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LOW-SPEED VEHICLES

Senate Bill 857 (Substitute H-2) First Analysis (2-17-00)

Sponsor: Sen. George A. McManus, Jr.
House Committee: Transportation
**Senate Committee: Transportation and
Tourism**

THE APPARENT PROBLEM:

In a number of retirement and planned communities across the country--notably those located in California, Arizona, and Florida--residents sometimes use small, four-wheeled vehicles that have limited speed capability. Residents of the planned communities drive the low-speed vehicles when they make short trips to visit friends and run errands, instead of driving a car, or riding a bicycle. The low-speed vehicles are larger and heavier than golf carts; are available in models that have two or four entry points, similar to those found on golf carts; are sometimes equipped with doors; and, travel at maximum speeds of 25 miles per hour travel, which is faster than the speed of a conventional golf cart.

According to committee testimony, at a private resort community in Petoskey some residents have purchased low-speed vehicles to use within the development. Although the vehicles can be used on private roads, they cannot be driven on public streets, because they are not regulated under the Michigan Vehicle Code. Low-speed vehicles represent a new classification of motorized transportation that is not addressed in the code. In order for these vehicles to be used in the Petoskey area and in other communities across the state, it has been suggested that regulations be established in the vehicle code to permit their use on public roadways.

THE CONTENT OF THE BILL:

Senate Bill 857 would amend the Michigan Vehicle Code to include low-speed vehicles in the part of the code that prescribes the conditions for operating a bicycle or moped, although with some exceptions. A person operating a low-speed vehicle on a road would have to ride as near to the right of the road as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction; could not pass between lines of traffic, but could pass on the left of traffic moving in his or her

direction in the case of a two-way street, or on the left or right of traffic in the case of a one-way street; and, could not operate the vehicle on a sidewalk.

Under the bill, "low-speed vehicle" would mean an electrically powered vehicle with a capacity of up to four persons, including the driver, weighing up to 2,200 pounds that was equipped with all of the following: a) headlamps; b) front and rear turn signal lamps, tail lamps, and stop lamps; c) reflex reflectors, including one red on each side as far to the rear practicable, and one red on the rear; d) an exterior mirror mounted on the driver's side of the vehicle, and either an exterior mirror mounted on the passenger's side of the vehicle, or an interior mirror; e) a parking brake; f) a windshield that met the standards prescribed in the code; g) a vehicle identification number; and h) a seat belt assembly conforming to the code's requirements installed at each designated seating position.

Senate Bill 857 would permit a low-speed vehicle to be operated on public roads under certain circumstances; prohibit a low-speed vehicle from being operated at a speed of more than 25 miles per hour; and prohibit its operation on a highway, road, or street with a speed limit over 35 miles per hour, except for the purpose of crossing that roadway. Under the bill, the state transportation department could prohibit the operation of a low-speed vehicle on any highway under its jurisdiction if the prohibition were in the interest of public safety.

The bill specifies that neither the definition of "motor vehicle" nor the definition of "vehicle" would include a low-speed vehicle. However, under the bill, a low-speed vehicle when driven on a highway would be subject to the code's registration and certificate-of-title provisions. The bill also specifies that a low-speed vehicle would be required to have a manufacturer's identification number permanently affixed to its frame

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(as is required of a moped). However, the bill specifies that upon sale, the odometer information required under the code would not be required for a low-speed vehicle.

Under the bill, a person would be prohibited from driving a low-speed vehicle on a highway in this state unless that person had a valid operator's or chauffeur's license. Further, unless the low-speed vehicle were equipped with a roof that met or exceeded the standards for roof-crush resistance provided under federal rules, a person operating or riding in the vehicle would be required to wear a crash helmet that met the helmet standards promulgated by the Department of State Police. However, in the same manner as a motorcycle or moped, a low-speed vehicle would not be required to have the braking equipment that the code requires of motor vehicles.

Senate Bill 857 also specifies that a board of county road commissioners, a county board of commissioners, and a county, city, or village would have no duty to maintain any highway under their jurisdictions in a condition reasonably safe and convenient for the operation of low-speed vehicles. Further, those units of government would be immune from tort liability for injuries or damages sustained by any person rising in any way out of the operation or use of a low-speed vehicle on maintained or unmaintained highways, shoulders, and rights-of-way over which those local units of government had jurisdiction. However, the bill specifies that the immunity provided would not apply to actions which constituted gross negligence, which would be defined as conduct so reckless as to demonstrate a substantial lack of concern for whether an injury resulted.

Finally, Senate Bill 857 would require the secretary of state to collect taxes at the time of registering a low-speed vehicle. Under the bill, the 12-month registration tax would be based on the vehicle's list price. For example, the registration for a vehicle with a list price between \$0 and \$6,000 would be \$30; from \$6,000 to \$7,000, \$33; from \$7,000 to \$8,000, \$38; from \$8,000 to \$9,000, \$43; from \$9,000 to \$10,000, \$48; and so forth.

Senate Bill 857 would take effect July 1, 2000.

MCL 257.33 et. al.

HOUSE COMMITTEE ACTION:

The House Transportation Committee made three changes to the Senate-passed version of the bill. The committee substitute specifies that local units of government (which includes county road commissions, county boards of commissioners, counties, cities, and villages) would have no duty to maintain roadways in conditions that are safe and convenient for low-speed vehicles; provides immunity from tort liability for local units of government, except in the case of gross negligence; and includes a July 1, 2000 effective date.

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, the bill would have no fiscal impact on state or local government. (2-15-00)

ARGUMENTS:

For:

Many residents of retirement or resort communities do not want to use a conventional gas-powered motor vehicle, such as a passenger car, to make short trips to visit friends in the community or to run errands. They prefer, instead, to use newly marketed four-wheeled vehicles because they are smaller in size than a passenger vehicle, travel between 20 and 25 miles per hour, run on electricity, and, provide a quieter and cleaner form of transportation. Owners of these vehicles currently are restricted to operating them on private property because the vehicle code does not provide for their operation on public roads. As a result of the bill, a low-speed vehicle could be driven on public roads where speed limits were not over 35 miles per hour and would be subject to the code's regulations that are similar to those already established for operating a bicycle or moped.

For:

To permit the manufacture and sale of small, four-wheeled motor vehicles with top speeds of 20-25 miles per hour, the National Highway Traffic Safety Administration (NHTSA) in 1998 established rules to reclassify small passenger-carrying vehicles as low-speed vehicles, rather than passenger cars. Consequently, low-speed vehicles are subject to a new Federal Motor Vehicle Safety Standard (49 CFR 571.500) that requires the vehicles to be equipped with headlamps, stop lamps, turn signal lamps, tail lamps, reflex reflectors, parking brakes, rearview mirrors, windshields, seat belts, and vehicle identification numbers. In recognition of this new classification of

vehicle, the bill would add a definition of “low-speed vehicle” that is similar to the requirements in the federal standard. By adopting this legislation, Michigan would join 24 other states that license low-speed vehicles in line with the federal requirements.

POSITIONS:

Michigan GEM, L.L.C. supports the bill. (2-16-00)

The Department of Transportation does not oppose the bill. (2-15-00)

The Department of State Police does not oppose the bill. (2-16-00)

The Office of the Secretary of State does not oppose the bill. (2-16-00)

Analyst: J. Hunault

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.