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BILL



ANALYSIS

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House Bill 4146 (Substitute H-1 as passed by the House)

Sponsor: Representative Jud Gilbert, II

House Committee: Transportation

Senate Committee: Transportation

Date Completed: 6-11-12

### **CONTENT**

**The bill would amend the Michigan Vehicle Code to prohibit the operation of a commercial snow removal vehicle without a flashing or oscillating light, and designate a violation a misdemeanor.**

Specifically, the bill would add Section 682c to prohibit a person from operating a commercial snow removal vehicle to remove snow or ice on a public street or highway or in a parking lot accessible for use by the public unless the vehicle were operated with at least one flashing, rotating, or oscillating yellow or amber light that was clearly visible in a 360-degree arc from a distance of 500 feet when in use. A person who leased a commercial snow removal vehicle could not knowingly allow a person to operate it in violation of these requirements.

A person who violated Section 682c would be guilty of a misdemeanor punishable by imprisonment for up to 90 days and/or a maximum fine of \$500.

Under the Code, a vehicle used for snow removal may be equipped with flashing, rotating, or oscillating amber lights. The bill would refer specifically to a vehicle used for snow or ice removal under Section 682c.

"Commercial snow removal vehicle" would mean a vehicle equipped with a plow or other device that is used to remove snow or ice for payment or other remuneration. "Person" would mean an individual, partnership, corporation, association, governmental entity, or other legal entity.

The Code prohibits a person from selling, loaning, or otherwise furnishing a flashing, rotating, or oscillating blue or red light designed primarily for installation on an authorized emergency vehicle to a person except for specific individuals, such as a police officer, sheriff, or firefighter. This ban, however, does not prohibit the operation of an authorized vehicle equipped with such lights by another person authorized to operate the vehicle. A person who operates an authorized emergency vehicle in violation of the terms of the authorization is guilty of a misdemeanor. The bill specifies that this misdemeanor would be punishable by imprisonment for up to 90 days and/or a maximum fine of \$100. (Section 901 of the Code prescribes this penalty for a misdemeanor for which no other penalty is specified.)

MCL 257.698 et al.

Legislative Analyst: Julie Cassidy

## **FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on local units of government. There are no data to indicate how many snow removal vehicles would not be in compliance with the proposed requirement. To the extent that vehicles were found in violation, local courts could see a marginal increase in caseload and local units would incur the cost of incarceration or community supervision. Additional fine revenue would benefit public libraries. If local units own snow removal vehicles not currently equipped with a flashing yellow light, they could incur some costs installing such devices to bring vehicles into compliance.

Fiscal Analyst: Dan O'Connor

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.