

# SENATE BILL No. 479

May 8, 2007, Introduced by Senators KAHN, PAPPAGEORGE, BARCIA, GILBERT, GARCIA and BRATER and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 653b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 653B. (1) UPON APPROACHING AND PASSING A STATIONARY SOLID  
2 WASTE COLLECTION VEHICLE, A UTILITY SERVICE VEHICLE, OR A ROAD  
3 MAINTENANCE VEHICLE THAT IS GIVING A VISUAL SIGNAL BY MEANS OF  
4 FLASHING, ROTATING, OR OSCILLATING AMBER LIGHTS AS PERMITTED BY  
5 SECTION 698, THE DRIVER OF AN APPROACHING VEHICLE SHALL EXHIBIT DUE  
6 CARE AND CAUTION, AS REQUIRED UNDER THE FOLLOWING:

7 (A) ON ANY PUBLIC ROADWAY WITH AT LEAST 2 ADJACENT LANES  
8 PROCEEDING IN THE SAME DIRECTION OF THE STATIONARY SOLID WASTE  
9 COLLECTION VEHICLE, THE UTILITY SERVICE VEHICLE, OR THE ROAD

1 MAINTENANCE VEHICLE, THE DRIVER OF THE APPROACHING VEHICLE SHALL  
2 PROCEED WITH CAUTION AND YIELD THE RIGHT-OF-WAY BY MOVING INTO A  
3 LANE AT LEAST 1 MOVING LANE OR 2 VEHICLE WIDTHS APART FROM THE  
4 STATIONARY SOLID WASTE COLLECTION VEHICLE, THE UTILITY SERVICE  
5 VEHICLE, OR THE ROAD MAINTENANCE VEHICLE. IF MOVEMENT TO AN  
6 ADJACENT LANE OR 2 VEHICLE WIDTHS APART IS NOT POSSIBLE DUE TO  
7 WEATHER, ROAD CONDITIONS, OR THE IMMEDIATE PRESENCE OF VEHICULAR OR  
8 PEDESTRIAN TRAFFIC IN PARALLEL MOVING LANES, THE DRIVER OF THE  
9 APPROACHING VEHICLE SHALL PROCEED AS REQUIRED IN SUBDIVISION (B).

10 (B) ON ANY PUBLIC ROADWAY THAT DOES NOT HAVE AT LEAST 2  
11 ADJACENT LANES PROCEEDING IN THE SAME DIRECTION AS THE STATIONARY  
12 SOLID WASTE COLLECTION VEHICLE, THE UTILITY SERVICE VEHICLE, OR THE  
13 ROAD MAINTENANCE VEHICLE, OR IF THE MOVEMENT BY THE DRIVER OF THE  
14 VEHICLE INTO AN ADJACENT LANE OR 2 VEHICLE WIDTHS APART IS NOT  
15 POSSIBLE AS DESCRIBED IN SUBDIVISION (A), THE APPROACHING VEHICLE  
16 SHALL REDUCE AND MAINTAIN A SAFE SPEED FOR WEATHER, ROAD  
17 CONDITIONS, AND VEHICULAR OR PEDESTRIAN TRAFFIC AND PROCEED WITH  
18 DUE CARE AND CAUTION.

19 (2) EXCEPT AS PROVIDED IN SUBSECTIONS (3) AND (4), A PERSON  
20 WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR PUNISHABLE BY  
21 A FINE OF NOT MORE THAN \$500.00 OR IMPRISONMENT FOR NOT MORE THAN  
22 90 DAYS, OR BOTH.

23 (3) A PERSON WHO VIOLATES THIS SECTION AND CAUSES INJURY TO AN  
24 EMPLOYEE OF THE SOLID WASTE HAULER, THE UTILITY PROVIDER, OR THE  
25 ROAD MAINTENANCE AUTHORITY IN THE IMMEDIATE AREA OF THE STATIONARY  
26 SOLID WASTE COLLECTION VEHICLE IS GUILTY OF A FELONY PUNISHABLE BY  
27 A FINE OF NOT MORE THAN \$1,000.00 OR IMPRISONMENT FOR NOT MORE THAN

1 2 YEARS, OR BOTH.

2 (4) A PERSON WHO VIOLATES THIS SECTION AND CAUSES DEATH TO AN  
3 EMPLOYEE OF THE SOLID WASTE HAULER, THE UTILITY PROVIDER, OR THE  
4 ROAD MAINTENANCE AUTHORITY IN THE IMMEDIATE AREA OF THE STATIONARY  
5 SOLID WASTE COLLECTION VEHICLE IS GUILTY OF A FELONY PUNISHABLE BY  
6 A FINE OF NOT MORE THAN \$7,500.00 OR BY IMPRISONMENT FOR NOT MORE  
7 THAN 15 YEARS, OR BOTH.

8 (5) AS USED IN THIS SECTION:

9 (A) "SOLID WASTE" MEANS THAT TERM AS DEFINED IN SECTION 11506  
10 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA  
11 451, MCL 324.11506.

12 (B) "SOLID WASTE COLLECTION VEHICLE" MEANS A SOLID WASTE  
13 TRANSPORTING UNIT THAT IS USED FOR THE CURBSIDE COLLECTION OF  
14 MUNICIPAL SOLID WASTE.

15 (C) "SOLID WASTE HAULER" MEANS THAT TERM AS DEFINED IN SECTION  
16 11506 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT,  
17 1994 PA 451, MCL 324.11506.

18 (D) "SOLID WASTE TRANSPORTING UNIT" MEANS THAT TERM AS DEFINED  
19 IN SECTION 11506 OF THE NATURAL RESOURCES AND ENVIRONMENTAL  
20 PROTECTION ACT, 1994 PA 451, MCL 324.11506.

21 (E) "UTILITY PROVIDER" MEANS AN ENTITY THAT DOES ANY OF THE  
22 FOLLOWING AND THAT IS REGULATED AS A UTILITY UNDER THE LAWS OF THIS  
23 STATE OR OF THE UNITED STATES:

24 (i) GENERATES OR DISTRIBUTES ELECTRICAL POWER TO THE PUBLIC.

25 (ii) GENERATES OR DISTRIBUTES NATURAL GAS TO THE PUBLIC.

26 (iii) PROVIDES SEWAGE COLLECTION SERVICES TO THE PUBLIC.

27 (iv) PROVIDES WATER DISTRIBUTION SERVICES TO THE PUBLIC.

1 (v) PROVIDES TELEPHONE SERVICES TO THE PUBLIC.

2 (vi) PROVIDES CABLE OR VIDEO SERVICES TO THE PUBLIC.

3 (F) "UTILITY SERVICE VEHICLE" MEANS A VEHICLE OWNED OR  
4 OPERATED BY A UTILITY PROVIDER.

5 (G) "ROAD MAINTENANCE AUTHORITY" MEANS ANY OF THE FOLLOWING:

6 (i) THE STATE DEPARTMENT OF TRANSPORTATION.

7 (ii) A LOCAL AUTHORITY.

8 (iii) AN ENTITY OPERATING UNDER CONTRACT WITH THE STATE  
9 DEPARTMENT OF TRANSPORTATION OR A LOCAL AUTHORITY TO PROVIDE ROAD  
10 CONSTRUCTION OR ROAD MAINTENANCE SERVICES.

11 (H) "ROAD MAINTENANCE VEHICLE" MEANS A VEHICLE OWNED OR  
12 OPERATED BY A ROAD MAINTENANCE AUTHORITY.