

HOUSE BILL No. 4928

June 7, 2001, Introduced by Reps. Bishop, Raczkowski, Koetje, Birkholz, Ehardt and Julian and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 653a (MCL 257.653a), as added by 2000 PA 458.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 653a. (1) Upon approaching and passing a stationary
2 authorized emergency vehicle that is giving a visual signal by
3 means of flashing, rotating, or oscillating red, blue, or white
4 lights as permitted by section 698 OR A WRECKER THAT IS GIVING A
5 VISUAL SIGNAL BY MEANS OF FLASHING, ROTATING, OR OSCILLATING
6 AMBER OR RED LIGHTS AS PERMITTED BY SECTION 698(5)(C), the driver
7 of an approaching vehicle shall exhibit due care and caution, as
8 required under the following:

9 (a) On any public roadway with at least 2 adjacent lanes
10 proceeding in the same direction of the stationary authorized

1 emergency vehicle OR WRECKER, the driver of the approaching
2 vehicle shall proceed with caution and yield the right-of-way by
3 moving into a lane at least 1 moving lane or 2 vehicle widths
4 apart from the stationary authorized emergency vehicle OR
5 WRECKER, unless directed otherwise by a police officer. If move-
6 ment to an adjacent lane or 2 vehicle widths apart is not possi-
7 ble due to weather, road conditions, or the immediate presence of
8 vehicular or pedestrian traffic in parallel moving lanes, the
9 driver of the approaching vehicle shall proceed as required in
10 subdivision (b).

11 (b) On any public roadway that does not have at least 2
12 adjacent lanes proceeding in the same direction as the stationary
13 authorized emergency vehicle OR WRECKER, or if the movement by
14 the driver of the vehicle into an adjacent lane or 2 vehicle
15 widths apart is not possible as described in subdivision (a), the
16 approaching vehicle shall reduce and maintain a safe speed for
17 weather, road conditions, and vehicular or pedestrian traffic and
18 proceed with due care and caution, or as directed by a police
19 officer.

20 (2) Except as provided in subsections (3) and (4), a person
21 who violates this section is guilty of a misdemeanor punishable
22 by a fine of not more than \$500.00 or imprisonment for not more
23 than 90 days, or both.

24 (3) A person who violates this section and causes injury to
25 a police officer, firefighter, or other emergency response per-
26 sonnel in the immediate area of the stationary authorized
27 emergency vehicle OR TO THE OPERATOR OF THE WRECKER IN THE

1 IMMEDIATE AREA OF THE WRECKER is guilty of a felony punishable by
2 a fine of not more than \$1,000.00 or imprisonment for not more
3 than 2 years, or both.

4 (4) A person who violates this section and causes death to a
5 police officer, firefighter, or other emergency response person-
6 nel in the immediate area of the stationary authorized emergency
7 vehicle OR TO THE OPERATOR OF THE WRECKER IN THE IMMEDIATE AREA
8 OF THE WRECKER is guilty of a felony punishable by a fine of not
9 more than \$7,500.00 or by imprisonment for not more than
10 15 years, or both.