

HOUSE BILL No. 5382

January 10, 2018, Introduced by Rep. Schor and referred to the Committee on Transportation and Infrastructure.

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 CONSTRUCTION WORKER~~, the
5 driver of an approaching vehicle shall exhibit due care and
6 caution, as required under the following:

7 (a) On ~~any~~ **A** public roadway with at least 2 adjacent lanes
8 proceeding in the same direction of the stationary authorized

1 emergency vehicle **OR A PUBLIC ROADWAY WITH AT LEAST 2 ADJACENT**
2 **LANES PROCEEDING IN THE SAME DIRECTION UPON WHICH A CONSTRUCTION**
3 **WORKER IS PRESENT**, the driver of the approaching vehicle shall
4 proceed with caution and yield the right-of-way by moving into a
5 lane at least 1 moving lane or 2 vehicle widths apart from the
6 stationary authorized emergency vehicle **OR CONSTRUCTION WORKER**,
7 unless directed otherwise by a police officer. If movement to an
8 adjacent lane or 2 vehicle widths apart is not possible due to
9 weather, road conditions, or the immediate presence of vehicular or
10 pedestrian traffic in parallel moving lanes, the driver of the
11 approaching vehicle shall proceed as required in subdivision (b).

12 (b) On ~~any~~ **A** public roadway that does not have at least 2
13 adjacent lanes proceeding in the same direction as the stationary
14 authorized emergency vehicle **OR A PUBLIC ROADWAY THAT DOES NOT HAVE**
15 **AT LEAST 2 ADJACENT LANES PROCEEDING IN THE SAME DIRECTION UPON**
16 **WHICH A CONSTRUCTION WORKER IS PRESENT**, or if the movement by the
17 driver of the vehicle into an adjacent lane or 2 vehicle widths
18 apart is not possible as described in subdivision (a), the
19 approaching vehicle shall reduce and maintain a safe speed for
20 weather, road conditions, and vehicular or pedestrian traffic and
21 proceed with due care and caution, or as directed by a police
22 officer.

23 (2) Except as provided in subsections (3) and (4), a person
24 who violates this section is guilty of a misdemeanor punishable by
25 a fine of not more than \$500.00 or imprisonment for not more than
26 90 days, or both.

27 (3) A person who violates this section and causes injury to a

1 police officer, firefighter, or other emergency response personnel
2 in the immediate area of the stationary authorized emergency
3 vehicle, **OR WHO VIOLATES THIS SECTION AND CAUSES INJURY TO A**
4 **CONSTRUCTION WORKER**, is guilty of a felony punishable by a fine of
5 not more than \$1,000.00 or imprisonment for not more than 2 years,
6 or both.

7 (4) A person who violates this section and causes death to a
8 police officer, firefighter, or other emergency response personnel
9 in the immediate area of the stationary authorized emergency
10 vehicle, **OR WHO VIOLATES THIS SECTION AND CAUSES DEATH TO A**
11 **CONSTRUCTION WORKER**, is guilty of a felony punishable by a fine of
12 not more than \$7,500.00 or by imprisonment for not more than 15
13 years, or both.

14 (5) **AS USED IN THIS SECTION, "CONSTRUCTION WORKER" MEANS AN**
15 **INDIVIDUAL PERFORMING CONSTRUCTION, MAINTENANCE, SURVEYING, OR**
16 **UTILITY WORK AS PART OF A ROAD MAINTENANCE, REPAIR, OR CONSTRUCTION**
17 **PROJECT, INCLUDING SETTING UP, MAINTAINING, OR TAKING DOWN A WORK**
18 **ZONE, IF A ROAD MAINTENANCE OR CONSTRUCTION VEHICLE IS PRESENT IN**
19 **THE AREA WHERE THE INDIVIDUAL IS PERFORMING THE WORK AND THE**
20 **VEHICLE DISPLAYS FLASHING, ROTATING, OR OSCILLATING AMBER OR GREEN**
21 **LIGHTS.**

22 Enacting section 1. This amendatory act takes effect 90 days
23 after the date it is enacted into law.