Act 498, Eff. Mar. 28, 2013;—Am. 2016, Act 450, Eff. Apr. 5, 2017.

***** *257.724.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 29, 2019* *****

257.724.amended Stopping vehicle for weighing; shifting or removing load; civil fine and costs; moving vehicle to place of safekeeping; impoundment; lien; foreclosure sale; powers of authorized agent; unlawful weight as civil infraction; fine; driving duly marked vehicle; failure to stop as misdemeanor.

Sec. 724. (1) A police officer, a peace officer, or an authorized agent of the state transportation department or a county road commission having reason to believe that the weight of a vehicle and load is unlawful may require the driver to stop and submit to a weighing of the vehicle by either portable or stationary scales approved and sealed as a legal weighing device by a qualified person using testing equipment certified or approved by the department of agriculture and rural development as a legal weighing device and may require that the vehicle be driven to the nearest weigh station of the state transportation department for the purpose of allowing a police officer, peace officer, or agent of the state transportation department or county road commission to determine whether the vehicle is loaded in conformity with this chapter.

(2) When the officer or agent, upon weighing a vehicle and load, determines that the weight is unlawful, the officer or agent may require the driver to stop the vehicle in a suitable place and remain standing until that portion of the load is shifted or removed as necessary to reduce the gross axle load weight of the vehicle to the limit permitted under this chapter. All material unloaded as provided under this subsection shall be cared for by the owner or operator of the vehicle at the risk of the owner or operator. A judge or magistrate imposing a civil fine and costs under this section that are not paid in full immediately or for which a bond is not immediately posted in the amount of the civil fine and costs shall order the driver or owner to move the vehicle at the driver's own risk to a place of safekeeping within the jurisdiction of the judge or magistrate, inform the judge or magistrate in writing of the place of safekeeping, and keep the vehicle until the fine and costs are paid or sufficient bond is furnished or until the judge or magistrate is satisfied that the fine and costs will be paid. The officer or agent who has determined, after weighing a vehicle and load, that the weight is unlawful, may require the driver to proceed to a judge or magistrate within the county. If the judge or magistrate is satisfied that the probable civil fine and costs will be paid by the owner or lessee, the judge or magistrate may allow the driver to proceed, after the load is made legal. If the judge or magistrate is not satisfied that the owner or lessee, after a notice and a right to be heard on the merits is given, will pay the amount of the probable civil fine and costs, the judge or magistrate may order the vehicle to be impounded until trial on the merits is completed under conditions set forth in this section for the impounding of vehicles after the civil fine and costs have been imposed. Removal of the vehicle, and forwarding, care, or preservation of the load shall be under the control of and at the risk of the owner or driver. Vehicles impounded are subject to a lien, subject to a prior valid bona fide lien of prior record, in the amount of the civil fine and costs and if the civil fine and costs are not paid within 90 days after the seizure, the judge or magistrate must certify the unpaid judgment to the prosecuting attorney of the county in which the violation occurred, who shall proceed to enforce the lien by foreclosure sale in accordance with procedure authorized in the case of chattel mortgage foreclosures. When the duly authorized agent of the state transportation department or county road commission is performing duties under this chapter, the agent has all the powers conferred upon peace officers by the general laws of this state.

(3) Subject to subsection (4), an owner of a vehicle or a lessee of the vehicle of an owner-operator, or other person, who causes or allows a vehicle to be loaded and driven or moved on a highway when the weight of that vehicle violates section 722 is responsible for a civil infraction and must pay a civil fine in an amount equal to 3 cents per pound for each pound of excess load over 1,000 pounds when the excess is 2,000 pounds or less; 6 cents per pound of excess load when the excess is over 2,000 pounds but not over 3,000 pounds; 9 cents per pound for each pound of excess load when the excess is over 3,000 pounds but not over 4,000 pounds; 12 cents per pound for each pound of excess load when the excess is over 4,000 pounds but not over 5,000 pounds; 15 cents per pound for each pound of excess load when the excess is over 5,000 pounds but not over 10,000 pounds; and 20 cents per pound for each pound of excess load when the excess is over 10,000 pounds. If a person operates a vehicle in violation of increased axle loading maximums provided for under section 722(13), the owner or lessee of the vehicle is responsible for a civil infraction and must pay the civil

fine under this subsection that applies to the amount of weight by which the vehicle exceeds the original loading maximum.

(4) If the court determines that the motor vehicle or the combination of vehicles was operated in violation of this section, the court must impose a fine as follows:

(a) If the court determines that the motor vehicle or the combination of vehicles was operated in such a manner that the gross weight of the vehicle or the combination of vehicles would not be lawful by a proper distribution of the load upon all the axles of the vehicle or the combination of vehicles, the court must impose a fine for the violation according to the schedule provided for in subsection (3).

(b) If the court determines that the motor vehicle or the combination of vehicles would be lawful by a proper distribution of the load upon all of the axles of the vehicle or the combination of vehicles, but that 1 or more axles of the vehicle exceeded the maximum allowable axle weight by more than 1,000 pounds but less than 4,000 pounds, the court must impose a misload fine of $200.00 per axle. Not more than 3 axles shall be used in calculating the fine to be imposed under this subdivision. This subdivision does not apply to a vehicle subject to the maximum loading provisions of section 722(12) or to a vehicle for which a fine as calculated under the schedule in subsection (3) would be less than the fine as calculated under this subsection.

(c) If the court determines that the motor vehicle or the combination of vehicles would meet the loading conditions specified in a special permit that was issued under section 725 by a proper distribution of the load upon all of the axles of the vehicle or the combination of vehicles, but that 1 or more axles of the vehicle exceeded the permitted axle weight by 1,000 pounds or less, the court must impose a misload fine of $200.00 per axle. If the court determines that the motor vehicle or the combination of vehicles would meet the loading conditions specified in a special permit that was issued under section 725 by a proper distribution of the load upon all of the axles of the vehicle or the combination of vehicles, but that 1 or more axles of the vehicle exceeded the permitted axle weight by more than 1,000 pounds, the court must impose a fine for the violation according to the schedule provided in subsection (3) for the amount of pounds exceeding the permitted axle weight. Not more than 3 axles shall be used in calculating the fine to be imposed under this subdivision. If the court determines that the load was misloaded, the conditions of the special permit remain valid. The imposition of a fine does not void the special permit.

(d) If the court determines that the motor vehicle or the combination of vehicles would be lawful by a proper distribution of the load upon all of the axles of the vehicle or the combination of vehicles, but that 1 or more axles of the vehicle exceeded the permitted axle weight by at least 4,000 pounds but no more than 8,000 pounds, the court must impose a misload fine of $400.00 per axle. Not more than 3 axles shall be used in calculating the fine to be imposed under this subdivision.

(e) If the court determines that the motor vehicle or the combination of vehicles would be lawful by a proper distribution of the load upon all of the axles of the vehicle or the combination of vehicles, but that 1 or more axles of the vehicle exceeded the permitted axle weight by more than 8,000 pounds, the court must impose a fine for the violation according to the schedule provided in subsection (3).

(5) A driver or owner of a truck or truck tractor, a truck or truck tractor with other vehicles in combination, or any special mobile equipment who fails to stop at or bypasses any scales or weighing station is responsible for a civil infraction.

(6) An agent or authorized representative of the state transportation department or a county road commission shall not stop a truck or vehicle in movement upon a road or highway within the state for any purpose, unless the agent or authorized representative is driving a duly marked vehicle, clearly showing and denoting the branch of government represented.

(7) A driver or owner of a vehicle who knowingly fails to stop when requested or ordered to do so and submit to a weighing by a police officer, a peace officer, or an authorized agent of the state transportation department, or a representative or agent of a county road commission, authorized to require the driver to stop and submit to a weighing of the vehicle and load by means of a portable scale, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $100.00, or both. A driver or person who dumps his or her load when ordered to submit to a weigh or who otherwise attempts to commit or commits an act to avoid a vehicle weigh is in violation of this section.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 233, Eff. Sept. 28, 1951;—Am. 1952, Act 13, Imd. Eff. Feb. 28, 1952;—Am. 1955, Act 209, Imd. Eff. June 17, 1955;—Am. 1964, Act 222, Eff. Aug. 28, 1964;—Am. 1967, Act 277, Eff. Nov. 2, 1967;—Am. 1968, Act 135, Imd. Eff. June 11, 1968;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1988, Act 346, Eff. Jan. 1, 1989;—Am. 2004, Act 420, Eff. Jan. 1, 2006;—Am. 2005, Act 179, Imd. Eff. Oct. 20, 2005;—Am. 2009, Act 169, Imd. Eff. Dec. 14, 2009;—Am. 2012, Act 252, Imd. Eff. July 2, 2012;—Am. 2012, Act 498, Eff. Mar. 28, 2013;—Am. 2016, Act 450, Eff. Apr. 5, 2017;—Am. 2018, Act 651, Eff. Mar. 29, 2019.

257.724a Axle weight requirements; exception; weight after lift axles lowered; "lift axle"

defined.

Sec. 724a. (1) The axle weight requirements of this chapter do not apply to a vehicle equipped with lift axles during the period in which axles are raised to negotiate an intersection, driveway, or other turn and until the lift axles are fully engaged after the period of time or the distance necessary to negotiate that intersection, driveway, or other turn.

(2) If a vehicle is to be weighed to determine whether the vehicle is being operated in violation of this act or a rule promulgated under this act or of a local ordinance substantially corresponding to this act or a rule promulgated under this act and the vehicle is equipped with lift axles that have been raised to allow the vehicle to negotiate an intersection, driveway, or other turn, the vehicle shall be weighed only after the lift axles have been fully lowered and are under operational pressure as provided in subsection (1).

(3) As used in this section, "lift axle" means an axle on a vehicle that can be raised or lowered by mechanical means.

History: Add. 2004, Act 420, Eff. Jan. 1, 2006.

257.725 Special permit for certain vehicles and loads required; fees; violation as civil infraction; annual permit for movement of construction equipment; "jurisdictional authority" defined.

Sec. 725. (1) Upon receipt of a written application and good cause being shown, a jurisdictional authority may issue a written special permit authorizing an applicant to operate upon or remove from a highway maintained by that jurisdictional authority a vehicle or combination of vehicles that are any of the following:

(a) Of a size, weight, or load exceeding the maximum specified in this chapter.

(b) Otherwise not in conformity with this chapter.

(2) The application for a special permit shall be on a form prescribed by the jurisdictional authority and shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular highways upon which the special permit to operate is requested.

(3) A jurisdictional authority may issue a special permit and charge a fee that does not exceed the administrative costs incurred authorizing the operation of the following upon a highway:

(a) Traction engines or tractors having movable tracks with transverse corrugations upon the periphery of those movable tracks on farm tractors.

(b) Other farm machinery otherwise prohibited under this chapter.

(c) A vehicle of a size or weight otherwise prohibited under this chapter that is hauling farm machinery to or from a farm.

(4) A special permit shall specify the trip or trips and date or dates for which it is valid and the jurisdictional authority granting the special permit may restrict or prescribe conditions of operation of a vehicle or vehicles, if necessary, to protect the safety of the public or to ensure against undue damage to the road foundations, surfaces, structures, or installations, and may require a reasonable inspection fee and other security as that jurisdictional authority determines necessary to compensate for damages caused by the movement. A special permit may be issued on an annual basis. Except as otherwise provided in this section, the fee charged by the state transportation department for an intrastate or an out-of-state vehicle for a single trip shall be $50.00 and for multiple trips or on an annual basis shall be $100.00. Except as otherwise provided in this section, the fee charged by the state transportation department for an intrastate or an out-of-state vehicle for a permit issued under subsection (11) shall be $264.00. Except as otherwise provided in this section, the fee charged by a jurisdictional authority other than the state transportation department for an intrastate or an out-of-state vehicle for a single trip shall be not more than $50.00 and for multiple trips or on an annual basis shall be not more than $100.00. Effective October 1, 1998, the fee charged by a jurisdictional authority other than the state transportation department for a special permit under this subsection shall be the fee charged on September 30, 1997. The fee charged by a jurisdictional authority other than the state transportation department for a special permit under this subsection may be increased above the amount charged on September 30, 1997 subject to the maximums allowed by this subsection subject to a prior public hearing with reasonable notice. However, the fee charged by a jurisdictional authority other than the state transportation department for a special permit under this subsection that is more than $50.00 for a single trip or that is more than $100.00 for multiple trips or on an annual basis, or both, on September 30, 1997 shall not be increased.

(5) The fee charged by the state transportation department for an intrastate or an out-of-state vehicle or combination of vehicles that exceed the maximum size specified in this chapter but do not exceed the maximum weight or load specified in this chapter or are otherwise not in conformity with this chapter shall be $15.00 for a single trip and $30.00 for multiple trips or on an annual basis. The fee charged by the state transportation department for an intrastate or out-of-state vehicle or combination of vehicles that exceed the

maximum size specified in this chapter but do not exceed the maximum weight or load specified in this chapter or are otherwise not in conformity with this chapter for a permit issued under subsection (11) shall be $264.00. The fees charged under this subsection may be increased not more than once each year based on the percentage increase in the United States consumer price index for all urban consumers for the immediately preceding 12-month period rounded to the nearest whole dollar. This subsection takes effect October 1, 1998.

(6) The fee charged by a jurisdictional authority other than the state transportation department for an intrastate or an out-of-state vehicle or combination of vehicles of a size exceeding the maximum specified in this chapter but not exceeding the maximum weight or load specified in this chapter shall not exceed the administrative costs incurred by that jurisdictional authority in issuing the permit. This subsection takes effect October 1, 1998.

(7) A special permit issued under this section shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by a police officer or authorized agent of a jurisdictional authority granting the special permit. A person shall not violate any of the terms or conditions of the special permit.

(8) A person who violates this section is responsible for a civil infraction.

(9) A jurisdictional authority issuing a special permit to move a mobile home under this section and a person who is issued a special permit to move a mobile home under this section are subject to section 719a.

(10) Nothing in this section shall be construed to allow a jurisdictional authority to impose fees upon or enact regulations regarding a vehicle or combination of vehicles engaged in silvicultural operations if the vehicle or combination of vehicles is not in excess of the size, weight, or load maximums specified in this chapter and is otherwise in conformity with this chapter. This subsection does not excuse a vehicle or combination of vehicles engaged in silvicultural operations from the seasonal weight reductions described in section 722.

(11) Beginning no later than 2 years after the effective date of the 2018 amendatory act that added this subsection, the state transportation department shall allow an applicant to obtain an annual permit for the movement of construction equipment under this section to exceed the size, load, or size and load maximums specified in this chapter for a power unit without requiring a separate permit for each individual piece of equipment carried by that power unit.

(12) Beginning no later than 2 years after the effective date of the 2018 amendatory act that added this subsection, all of the following apply to an annual permit for the movement of construction equipment issued by the state transportation department under subsection (11):

(a) The permit may be stored and presented by the holder of the permit using a mobile device.

(b) The permit shall not contain any restrictions on daily operating hours and shall only include Memorial Day weekend, the Fourth of July holiday, and Labor Day weekend as restricted holidays. Except as otherwise provided in this subdivision, the permit shall not restrict travel on weekends. The permit may contain restrictions on travel when the permit holder is traveling within a county that has a population greater than 150,000. The restricted holidays described in this subdivision do not apply to a permit issued for a vehicle used to transport an implement of husbandry.

(c) The permit shall not require travel of more than 10 miles per hour below the posted speed limit.

(13) As used in this section, "jurisdictional authority" means the state transportation department, a county road commission, or a local authority having jurisdiction over a highway upon which a vehicle is proposed to be moved pursuant to a permit required under this section.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1952, Act 69, Imd. Eff. Apr. 8, 1952;—Am. 1966, Act 237, Eff. Mar. 10, 1967;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1979, Act 16, Eff. Aug. 1, 1979;—Am. 1991, Act 19, Imd. Eff. May 8, 1991;—Am. 1997, Act 80, Eff. Oct. 1, 1997;—Am. 1998, Act 247, Imd. Eff. July 8, 1998;—Am. 2016, Act 454, Eff. Apr. 5, 2017;—Am. 2018, Act 17, Eff. May 14, 2018.

257.725a Transportation of farm machinery or implements by dealer; annual permit; condition.

Sec. 725a. Upon application, the state transportation department may issue an annual permit authorizing a farm implement dealer to transport by truck, truck tractor, semitrailer, or trailer upon a state highway during daylight hours, including Saturday, farm machinery or implements of a greater width or height than authorized by this act if the transportation is otherwise permitted under those rules promulgated pursuant to section 716 that do not conflict with this section.

History: Add. 1958, Act 132, Imd. Eff. Apr. 18, 1958;—Am. 1959, Act 250, Imd. Eff. Aug. 21, 1959;—Am. 1978, Act 581, Imd. Eff. Jan. 2, 1979;—Am. 1980, Act 311, Imd. Eff. Dec. 4, 1980;—Am. 2002, Act 653, Imd. Eff. Dec. 23, 2002.

***** *257.726 THIS SECTION IS AMENDED EFFECTIVE MARCH 28, 2019: See 257.726.amended* *****

257.726 Prohibitions, limitations, or truck route designations by local authorities and county road commissions; signs; written objection by adjoining township; violation as civil infraction.

Sec. 726. (1) Local authorities and county road commissions with respect to highways under their jurisdiction, except state trunk line highways, by ordinance or resolution, may do any of the following:

(a) Prohibit the operation of trucks or other commercial vehicles on designated highways or streets.

(b) Impose limitations as to the weight of trucks or other commercial vehicles on designated highways or streets.

(c) Provide that only certain highways or streets may be used by trucks or other commercial vehicles.

(2) Any prohibitions, limitations, or truck route designations established under subsection (1) shall be designated by appropriate signs placed on the highways or streets. The design and placement of the signs shall be consistent with the requirements of section 608.

(3) If a township has established any prohibition or limitation under subsection (1) on any county primary road that an adjoining township determines diverts traffic onto a border highway or street shared by the township and the adjoining township, the adjoining township may submit a written objection to the county road commission having jurisdiction over the county primary road, along with a copy to the township that established the prohibition or limitation, on or before the later of March 1, 2009, or 60 days after the township approves the prohibition or limitation. The written objection shall explain how the prohibition or limitation diverts traffic onto the border highway or street shared by the township and the adjoining township. The county road commission shall then investigate the objection. The township and adjoining township shall cooperate with that investigation and negotiate in good faith to resolve the objection. If the objection is not resolved within 60 days after the township receives the copy of the written objection, the county road commission has the authority to, and shall, either approve or void the prohibition or limitation that is the subject of the objection within 60 days thereafter, which decision shall be final. For purposes of this subsection, "county primary road" means a highway or street designated as a county primary road pursuant to 1951 PA 51, MCL 247.671 to 247.675.

(4) A person who violates a prohibition, limitation, or truck route designation established pursuant to subsection (1) is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1983, Act 107, Imd. Eff. June 30, 1983;—Am. 2008, Act 539, Imd. Eff. Jan. 13, 2009.

Constitutionality: This section was held unconstitutional insofar as it deprives a municipality of the right to reasonable control over its streets, including state trunk lines within its limits, in violation of Const 1963, art VII, § 29. City of Dearborn v Sugden and Sivier, Inc , 343 Mich 257; 72 NW2d 185 (1955).

Compiler's note: In the last sentence of subsection (3), the citation "1951 PA 51, MCL 247.671 to 247.675" evidently should read "1951 PA 51, MCL 247.651 to 247.675".

****** 257.726.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 28, 2019 ******

257.726.amended Prohibitions, limitations, or truck route designations by local authorities and county road commissions; signs; written objection by adjoining township; violation as civil infraction; exception for agricultural equipment.

Sec. 726. (1) Subject to subsection (4), local authorities and county road commissions with respect to highways under their jurisdiction, except state trunk line highways, by ordinance or resolution, may do any of the following:

(a) Prohibit the operation of trucks or other commercial vehicles on designated highways or streets.

(b) Impose limitations as to the weight of trucks or other commercial vehicles on designated highways or streets.

(c) Provide that only certain highways or streets may be used by trucks or other commercial vehicles.

(2) Any prohibitions, limitations, or truck route designations established under subsection (1) shall be designated by appropriate signs placed on the highways or streets. The design and placement of the signs shall be consistent with the requirements of section 608.

(3) If a township has established a prohibition or limitation under subsection (1) on any county primary road that an adjoining township determines diverts traffic onto a border highway or street shared by the township and the adjoining township, the adjoining township may submit a written objection to the county road commission having jurisdiction over the county primary road, along with a copy to the township that established the prohibition or limitation, 60 days after the township approves the prohibition or limitation. The

written objection shall explain how the prohibition or limitation diverts traffic onto the border highway or street shared by the township and the adjoining township. The county road commission shall then investigate the objection. The township and adjoining township shall cooperate with that investigation and negotiate in good faith to resolve the objection. If the objection is not resolved within 60 days after the township receives the copy of the written objection, the county road commission shall either approve or void the prohibition or limitation that is the subject of the objection within 60 days after the 60-day period described in this subsection, and the decision shall be final. As used in this subsection, "county primary road" means a highway or street designated as a county primary road under 1951 PA 51, MCL 247.671 to 247.675.

(4) An ordinance or resolution described in subsection (1)(a) does not apply to a vehicle that is used to transport agricultural products, farm machinery, farm supplies, or a combination of these items, to or from a farm or as necessary for agricultural production.

(5) A person who violates a prohibition, limitation, or truck route designation established under subsection (1) is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1983, Act 107, Imd. Eff. June 30, 1983;—Am. 2008, Act 539, Imd. Eff. Jan. 13, 2009;—Am. 2018, Act 533, Eff. Mar. 28, 2019.

Constitutionality: This section was held unconstitutional insofar as it deprives a municipality of the right to reasonable control over its streets, including state trunk lines within its limits, in violation of Const 1963, art VII, § 29. City of Dearborn v Sugden and Sivier, Inc , 343 Mich 257; 72 NW2d 185 (1955).

Compiler's note: In the last sentence of subsection (3), the citation "1951 PA 51, MCL 247.671 to 247.675" evidently should read "1951 PA 51, MCL 247.651 to 247.675".

257.726a Enforcement of act on boundary streets or highways.

Sec. 726a. A peace officer of any county, city, village or township of this state may exercise authority and powers outside his own county, city, village or township when he is enforcing this act on a street or highway which is on the boundary of the county, city, village or township the same as if he were in his own county, city, village or township.

History: Add. 1968, Act 47, Imd. Eff. May 28, 1968;—Am. 1972, Act 122, Imd. Eff. Apr. 27, 1972.

257.726b Violation as to load, weight, or height of vehicle or load; powers of police officer.

Sec. 726b. Any police officer having reason to believe that the load, weight, or height of a vehicle or load is in violation of section 719, 720, 722a, or 724 which violation is a misdemeanor, may require the driver of the vehicle to stop, and the officer may investigate, weigh, or measure the vehicle or load. If after personally investigating, weighing, or measuring the vehicle or load, the officer determines that the load, weight, or height of a vehicle or load are in violation of the requirements of section 719, 720, 722a, or 724, the officer may temporarily detain the driver of the vehicle for purposes of making a record or vehicle check, may make an arrest for the violation, and may proceed as otherwise provided in this act.

History: Add. 1984, Act 74, Imd. Eff. Apr. 18, 1984.

257.726c Duly authorized agent of county road commission; shoulder patch required; firearm.

Sec. 726c. (1) A duly authorized agent of a county road commission when enforcing sections 215, 255, 631(1), 717, 719, 719a, 720, 722, 724, 725, and 726 shall wear a shoulder patch that is clearly visible and identifies the branch of government represented.

(2) A duly authorized agent of a county road commission shall not carry a firearm while enforcing sections 215, 255, 631(1), 717, 719, 719a, 720, 722, 724, 725, and 726 unless he or she is licensed or certified as a police officer under the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615.

History: Add. 1984, Act 74, Imd. Eff. Apr. 18, 1984;—Am. 1989, Act 173, Imd. Eff. Aug. 22, 1989;—Am. 2012, Act 529, Eff. Mar. 28, 2013;—Am. 2016, Act 304, Eff. Jan. 2, 2017.

257.727 Arrest without warrant; arraignment by magistrate or family division of circuit court.

Sec. 727. If a person is arrested without a warrant in any of the following cases, the arrested person shall, without unreasonable delay, be arraigned by the magistrate who is nearest or most accessible within the judicial district as provided in section 13 of chapter IV of the code of criminal procedure, 1927 PA 175, MCL 764.13, or, if a minor, taken before the family division of circuit court within the county in which the offense charged is alleged to have been committed:

(a) The person is arrested under section 601d.

(b) The person is arrested under section 625(1), (3), (4), (5), (6), (7), or (8), or an ordinance substantially corresponding to section 625(1), (3), (6), or (8).

(c) A person is arrested under section 626 or an ordinance substantially corresponding to that section. If under the existing circumstances it does not appear that releasing the person pending the issuance of a warrant will constitute a public menace, the arresting officer may proceed as provided by section 728.

(d) A person arrested does not have in his or her immediate possession a valid operator's or chauffeur's license or the receipt described in section 311a. If the arresting officer otherwise satisfactorily determines the identity of the person and the practicability of subsequent apprehension if the person fails to voluntarily appear before a designated magistrate or the family division of circuit court as directed, the officer may release the person from custody with instructions to appear in court, given in the form of a citation as prescribed by section 728.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951;—Am. 1965, Act 41, Imd. Eff. May 25, 1965;—Am. 1983, Act 63, Eff. Mar. 29, 1984;—Am. 1991, Act 99, Eff. Jan. 1, 1992;—Am. 1993, Act 301, Eff. June 30, 1994;—Am. 1998, Act 348, Eff. Oct. 1, 1999;—Am. 2004, Act 62, Eff. May 3, 2004;—Am. 2008, Act 463, Eff. Oct. 31, 2010.

257.727a Repealed. 1979, Act 66, Eff. Aug. 1, 1979.

Compiler's note: The repealed section pertained to citations for traffic violations.

257.727b Citation books; issuance; receipt.

Sec. 727b. Each police chief, including the state police, and each sheriff shall issue citation books to each police officer of the department whose duties may or will include traffic duty or traffic law enforcement. Each police chief shall obtain a receipt from the officer to whom a citation book has been issued upon a form created by the secretary of state, the attorney general, the state court administrator, and the director of the department of state police.

History: Add. 1966, Act 235, Eff. July 1, 1967;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.727c "Citation" defined; numbering, form, and parts of citation; modification and optional use of citation; complaint signed by police officer as made under oath; conditions.

Sec. 727c. (1) As used in this act, "citation" means a complaint or notice upon which a police officer shall record an occurrence involving 1 or more vehicle law violations by the person cited. Each citation shall be numbered consecutively, be in a form as determined by the secretary of state, the attorney general, the state court administrator, and the director of the department of state police and shall consist of the following parts:

(a) The original which shall be a complaint or notice to appear by the officer and shall be filed with the court in which the appearance is to be made.

(b) The first copy which shall be retained by the local traffic enforcement agency.

(c) The second copy which shall be delivered to the alleged violator if the violation is a misdemeanor.

(d) The third copy which shall be delivered to the alleged violator if the violation is a civil infraction.

(2) With the prior approval of the state officials enumerated in subsection (1), the citation may be appropriately modified as to content or number of copies to accommodate law enforcement and local court procedures and practices. Use of this citation for other than moving violations is optional.

(3) For purposes of this act, a complaint signed by a police officer shall be treated as made under oath if the violation alleged in the complaint is either a civil infraction or a misdemeanor or ordinance violation for which the maximum permissible penalty does not exceed 93 days in jail or a fine, or both, and occurred or was committed in the signing officer's presence or under circumstances permitting the officer's issuance of a citation under section 625a or 728(8), and if the complaint contains the following statement immediately above the date and signature of the officer:

"I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief."

History: Add. 1967, Act 212, Eff. Nov. 2, 1967;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1979, Act 66, Eff. Aug. 1, 1979;—Am. 1983, Act 172, Eff. Mar. 29, 1984;—Am. 1999, Act 73, Eff. Oct. 1, 1999.

257.728 Arrest without warrant; preparation and contents of citation; informing offender of violation; arraignment before magistrate or probate court; appearance; guaranteed appearance certificate or deposit; fees; violation by officer or magistrate; issuance of citation to operator involved in accident; issuance of citation to person operating commercial motor vehicle.

Sec. 728. (1) When a person is arrested without a warrant for a violation of this act punishable as a misdemeanor, or an ordinance substantially corresponding to a provision of this act and punishable as a misdemeanor, under conditions not referred to in section 617, 619, or 727, the arresting officer shall prepare,

as soon as possible and as completely as possible, an original and 3 copies of a written citation to appear in court containing the name and address of the person, the violation charged, and the time and place when and where the person shall appear in court. The officer shall inform the offender of the violation and shall give the second copy of the citation to the alleged offender. If the arrested person demands, he or she shall be arraigned by a magistrate or probate court as provided in section 727 in lieu of being given the citation.

(2) The time specified in the citation to appear shall be within a reasonable time after the arrest.

(3) The place specified in the citation to appear shall be before a magistrate or probate court within the county in which the violation charged is alleged to have been committed and who has jurisdiction of the violation.

(4) Appearance may be made in person, by representation, or by mail. If appearance is made by representation or mail, the magistrate may accept the plea of guilty or not guilty for purposes of arraignment, with the same effect as though the person personally appeared before him or her. The magistrate, by giving 5 days' notice of the date of appearance, may require appearance in person at the time and place designated in the citation.

(5) If a nonresident is arrested without warrant for a violation of this act that is punishable as a misdemeanor, or an ordinance substantially corresponding to a provision of this act and punishable as a misdemeanor, under conditions not referred to in section 727, the arresting officer, upon demand of the arrested person, immediately shall take the person for arraignment by a magistrate in the vicinity to answer to the complaint made against the person. If a magistrate is not available or an immediate trial cannot be had, the person arrested may recognize to the officer for his or her appearance by leaving with the officer a guaranteed appearance certificate or a sum of money not to exceed $100.00, in which case the following provisions apply:

(a) The officer making the arrest shall give a receipt to the person arrested for the guaranteed appearance certificate or the money deposited together with a written citation as provided in subsection (1).

(b) If the alleged offender fails to appear as required in the citation, the guaranteed appearance certificate or deposit shall be forfeited as in other cases of default in bail in addition to any other penalty provided in this chapter.

(c) At or before the completion of his or her tour of duty, a police officer taking a certificate or deposit of money shall deliver the certificate or deposit of money either to the magistrate named in the citation together with a report of the facts relating to the arrest, or to the police chief or person authorized by the police chief to receive certificates and deposits. The police chief or person authorized by the police chief shall deposit with the court the certificate or the money deposited and the citation in the same manner as prescribed for citations in section 728a. Failure to make a report and deliver the money deposited is embezzlement of public money.

(d) "Guaranteed appearance certificate" means a card or certificate containing a printed statement that a surety company authorized to do business in this state guarantees the appearance of the person whose signature appears on the card or certificate, and that the company, if the person fails to appear in court at the time of trial or sentencing or to pay any fines or costs imposed under this act, will pay any fine, costs, or bond forfeiture imposed on the person in a total amount not to exceed $200.00.

(6) An officer making an arrest under this chapter for a misdemeanor without a warrant, except under section 727, is not entitled to any fees for making the arrest or the issuance of a citation under this section.

(7) An officer or magistrate who violates this section is guilty of misconduct in office and subject to removal from office.

(8) A police officer may issue a citation to a person who is an operator of a motor vehicle involved in an accident if, based upon personal investigation, the officer has reasonable cause to believe that the person has committed a misdemeanor under this act in connection with the accident. The officer shall prepare an original and 3 copies of the citation, setting forth the name and address of the person, the violation that may be charged against the person, and the time and place of the appearance of the person in court. The citation shall inform the person of the office, bureau, or department to which requests for a change or adjournment of the court date may be made.

(9) If the citation is issued to a person who is operating a commercial motor vehicle, the citation shall contain the vehicle group designation and indorsement description of the vehicle operated by the person at the time of the alleged violation.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951;—Am. 1955, Act 121, Eff. Oct. 14, 1955;—Am. 1957, Act 47, Eff. Sept. 27, 1957;—Am. 1962, Act 160, Imd. Eff. May 10, 1962;—Am. 1965, Act 41, Imd. Eff. May 25, 1965;—Am. 1965, Act 273, Eff. Mar. 31, 1966;—Am. 1966, Act 235, Eff. July 1, 1967;—Am. 1975, Act 267, Imd. Eff. Nov. 7, 1975;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1979, Act 66, Eff. Aug. 1, 1979;—Am. 1984, Act 331, Imd. Eff. Dec. 26, 1984;—Am. 1988, Act 346, Eff. Jan. 1, 1990;—Am. 1993, Act 301, Eff. June 30, 1994;—Am. 2008, Act 7, Imd. Eff. Feb. 15, 2008.

Compiler's note: Section 2 of Act 346 of 1988 provides:

"(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

"(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

"(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act."

Section 2 of Act 173 of 1989 provides:

"(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

"(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed."

257.728a Citation; delivery of copies to police chief or duly authorized person; deposit of original with court; mailing original to court; spoiled, mutilated, or voided citation; criminal complaint.

Sec. 728a. (1) At or before the completion of his or her tour of duty a police officer to whom a citation book has been issued and who has recorded the occurrence of a vehicle law violation upon a citation shall deliver to his or her police chief or to a person duly authorized by the police chief to receive citations all copies of such citation duly signed. The police chief or a person duly authorized by the police chief shall deposit the original of the citation with the court having jurisdiction over the offense not later than 3 days after the date of the citation, excluding Saturdays, Sundays, and legal holidays.

(2) The citation shall be considered to have been deposited with the court as required under subsection (1) if the original of the citation is mailed not later than 2 days after the date of the citation as specified under this subsection. Mailing shall be accomplished by enclosing the original of the citation in a sealed envelope with first class postage fully prepaid, addressed to the court, and depositing the envelope and contents in the United States government mail.

(3) If a citation is spoiled, mutilated, or voided, it shall be endorsed with a full explanation thereof by the police officer voiding the citation, and shall be accounted for to the police officer's police chief or an authorized designee of the police chief.

(4) Nothing in this act shall prevent a person other than a police officer from applying for a criminal complaint for a vehicle law violation which is not a civil infraction, and that person need not show that the alleged offender has been issued a citation in connection with the offense.

History: Add. 1966, Act 235, Eff. July 1, 1967;—Am. 1984, Act 331, Imd. Eff. Dec. 26, 1984.

257.728b Establishment of procedures to insure accountability; maintenance of citation records.

Sec. 728b. The state treasurer shall establish procedures to insure accountability which shall be maintained by all jurisdictions processing traffic violation citations. The record showing the issuance and subsequent disposition shall be maintained complete for at least the most recent 5-year period and such records and notices shall be available for public inspection.

History: Add. 1966, Act 235, Eff. July 1, 1967.

257.728c Audit of citation records.

Sec. 728c. A complete audit of such citation records shall be made at least annually by the appropriate fiscal officer of the governmental agency to which the traffic enforcement agency is responsible; and may be audited by the state treasurer if deemed by him to be necessary.

History: Add. 1966, Act 235, Eff. July 1, 1967.

257.728d Falsification of citation or record of issuance; penalty.

Sec. 728d. Whoever knowingly falsifies a citation or copies thereof or a record of the issuance of same, or disposes of such citation, copy or record, in a manner other than as required in this act, or attempts so to falsify or dispose, or attempts to incite or procure another so to falsify or dispose shall be fined not more than $500.00 or imprisoned in the county jail for a term not to exceed 1 year, or both.

History: Add. 1966, Act 235, Eff. July 1, 1967.

257.728e Accepting plea; signing of complaint; filing sworn complaint; warrant for arrest.

Sec. 728e. When under section 728 an officer issues a citation for a misdemeanor punishable by imprisonment for not more than 90 days, a magistrate may accept a plea of guilty or not guilty upon the citation, without the necessity of a sworn complaint but the officer shall sign the complaint before the magistrate makes a docket return on the complaint. If the offender pleads not guilty, further proceedings may not be had until a sworn complaint is filed with the magistrate. A warrant for arrest shall not issue for an

offense under this act until a sworn complaint is filed with the magistrate.

History: Add. 1967, Act 211, Eff. Nov. 2, 1967;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.729 Fine and costs.

Sec. 729. In addition to a fine assessed for the charge or civil infraction when found guilty or determined responsible, the magistrate may also add to any fine and costs levied additional costs incurred in compelling the appearance of the person, which additional costs shall be returned to the general fund of the unit of government incurring the costs.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951;—Am. 1967, Act 129, Eff. Nov. 2, 1967;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1980, Act 518, Eff. Mar. 31, 1981.

257.730 Provisions governing arrests without warrant and issuance of citations; execution of warrant.

Sec. 730. This chapter shall govern all police officers in making arrests without a warrant and in issuing civil infraction citations for violations of this act, but this act shall not be construed as preventing the execution of a warrant for the arrest of a person for a misdemeanor as in other cases of misdemeanors when the same may be necessary.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.731 Evidence of conviction or civil infraction determination inadmissible in civil action.

Sec. 731. Evidence of the conviction or civil infraction determination of a person for a violation of this chapter or of a local ordinance pertaining to the use of motor vehicles shall not be admissible in a court in a civil action.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1953, Act 60, Eff. Oct. 2, 1953;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.732 Record of cases; forwarding abstract of record or report to secretary of state; settlement; abstracts forwarded; "felony in which a motor vehicle was used" defined; statement; "felony in which a commercial motor vehicle was used" defined; certification that all abstracts forwarded; noncompliance as misconduct in office; location and public inspection of abstracts; entering abstracts on master driving record; exceptions; informing courts of violations; entering order of reversal in book or index; modifications; abstract as part of written notice to appear; immediate report; expunction prohibited.

Sec. 732. (1) Each municipal judge and each clerk of a court of record shall keep a full record of every case in which a person is charged with or cited for a violation of this act or a local ordinance substantially corresponding to this act regulating the operation of vehicles on highways and with those offenses pertaining to the operation of ORVs or snowmobiles for which points are assessed under section 320a(1)(c) or (i). Except as provided in subsection (16), the municipal judge or clerk of the court of record shall prepare and forward to the secretary of state an abstract of the court record as follows:

(a) Not more than 5 days after a conviction, forfeiture of bail, or entry of a civil infraction determination or default judgment upon a charge of or citation for violating or attempting to violate this act or a local ordinance substantially corresponding to this act regulating the operation of vehicles on highways.

(b) Immediately for each case charging a violation of section 625(1), (3), (4), (5), (6), (7), or (8) or section 625m or a local ordinance substantially corresponding to section 625(1), (3), (6), or (8) or section 625m in which the charge is dismissed or the defendant is acquitted.

(c) Immediately for each case charging a violation of section 82127(1) or (3) or 81134 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.82127 and 324.81134, or a local ordinance substantially corresponding to those sections.

(2) If a city or village department, bureau, or person is authorized to accept a payment of money as a settlement for a violation of a local ordinance substantially corresponding to this act, the city or village department, bureau, or person shall send a full report of each case in which a person pays any amount of money to the city or village department, bureau, or person to the secretary of state upon a form prescribed by the secretary of state.

(3) The abstract or report required under this section shall be made upon a form furnished by the secretary of state. An abstract shall be certified by signature, stamp, or facsimile signature of the person required to prepare the abstract as correct. An abstract or report shall include all of the following:

(a) The name, address, and date of birth of the person charged or cited.

(b) The number of the person's operator's or chauffeur's license, if any.

(c) The date and nature of the violation.

(d) The type of vehicle driven at the time of the violation and, if the vehicle is a commercial motor vehicle, that vehicle's group designation.

(e) The date of the conviction, finding, forfeiture, judgment, or civil infraction determination.

(f) Whether bail was forfeited.

(g) Any license restriction, suspension, or denial ordered by the court as provided by law.

(h) The vehicle identification number and registration plate number of all vehicles that are ordered immobilized or forfeited.

(i) Other information considered necessary to the secretary of state.

(4) The clerk of the court also shall forward an abstract of the court record to the secretary of state upon a person's conviction or, for the purposes of subdivision (d), a finding or admission of responsibility, involving any of the following:

(a) A violation of section 413, 414, or 479a of the Michigan penal code, 1931 PA 328, MCL 750.413, 750.414, and 750.479a.

(b) A violation of section 1 of former 1931 PA 214.

(c) Negligent homicide, manslaughter, or murder resulting from the operation of a vehicle.

(d) A violation of sections 701(1) and 703 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1701 and 436.1703, or a local ordinance substantially corresponding to those sections.

(e) A violation of section 411a(2) of the Michigan penal code, 1931 PA 328, MCL 750.411a.

(f) A violation of motor carrier safety regulations 49 CFR 392.10 or 392.11 as adopted by section 1a of the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11a.

(g) A violation of section 57 of the pupil transportation act, 1990 PA 187, MCL 257.1857.

(h) An attempt to violate, a conspiracy to violate, or a violation of part 74 of the public health code, 1978 PA 368, MCL 333.7401 to 333.7461, or a local ordinance that prohibits conduct prohibited under part 74 of the public health code, 1978 PA 368, MCL 333.7401 to 333.7461, unless the convicted person is sentenced to life imprisonment or a minimum term of imprisonment that exceeds 1 year for the offense.

(i) An attempt to commit an offense described in subdivisions (a) to (g).

(j) A violation of chapter LXXXIII-A of the Michigan penal code, 1931 PA 328, MCL 750.543a to 750.543z.

(k) A violation of section 3101, 3102(1), or 3103 of the insurance code of 1956, 1956 PA 218, MCL 500.3101, 500.3102, and 500.3103.

(*l*) A violation listed as a disqualifying offense under 49 CFR 383.51.

(5) The clerk of the court shall also forward an abstract of the court record to the secretary of state if a person has pled guilty to, or offered a plea of admission in a juvenile proceeding for, a violation of section 703 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance substantially corresponding to that section, and has had further proceedings deferred under that section. If the person is sentenced to a term of probation and terms and conditions of probation are fulfilled and the court discharges the individual and dismisses the proceedings, the court shall also report the dismissal to the secretary of state.

(6) As used in subsections (7) to (9), "felony in which a motor vehicle was used" means a felony during the commission of which the person operated a motor vehicle and while operating the vehicle presented real or potential harm to persons or property and 1 or more of the following circumstances existed:

(a) The vehicle was used as an instrument of the felony.

(b) The vehicle was used to transport a victim of the felony.

(c) The vehicle was used to flee the scene of the felony.

(d) The vehicle was necessary for the commission of the felony.

(7) If a person is charged with a felony in which a motor vehicle was used, other than a felony specified in subsection (4) or section 319, the prosecuting attorney shall include the following statement on the complaint and information filed in district or circuit court:

"You are charged with the commission of a felony in which a motor vehicle was used. If you are convicted and the judge finds that the conviction is for a felony in which a motor vehicle was used, as defined in section 319 of the Michigan vehicle code, 1949 PA 300, MCL 257.319, your driver's license shall be suspended by the secretary of state.".

(8) If a juvenile is accused of an act, the nature of which constitutes a felony in which a motor vehicle was used, other than a felony specified in subsection (4) or section 319, the prosecuting attorney or family division of circuit court shall include the following statement on the petition filed in the court:

"You are accused of an act the nature of which constitutes a felony in which a motor vehicle was used. If the accusation is found to be true and the judge or referee finds that the nature of the act constitutes a felony in which a motor vehicle was used, as defined in section 319 of the Michigan vehicle code, 1949 PA 300,

MCL 257.319, your driver's license shall be suspended by the secretary of state.".

(9) If the court determines as part of the sentence or disposition that the felony for which the person was convicted or adjudicated and with respect to which notice was given under subsection (7) or (8) is a felony in which a motor vehicle was used, the clerk of the court shall forward an abstract of the court record of that conviction to the secretary of state.

(10) As used in subsections (11) and (12), "felony in which a commercial motor vehicle was used" means a felony during the commission of which the person operated a commercial motor vehicle and while the person was operating the vehicle 1 or more of the following circumstances existed:

(a) The vehicle was used as an instrument of the felony.

(b) The vehicle was used to transport a victim of the felony.

(c) The vehicle was used to flee the scene of the felony.

(d) The vehicle was necessary for the commission of the felony.

(11) If a person is charged with a felony in which a commercial motor vehicle was used and for which a vehicle group designation on a license is subject to suspension or revocation under section 319b(1)(c)(*iii*), 319b(1)(d), 319b(1)(e)(*iii*), or 319b(1)(f)(*i*), the prosecuting attorney shall include the following statement on the complaint and information filed in district or circuit court:

"You are charged with the commission of a felony in which a commercial motor vehicle was used. If you are convicted and the judge finds that the conviction is for a felony in which a commercial motor vehicle was used, as defined in section 319b of the Michigan vehicle code, 1949 PA 300, MCL 257.319b, all vehicle group designations on your driver's license shall be suspended or revoked by the secretary of state.".

(12) If the judge determines as part of the sentence that the felony for which the defendant was convicted and with respect to which notice was given under subsection (11) is a felony in which a commercial motor vehicle was used, the clerk of the court shall forward an abstract of the court record of that conviction to the secretary of state.

(13) Every person required to forward abstracts to the secretary of state under this section shall certify for the period from January 1 through June 30 and for the period from July 1 through December 31 that all abstracts required to be forwarded during the period have been forwarded. The certification shall be filed with the secretary of state not later than 28 days after the end of the period covered by the certification. The certification shall be made upon a form furnished by the secretary of state and shall include all of the following:

(a) The name and title of the person required to forward abstracts.

(b) The court for which the certification is filed.

(c) The time period covered by the certification.

(d) The following statement:

"I certify that all abstracts required by section 732 of the Michigan vehicle code, MCL 257.732; MSA 9.2432, for the period _____ through _____ have been forwarded to the secretary of state.".

(e) Other information the secretary of state considers necessary.

(f) The signature of the person required to forward abstracts.

(14) The failure, refusal, or neglect of a person to comply with this section constitutes misconduct in office and is grounds for removal from office.

(15) Except as provided in subsection (16), the secretary of state shall keep all abstracts received under this section at the secretary of state's main office and the abstracts shall be open for public inspection during the office's usual business hours. Each abstract shall be entered upon the master driving record of the person to whom it pertains.

(16) Except for controlled substance offenses described in subsection (4), the court shall not submit, and the secretary of state shall discard and not enter on the master driving record, an abstract for a conviction or civil infraction determination for any of the following violations:

(a) The parking or standing of a vehicle.

(b) A nonmoving violation that is not the basis for the secretary of state's suspension, revocation, or denial of an operator's or chauffeur's license.

(c) A violation of chapter II that is not the basis for the secretary of state's suspension, revocation, or denial of an operator's or chauffeur's license.

(d) A pedestrian, passenger, or bicycle violation, other than a violation of section 703(1) or (2) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance substantially corresponding to section 703(1) or (2) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or section 624a or 624b or a local ordinance substantially corresponding to section 624a or 624b.

(e) A violation of section 710e or a local ordinance substantially corresponding to section 710e.

(f) A violation of section 328(1) if, before the appearance date on the citation, the person submits proof to the court that the motor vehicle had insurance meeting the requirements of sections 3101 and 3102 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 and 500.3102, at the time the citation was issued. Insurance obtained subsequent to the time of the violation does not make the violation an exception under this subsection.

(g) A violation described in section 319b(10)(b)(*vii*) if, before the court appearance date or date fines are to be paid, the person submits proof to the court that he or she held a valid commercial driver license on the date the citation was issued.

(h) A violation of section 311 if the person was driving a noncommercial vehicle and, before the court appearance date or the date fines are to be paid, the person submits proof to the court that he or she held a valid driver license on the date the citation was issued.

(i) A violation of section 602b(1) or 602c.

(17) Except as otherwise provided in this subsection, the secretary of state shall discard and not enter on the master driving record an abstract for a bond forfeiture that occurred outside this state. The secretary of state shall enter on the master driving record an abstract for a conviction as defined in section 8a(b) that occurred outside this state in connection with the operation of a commercial motor vehicle or for a conviction of a person licensed as a commercial motor vehicle driver.

(18) The secretary of state shall inform the courts of this state of the nonmoving violations and violations of chapter II that are used by the secretary of state as the basis for the suspension, restriction, revocation, or denial of an operator's or chauffeur's license.

(19) If a conviction or civil infraction determination is reversed upon appeal, the person whose conviction or determination has been reversed may serve on the secretary of state a certified copy of the order of reversal. The secretary of state shall enter the order in the proper book or index in connection with the record of the conviction or civil infraction determination.

(20) The secretary of state may permit a city or village department, bureau, person, or court to modify the requirement as to the time and manner of reporting a conviction, civil infraction determination, or settlement to the secretary of state if the modification will increase the economy and efficiency of collecting and utilizing the records. If the permitted abstract of court record reporting a conviction, civil infraction determination, or settlement originates as a part of the written notice to appear, authorized in section 728(1) or 742(1), the form of the written notice and report shall be as prescribed by the secretary of state.

(21) Notwithstanding any other law of this state, a court shall not take under advisement an offense committed by a person while operating a motor vehicle for which this act requires a conviction or civil infraction determination to be reported to the secretary of state. A conviction or civil infraction determination that is the subject of this subsection shall not be masked, delayed, diverted, suspended, or suppressed by a court. Upon a conviction or civil infraction determination, the conviction or civil infraction determination shall immediately be reported to the secretary of state in accordance with this section.

(22) Except as provided in this act and notwithstanding any other provision of law, a court shall not order expunction of any violation reportable to the secretary of state under this section.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951;—Am. 1965, Act 41, Imd. Eff. May 25, 1965;—Am. 1965, Act 309, Eff. Mar. 31, 1966;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1980, Act 518, Eff. Mar. 31, 1981;—Am. 1982, Act 310, Eff. Mar. 30, 1983;—Am. 1985, Act 1, Eff. July 1, 1985;—Am. 1988, Act 205, Eff. July 1, 1988;—Am. 1988, Act 346, Eff. Jan. 1, 1990;—Am. 1991, Act 99, Eff. Jan. 1, 1992;—Am. 1991, Act 100, Eff. Jan. 1, 1993;—Am. 1993, Act 359, Eff. Sept. 1, 1994;—Am. 1994, Act 450, Eff. May 1, 1995;—Am. 1996, Act 493, Eff. Apr. 1, 1997;—Am. 1998, Act 348, Eff. Oct. 1, 1999;—Am. 1999, Act 21, Eff . Oct. 1, 2000;—Am. 1999, Act 73, Eff. Oct. 1, 1999;—Am. 2000, Act 460, Eff. Mar. 28, 2001;—Am. 2001, Act 103, Eff. Oct. 1, 2001;—Am. 2001, Act 134, Eff. Feb. 1, 2002;—Am. 2002, Act 259, Imd. Eff. May 1, 2002;—Am. 2002, Act 422, Eff. Oct. 1, 2002;—Am. 2002, Act 534, Eff. Oct. 1, 2002;—Am. 2004, Act 52, Eff. May 1, 2004;—Am. 2004, Act 62, Eff. May 3, 2004;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004;—Am. 2004, Act 495, Imd. Eff. Dec. 29, 2004;—Am. 2006, Act 298, Imd. Eff. July 20, 2006;—Am. 2010, Act 59, Eff. July 1, 2010;—Am. 2011, Act 159, Imd. Eff. Sept. 30, 2011;—Am. 2012, Act 592, Eff. Mar. 28, 2013;—Am. 2015, Act 11, Eff. July 8, 2015;—Am. 2017, Act 160, Eff. Jan. 1, 2018.

Compiler's note: Section 2 of Act 310 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."

Section 2 of Act 205 of 1988 provides: "This amendatory act shall take effect July 1, 1988 and apply to violations which occur on or after that date."

Section 2 of Act 346 of 1988 provides:

"(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

"(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

"(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act."

Section 2 of Act 173 of 1989 provides:

"(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

"(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed."

257.732a Driver responsibility fee; assessment; notice; payment by installment; failure to pay fee; suspension of driving privileges; fire protection fund; creation; disposition of funds; transmission of fees to state treasurer; collection of assessments subject to MCL 257.304; assessment and collection; provisions applicable beginning September 30, 2018; reinstatement; appropriation.

Sec. 732a. (1) Subject to subsection (10), an individual, whether licensed or not, who accumulates 7 or more points on his or her driving record under sections 320a and 629c within a 2-year period for any violation not listed under subsection (2) shall be assessed a $100.00 driver responsibility fee. For each additional point accumulated above 7 points not listed under subsection (2), an additional fee of $50.00 shall be assessed. The secretary of state shall collect the fees described in this subsection once each year that the point total on an individual driving record is 7 points or more. This subsection is subject to subsection (11).

(2) An individual, whether licensed or not, who violates any of the following sections or another law or local ordinance that substantially corresponds to those sections shall be assessed a driver responsibility fee as follows:

(a) Subject to subsections (10) and (11), upon posting an abstract indicating that an individual has been found guilty for a violation of law listed or described in this subdivision, the secretary of state shall assess a $1,000.00 driver responsibility fee each year for 2 consecutive years:

(*i*) Manslaughter, negligent homicide, or a felony resulting from the operation of a motor vehicle, ORV, or snowmobile.

(*ii*) Section 601b(2) or (3), 601c(1) or (2), 601d, 626(3) or (4), or 653a(3) or (4).

(*iii*) Section 625(1), (4), or (5), section 625m, or section 81134 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81134, or a law or ordinance substantially corresponding to section 625(1), (4), or (5), section 625m, or section 81134 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81134.

(*iv*) Failing to stop and disclose identity at the scene of an accident when required by law.

(*v*) Fleeing or eluding an officer.

(b) Subject to subsections (10) and (11), upon posting an abstract indicating that an individual has been found guilty for a violation of law listed in this subdivision, the secretary of state shall assess a $500.00 driver responsibility fee each year for 2 consecutive years:

(*i*) Section 625(3), (6), (7), or (8).

(*ii*) Section 626(2).

(*iii*) Section 904.

(*iv*) Section 3101, 3102(1), or 3103 of the insurance code of 1956, 1956 PA 218, MCL 500.3101, 500.3102, and 500.3103.

(c) Through September 30, 2012, upon posting an abstract indicating that an individual has been found guilty for a violation of section 301, the secretary of state shall assess a $150.00 driver responsibility fee each year for 2 consecutive years. However, a driver responsibility fee shall not be assessed under this subdivision for a violation committed on or after October 1, 2012.

(d) Through September 30, 2012, upon posting an abstract indicating that an individual has been found guilty or determined responsible for a violation listed in section 328, the secretary of state shall assess a $200.00 driver responsibility fee each year for 2 consecutive years. However, a driver responsibility fee shall not be assessed under this subdivision for a violation committed on or after October 1, 2012.

(3) The secretary of state shall send a notice of the driver responsibility assessment, as prescribed under subsection (1) or (2), to the individual by regular mail to the address on the records of the secretary of state. If payment is not received within 30 days after the notice is mailed, the secretary of state shall send a second notice that indicates that if payment is not received within the next 30 days, the driver's driving privileges will be suspended.

(4) The secretary of state may authorize payment by installment for a period not to exceed 24 months or, alternatively, the individual may engage in workforce training under section 732b. All of the following apply to an individual who, on or before February 1, 2018, has entered into an installment payment plan as provided in this subsection:

(a) Any outstanding driver responsibility fee assessed under this section or outstanding installment

payment shall not be collected.

(b) An individual is not liable for any outstanding driver responsibility fee assessed under this section.

(c) An individual whose driving privileges were suspended under this section is eligible to reinstate his or her operator's license if he or she is otherwise in compliance with this act.

(5) Except as otherwise provided under this subsection and section 732b, if payment is not received or an installment plan is not established after the time limit required by the second notice prescribed under subsection (3) expires, the secretary of state shall suspend the driving privileges until the assessment and any other fees prescribed under this act are paid. However, if the individual's license to operate a motor vehicle is not otherwise required under this act to be denied, suspended, or revoked, the secretary of state shall reinstate the individual's operator's driving privileges if the individual requests an installment plan under subsection (4) and makes proper payment under that plan. Fees required to be paid for the reinstatement of an individual's operator's driving privileges as described under this subsection shall, at the individual's request, be included in the amount to be paid under the installment plan. If the individual establishes a payment plan as described in this subsection and subsection (4) but the individual fails to make full or timely payments under that plan, or enters into workforce training under section 732b but fails to successfully complete that service within the 45-day period allowed, or withdraws from workforce training with or without good cause shown, the secretary of state shall suspend the individual's driving privileges. The secretary of state shall only reinstate a license under this subsection once.

(6) A driver responsibility fee shall be assessed under this section in the same manner for a conviction or determination of responsibility for a violation or an attempted violation of a law of this state, of a local ordinance substantially corresponding to a law of this state, or of a law of another state substantially corresponding to a law of this state.

(7) The fire protection fund is created within the state treasury. The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments. Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund. The department of licensing and regulatory affairs shall expend money from the fund, upon appropriation, only for fire protection grants to cities, villages, and townships with state-owned facilities for fire services, as provided in 1977 PA 289, MCL 141.951 to 141.956.

(8) The secretary of state shall transmit the fees collected under this section to the state treasurer. The state treasurer shall credit fee money received under this section in each fiscal year as follows:

(a) The first $8,500,000.00 shall be credited to the fire protection fund created in subsection (7).

(b) For fiscal year 2017 and for each fiscal year thereafter, after the amount specified in subdivision (a) is credited to the fire protection fund created under subsection (7), the next $1,000,000.00 shall be credited to the department of state for necessary expenses incurred by the department of state in implementing and administering the requirements of sections 625k and 625q, and, for fiscal year 2018 only, the next $250,000.00 shall be credited to the department of treasury to implement and administer the program created in section 732d. Funds appropriated under this subdivision shall be based upon an established cost allocation methodology that reflects the actual costs incurred or to be incurred by the secretary of state during the fiscal year. However, except as otherwise provided in this subdivision, funds appropriated under this subdivision shall not exceed $1,000,000.00 during any fiscal year. Funds appropriated under this subdivision shall not exceed $1,250,000.00 during fiscal year 2018.

(c) Any amount collected after crediting the amounts under subdivisions (a) and (b) shall be credited to the general fund.

(9) The collection of assessments under this section is subject to section 304.

(10) Subject to subsections (4) and (11), a driver responsibility fee shall be assessed and collected under this section as follows:

(a) For an individual who accumulates 7 or more points on his or her driving record beginning on the following dates, a fee assessed under subsection (1) shall be reduced as follows:

(*i*) Beginning October 1, 2015, the assessment shall be 75% of the fee calculated under subsection (1).

(*ii*) Beginning October 1, 2016, the assessment shall be 50% of the fee calculated under subsection (1).

(*iii*) Beginning October 1, 2018, no fee shall be assessed under subsection (1).

(b) A fee assessed under subsection (2)(a) or (b) shall be reduced as follows:

(*i*) For a violation that occurs on or after October 1, 2015, 100% of the fee shall be assessed for the first year and 50% for the second year.

(*ii*) For a violation that occurs on or after October 1, 2016, 100% of the fee shall be assessed for the first year and no fee shall be assessed for the second year.

(*iii*) Beginning October 1, 2018, no fee shall be assessed under subsection (2)(a) or (b).

(c) Beginning on the effective date of the amendatory act that added this subdivision, no fee shall be assessed under subsection (2)(b)(*iii*) or (*iv*).

(11) Beginning September 30, 2018, all of the following apply:

(a) Any outstanding driver responsibility fee assessed under this section shall not be collected.

(b) An individual is not liable for any outstanding driver responsibility fee assessed under this section or responsible for completing workforce training under section 732b.

(c) An individual whose driving privileges were suspended under this section or an individual whose driving privileges were suspended under section 904(10), if that suspension arose out of the unlawful operation of a motor vehicle or a moving violation reportable under section 732 while his or her driving privileges were suspended under this section, is eligible to reinstate his or her operator's license if he or she is otherwise in compliance with this act.

(12) Beginning on the effective date of the amendatory act that added this subsection and ending December 31, 2018, an individual whose driving privileges were suspended under this section may reinstate his or her operator's license without payment of a fee to the secretary of state for the reinstatement. Beginning January 1, 2019, an individual whose driving privileges were suspended under this section may reinstate his or her operator's license upon payment of any fee required by the secretary of state for the reinstatement.

(13) It is the intent of the legislature that beginning with the fiscal year ending September 30, 2018, and each fiscal year after that, $8,500,000.00 shall be appropriated to the fire protection fund created under subsection (7).

History: Add. 2003, Act 165, Eff. Oct. 1, 2003;—Am. 2004, Act 52, Eff. May 1, 2004;—Am. 2008, Act 460, Eff. Apr. 1, 2009;—Am. 2008, Act 463, Eff. Oct. 31, 2010;—Am. 2010, Act 155, Eff. Jan. 1, 2011;—Am. 2011, Act 255, Eff. Oct. 1, 2012;—Am. 2012, Act 203, Imd. Eff. June 27, 2012;—Am. 2014, Act 250, Eff. Sept. 23, 2014;—Am. 2016, Act 32, Eff. June 6, 2016;—Am. 2018, Act 43, Imd. Eff. Mar. 1, 2018;—Am. 2018, Act 45, Imd. Eff. Mar. 1, 2018;—Am. 2018, Act 46, Imd. Eff. Mar. 1, 2018;—Am. 2018, Act 50, Eff. Mar. 31, 2018.

Compiler's note: Enacting section 1 of Act 32 of 2016 provides:
"Enacting section 1. R 257.1005 and R 257.1006 of the Michigan Administrative Code are rescinded."

257.732b Driver responsibility fee; workforce training; participation as alternative to paying fee.

Sec. 732b. (1) If an individual was assessed a driver responsibility fee under section 732a(2)(b)(*iii*) or (*iv*), (c), or (d), the individual may engage in 10 hours of participation in a workforce training payment program created under section 732c as an alternative to paying that fee or any unpaid portion of that fee.

(2) An individual may engage in workforce training under subsection (1) by obtaining a workforce training form from the secretary of state or the department of treasury. The department of treasury shall mail to each individual who is required to pay a driver responsibility fee under section 732a(2)(b)(*iii*) or (*iv*), (c), or (d) a 1-time-only written notice of the option of completing workforce training as an alternative to paying that driver responsibility fee. The notice shall include a statement that workforce training forms for that purpose can be obtained from the department of state or from the department of treasury. The notice shall be sent to the last known address of the individual as shown in the records of the department of treasury. The secretary of state shall make workforce training forms available to the public at all branch offices and on the department's website for purposes of this section and shall provide workforce training forms to the department of treasury for purposes of this section.

(3) If an individual chooses to engage in workforce training under this section, the individual shall complete the workforce training form obtained under subsection (2) and return the form to the department of treasury in the manner prescribed by the department of treasury. Upon receiving a properly completed workforce training form under this subsection, the department of treasury shall inform the department of state that the individual intends to complete workforce training under this section as an alternative to paying a driver responsibility fee or any portion of a driver responsibility fee. If the secretary of state is notified by the department of treasury that the individual has elected to complete workforce training under this section as an alternative to paying the fee, that fee shall be held in abeyance for a period of 45 days. If the individual's license is suspended for failing to pay the driver responsibility fee or portion of the driver responsibility fee, the department of state shall, upon payment of the reinstatement fee, reinstate the individual's driver license.

(4) An individual who engages in workforce training under this section shall be allowed only 1 opportunity to complete the workforce training alternative for each driver responsibility fee owed. However, the department of treasury may allow an individual to withdraw from that workforce training before the expiration of the 45-day period for completing that workforce training for good cause shown. If the individual is allowed to withdraw from workforce training for good cause shown, that opportunity for completing workforce training shall not be considered in the number of opportunities to perform workforce training under

this subsection, but the individual is subject to the suspension of his or her driving privileges under section 732a(5).

(5) Upon completing workforce training under this section, the individual may request the person with whom he or she engaged in workforce training under this section to verify on the workforce training form in the manner designated by the secretary of state that he or she successfully completed that workforce training. Upon verification, the individual may return the workforce training form to the department of treasury for purposes of this section. Any person who falsely verifies workforce training under this subsection and any individual who falsely requests the verification of workforce training under this section or who returns a community service form to the department of treasury under this subsection knowing that his or her workforce training is falsely verified is responsible for a state civil infraction and may be fined not more than $200.00.

(6) The department of treasury shall waive the driver responsibility fee or any portion of the driver responsibility fee otherwise required to be paid under section 732a(2)(b)(*iii*) or (*iv*), (c), or (d) upon receiving verification that the individual successfully completed the workforce training requirements of this section. The department of treasury shall notify the department of state when it has waived the fee under this section or, if the fee is not waived under this section, that the 45-day period has expired and the fee has not been waived. If the secretary of state is notified by the department of treasury that the fee has not been waived, the department of state shall enter that information into the records of the department and shall suspend the individual's driver license and proceed as provided by law for the individual's failure to pay the driver responsibility fee or to complete workforce training under this section.

History: Add. 2014, Act 283, Eff. Dec. 31, 2014;—Am. 2018, Act 50, Eff. Mar. 31, 2018.

257.732c Workforce training payment program; creation; development; administrator; definitions.

Sec. 732c. (1) The department of treasury shall create a workforce training payment program.

(2) The department of treasury may work with a local workforce development board, a Michigan works one-stop service center, or a training program offered by the department of corrections to develop the workforce training payment program described in subsection (1).

(3) The department of treasury shall be the administrator of the workforce training payment program described in subsection (1).

(4) As used in this section:

(a) "Local workforce development board" means that term as defined in section 3 of the Michigan works one-stop service center system act, 2006 PA 491, MCL 408.113.

(b) "Michigan works one-stop service center" means that term as defined in section 3 of the Michigan works one-stop service center system act, 2006 PA 491, MCL 408.113.

History: Add. 2018, Act 49, Eff. Mar. 31, 2018.

257.732d Driver responsibility fee obligations affected by changes to state law; education of affected individuals.

Sec. 732d. In consultation with the department, the department of health and human services, the unemployment insurance agency, Michigan works agencies, and the department of corrections, the department of treasury shall educate individuals whose driver responsibility fee obligations are affected by changes made to state law on the effective date of the amendatory act that added this section. The education required by this subsection shall include informational materials and effective outreach.

History: Add. 2018, Act 44, Imd. Eff. Mar. 1, 2018.

257.733 Release of accident information to nongovernmental agency; exception.

Sec. 733. (1) The department shall not release information relating to an accident on the record of a driver to a nongovernmental agency unless the driver was subsequently convicted of or determined responsible for a violation of this act in connection with the accident.

(2) Except as otherwise provided in subsection (4), the department shall not release information relating to an accident on the record of any of the following to a nongovernmental agency if the accident occurred while the person was operating the vehicle during the course of his or her employment:

(a) A police officer.

(b) A firefighter.

(c) An employee of the state transportation department, a county road commission, or a local authority having jurisdiction over a highway who is authorized to operate a motor vehicle or equipment while working within the highway right-of-way.

(d) A person authorized to operate an ambulance or other emergency vehicle.

(3) The department shall not release information received under section 732(5) concerning a plea to and the discharge and dismissal of a violation of section 703 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance substantially corresponding to section 703 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, except as provided in section 703(3) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703.

(4) Subsection (2) does not apply to a person described in subsection (2) who was convicted of a crime under this act in connection with the accident.

History: Add. 1974, Act 208, Imd. Eff. July 11, 1974;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1978, Act 545, Eff. Oct. 1, 1979;—Am. 1994, Act 50, Imd. Eff. Mar. 25, 1994;—Am. 2004, Act 62, Eff. Sept. 1, 2004;—Am. 2006, Act 650, Eff. Oct. 1, 2010.

257.741 Civil infraction action as civil action; commencement; plaintiff; jurisdiction; time and place for appearance; venue.

Sec. 741. (1) A civil infraction action is a civil action in which the defendant is alleged to be responsible for a civil infraction. A civil infraction action is commenced upon the issuance and service of a citation as provided in section 742. The plaintiff in a civil infraction action shall be either the state if the alleged civil infraction is a violation of this act, or a political subdivision if the alleged civil infraction is a violation of a local ordinance of that subdivision which substantially corresponds to a provision of this act.

(2) The following courts shall have jurisdiction over civil infraction actions:

(a) The district court.

(b) Any municipal court.

(3) The time specified in a citation for appearance shall be within a reasonable time after the citation is issued pursuant to section 742.

(4) The place specified in the citation for appearance shall be the court listed in subsection (2) which has territorial jurisdiction of the place where the civil infraction occurred. Venue in the district court shall be governed by section 8312 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8312.

(5) If the person cited is a minor, that individual shall be permitted to appear in court or to admit responsibility for a civil infraction without the necessity of appointment of a guardian or next friend. The courts listed in subsection (2) shall have jurisdiction over the minor and may proceed in the same manner and in all respects as if that individual were an adult.

History: Add. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 2006, Act 298, Imd. Eff. July 20, 2006.

257.742 Stopping, detaining, and issuing citation for civil infraction; pursuing, stopping, and detaining person outside village, city, township, or county; purpose; violation as to load, weight, height, length, or width of vehicle or load; powers of police officer; issuing citation to driver of motor vehicle; form of citation; informing person of alleged civil infraction; delivering copy of citation to alleged offender; issuing, serving, and processing citations for parking and standing violations; filing citation with court; "parking violation notice" and "parking violations bureau" defined.

Sec. 742. (1) A police officer who witnesses a person violating this act or a local ordinance substantially corresponding to this act, which violation is a civil infraction, may stop the person, detain the person temporarily for purposes of making a record of vehicle check, and prepare and subscribe, as soon as possible and as completely as possible, an original and 3 copies of a written citation, which shall be a notice to appear in court for 1 or more civil infractions. If a police officer of a village, city, township, or county, or a police officer who is an authorized agent of a county road commission, witnesses a person violating this act or a local ordinance substantially corresponding to this act within that village, city, township, or county and that violation is a civil infraction, that police officer may pursue, stop, and detain the person outside the village, city, township, or county where the violation occurred for the purpose of exercising the authority and performing the duties prescribed in this section and section 749, as applicable.

(2) Any police officer, having reason to believe that the load, weight, height, length, or width of a vehicle or load are in violation of section 717, 719, 719a, 722, 724, 725, or 726 which violation is a civil infraction, may require the driver of the vehicle to stop, and the officer may investigate, weigh, or measure the vehicle or load. If, after personally investigating, weighing, or measuring the vehicle or load, the officer determines that the load, weight, height, length, or width of the vehicle or load are in violation of section 717, 719, 719a, 722, 724, 725, or 726, the officer may temporarily detain the driver of the vehicle for purposes of making a record or vehicle check and issue a citation to the driver or owner of the vehicle as provided in those sections.

(3) A police officer may issue a citation to a person who is a driver of a motor vehicle involved in an

accident when, based upon personal investigation, the officer has reasonable cause to believe that the person is responsible for a civil infraction in connection with the accident. A police officer may issue a citation to a person who is a driver of a motor vehicle when, based upon personal investigation by the police officer of a complaint by someone who witnessed the person violating this act or a local ordinance substantially corresponding to this act, which violation is a civil infraction, the officer has reasonable cause to believe that the person is responsible for a civil infraction and if the prosecuting attorney or attorney for the political subdivision approves in writing the issuance of the citation.

(4) The form of a citation issued under subsection (1), (2), or (3) shall be as prescribed in sections 727c and 743.

(5) The officer shall inform the person of the alleged civil infraction or infractions and shall deliver the third copy of the citation to the alleged offender.

(6) In a civil infraction action involving the parking or standing of a motor vehicle, a copy of the citation is not required to be served personally upon the defendant but may be served upon the registered owner by attaching the copy to the vehicle. A city may authorize personnel other than a police officer to issue and serve a citation for a violation of its ordinance involving the parking or standing of a motor vehicle. A city may authorize a person other than personnel or a police officer to issue and serve a citation for parking violations described in section 675d if the city has complied with the requirements of section 675d. State security personnel receiving authorization under section 6c of 1935 PA 59, MCL 28.6c, may issue and serve citations for violations involving the parking or standing of vehicles on land owned by the state or land of which the state is the lessee when authorized to do so by the director of the department of state police.

(7) If a parking violation notice other than a citation is attached to a motor vehicle, and if an admission of responsibility is not made and the civil fine and costs, if any, prescribed by ordinance for the violation are not paid at the parking violations bureau, a citation may be filed with the court described in section 741(4) and a copy of the citation may be served by first-class mail upon the registered owner of the vehicle at the owner's last known address. A parking violation notice may be issued by a police officer, including a limited duty officer, or other personnel duly authorized by the city, village, township, college, or university to issue such a notice under its ordinance. The citation filed with the court pursuant to this subsection need not comply in all particulars with sections 727c and 743 but shall consist of a sworn complaint containing the allegations stated in the parking violation notice and shall fairly inform the defendant how to respond to the citation.

(8) A citation issued under subsection (6) or (7) for a parking or standing violation shall be processed in the same manner as a citation issued personally to a defendant under subsection (1) or (3).

(9) As used in subsection (7):

(a) "Parking violation notice" means a notice, other than a citation, directing a person to appear at a parking violations bureau in the city, village, or township in which, or of the college or university for which, the notice is issued and to pay the fine and costs, if any, prescribed by ordinance for the parking or standing of a motor vehicle in violation of the ordinance.

(b) "Parking violations bureau" means a parking violations bureau established pursuant to section 8395 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8395, or a comparable parking violations bureau established in a city or village served by a municipal court or established pursuant to law by the governing board of a state university or college.

History: Add. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1979, Act 66, Eff. Aug. 1, 1979;—Am. 1980, Act 249, Imd. Eff. July 28, 1980;—Am. 1980, Act 426, Imd. Eff. Jan. 13, 1981;—Am. 1981, Act 104, Eff. Oct. 1, 1981;—Am. 1984, Act 74, Imd. Eff. Apr. 18, 1984;—Am. 1989, Act 89, Eff. Sept. 19, 1989;—Am. 1998, Act 68, Imd. Eff. May 4, 1998;—Am. 2000, Act 268, Eff. Oct. 1, 2000;—Am. 2008, Act 171, Imd. Eff. July 2, 2008.

257.743 Contents of citation issued pursuant to MCL 257.742; timely appearance.

Sec. 743. (1) A citation issued pursuant to section 742 shall contain the name of the state or political subdivision acting as plaintiff, the name and address of the person to whom the citation is issued, the civil infraction alleged, the place where the person shall appear in court, the telephone number of the court, the time at or by which the appearance shall be made, and the additional information required by this section.

(2) The citation shall inform the defendant to the effect that he or she, at or by the time specified for appearance, may:

(a) Admit responsibility for the civil infraction in person, by representation, or by mail.

(b) Admit responsibility for the civil infraction "with explanation" in person, by representation, or by mail.

(c) Deny responsibility for the civil infraction by doing either of the following:

(*i*) Appearing in person for an informal hearing before a district court magistrate or a judge without the opportunity of being represented by an attorney.

(*ii*) Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an

attorney.

(3) The citation shall inform the defendant that if the person desires to admit responsibility "with explanation" other than by mail or to have an informal hearing or a formal hearing, the person must apply to the court in person, by mail, or by telephone, within the time specified for appearance and obtain a scheduled date and time to appear for a hearing. A hearing date may be specified on the citation.

(4) The citation shall contain a notice in boldface type that the failure of a person to appear within the time specified in the citation or at the time scheduled for a hearing or appearance will result in entry of a default judgment against the person and in the immediate suspension of the person's operator's or chauffeur's license. Timely application to the court for a hearing or return of the citation with an admission of responsibility and with full payment of applicable civil fines and costs constitute a timely appearance.

(5) If the citation is issued to a person who is operating a commercial motor vehicle, the citation shall contain a vehicle group designation and indorsement description of the vehicle, which vehicle is operated by the person at the time of the alleged civil infraction.

History: Add. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1979, Act 66, Eff. Aug. 1, 1979;—Am. 1988, Act 346, Eff. Jan. 1, 1990;—Am. 2006, Act 298, Imd. Eff. July 20, 2006.

Compiler's note: Section 2 of Act 346 of 1988 provides:

"(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

"(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

"(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act."

Section 2 of Act 173 of 1989 provides:

"(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

"(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed."

257.744 Admissions or denials; sworn complaint; warrant for arrest.

Sec. 744. If an officer issues a citation under section 742 for a civil infraction or if a citation is issued under section 742 for a parking or standing violation, the court may accept an admission with explanation or an admission or denial of responsibility upon the citation without the necessity of a sworn complaint. If the person denies responsibility for the civil infraction, further proceedings shall not be had until a sworn complaint is filed with the court. A warrant for arrest under section 321a for failure to appear on the civil infraction citation shall not issue until a sworn complaint relative to the civil infraction is filed with the court.

History: Add. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1979, Act 66, Eff. Aug. 1, 1979.

257.744a Police officer knowingly making materially false statement in citation as perjury; felony; penalty; contempt of court.

Sec. 744a. A police officer who, knowing the statement is false, makes a materially false statement in a citation issued under section 742 is guilty of perjury, a felony punishable by imprisonment for not more than 15 years, and in addition is in contempt of court.

History: Add. 1983, Act 172, Eff. Mar. 29, 1984.

257.745 Responding to allegations in citation; appearance in person, by representation, or by mail; admission of responsibility; acceptance of admission; denial of responsibility; scheduling of informal or formal hearing.

Sec. 745. (1) A person to whom a citation is issued under section 742 shall appear by or at the time specified in the citation and may respond to the allegations in the citation as provided in this section.

(2) If the person wishes to admit responsibility for the civil infraction, the person may do so by appearing in person, by representation, or by mail. If appearance is made by representation or mail, the court may accept the admission with the same effect as though the person personally appeared in court. Upon acceptance of the admission, the court may order any of the sanctions permitted under section 907.

(3) If the person wishes to admit responsibility for the civil infraction "with explanation", the person may do so in either of the following ways:

(a) By appearing by mail.

(b) By contacting the court in person, by mail, by telephone, or by representation to obtain from the court a scheduled date and time to appear, at which time the person shall appear in person or by representation.

(4) If a person admits responsibility for a civil infraction "with explanation" under subsection (3), the court shall accept the admission as though the person has admitted responsibility under subsection (2) and may consider the person's explanation by way of mitigating any sanction which the court may order under section

907. If appearance is made by representation or mail, the court may accept the admission with the same effect as though the person personally appeared in court, but the court may require the person to provide a further explanation or to appear in court.

(5) If the person wishes to deny responsibility for a civil infraction, the person shall do so by appearing for an informal or formal hearing. Unless the hearing date is specified on the citation, the person shall contact the court in person, by representation, by mail, or by telephone, and obtain a scheduled date and time to appear for an informal or formal hearing. The court shall schedule an informal hearing, unless the person expressly requests a formal hearing. If the hearing date is specified on the citation, the person shall appear on that date for an informal hearing unless the person contacts the court at least 10 days before that date in person, by representation, by mail, or by telephone to request a formal hearing. If the person expressly requests a formal hearing, the court shall schedule a formal hearing. If a hearing is scheduled by telephone, the court shall mail the defendant a confirming notice of that hearing by regular mail to the address appearing on the citation or to an address which may be furnished by the defendant. An informal hearing shall be conducted pursuant to section 746 and a formal hearing shall be conducted pursuant to section 747.

History: Add. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1979, Act 66, Eff. Aug. 1, 1979.

257.746 Informal hearing; procedure.

Sec. 746. (1) An informal hearing shall be conducted by a district court magistrate when authorized by the judge or judges of the district court district or by a judge of a court listed in section 741(2). A district court magistrate may administer oaths, examine witnesses, and make findings of fact and conclusions of law at an informal hearing. The judge or district court magistrate shall conduct the informal hearing in an informal manner so as to do substantial justice according to the rules of substantive law but shall not be bound by the statutory provisions or rules of practice, procedure, pleading, or evidence, except provisions relating to privileged communications. There shall not be a jury at an informal hearing. A verbatim record of an informal hearing shall not be required.

(2) At an informal hearing the person cited may not be represented by an attorney nor may the plaintiff be represented by the prosecuting attorney or attorney for a political subdivision.

(3) Notice of a scheduled informal hearing shall be given to the citing police agency, which agency may subpoena witnesses for the plaintiff. The defendant may also subpoena witnesses. Witness fees need not be paid in advance to a witness. Witness fees for a witness on behalf of the plaintiff are payable by the district control unit of the district court for the place where the hearing occurs, by the city or village when the hearing involves an ordinance violation in a district where the district court is not functioning, or by the county when the hearing involves a violation of this act in a district where the district court is not functioning.

(4) If the judge or district court magistrate determines by a preponderance of the evidence that the person cited is responsible for a civil infraction, the judge or magistrate shall enter an order against the person as provided in section 907. Otherwise, a judgment shall be entered for the defendant, but the defendant shall not be entitled to costs of the action.

(5) The plaintiff and defendant shall be entitled to appeal an adverse judgment entered at an informal hearing. An appeal from a municipal judge shall be a trial de novo in the circuit court. In other instances an appeal shall be de novo in the form of a scheduled formal hearing as follows:

(a) The appeal from a judge of the district court shall be heard by a different judge of the district.

(b) The appeal from a district court magistrate shall be heard by a judge of the district.

History: Add. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1979, Act 66, Eff. Aug. 1, 1979;—Am. 1980, Act 426, Imd. Eff. Jan. 13, 1981;—Am. 2006, Act 298, Imd. Eff. July 20, 2006.

257.747 Formal hearing; procedure.

Sec. 747. (1) A formal hearing shall be conducted only by a judge of a court having jurisdiction over civil infraction actions under section 741(2).

(2) In a formal hearing the person cited may be represented by an attorney, but is not entitled to appointed counsel at public expense.

(3) Notice of a formal hearing shall be given to the prosecuting attorney or attorney for the political subdivision who represents the plaintiff. That attorney shall appear in court for a formal hearing and that attorney shall be responsible for the issuance of a subpoena to each witness for the plaintiff. The defendant may also subpoena witnesses. Witness fees need not be paid in advance to a witness. Witness fees for a witness on behalf of the plaintiff are payable by the district control unit of the district court for the place where the hearing occurs, by the city or village when the hearing involves an ordinance violation in a district where the district court is not functioning, or by the county when the hearing involves a violation of this act in a district where the district court is not functioning.

(4) There shall not be a jury trial in a formal hearing.

(5) If the judge determines by a preponderance of the evidence that the person cited is responsible for a civil infraction, the judge shall enter an order against the person as provided in section 907. Otherwise, a judgment shall be entered for the defendant, but the defendant shall not be entitled to costs of the action.

History: Add. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1979, Act 66, Eff. Aug. 1, 1979;—Am. 1980, Act 426, Imd. Eff. Jan. 13, 1981.

257.748 Default judgment; suspension of license.

Sec. 748. If the person to whom a citation is issued for a civil infraction fails to appear as directed by the citation or other notice, at a scheduled appearance under section 745(3)(b) or (4), at a scheduled informal hearing, or at a scheduled formal hearing, the court shall enter a default judgment against that person and the person's license shall be suspended pursuant to section 321a until that person appears in court and all matters pertaining to the violation are resolved or until the default judgment is set aside.

History: Add. 1978, Act 510, Eff. Aug. 1, 1979.

***** *257.749 THIS SECTION IS AMENDED EFFECTIVE MARCH 28, 2019: See 257.749.amended* *****

257.749 Stopping nonresident for civil infraction; taking operator's or chauffeur's license as security for appearance; delivery of license to court, police chief, or authorized person; depositing driver's license and citation with court; contempt; arrest; guaranteed appearance certificate or deposit; answering before magistrate; return or retention of license; receipt; failure to deliver money deposited as embezzlement; default judgment; forfeiture of certificate or money deposited; "guaranteed appearance certificate" defined.

Sec. 749. (1) When a nonresident is stopped under section 742 for a civil infraction, the police officer making the stop shall take that person's operator's license or chauffeur's license as security for the nonresident's appearance in court and satisfaction of any order that may be issued under section 907 and shall issue to that person a citation as provided in sections 727c and 742. At or before the completion of his or her tour of duty, a police officer taking the operator's license or chauffeur's license shall deliver that license either to the court named in the citation or to the police chief or person authorized by the police chief to receive citations and operator's licenses and chauffeur's licenses. The police chief or person authorized shall deposit the license and citation with the court in the same manner as prescribed for citations in section 728a. Failure to deliver the license shall be considered contempt of court. If the person does not have an operator's license or a chauffeur's license in immediate possession in violation of section 301 or a license or the receipt described in section 311a in violation of section 311, the officer shall arrest that person under section 727(d).

(2) In lieu of the officer's taking of the license under subsection (1) or before appearance in court, the person stopped may recognize to the officer or to the court for his or her appearance by leaving with the officer or court a guaranteed appearance certificate or a sum of money not to exceed $100.00.

(3) If a magistrate is available for an immediate appearance, upon demand of the person stopped, the officer immediately shall take the nonresident driver before the magistrate to answer to the civil infraction alleged. Upon entry of an admission of responsibility for the civil infraction, with or without explanation, or upon completion of an informal hearing, the defendant's license shall be returned if judgment is entered for the defendant, if any adverse judgment entered against the defendant is satisfied, or if the defendant leaves with the court a guaranteed appearance certificate or a sum of money not to exceed $100.00 as security for payment of any fines or costs ordered. If the nonresident defendant requests a formal hearing, the hearing shall be scheduled as provided in section 747 but the defendant's license shall be retained by the court until final resolution of the matter unless the defendant leaves with the court the guaranteed appearance certificate or deposit as provided in subsection (2) as security for appearance at the scheduled formal hearing.

(4) The officer receiving a guaranteed appearance certificate or deposit of money under subsection (2) shall give a receipt to the person stopped for the guaranteed appearance certificate or the money deposited together with the written citation required under subsection (1).

(5) At or before the completion of his or her tour of duty a police officer taking a certificate or deposit of money shall deliver the certificate or deposit of money and the citation either to the court named in the citation, or to the police chief or person authorized by the police chief to receive certificates or deposits. The police chief or person authorized shall deposit the certificate or the money deposited and the citation with the court in the same manner as prescribed for citations in section 728a. Failure to deliver the money deposited shall be embezzlement of public money.

(6) If the person who posts a certificate or deposit fails to appear as required in the citation or for a

scheduled formal hearing, the court having jurisdiction and venue over the civil infraction shall enter a default judgment against the person, and the guaranteed appearance certificate or money deposited shall be forfeited and applied to any civil fine or costs ordered under section 907.

(7) For purposes of this section, "guaranteed appearance certificate" means a card or certificate containing a printed statement that a surety company authorized to do business in this state guarantees the appearance of the person whose signature appears on the card or certificate, and that the company, if the person fails to appear in court at the time of a scheduled informal or formal hearing or to pay any fine or costs imposed under section 907, will pay any fine, costs, or bond forfeiture imposed on the person in a total amount not to exceed $200.00.

History: Add. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1984, Act 331, Imd. Eff. Dec. 26, 1984;—Am. 2008, Act 7, Imd. Eff. Feb. 15, 2008.

***** *257.749.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 28, 2019* *****

257.749.amended Stopping nonresident for civil infraction; release personal recognizance; immediate hearing before magistrate; failure to appear; default judgment.

Sec. 749. (1) When a nonresident is stopped under section 742 for a civil infraction, the police officer making the stop shall issue to that person a citation as provided in sections 727c and 742.

(2) The officer shall release the nonresident upon his or her personal recognizance.

(3) If a magistrate is available for an immediate appearance, upon demand of the person stopped, the officer immediately shall take the nonresident driver before the magistrate to answer to the civil infraction alleged. If the nonresident defendant requests a formal hearing, the hearing shall be scheduled as provided in section 747. .

(4) If the person who is released upon his or her personal recognizance as provided in subsection (2) fails to appear as required in the citation or for a scheduled formal hearing, the court having jurisdiction and venue over the civil infraction shall enter a default judgment against the person.

History: Add. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1984, Act 331, Imd. Eff. Dec. 26, 1984;—Am. 2008, Act 7, Imd. Eff. Feb. 15, 2008;—Am. 2018, Act 566, Eff. Mar. 28, 2019.

257.750 Issuance of citations; number as factor in evaluation of police officer's performance prohibited; applicability of MCL 257.901; fees prohibited; violation of MCL 257.749 as misconduct in office; removal.

Sec. 750. (1) A police officer shall not be required to issue a predetermined or specified number of citations for violations of this act or of local ordinances substantially corresponding to provisions of this act, including parking or standing violations. A police officer's performance evaluation system shall not require a predetermined or specified number of citations to be issued. Section 901 does not apply to a violation of this subsection.

(2) A police officer shall not be entitled to any fees for issuing a citation. A police officer, judge, district court magistrate, or other person employed by the state or by a local governmental unit who violates section 749 or this subsection is guilty of misconduct in office and subject to removal from office.

History: Add. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1988, Act 446, Imd. Eff. Dec. 27, 1988;—Am. 2010, Act 226, Imd. Eff. Dec. 10, 2010.