

HOUSE BILL No. 4146

January 26, 2011, Introduced by Reps. Gilbert and Muxlow and referred to the Committee on Transportation.

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 BOTH OF
4 THE FOLLOWING APPLY:

5 (A) THE VEHICLE IS OPERATED WITH AT LEAST 1 FLASHING,
6 ROTATING, OR OSCILLATING YELLOW OR AMBER LIGHT THAT IS CLEARLY
7 VISIBLE IN A 360-DEGREE ARC FROM A DISTANCE OF 500 FEET WHEN IN
8 USE.

9 (B) THE VEHICLE IS OPERATED WITH A REVERSE SIGNAL ALARM

1 AUDIBLE ABOVE THE SURROUNDING NOISE LEVEL OR THE VEHICLE IS BACKED
2 UP ONLY WHEN AN OBSERVER SIGNALS THAT IT IS SAFE TO DO SO. THIS
3 SUBDIVISION DOES NOT APPLY IF THE VEHICLE IS BEING OPERATED WITHIN
4 200 FEET OF A RESIDENCE BETWEEN THE HOURS OF MIDNIGHT AND 7 A.M.

5 (2) A PERSON WHO OWNS OR LEASES A COMMERCIAL SNOW REMOVAL
6 VEHICLE SHALL NOT KNOWINGLY ALLOW A PERSON TO OPERATE THAT VEHICLE
7 IN VIOLATION OF SUBSECTION (1).

8 (3) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
9 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR
10 A FINE OF NOT MORE THAN \$500.00, OR BOTH.

11 (4) AS USED IN THIS SECTION:

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

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

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

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

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

1 the eyes of a ~~driver~~ **AN OPERATOR** of a vehicle approaching from the
2 rear.

3 (4) Unless both covered and unlit, a vehicle ~~driven~~ **OPERATED**
4 on the highways of this state shall not be equipped with a lamp or
5 a part designed to be a reflector unless expressly required or
6 permitted by this chapter or that meets the standards prescribed in
7 49 C.F.R. ~~CFR~~ 571.108. A lamp or a part designed to be a reflector,
8 if visible from the front, shall display or reflect a white or
9 amber light; if visible from either side, shall display or reflect
10 an amber or red light; and if visible from the rear, shall display
11 or reflect a red light, except as otherwise provided by law.

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

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

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

23 (c) An authorized emergency vehicle ~~as defined in section 2~~
24 may be equipped with flashing, rotating, or oscillating red lights
25 for use when responding to an emergency call if when in use the
26 flashing, rotating, or oscillating red lights are mounted on the
27 roof section of the vehicle, either as a permanent installation or

1 by means of suction cups or magnets and are clearly visible in a
2 360-degree arc from a distance of 500 feet when in use. A person
3 operating lights under this subdivision at any time other than when
4 responding to an emergency call is guilty of a misdemeanor.

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

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

18 (f) A vehicle to perform public utility service, a vehicle
19 owned or leased by and licensed as a business for use in the
20 collection and hauling of refuse, an automobile service car or
21 wrecker, a vehicle engaged in authorized highway repair or
22 maintenance, a vehicle of a peace officer, a vehicle operated by a
23 rural letter carrier or a person under contract to deliver
24 newspapers or other publications by motor route, a vehicle utilized
25 for snow **OR ICE** removal **UNDER SECTION 682C**, a private security
26 guard vehicle as authorized in subsection (7), a motor vehicle
27 while engaged in escorting or transporting an oversize load that

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

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

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

22 (i) A private motor vehicle of a physician responding to an
23 emergency call may be equipped with and the physician may use
24 flashing, rotating, or oscillating red lights mounted on the roof
25 section of the vehicle either as a permanent installation or by
26 means of magnets or suction cups and clearly visible in a 360-
27 degree arc from a distance of 500 feet when in use. The physician

1 shall first obtain written authorization from the county sheriff.

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

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

19 (6) A person shall not sell, loan, or otherwise furnish a
20 flashing, rotating, or oscillating blue or red light designed
21 primarily for installation on an authorized emergency vehicle to a
22 person except a police officer, sheriff, deputy sheriff, authorized
23 physician, volunteer or paid fire fighter, volunteer ambulance
24 driver, licensed ambulance driver or attendant of the state, a
25 county or municipality within the state, a person engaged in the
26 business of operating an ambulance or wrecker service, or a
27 federally recognized nonprofit charitable organization ~~which~~**THAT**

1 owns and operates an emergency support vehicle used exclusively for
2 emergencies. This subsection does not prohibit an authorized
3 vehicle, equipped with flashing, rotating, or oscillating blue or
4 red lights, from being operated by a person other than a person
5 described in this section if the person receives authorization to
6 operate the emergency vehicle from a police officer, sheriff,
7 deputy sheriff, authorized physician, volunteer or paid fire
8 fighter, volunteer ambulance driver, licensed ambulance driver or
9 attendant, a person operating an ambulance or wrecker service, or a
10 federally recognized nonprofit charitable organization ~~which~~ **THAT**
11 owns and operates an emergency support vehicle used exclusively for
12 emergencies, except that the authorization shall not permit the
13 person to operate lights as described in subsection (5) (a), (b),
14 (c), (i), or (j), or to exercise the privileges described in
15 section 603. A person who operates an authorized emergency vehicle
16 in violation of the terms of an authorization is guilty of a
17 misdemeanor **PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR**
18 **A FINE OF NOT MORE THAN \$100.00, OR BOTH.**

19 (7) A private motor vehicle of a security guard agency or
20 alarm company licensed ~~pursuant to~~ **UNDER** the private security guard
21 ~~act of 1968,~~ **BUSINESS AND SECURITY ALARM ACT**, 1968 PA 330, MCL
22 338.1051 to ~~338.1085~~ **338.1092**, may display flashing, rotating, or
23 oscillating amber lights. The flashing, rotating, or oscillating
24 amber lights shall not be activated on a public highway when a
25 vehicle is in motion.

26 (8) This section ~~shall not be construed to~~ **DOES NOT** prohibit,
27 restrict, or limit the use of lights authorized or required under

1 sections 697, 697a, and 698a.

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