

SUBSTITUTE FOR
HOUSE BILL NO. 4146

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 698 (MCL 257.698), as amended by 1998 PA 247
and by adding section 682c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 SEC. 682C. (1) A PERSON SHALL NOT OPERATE A COMMERCIAL SNOW
2 REMOVAL VEHICLE TO REMOVE SNOW OR ICE ON A PUBLIC STREET OR HIGHWAY
3 OR IN A PARKING LOT ACCESSIBLE FOR USE BY THE PUBLIC UNLESS THE
4 VEHICLE IS OPERATED WITH AT LEAST 1 FLASHING, ROTATING, OR
5 OSCILLATING YELLOW OR AMBER LIGHT THAT IS CLEARLY VISIBLE IN A 360-
6 DEGREE ARC FROM A DISTANCE OF 500 FEET WHEN IN USE.
- 7 (2) A PERSON WHO OWNS OR LEASES A COMMERCIAL SNOW REMOVAL
8 VEHICLE SHALL NOT KNOWINGLY ALLOW A PERSON TO OPERATE THAT VEHICLE
9 IN VIOLATION OF SUBSECTION (1).
- 10 (3) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A

1 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR
2 A FINE OF NOT MORE THAN \$500.00, OR BOTH.

3 (4) AS USED IN THIS SECTION:

4 (A) "COMMERCIAL SNOW REMOVAL VEHICLE" MEANS A VEHICLE EQUIPPED
5 WITH A PLOW OR OTHER DEVICE THAT IS USED TO REMOVE SNOW OR ICE FOR
6 PAYMENT OR OTHER REMUNERATION.

7 (B) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION,
8 ASSOCIATION, GOVERNMENTAL ENTITY, OR OTHER LEGAL ENTITY.

9 Sec. 698. (1) A motor vehicle may be equipped with not more
10 than 2 side cowl or fender lamps ~~which~~**THAT** shall emit an amber or
11 white light without glare.

12 (2) A motor vehicle may be equipped with not more than 1
13 running board courtesy lamp on each side ~~which~~**THAT** shall emit a
14 white or amber light without glare.

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

22 (4) Unless both covered and unlit, a vehicle ~~driven~~**OPERATED**
23 on the highways of this state shall not be equipped with a lamp or
24 a part designed to be a reflector unless expressly required or
25 permitted by this chapter or that meets the standards prescribed in
26 49 C.F.R. ~~CFR~~ 571.108. A lamp or a part designed to be a reflector,
27 if visible from the front, shall display or reflect a white or

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1 amber light; if visible from either side, shall display or reflect
2 an amber or red light; and if visible from the rear, shall display
3 or reflect a red light, except as otherwise provided by law.

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

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

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

15 (c) An authorized emergency vehicle ~~as defined in section 2~~
16 may be equipped with flashing, rotating, or oscillating red lights
17 for use when responding to an emergency call if when in use the
18 flashing, rotating, or oscillating red lights are mounted on the
19 roof section of the vehicle, either as a permanent installation or
20 by means of suction cups or magnets and are clearly visible in a
21 360-degree arc from a distance of 500 feet when in use. A person
22 operating lights under this subdivision at any time other than when
23 responding to an emergency call is guilty of a misdemeanor.

24 (d) Flashing, rotating, or oscillating amber lights, placed in
25 a position as to be visible throughout an arc of 360 degrees, shall
26 be used by a state, county, or municipal vehicle engaged in the
27 removal of [ice, snow, or other] material from the highway[and in

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1 other operations designed to control ice and snow.]

2 (e) A vehicle used for the cleanup of spills or a necessary
3 emergency response action taken pursuant to state or federal law or
4 a vehicle operated by an employee of the department of natural
5 resources that responds to a spill, emergency response action,
6 complaint, or compliance activity may be equipped with flashing,
7 rotating, or oscillating amber lights. Such lights shall not be
8 activated unless the vehicle is at the scene of a spill, emergency
9 response action, complaint, or compliance activity.

10 (f) A vehicle to perform public utility service, a vehicle
11 owned or leased by and licensed as a business for use in the
12 collection and hauling of refuse, an automobile service car or
13 wrecker, a vehicle engaged in authorized highway repair or
14 maintenance, a vehicle of a peace officer, a vehicle operated by a
15 rural letter carrier or a person under contract to deliver
16 newspapers or other publications by motor route, a vehicle utilized
17 for snow **OR ICE** removal **UNDER SECTION 682C**, a private security
18 guard vehicle as authorized in subsection (7), a motor vehicle
19 while engaged in escorting or transporting an oversize load that
20 has been issued a permit by the state transportation department or
21 a local authority with respect to highways under its jurisdiction,
22 a vehicle owned by the national guard or a United States military
23 vehicle while traveling under the appropriate recognized military
24 authority, a motor vehicle while towing an implement of husbandry,
25 or an implement of husbandry may be equipped with flashing,
26 rotating, or oscillating amber lights. However, a wrecker may be
27 equipped with flashing, rotating, or oscillating red lights ~~which~~

1 **THAT** shall be activated only when the wrecker is engaged in
2 removing or assisting a vehicle at the scene of a traffic accident
3 or disablement. The flashing, rotating, or oscillating amber lights
4 shall not be activated except ~~in those circumstances that~~ **WHEN** the
5 warning produced by the lights is required for public safety.

6 (g) A vehicle engaged in leading or escorting a funeral
7 procession or any vehicle that is part of a funeral procession may
8 be equipped with flashing, rotating, or oscillating purple or amber
9 lights ~~which~~ **THAT** shall not be activated except during a funeral
10 procession.

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

14 (i) A private motor vehicle of a physician responding to an
15 emergency call may be equipped with and the physician may use
16 flashing, rotating, or oscillating red lights mounted on the roof
17 section of the vehicle either as a permanent installation or by
18 means of magnets or suction cups and clearly visible in a 360-
19 degree arc from a distance of 500 feet when in use. The physician
20 shall first obtain written authorization from the county sheriff.

21 (j) A public transit vehicle may be equipped with a flashing,
22 oscillating, or rotating light mounted on the roof of the vehicle
23 approximately 6 feet from the rear of the vehicle ~~which~~ **THAT**
24 displays a white light to the front, side, and rear of the vehicle,
25 which light may be actuated by the driver for use only in inclement
26 weather such as fog, rain, or snow, when boarding or discharging
27 passengers, from 1/2 hour before sunset until 1/2 hour after

1 sunrise, or ~~where~~**WHEN** conditions hinder the visibility of the
2 public transit vehicle. As used in this subdivision, "public
3 transit vehicle" means a motor vehicle, other than a station wagon
4 or passenger van, with a gross vehicle weight rating of more than
5 10,000 pounds.

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

11 (6) A person shall not sell, loan, or otherwise furnish a
12 flashing, rotating, or oscillating blue or red light designed
13 primarily for installation on an authorized emergency vehicle to a
14 person except a police officer, sheriff, deputy sheriff, authorized
15 physician, volunteer or paid fire fighter, volunteer ambulance
16 driver, licensed ambulance driver or attendant of the state, a
17 county or municipality within the state, a person engaged in the
18 business of operating an ambulance or wrecker service, or a
19 federally recognized nonprofit charitable organization ~~which~~**THAT**
20 owns and operates an emergency support vehicle used exclusively for
21 emergencies. This subsection does not prohibit an authorized
22 vehicle, equipped with flashing, rotating, or oscillating blue or
23 red lights, from being operated by a person other than a person
24 described in this section if the person receives authorization to
25 operate the emergency vehicle from a police officer, sheriff,
26 deputy sheriff, authorized physician, volunteer or paid fire
27 fighter, volunteer ambulance driver, licensed ambulance driver or

1 attendant, a person operating an ambulance or wrecker service, or a
2 federally recognized nonprofit charitable organization ~~which~~**THAT**
3 owns and operates an emergency support vehicle used exclusively for
4 emergencies, except that the authorization shall not permit the
5 person to operate lights as described in subsection (5) (a), (b),
6 (c), (i), or (j), or to exercise the privileges described in
7 section 603. A person who operates an authorized emergency vehicle
8 in violation of the terms of an authorization is guilty of a
9 misdemeanor **PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR**
10 **A FINE OF NOT MORE THAN \$100.00, OR BOTH.**

11 (7) A private motor vehicle of a security guard agency or
12 alarm company licensed ~~pursuant to~~**UNDER** the private security ~~guard~~
13 ~~act of 1968,~~**BUSINESS AND SECURITY ALARM ACT, 1968 PA 330, MCL**
14 **338.1051 to 338.1085-338.1092,** may display flashing, rotating, or
15 oscillating amber lights. The flashing, rotating, or oscillating
16 amber lights shall not be activated on a public highway when a
17 vehicle is in motion.

18 (8) This section ~~shall not be construed to~~**DOES NOT** prohibit,
19 restrict, or limit the use of lights authorized or required under
20 sections 697, 697a, and 698a.

21 (9) A person who ~~violates~~**OPERATES A VEHICLE IN VIOLATION OF**
22 subsection (1), (2), (3), or (4) is responsible for a civil
23 infraction.