

HOUSE BILL NO. 5418

January 30, 2024, Introduced by Reps. Johnsen, Cavitt, Alexander, Jaime Greene, Thompson, DeBoyer, Neyer, Rigas, Smit, Friske, Kuse, Bierlein and Hoadley and referred to the Committee on Transportation, Mobility and Infrastructure.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 2, 698, 716, and 907 (MCL 257.2, 257.698, 257.716, and 257.907), section 2 as amended by 2011 PA 231, section 698 as amended by 2020 PA 382, section 716 as amended by 2016 PA 453, and section 907 as amended by 2023 PA 40.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) "Authorized emergency vehicle" means any 1 of the
2 following:

3 (a) Vehicles of the fire department, police vehicles,
4 ambulances, privately owned motor vehicles of volunteer or paid

1 fire fighters, or volunteer members of an emergency rescue unit if
2 authorized by the chief of an organized fire department, a county
3 sheriff, or the director of the department of state police, or
4 privately owned motor vehicles of volunteer or paid members of a
5 life support agency licensed by the department of licensing and
6 regulatory affairs if authorized by the life support agency.

7 (b) For purposes of section 698(5)(c) during an emergency, a
8 vehicle **that is** owned and operated by a federally recognized
9 nonprofit charitable organization ~~that is and~~ used exclusively for
10 assistance during that emergency.

11 (c) For purposes of section 653a, a road service vehicle
12 giving a visual signal by means of a flashing, rotating, or
13 oscillating **blue**, red, or amber light. ~~As used in this subdivision,~~
14 ~~"road service vehicle" means a vehicle that is clearly marked and~~
15 ~~readily recognizable as a vehicle used to assist disabled vehicles.~~

16 (2) As used in this section:

17 (a) "Emergency rescue unit" means an entity with training in a
18 specialized discipline ~~exceeding~~ **that exceeds** the level of training
19 for **a** medical first ~~responders.~~ **responder.**

20 (b) "Life support agency" means that term as defined in
21 section 20906 of the public health code, 1978 PA 368, MCL
22 333.20906.

23 (c) "Medical first responder" means that term as defined in
24 section 20906 of the public health code, 1978 PA 368, MCL
25 333.20906.

26 (d) **"Road service vehicle" means a vehicle that is clearly**
27 **marked and readily recognizable as a vehicle used to assist**
28 **disabled vehicles.**

29 Sec. 698. (1) A motor vehicle may be equipped with not more

1 than 2 side cowl or fender lamps that emit an amber or white light
2 without glare.

3 (2) A motor vehicle may be equipped with not more than 1
4 running board courtesy lamp on each side that emits a white or
5 amber light without glare.

6 (3) Backing lights of red, amber, or white may be mounted on
7 the rear of a motor vehicle if the switch controlling the light is
8 so arranged that the light may be turned on only if the vehicle is
9 in reverse gear. The backing lights, when unlighted, must be
10 covered or otherwise arranged so as not to reflect objectionable
11 glare in the eyes of an operator of a vehicle approaching from the
12 rear.

13 (4) Unless both covered and unlit, a vehicle operated on ~~the~~
14 ~~highways of this state~~ **a highway** must not be equipped with a lamp
15 or a part designed to be a reflector unless expressly required or
16 permitted by this chapter or that meets the standards prescribed in
17 49 CFR 571.108. Except as otherwise provided, a lamp or a part
18 designed to be a reflector, if visible from the front, must display
19 or reflect a white or amber light; if visible from either side,
20 must display or reflect an amber or red light; and if visible from
21 the rear, must display or reflect a red light.

22 (5) The use or possession of flashing, ~~oscillating,~~ **rotating,**
23 or ~~rotating~~ **oscillating** lights of any color is prohibited except as
24 otherwise provided by law or under the following circumstances:

25 (a) A police vehicle must be equipped with flashing, rotating,
26 or oscillating red or blue lights, for use in the performance of
27 police duties.

28 (b) A fire vehicle or ambulance available for public use or
29 for use of the United States, this state, or any unit of this

1 state, whether publicly or privately owned, must be equipped with
2 flashing, rotating, or oscillating red lights and used as required
3 for safety.

4 (c) An authorized emergency vehicle may be equipped with
5 flashing, rotating, or oscillating red lights for use when
6 responding to an emergency call if, when in use, the flashing,
7 rotating, or oscillating red lights are clearly visible in a 360-
8 degree arc from a distance of 500 feet.

9 (d) Flashing, rotating, or oscillating amber or green lights,
10 placed in a position as to be visible throughout an arc of 360
11 degrees, must be used by a state, county, or municipal vehicle
12 engaged in the removal of ice, snow, or other material from ~~the a~~
13 highway and in other operations designed to control ice and snow,
14 or engaged in other non-winter operations. This subdivision does
15 not prohibit the use of a flashing, rotating, or oscillating green
16 light by a fire service.

17 (e) A vehicle used for the cleanup of spills or a necessary
18 emergency response action taken under state or federal law or a
19 vehicle operated by an employee of the department of natural
20 resources or the department of environment, Great Lakes, and energy
21 that responds to a spill, emergency response action, complaint, or
22 compliance activity may be equipped with flashing, rotating, or
23 oscillating amber or green lights. The lights ~~described in this~~
24 ~~subdivision~~ must not be activated unless the vehicle is at the
25 scene of a spill, emergency response action, complaint, or
26 compliance activity. This subdivision does not prohibit the use of
27 a flashing, rotating, or oscillating green light by a fire service.

28 (f) A vehicle **used** to perform public utility service, a
29 vehicle owned or leased by and licensed as a business for use in

1 the collection and hauling of refuse, an automobile service car or
 2 wrecker, a vehicle of a peace officer, a vehicle operated by a
 3 rural letter carrier or a person under contract to deliver
 4 newspapers or other publications by motor route, a vehicle utilized
 5 for snow or ice removal under section 682c, a private security
 6 guard vehicle as authorized ~~in~~**under** subsection (7), a motor
 7 vehicle while engaged in escorting or transporting an oversize load
 8 that has been issued a permit by the state transportation
 9 department or a local authority with respect to highways under its
 10 jurisdiction, a vehicle owned by the National Guard or a United
 11 States military vehicle while traveling under the appropriate
 12 recognized military authority, a motor vehicle while towing an
 13 implement of husbandry, or an implement of husbandry may be
 14 equipped with flashing, rotating, or oscillating amber lights.
 15 However, a wrecker may be equipped with flashing, rotating, or
 16 oscillating red **or blue** lights that must be activated only when the
 17 wrecker is engaged in removing or assisting a vehicle at the scene
 18 of a traffic accident or disablement. The flashing, rotating, or
 19 oscillating amber lights must not be activated ~~except when~~**unless**
 20 the warning produced by the lights is required for public safety. A
 21 vehicle engaged in authorized highway repair or maintenance may be
 22 equipped with flashing, rotating, or oscillating amber or green
 23 lights. This subdivision does not prohibit the operator of a
 24 vehicle utilized for snow or ice removal under section 682c ~~that is~~
 25 **and** equipped with flashing, rotating, or oscillating amber lights
 26 from activating the flashing, rotating, or oscillating amber lights
 27 when ~~that~~**the** vehicle is traveling between locations ~~at which it~~
 28 **where the vehicle** is being utilized for snow or ice removal.

29 (g) A vehicle engaged in leading or escorting a funeral

1 procession or any vehicle that is part of a funeral procession may
2 be equipped with flashing, rotating, or oscillating purple or amber
3 lights that must not be activated except during a funeral
4 procession.

5 (h) An authorized emergency vehicle may display flashing,
6 rotating, or oscillating white lights in conjunction with an
7 authorized emergency light as prescribed in this section.

8 (i) A private motor vehicle of a physician responding to an
9 emergency call may be equipped with and the physician may use
10 flashing, rotating, or oscillating red lights mounted on the roof
11 section of the vehicle either as a permanent installation or by
12 means of magnets or suction cups and clearly visible in a 360-
13 degree arc from a distance of 500 feet when in use. The physician
14 ~~shall~~**must** first obtain written authorization from the county
15 sheriff.

16 (j) A public transit vehicle may be equipped with a flashing,
17 ~~oscillating, rotating,~~ or ~~rotating~~**oscillating** light **that is**
18 mounted on the roof of the vehicle approximately 6 feet from the
19 rear of the vehicle ~~that~~**and** displays a white light to the front,
20 side, and rear of the vehicle, which light may be actuated by the
21 driver for use only in inclement weather such as fog, rain, or
22 snow, when boarding or discharging passengers, from 1/2 hour before
23 sunset until 1/2 hour after sunrise, or when conditions hinder the
24 visibility of the public transit vehicle. As used in this
25 subdivision, "public transit vehicle" means a motor vehicle, other
26 than a station wagon or passenger van, with a gross vehicle weight
27 rating of more than 10,000 pounds.

28 (k) A person engaged in the manufacture, sale, or repair of
29 flashing, rotating, or oscillating lights governed by this

1 subsection may possess the lights for the purpose of employment ~~7~~
2 but shall not activate the lights ~~upon the~~ **on a** highway unless
3 authorized to do so under subsection (6).

4 (l) A vehicle used as part of a neighborhood watch program may
5 be equipped with flashing, rotating, or oscillating amber lights,
6 if the vehicle is clearly identified as a neighborhood watch
7 vehicle and the neighborhood watch program is working in
8 cooperation with local law enforcement. The lights ~~described in~~
9 ~~this subdivision~~ must not be activated when the vehicle is not
10 being used to perform neighborhood watch program duties.

11 (m) **A road service vehicle may be equipped with flashing,**
12 **rotating, or oscillating blue lights that may be activated only if**
13 **the vehicle is assisting a disabled vehicle at the scene of a**
14 **traffic accident or disablement. As used in this subdivision, "road**
15 **service vehicle" means a vehicle that is clearly marked and readily**
16 **recognizable as a vehicle used to assist disabled vehicles.**

17 (6) A person shall not sell, loan, or otherwise furnish a
18 flashing, rotating, or oscillating blue or red light designed
19 primarily for installation on an authorized emergency vehicle to a
20 person except a police officer, sheriff, deputy sheriff, authorized
21 physician, volunteer or paid fire fighter, volunteer ambulance
22 driver, licensed ambulance driver or attendant of this state, a
23 county or municipality within this state, a person engaged in the
24 business of operating an ambulance or wrecker service, or a
25 federally recognized nonprofit charitable organization that owns
26 and operates an emergency support vehicle used exclusively for
27 emergencies. This subsection does not prohibit an authorized
28 emergency vehicle ~~7~~-equipped with flashing, rotating, or
29 oscillating blue or red lights ~~7~~-from being operated by a person

1 other than a person described in this section if the person
2 receives authorization to operate the authorized emergency vehicle
3 from a police officer, sheriff, deputy sheriff, authorized
4 physician, volunteer or paid fire fighter, volunteer ambulance
5 driver, licensed ambulance driver or attendant, a person operating
6 an ambulance or wrecker service, or a federally recognized
7 nonprofit charitable organization that owns and operates an
8 emergency support vehicle used exclusively for emergencies, except
9 that the authorization must not permit the person to operate lights
10 as described in subsection (5) (a), (b), (c), (i), or (j), or to
11 exercise the privileges described in section 603.

12 (7) A private motor vehicle of a security guard agency or
13 alarm company licensed under the private security business and
14 security alarm act, 1968 PA 330, MCL 338.1051 to 338.1092, may
15 display flashing, rotating, or oscillating amber lights. The
16 ~~flashing, rotating, or oscillating amber~~ lights must not be
17 activated on a public highway when ~~a~~**the** vehicle is in motion.

18 (8) This section does not prohibit, restrict, or limit the use
19 of lights authorized or required under sections 697, 697a, and
20 698a.

21 (9) A person who operates a vehicle in violation of this
22 section is responsible for a civil infraction. ~~and shall be ordered~~
23 ~~to pay a civil fine of not more than \$100.00.~~

24 Sec. 716. (1) ~~Unless specifically declared to be a civil~~
25 ~~infraction, it is a misdemeanor for a~~ **A** person ~~to~~**shall not** drive
26 or move or ~~for the~~ **a vehicle's** owner ~~to~~**shall not** cause or permit
27 to be driven or moved on a highway a vehicle or vehicles of a size
28 or weight exceeding the limitations stated in this chapter or
29 otherwise in violation of this chapter, and the maximum size and

1 weight specified in this chapter are lawful throughout this state.
2 ~~, and local~~ **Local** authorities shall not alter ~~these~~ **the** size and
3 weight limitations except as express authority is granted in this
4 chapter.

5 (2) The ~~provision~~ **provisions** of this chapter ~~governing~~ **that**
6 **govern** size, weight, and load do not apply to a fire apparatus, ~~to~~
7 an implement of husbandry, a boat lift or oversized hydraulic boat
8 trailer owned and operated by a marina or watercraft dealer used
9 exclusively in a commercial boat storage operation and incidentally
10 moved ~~upon~~ **on** a highway, a combination of vehicles described in,
11 and under the conditions provided by, subsection (4), or ~~to~~ **a**
12 vehicle operated under the terms of a special permit issued as
13 provided in this chapter.

14 (3) The state transportation department, under the
15 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
16 24.328, may promulgate rules permitting and regulating the
17 operation of a vehicle or vehicles of a size or weight that exceeds
18 the size or weight limitations in this chapter. The rules may
19 restrict or proscribe the conditions of operation of a vehicle or
20 vehicles of a size or weight that exceeds the size or weight
21 limitations in this chapter, if the restriction or proscription is
22 necessary to protect the public safety or to prevent undue damage
23 to a road foundation or surface, a structure, or an installation.
24 The rules may provide for a reasonable inspection fee for an
25 inspection of a vehicle or vehicles to determine whether their
26 sizes and weights are in conformance with this act, and may require
27 other security necessary to compensate for damage caused by the
28 vehicle or vehicles described in this subsection.

29 (4) A wrecker and a disabled vehicle, or a wrecker and a

1 combination of a disabled vehicle and 1 trailer, that exceeds the
2 size and weight limitations in this chapter may be operated ~~upon~~ **on**
3 the highways of this state under the following conditions:

4 (a) The wrecker is specifically designed for such towing
5 operations, is equipped with flashing, ~~oscillating, rotating,~~ or
6 ~~rotating-oscillating~~ amber, ~~or red,~~ **or blue** lights as permitted
7 under section 698, and is capable of utilizing the lighting and
8 braking systems of the disabled vehicle or combination of disabled
9 vehicles if those systems are operational.

10 (b) For a combination of disabled vehicles, the wrecker is
11 issued a special permit under section 725 by the state
12 transportation department. The special permit is valid for the
13 entire towing distance, and the operator of the wrecker may remove
14 the disabled vehicles from the roadway at any lawful point ~~of his~~
15 ~~or her choosing~~ **that the operator chooses** within that distance.

16 (c) For a single disabled vehicle, the wrecker is issued a
17 special permit under section 725 by the state transportation
18 department for the transport of the disabled vehicle. A wrecker
19 operator is not subject to mileage limitations for a special permit
20 issued ~~for purposes of~~ **under** this subdivision.

21 (d) The wrecker does not operate on any highway, road, street,
22 or structure included on a list provided by the state
23 transportation department unless the disabled vehicle or
24 combination of vehicles is located on 1 of those roads or
25 structures.

26 (5) The owner or operator of a wrecker that does not comply
27 with subsection (4) (d) is responsible for a civil infraction and
28 shall pay a civil fine of not less than \$250.00 or more than
29 \$500.00. The civil fine imposed under this subsection is in

1 addition to any fine that may be imposed under section 724 or 725.

2 Sec. 907. (1) A violation of this act, or a local ordinance
3 that substantially corresponds to a provision of this act, that is
4 designated a civil infraction must not be considered a lesser
5 included offense of a criminal offense.

6 (2) Permission may be granted for payment of a civil fine and
7 costs to be made within a specified period of time or in specified
8 installments but, unless permission is included in the order or
9 judgment, the civil fine and costs must be payable immediately.
10 Except as otherwise provided, a person found responsible or
11 responsible "with explanation" for a civil infraction must pay
12 costs as provided in subsection (4) and 1 or more of the following
13 civil fines, as applicable:

14 (a) Except as otherwise provided, for a civil infraction under
15 this act or a local ordinance that substantially corresponds to a
16 provision of this act, the person ~~shall~~**must** be ordered to pay a
17 civil fine of not more than \$100.00.

18 (b) If the civil infraction was a moving violation that
19 resulted in an at-fault collision with another vehicle, an
20 individual, or any other object, the civil fine ordered under this
21 section is increased by \$25.00 but the total civil fine must not be
22 more than \$100.00.

23 (c) For a violation of section 240, the civil fine ordered
24 under this ~~subsection~~**section** is \$15.00.

25 (d) For a violation of section 312a(4) (a), the civil fine
26 ordered under this section must not be more than \$250.00.

27 (e) For a first violation of section 319f(1), the civil fine
28 ordered under this section must not be less than \$2,500.00 or more
29 than \$2,750.00; for a second or subsequent violation, the civil

1 fine must not be less than \$5,000.00 or more than \$5,500.00.

2 (f) For a violation of section 319g(1)(a), the civil fine
3 ordered under this section must not be more than \$10,000.00.

4 (g) For a violation of section 319g(1)(g), the civil fine
5 ordered under this section must not be less than \$2,750.00 or more
6 than \$25,000.00.

7 (h) For a violation of section 602b, the civil fine ordered
8 under this section must be as follows:

9 (i) For a violation of section 602b(1), either of the
10 following:

11 (A) If the violation does not involve an accident, \$100.00 for
12 a first offense and \$250.00 for a second or subsequent offense.

13 (B) If the violation involves an accident, \$200.00 for a first
14 offense and \$500.00 for a second or subsequent offense.

15 (ii) For a violation of section 602b(2), either of the
16 following:

17 (A) If the violation does not involve an accident, \$200.00 for
18 a first offense and \$500.00 for a second or subsequent offense.

19 (B) If the violation involves an accident, \$400.00 for a first
20 offense and \$1,000.00 for a second or subsequent offense.

21 (i) For a violation of section 674(1)(s) or a local ordinance
22 that substantially corresponds to section 674(1)(s), the civil fine
23 ordered under this section must not be less than \$100.00 or more
24 than \$250.00.

25 (j) For a violation of section 676a(3), the civil fine ordered
26 under this section must not be more than \$10.00.

27 (k) For a violation of section 676c, the civil fine ordered
28 under this section is \$1,000.00.

29 (l) For a violation of section 682 or a local ordinance that

1 substantially corresponds to section 682, the civil fine ordered
2 under this section must not be less than \$100.00 or more than
3 \$500.00.

4 (m) For a violation of section 710d, the civil fine ordered
5 under this section must not be more than \$10.00, subject to
6 subsection (11).

7 (n) For a violation of section 710e, the civil fine and court
8 costs ordered under this subsection must be \$25.00.

9 **(o) For a violation of section 716(4) (d), the civil fine**
10 **ordered under this section must not be less than \$250.00 or more**
11 **than \$500.00.**

12 (3) Except as provided in this section, if an individual is
13 determined to be responsible or responsible "with explanation" for
14 a civil infraction under this act or a local ordinance that
15 substantially corresponds to a provision of this act while driving
16 a commercial motor vehicle, the individual must be ordered to pay
17 costs as provided in subsection (4) and a civil fine of not more
18 than \$250.00.

19 (4) If a civil fine is ordered under subsection (2) or (3),
20 the judge or district court magistrate shall summarily tax and
21 determine the costs of the action, which are not limited to the
22 costs taxable in ordinary civil actions, and may include all
23 expenses, direct and indirect, to which the plaintiff has been put
24 in connection with the civil infraction, up to the entry of
25 judgment. Costs must not be ordered in excess of \$100.00. A civil
26 fine ordered under subsection (2) or (3) must not be waived unless
27 costs ordered under this subsection are waived. Except as otherwise
28 provided by law, costs are payable to the general fund of the
29 plaintiff.

1 (5) In addition to a civil fine and costs ordered under
2 subsection (2) or (3) and subsection (4) and the justice system
3 assessment ordered under subsection (12), the judge or district
4 court magistrate may order the individual to attend and complete a
5 program of treatment, education, or rehabilitation.

6 (6) A district court magistrate shall impose the sanctions
7 permitted under subsections (2), (3), and (5) only to the extent
8 expressly authorized by the chief judge or only judge of the
9 district court district.

10 (7) Each district of the district court and each municipal
11 court may establish a schedule of civil fines, costs, and
12 assessments to be imposed for civil infractions that occur within
13 the respective district or city. If a schedule is established, it
14 must be prominently posted and readily available for public
15 inspection. A schedule need not include all violations that are
16 designated by law or ordinance as civil infractions. A schedule may
17 exclude cases on the basis of a defendant's prior record of civil
18 infractions or traffic offenses, or a combination of civil
19 infractions and traffic offenses.

20 (8) The state court administrator shall annually publish and
21 distribute to each district and court a recommended range of civil
22 fines and costs for first-time civil infractions. This
23 recommendation is not binding on the courts ~~having~~**that have**
24 jurisdiction over civil infractions but is intended to act as a
25 normative guide for judges and district court magistrates and a
26 basis for public evaluation of disparities in the imposition of
27 civil fines and costs throughout this state.

28 (9) If a person has received a civil infraction citation for
29 defective safety equipment on a vehicle under section 683, the

1 court shall waive a civil fine, costs, and assessments on receipt
2 of certification by a law enforcement agency that repair of the
3 defective equipment was made before the appearance date on the
4 citation.

5 (10) A default in the payment of a civil fine or costs ordered
6 under subsection (2), (3), or (4) or a justice system assessment
7 ordered under subsection (12), or an installment of the fine,
8 costs, or assessment, may be collected by a means authorized for
9 the enforcement of a judgment under chapter 40 of the revised
10 judicature act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, or
11 under chapter 60 of the revised judicature act of 1961, 1961 PA
12 236, MCL 600.6001 to 600.6098.

13 (11) The court may waive any civil fine, cost, or assessment
14 against an individual who received a civil infraction citation for
15 a violation of section 710d if the individual, before the
16 appearance date on the citation, supplies the court with evidence
17 of acquisition, purchase, or rental of a child seating system
18 ~~meeting that meets~~ the requirements of section 710d.

19 (12) In addition to any civil fines or costs ordered to be
20 paid under this section, the judge or district court magistrate
21 shall order the defendant to pay a justice system assessment of
22 \$40.00 for each civil infraction determination, except for a
23 parking violation or a violation for which the total fine and costs
24 imposed are \$10.00 or less. On payment of the assessment, the clerk
25 of the court shall transmit the assessment collected to the state
26 treasury to be deposited into the justice system fund created in
27 section 181 of the revised judicature act of 1961, 1961 PA 236, MCL
28 600.181. An assessment levied under this subsection is not a civil
29 fine for purposes of section 909.

1 (13) If a person has received a citation for a violation of
2 section 223, the court shall waive any civil fine, costs, and
3 assessment ~~on receipt of certification by a law enforcement~~
4 agency that the person, before the appearance date on the citation,
5 produced a valid registration certificate that was valid on the
6 date the violation of section 223 occurred.

7 (14) If a person has received a citation for a violation of
8 section 328(1) for failing to produce a certificate of insurance
9 under section 328(2), the court may waive the fee described in
10 section 328(3)(c) and shall waive any fine, costs, and any other
11 fee or assessment otherwise authorized under this act on receipt of
12 verification by the court that the person, before the appearance
13 date on the citation, produced valid proof of insurance that was in
14 effect ~~at the time when~~ the violation of section 328(1) occurred.
15 Insurance obtained ~~subsequent to the time of~~ **after** the violation
16 **occurred** does not make the person eligible for a waiver under this
17 subsection.

18 (15) If a person is determined to be responsible or
19 responsible "with explanation" for a civil infraction under this
20 act or a local ordinance that substantially corresponds to a
21 provision of this act and the civil infraction arises out of the
22 ownership or operation of a commercial quadricycle, the person must
23 be ordered to pay costs as provided in subsection (4) and a civil
24 fine of not more than \$500.00.

25 (16) As used in this section, "moving violation" means an act
26 or omission prohibited under this act or a local ordinance that
27 substantially corresponds to this act that involves the operation
28 of a motor vehicle and for which a fine may be assessed.