

Act No. 394
Public Acts of 2018
Approved by the Governor
December 19, 2018
Filed with the Secretary of State
December 19, 2018
EFFECTIVE DATE: March 19, 2019

**STATE OF MICHIGAN
99TH LEGISLATURE
REGULAR SESSION OF 2018**

Introduced by Reps. Sneller, Ellison, Faris, Lucido, Zemke, Cochran, Neeley, Yancey, Sabo and Greimel

ENROLLED HOUSE BILL No. 5643

AN ACT to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of manufacturers, the manufacturers of certain devices, the manufacturers of automated technology, upfitters, owners, and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to regulate and certify the manufacturers of certain devices; to provide for approval and certification of installers and servicers of certain devices; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,” by amending sections 13f, 660, 660d, 667, 668, and 669 (MCL 257.13f, 257.660, 257.660d, 257.667, 257.668, and 257.669), section 13f as added and section 660 as amended by 2018 PA 204, section 660d as added by 2006 PA 339, sections 667 and 668 as amended by 2002 PA 534, and section 669 as amended by 2015 PA 128.

The People of the State of Michigan enact:

Sec. 13f. “Electric skateboard” means a wheeled device that has a floorboard designed to be stood upon when riding that is no more than 60 inches long and 18 inches wide, is designed to transport only 1 person at a time, has an electrical propulsion system with power of no more than 2,500 watts, and has a maximum speed on a paved level surface of not more than 25 miles per hour. An electric skateboard may have handlebars and, in addition to having an electrical propulsion system with power of no more than 2,500 watts, may be designed to also be powered by human propulsion.

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.
- 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.

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.

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.

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.

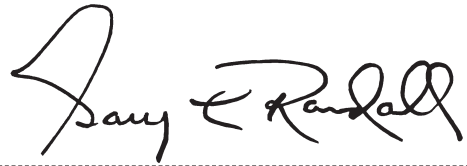
(b) All signs, signals, and other warning devices are removed.

(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.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor