

**HOUSE SUBSTITUTE FOR
SENATE BILL NO. 1016**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 33, 657, 658, 660, 661, and 662 (MCL 257.33, 257.657, 257.658, 257.660, 257.661, and 257.662), section 33 as amended by 1997 PA 56, sections 657 and 660 as amended by 2000 PA 82, section 658 as amended by 1984 PA 328, and section 662 as amended by 2000 PA 131, and by adding section 13c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 13C. "ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE"
2 MEANS A SELF-BALANCING NONTANDEM 2-WHEELED DEVICE, DESIGNED TO
3 TRANSPORT ONLY 1 PERSON AT A TIME, HAVING AN ELECTRICAL PROPUL-
4 SION SYSTEM WITH AVERAGE POWER OF 750 WATTS OR 1 HORSEPOWER AND A
5 MAXIMUM SPEED ON A PAVED LEVEL SURFACE OF NOT MORE THAN 15 MILES
6 PER HOUR.

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1 Sec. 33. "Motor vehicle" means every vehicle that is
2 self-propelled, but for purposes of chapter 4 of this act motor
3 vehicle does not include industrial equipment such as a forklift,
4 a front-end loader, or other construction equipment that is not
5 subject to registration under this act. Motor vehicle does not
6 include an electric patrol vehicle being operated in compliance
7 with the electric patrol vehicle act. MOTOR VEHICLE DOES NOT
8 INCLUDE AN ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE.

9 Sec. 657. ~~Every~~ EACH person riding a bicycle, ELECTRIC
10 PERSONAL ASSISTIVE MOBILITY DEVICE, or moped or operating a
11 low-speed vehicle upon a roadway ~~shall be granted~~ HAS all of
12 the rights and ~~shall be~~ IS subject to all of the duties appli-
13 cable to the driver of a vehicle by this chapter, except as to
14 special regulations in this article and except as to ~~those~~ THE
15 provisions of this chapter which by their nature do not have
16 application.

17 Sec. 658. (1) A person propelling a bicycle or operating a
18 motorcycle or moped shall not ride other than upon and astride a
19 permanent and regular seat attached to that vehicle.

20 (2) A bicycle or motorcycle shall not be used to carry more
21 persons at 1 time than the number for which it is designed and
22 equipped.

23 (3) A moped OR AN ELECTRIC PERSONAL ASSISTIVE MOBILITY
24 DEVICE shall not be used to carry more than 1 person at a time.

25 (4) A person operating or riding on a motorcycle, and any
26 person less than 19 years of age operating a moped on a public
27 thoroughfare shall wear a crash helmet on his or her head. Crash

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1 helmets shall be approved by the department of state police. The
2 department of state police shall promulgate rules for the imple-
3 mentation of this section pursuant to the administrative proce-
4 dures act of 1969, ~~Act No. 306 of the Public Acts of 1969, being~~
5 ~~sections 24.201 to 24.315 of the Michigan Compiled Laws~~ 1969
6 PA 306, MCL 24.201 TO 24.328. Rules in effect on June 1, 1970,
7 shall apply to helmets required by this act. This subsection
8 does not apply to a person operating or riding in an autocytle if
9 the vehicle is equipped with a roof which meets or exceeds stan-
10 dards for a crash helmet.

11 (5) A person operating or riding in an autocytle shall wear
12 seat belts when on a public highway in this state.

13 Sec. 660. (1) A person operating a bicycle, ELECTRIC PER-
14 SONAL ASSISTIVE MOBILITY DEVICE, low-speed vehicle, or moped upon
15 a roadway shall ride as near to the right side of the roadway as
16 practicable, exercising due care when passing a standing vehicle
17 or one proceeding in the same direction. A motorcycle is enti-
18 tled to full use of a lane and a motor vehicle shall not be
19 driven in such a manner as to deprive a motorcycle of the full
20 use of a lane. This subsection shall not apply to motorcycles
21 operated 2 abreast in a single lane.

22 (2) A person riding a bicycle, [ELECTRIC PERSONAL ASSISTIVE MOBILITY
23 DEVICE,] motorcycle, or moped upon a
24 roadway shall not ride more than 2 abreast except on a path or
25 part of a roadway set aside for the exclusive use of those
26 vehicles.

26 (3) Where a usable and designated path for bicycles is
27 provided adjacent to a roadway, a bicycle rider OR AN ELECTRIC

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1 PERSONAL ASSISTIVE MOBILITY DEVICE OPERATOR may, by local
2 ordinance, be required to use that path. Where a usable and des-
3 ignated path for bicycles is provided adjacent to a roadway, a
4 bicycle rider who is less than 16 years of age shall use that
5 path unless accompanied by an adult.

6 (4) A person operating a motorcycle, moped, low-speed vehi-
7 cle, ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE, or bicycle
8 shall not pass between lines of traffic, but may pass on the left
9 of traffic moving in his or her direction in the case of a 2-way
10 street, or on the left or right of traffic in the case of a 1-way
11 street, in an unoccupied lane.

12 (5) A person operating a bicycle OR AN ELECTRIC PERSONAL
13 ASSISTIVE MOBILITY DEVICE on a sidewalk constructed for the use
14 of pedestrians shall yield the right of way to a pedestrian and
15 shall give an audible signal before overtaking and passing the
16 pedestrian.

17 (6) A moped or low-speed vehicle shall not be operated on a
18 sidewalk constructed for the use of pedestrians.

19 (7) A low-speed vehicle shall be operated at a speed of not
20 to exceed 25 miles per hour and shall not be operated on a high-
21 way, road, or street with a speed limit of more than 35 miles per
22 hour except for the purpose of crossing that highway, road, or
23 street. The state transportation department may prohibit the
24 operation of a low-speed vehicle on any highway under its juris-
25 diction if it determines that the prohibition is necessary in the
26 interest of public safety.

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1 (8) This section shall not apply to a police officer in the
2 performance of his or her official duties.

3 (9) AN ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE SHALL BE
4 OPERATED AT A SPEED NOT TO EXCEED 15 MILES PER HOUR AND SHALL NOT
5 BE OPERATED ON A ROADWAY WITH A SPEED LIMIT OF MORE THAN 25 MILES
6 PER HOUR EXCEPT TO CROSS THAT ROADWAY.

7 (10) THE GOVERNING BODY OF A COUNTY, CITY, VILLAGE, [AN ENTITY
8 CREATED UNDER THE URBAN COOPERATION ACT OF 1967, 1967 (EX SESS) PA 7, MCL
9 124.501 TO 124.512,] OR TOWN-

10 SHIP MAY, BY ORDINANCE, WHICH IS BASED ON THE HEALTH, SAFETY, AND
11 WELFARE OF THE CITIZENS, REGULATE THE OPERATION OF ELECTRIC PER-

12 SONAL ASSISTIVE MOBILITY DEVICES ON SIDEWALKS, ROADWAYS, OR
13 CROSSWALKS. EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, A

14 GOVERNING BODY OF A COUNTY, CITY, VILLAGE, [AN ENTITY CREATED UNDER THE
15 URBAN COOPERATION ACT OF 1967, 1967 (EX SESS) PA 7, MCL 124.501 TO
16 124.512,] OR TOWNSHIP MAY PRO-

17 HIBIT THE OPERATION OF ELECTRIC PERSONAL ASSISTIVE MOBILITY

18 DEVICES IN AN AREA OPEN TO PEDESTRIAN TRAFFIC ADJACENT TO A

19 WATERFRONT OR ON A [TRAIL UNDER THEIR JURISDICTION OR IN A DOWNTOWN OR
20 CENTRAL BUSINESS DISTRICT]. SIGNS INDICATING THE REGULATION

21 SHALL BE CONSPICUOUSLY POSTED IN THE AREA WHERE THE USE OF AN

22 ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE IS REGULATED.

23 (11) OPERATION OF AN ELECTRIC PERSONAL ASSISTIVE MOBILITY

24 DEVICE IS PROHIBITED IN A SPECIAL CHARTER CITY AND A STATE PARK

25 UNDER THE JURISDICTION OF THE MACKINAC ISLAND STATE PARK

26 COMMISSION.

27 [(12) OPERATION OF AN ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE
MAY BE PROHIBITED IN A HISTORIC DISTRICT.

(13) THE DEPARTMENT OF NATURAL RESOURCES MAY BY ORDER REGULATE THE
USE OF ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES ON ALL LANDS UNDER
ITS CONTROL.]

28 Sec. 661. A person operating a bicycle, ELECTRIC PERSONAL
29 ASSISTIVE MOBILITY DEVICE, moped, or motorcycle shall not carry
30 any package, bundle, or article ~~which~~ THAT prevents the driver
31 from keeping both hands upon the handlebars of the vehicle.

32 Sec. 662. (1) A bicycle ~~when in use at nighttime~~ OR AN
33 ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE BEING OPERATED ON A

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1 ROADWAY BETWEEN 1/2 HOUR AFTER SUNSET AND 1/2 HOUR BEFORE SUNRISE
2 shall be equipped with a lamp on the front which shall emit a
3 white light visible from a distance of at least 500 feet to the
4 front and with a red reflector on the rear which shall be visible
5 from all distances from 100 feet to 600 feet to the rear when
6 directly in front of lawful lower beams of head lamps on a motor
7 vehicle. A lamp emitting a red light visible from a distance of
8 500 feet to the rear may be used in addition to the red
9 reflector.

10 (2) A bicycle shall be equipped with a brake which will
11 enable the operator to make the braked wheels skid on dry, level,
12 clean pavement.

13 (3) AN ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE SHALL
14 ENABLE THE OPERATOR TO BRING IT TO A CONTROLLED STOP.

15 (4) ~~(3)~~ A person shall not sell, offer for sale, or
16 deliver for sale in this state a bicycle or a pedal for use on a
17 bicycle, either of which was manufactured after January 1, 1976,
18 unless it is equipped with a type of reflex reflector located on
19 the front and rear surfaces of the pedal. The reflector elements
20 may be either integral with the construction of the pedal or
21 mechanically attached, but shall be sufficiently recessed from
22 the edge of the pedal, or of the reflector housing, to prevent
23 contact of the reflector element with a flat surface placed in
24 contact with the edge of the pedal. The pedal reflectors shall
25 be visible from the front and rear of the bicycle during the
26 nighttime from a distance of 200 feet when directly exposed to
27 the lower beam head lamps of a motor vehicle.

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1 (5) ~~-(4)-~~ A person shall not sell, offer for sale, or
2 deliver for sale in this state a bicycle manufactured after
3 January 1, 1976 ~~—~~ OR AN ELECTRIC PERSONAL ASSISTIVE MOBILITY
4 DEVICE unless it is equipped with either tires which have reflec-
5 tive sidewalls or with wide-angle prismatic spoke reflectors. If
6 the bicycle OR THE ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE is
7 manufactured with reflective sidewalls, the reflective portion of
8 the sidewall shall form a continuous circle on the sidewall, and
9 may not be removed from the tire without removal of tire
10 material. If the bicycle is equipped with wide-angle prismatic
11 spoke reflectors, the reflectors of the front wheel shall be
12 essentially colorless or amber, and the reflectors on the rear
13 wheel shall be essentially colorless or red. Reflective side-
14 walls or spoke reflectors shall cause the bicycle to be visible
15 from all distances from 100 feet to 600 feet when viewed under
16 lawful low beam motor vehicle head lamps under normal atmospheric
17 conditions.

18 (6) ~~-(5)-~~ A person who violates subsection (1) or (2) is
19 responsible for a civil infraction.