

SENATE BILL No. 1326

June 22, 2006, Introduced by Senator KUIPERS and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 2 and 698 (MCL 257.2 and 257.698), section 2
as amended by 2004 PA 19 and section 698 as amended by 1998 PA 247.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. "Authorized emergency vehicle" means any 1 of the
2 following:

3 (a) Vehicles of the fire department, police vehicles,
4 ambulances, or privately owned motor vehicles of volunteer or paid
5 fire fighters if authorized by the chief of an organized fire
6 department, or privately owned motor vehicles of volunteer or paid
7 members of a life support agency licensed by the department of
8 consumer and industry services if authorized by the life support

1 agency.

2 (b) For purposes of section 698(5)(c) during an emergency, a
3 **MOTOR** vehicle owned and operated by a federally recognized
4 nonprofit charitable organization that is used exclusively for
5 assistance during that emergency, **OR A MOTOR VEHICLE OWNED BY A**
6 **VOLUNTEER MEMBER OF AN EMERGENCY MANAGEMENT UNIT OF A LOCAL**
7 **GOVERNMENTAL ENTITY, IF AUTHORIZED BY THE LOCAL GOVERNMENTAL**
8 **ENTITY.**

9 (c) For purposes of section 653a, a road service vehicle
10 giving a visual signal by means of a flashing, rotating, or
11 oscillating red or amber light. As used in this subdivision, "road
12 service vehicle" means a vehicle that is clearly marked and readily
13 recognizable as a vehicle used to assist disabled vehicles.

14 Sec. 698. (1) A motor vehicle may be equipped with not more
15 than 2 side cowl or fender lamps which shall emit an amber or white
16 light without glare.

17 (2) A motor vehicle may be equipped with not more than 1
18 running board courtesy lamp on each side which shall emit a white
19 or amber light without glare.

20 (3) Backing lights of red, amber, or white may be mounted on
21 the rear of a motor vehicle if the switch controlling the light is
22 so arranged that the light may be turned on only if the vehicle is
23 in reverse gear. The backing lights when unlighted shall be covered
24 or otherwise arranged so as not to reflect objectionable glare in
25 the eyes of a driver of a vehicle approaching from the rear.

26 (4) Unless both covered and unlit, a vehicle driven on the
27 highways of this state shall not be equipped with a lamp or a part

1 designed to be a reflector unless expressly required or permitted
2 by this chapter or that meets the standards prescribed in 49
3 C.F.R.— **CFR** 571.108. A lamp or a part designed to be a reflector,
4 if visible from the front, shall display or reflect a white or
5 amber light; if visible from either side, shall display or reflect
6 an amber or red light; and if visible from the rear, shall display
7 or reflect a red light, except as otherwise provided by law.

8 (5) The use or possession of flashing, oscillating, or
9 rotating lights of any color is prohibited except as otherwise
10 provided by law, or under the following circumstances:

11 (a) A police vehicle shall be equipped with flashing,
12 rotating, or oscillating red or blue lights, for use in the
13 performance of police duties.

14 (b) A fire vehicle or ambulance available for public use or
15 for use of the United States, the state, or any unit of the state,
16 whether publicly or privately owned, shall be equipped with
17 flashing, rotating, or oscillating red lights and used as required
18 for safety.

19 (c) An authorized emergency vehicle as defined in section 2
20 may be equipped with flashing, rotating, or oscillating red lights
21 ~~for use when responding to an emergency call~~ if, when in use, the
22 flashing, rotating, or oscillating red lights are mounted on the
23 roof section of the vehicle, either as a permanent installation or
24 by means of suction cups or magnets and are clearly visible in a
25 360 degree arc from a distance of 500 feet when in use. **THE**
26 **FLASHING, ROTATING, OR OSCILLATING RED LIGHTS ALLOWED UNDER THIS**
27 **SUBDIVISION MAY BE USED ONLY WHEN RESPONDING TO AN EMERGENCY CALL**

1 UNLESS THE AUTHORIZED EMERGENCY VEHICLE IS A MOTOR VEHICLE OWNED BY
2 A VOLUNTEER MEMBER OF AN EMERGENCY MANAGEMENT UNIT OF A LOCAL
3 GOVERNMENTAL ENTITY, IN WHICH CASE THE LIGHTS MAY BE OPERATED ONLY
4 WHEN AT THE SCENE OF AN EMERGENCY. A person operating lights under
5 this subdivision at any time other than ~~when responding to an~~
6 ~~emergency call~~ AS ALLOWED UNDER THIS SUBDIVISION is guilty of a
7 misdemeanor.

8 (d) Flashing, rotating, or oscillating amber lights, placed in
9 a position as to be visible throughout an arc of 360 degrees, shall
10 be used by a state, county, or municipal vehicle engaged in the
11 removal of ice, snow, or other material from the highway and in
12 other operations designed to control ice and snow.

13 (e) A vehicle used for the cleanup of spills or a necessary
14 emergency response action taken pursuant to state or federal law or
15 a vehicle operated by an employee of the department of natural
16 resources that responds to a spill, emergency response action,
17 complaint, or compliance activity may be equipped with flashing,
18 rotating, or oscillating amber lights. Such lights shall not be
19 activated unless the vehicle is at the scene of a spill, emergency
20 response action, complaint, or compliance activity.

21 (f) A vehicle to perform public utility service, a vehicle
22 owned or leased by and licensed as a business for use in the
23 collection and hauling of refuse, an automobile service car or
24 wrecker, a vehicle engaged in authorized highway repair or
25 maintenance, a vehicle of a peace officer, a vehicle operated by a
26 rural letter carrier or a person under contract to deliver
27 newspapers or other publications by motor route, a vehicle utilized

1 for snow removal, a private security guard vehicle as authorized in
2 subsection (7), a motor vehicle while engaged in escorting or
3 transporting an oversize load that has been issued a permit by the
4 state transportation department or a local authority with respect
5 to highways under its jurisdiction, a vehicle owned by the national
6 guard or a United States military vehicle while traveling under the
7 appropriate recognized military authority, a motor vehicle while
8 towing an implement of husbandry, or an implement of husbandry may
9 be equipped with flashing, rotating, or oscillating amber lights.
10 However, a wrecker may be equipped with flashing, rotating, or
11 oscillating red lights which shall be activated only when the
12 wrecker is engaged in removing or assisting a vehicle at the scene
13 of a traffic accident or disablement. The flashing, rotating, or
14 oscillating amber lights shall not be activated except in those
15 circumstances that the warning produced by the lights is required
16 for public safety.

17 (g) A vehicle engaged in leading or escorting a funeral
18 procession or any vehicle that is part of a funeral procession may
19 be equipped with flashing, rotating, or oscillating purple or amber
20 lights which shall not be activated except during a funeral
21 procession.

22 (h) An authorized emergency vehicle may display flashing,
23 rotating, or oscillating white lights in conjunction with an
24 authorized emergency light as prescribed in this section.

25 (i) A private motor vehicle of a physician responding to an
26 emergency call may be equipped with and the physician may use
27 flashing, rotating, or oscillating red lights mounted on the roof

1 section of the vehicle either as a permanent installation or by
2 means of magnets or suction cups and clearly visible in a 360
3 degree arc from a distance of 500 feet when in use. The physician
4 shall first obtain written authorization from the county sheriff.

5 (j) A public transit vehicle may be equipped with a flashing,
6 oscillating, or rotating light mounted on the roof of the vehicle
7 approximately 6 feet from the rear of the vehicle which displays a
8 white light to the front, side, and rear of the vehicle, which
9 light may be actuated by the driver for use only in inclement
10 weather such as fog, rain, or snow, when boarding or discharging
11 passengers, from 1/2 hour before sunset until 1/2 hour after
12 sunrise, or where conditions hinder the visibility of the public
13 transit vehicle. As used in this subdivision, "public transit
14 vehicle" means a motor vehicle, other than a station wagon or
15 passenger van, with a gross vehicle weight rating of more than
16 10,000 pounds.

17 (k) A person engaged in the manufacture, sale, or repair of
18 flashing, rotating, or oscillating lights governed by this
19 subsection may possess the lights for the purpose of employment,
20 but shall not activate the lights upon the highway unless
21 authorized to do so under subsection (6).

22 (6) A person shall not sell, loan, or otherwise furnish a
23 flashing, rotating, or oscillating blue or red light designed
24 primarily for installation on an authorized emergency vehicle to a
25 person except a police officer, sheriff, deputy sheriff, authorized
26 physician, volunteer or paid fire fighter, volunteer ambulance
27 driver, licensed ambulance driver or attendant of the state, a

1 county or municipality within the state, a person engaged in the
2 business of operating an ambulance or wrecker service, or a
3 federally recognized nonprofit charitable organization which owns
4 and operates an emergency support vehicle used exclusively for
5 emergencies. This subsection does not prohibit an authorized
6 vehicle, equipped with flashing, rotating, or oscillating blue or
7 red lights, from being operated by a person other than a person
8 described in this section if the person receives authorization to
9 operate the emergency vehicle from a police officer, sheriff,
10 deputy sheriff, authorized physician, volunteer or paid fire
11 fighter, volunteer ambulance driver, licensed ambulance driver or
12 attendant, a person operating an ambulance or wrecker service, or a
13 federally recognized nonprofit charitable organization which owns
14 and operates an emergency support vehicle used exclusively for
15 emergencies, except that the authorization shall not permit the
16 person to operate lights as described in subsection (5) (a), (b),
17 (c), (i), or (j), or to exercise the privileges described in
18 section 603. A person who operates an authorized emergency vehicle
19 in violation of the terms of an authorization is guilty of a
20 misdemeanor.

21 (7) A private motor vehicle of a security guard agency or
22 alarm company licensed pursuant to the private security ~~guard~~
23 **BUSINESS AND SECURITY ALARM** act, ~~of 1968,~~ 1968 PA 330, MCL
24 338.1051 to ~~338.1085~~ **338.1083**, may display flashing, rotating, or
25 oscillating amber lights. The flashing, rotating, or oscillating
26 amber lights shall not be activated on a public highway when a
27 vehicle is in motion.

1 (8) This section shall not be construed to prohibit, restrict,
2 or limit the use of lights authorized or required under sections
3 697, 697a, and 698a.

4 (9) A person who violates subsection (1), (2), (3), or (4) is
5 responsible for a civil infraction.