

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5643**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 13f, 660, 660d, 667, 668, and 669 (MCL
257.13f, 257.660, 257.660d, 257.667, 257.668, and 257.669), section
13f as added and section 660 as amended by 2018 PA 204, section
660d as added by 2006 PA 339, sections 667 and 668 as amended by
2002 PA 534, and section 669 as amended by 2015 PA 128.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 13f. "Electric skateboard" means a wheeled device that
2 has a floorboard designed to be stood upon when riding that is no
3 more than 60 inches long and 18 inches wide, is designed to
4 transport only 1 person at a time, has an electrical propulsion
5 system with power of no more than 2,500 watts, and has a maximum

1 speed on a paved level surface of not more than 25 miles per hour.
2 An electric skateboard may **HAVE HANDLEBARS AND**, in addition to
3 having an electrical propulsion system with power of no more than
4 2,500 watts, **MAY** be designed to also be powered by human
5 propulsion.

6 Sec. 660. (1) A person operating an electric personal
7 assistive mobility device, low-speed vehicle, electric skateboard,
8 or moped upon a roadway shall ride as near to the right side of the
9 roadway as practicable and shall exercise due care when passing a
10 standing vehicle or one proceeding in the same direction. A
11 motorcycle is entitled to full use of a lane, and a motor vehicle
12 shall not be driven in such a manner as to deprive a motorcycle of
13 the full use of a lane. This subsection does not apply to
14 motorcycles operated 2 abreast in a single lane.

15 (2) A person riding an electric personal assistive mobility
16 device, motorcycle, electric skateboard, or moped upon a roadway
17 shall not ride more than 2 abreast except on a path or part of a
18 roadway set aside for the exclusive use of those vehicles.

19 (3) Where a usable and designated path for bicycles is
20 provided adjacent to a highway or street, a person operating an
21 electric personal assistive mobility device or electric skateboard
22 may, by local ordinance, be required to use that path.

23 (4) A person operating a motorcycle, moped, low-speed vehicle,
24 electric personal assistive mobility device, or electric skateboard
25 shall not pass between lines of traffic, but may pass on the left
26 of traffic moving in his or her direction in the case of a 2-way
27 street or on the left or right of traffic in the case of a 1-way

1 street, in an unoccupied lane.

2 (5) A person operating an electric personal assistive mobility
3 device or electric skateboard on a sidewalk constructed for the use
4 of pedestrians shall yield the right-of-way to a pedestrian and
5 shall give an audible signal before overtaking and passing the
6 pedestrian.

7 (6) A moped, low-speed vehicle, or commercial quadricycle
8 shall not be operated on a sidewalk constructed for the use of
9 pedestrians.

10 (7) A low-speed vehicle or commercial quadricycle shall be
11 operated at a speed of not more than 25 miles per hour. A low-speed
12 vehicle shall not be operated on a highway or street with a speed
13 limit of more than 35 miles per hour except for the purpose of
14 crossing that highway or street. A commercial quadricycle shall not
15 be operated on a highway or street with a speed limit of more than
16 45 miles per hour except for the purpose of crossing that highway
17 or street. An individual shall not operate a commercial quadricycle
18 that is equipped with a motor unless he or she has a valid
19 operator's license issued under this act. The state transportation
20 department may prohibit the operation of a low-speed vehicle or
21 commercial quadricycle on any highway or street under its
22 jurisdiction if it determines that the prohibition is necessary in
23 the interest of public safety.

24 (8) This section does not apply to a police officer in the
25 performance of his or her official duties.

26 (9) An electric personal assistive mobility device shall be
27 operated at a speed of not more than 15 miles per hour and shall

1 not be operated on a highway or street with a speed limit of more
2 than 25 miles per hour except to cross that highway or street.

3 (10) An electric skateboard shall be operated at a speed of
4 not more than 25 miles per hour. ~~and~~ **AN ELECTRIC SKATEBOARD THAT**
5 **DOES NOT HAVE HANDLEBARS** shall not be operated on a highway or
6 street with a speed limit of more than 25 miles per hour except to
7 cross that highway or street, **AND AN ELECTRIC SKATEBOARD EQUIPPED**
8 **WITH HANDLEBARS SHALL NOT BE OPERATED ON A HIGHWAY OR STREET WITH A**
9 **SPEED LIMIT OF MORE THAN 45 MILES PER HOUR EXCEPT TO CROSS THAT**
10 **HIGHWAY OR STREET.**

11 (11) The governing body of a county, a city, a village, an
12 entity created under the urban cooperation act of 1967, 1967 (Ex
13 Sess) PA 7, MCL 124.501 to 124.512, or a township may, by ordinance
14 based on the health, safety, and welfare of the citizens, regulate
15 the operation of electric personal assistive mobility devices,
16 electric skateboards, or commercial quadricycles on sidewalks,
17 highways or streets, or crosswalks. Except as otherwise provided in
18 this subsection, a governing body of a county, city, village,
19 entity created under the urban cooperation act of 1967, 1967 (Ex
20 Sess) PA 7, MCL 124.501 to 124.512, or township may prohibit the
21 operation of electric personal assistive mobility devices, electric
22 skateboards or commercial quadricycles in an area open to
23 pedestrian traffic adjacent to a waterfront or on a trail under its
24 jurisdiction or in a downtown or central business district. Signs
25 indicating the regulation shall be conspicuously posted in the area
26 where the use of an electric personal assistive mobility device,
27 electric skateboard, or commercial quadricycle is regulated.

1 (12) Operation of an electric personal assistive mobility
2 device or electric skateboard is prohibited in a special charter
3 city and a state park under the jurisdiction of the Mackinac Island
4 State Park commission.

5 (13) Operation of an electric personal assistive mobility
6 device or electric skateboard may be prohibited in a historic
7 district.

8 (14) The department of natural resources may by order regulate
9 the use of electric personal assistive mobility devices or electric
10 skateboards on all lands under its control.

11 Sec. 660d. (1) An individual may park a bicycle **OR AN ELECTRIC**
12 **SKATEBOARD EQUIPPED WITH HANDLEBARS** on a sidewalk except as
13 prohibited by an official traffic control device.

14 (2) An individual shall not park a bicycle **OR AN ELECTRIC**
15 **SKATEBOARD EQUIPPED WITH HANDLEBARS** on a sidewalk in such a manner
16 that the bicycle **OR ELECTRIC SKATEBOARD EQUIPPED WITH HANDLEBARS**
17 impedes the lawful movement of pedestrians or other traffic.

18 (3) An individual may park a bicycle **OR AN ELECTRIC SKATEBOARD**
19 **EQUIPPED WITH HANDLEBARS** on a highway or street at any location
20 where parking is allowed for motor vehicles, may park at any angle
21 to the curb or the edge of the highway, and may park abreast of
22 another bicycle **OR ELECTRIC SKATEBOARD EQUIPPED WITH HANDLEBARS.**

23 (4) An individual shall not park a bicycle **OR AN ELECTRIC**
24 **SKATEBOARD EQUIPPED WITH HANDLEBARS** on a highway or street in such
25 a manner as to obstruct the movement of a legally parked motor
26 vehicle.

27 (5) Except as otherwise provided in this section, an

1 individual parking a bicycle **OR AN ELECTRIC SKATEBOARD EQUIPPED**
2 **WITH HANDLEBARS** on a highway or street shall do so in compliance
3 with this act and any local ordinance.

4 Sec. 667. (1) When a person driving a vehicle approaches a
5 railroad grade crossing under any of the following circumstances,
6 the driver shall stop the vehicle not more than 50 feet but not
7 less than 15 feet from the nearest rail of the railroad, and shall
8 not proceed until the driver can do so safely:

9 (a) A clearly visible electric or mechanical signal device
10 gives warning of the immediate approach of a railroad train **OR**
11 **OTHER ON-TRACK EQUIPMENT**.

12 (b) A crossing gate is lowered or a flagman gives or continues
13 to give a signal of the approach or passage of a railroad train **OR**
14 **OTHER ON-TRACK EQUIPMENT**.

15 (c) A railroad train **OR OTHER ON-TRACK EQUIPMENT** approaching
16 within approximately 1,500 feet of the highway crossing gives a
17 signal audible from that distance, and the **RAILROAD** train **OR ON-**
18 **TRACK EQUIPMENT** by reason of its speed or nearness to the crossing
19 is an immediate hazard.

20 (d) An approaching railroad train **OR OTHER ON-TRACK EQUIPMENT**
21 is plainly visible and is in hazardous proximity to the crossing.

22 (2) A person shall not drive a vehicle through, around, or
23 under a crossing gate or barrier at a railroad crossing while the
24 gate or barrier is closed or is being opened or closed or against
25 the direction of a police officer.

26 (3) A person who violates this section is responsible for a
27 civil infraction.

1 Sec. 668. (1) The state transportation department with respect
2 to highways under its jurisdiction ~~—AND~~ the county road
3 commissions ~~—and~~ local authorities with ~~reference—~~**RESPECT** to
4 highways under their jurisdiction ~~—may~~ designate certain grade
5 crossings of railways by highways as "stop" crossings, and erect
6 signs at the crossings notifying drivers of vehicles upon the
7 highway to come to a complete stop before crossing the railway
8 tracks. When a crossing is ~~so~~-designated and signposted **AS PROVIDED**
9 **IN THIS SUBSECTION**, the driver of a vehicle shall stop not more
10 than 50 feet but not less than 15 feet from the railway tracks. The
11 driver shall then traverse the crossing when it may be done in
12 safety.

13 (2) The state transportation department with respect to
14 highways under its jurisdiction ~~—AND~~ the county road commissions ~~—~~
15 and local authorities with ~~reference—~~**RESPECT** to highways under
16 their jurisdiction ~~—may~~ designate certain grade crossings of
17 railways by highways as yield crossings, and erect signs at the
18 crossings notifying drivers of vehicles upon the highway to yield.
19 Yield signs may be mounted on the same post as ~~is~~-the crossbuck
20 sign. Drivers of vehicles approaching a yield sign at the grade
21 crossing of a railway shall maintain a reasonable speed based upon
22 existing conditions and shall yield the right-of-way. The cost of
23 yield sign installations shall be borne equally by the railroad and
24 the governmental authority under whose jurisdiction the highway
25 rests. The erection of or failure to erect, replace, or maintain a
26 stop or yield sign or other railroad warning device, unless ~~such~~
27 ~~devices or signs were—~~**THE DEVICE OR SIGN WAS** ordered by public

1 authority, ~~shall~~ **IS** not ~~be~~ a basis for an action of negligence
 2 against the state transportation department, county road
 3 commissions, the railroads, or local authorities.

4 **(3) IF OTHER ON-TRACK EQUIPMENT DOES NOT TRIGGER THE**
 5 **ACTIVATION OF AN ELECTRIC OR MECHANICAL SIGNAL DEVICE, AND**
 6 **EMPLOYEES OF THE RAILROAD HAVE FOLLOWED ALL APPLICABLE RAILROAD**
 7 **OPERATING RULES, THERE IS NO BASIS FOR A CIVIL ACTION AGAINST THE**
 8 **RAILROAD THAT OPERATED THE OTHER ON-TRACK EQUIPMENT, THE STATE**
 9 **TRANSPORTATION DEPARTMENT, A COUNTY ROAD COMMISSION, OR A LOCAL**
 10 **AUTHORITY, OR AN EMPLOYEE OR AGENT OF THE RAILROAD THAT OPERATED**
 11 **THE OTHER ON-TRACK EQUIPMENT, THE STATE TRANSPORTATION DEPARTMENT,**
 12 **A COUNTY ROAD COMMISSION, OR A LOCAL AUTHORITY.**

13 **(4)** ~~(3)~~ A person who fails to stop or yield as required by
 14 this section is responsible for a civil infraction.

15 Sec. 669. (1) Except as provided in subsections (2), (3), and
 16 (4), the driver of a motor vehicle transporting 16 or more
 17 passengers including the driver, a motor vehicle carrying
 18 passengers for hire, or a motor vehicle that is required to be
 19 marked or placarded under 49 CFR parts 100 to 180, before crossing
 20 a railroad track at grade, shall activate the vehicle hazard
 21 warning lights and stop the vehicle within 50 feet but not less
 22 than 15 feet from the nearest rail. While stopped, the driver shall
 23 listen and look in both directions along the track for an
 24 approaching **RAILROAD** train **OR OTHER ON-TRACK EQUIPMENT** and for
 25 signals indicating the approach of a **RAILROAD** train **OR OTHER ON-**
 26 **TRACK EQUIPMENT**, and shall not proceed until the driver can do so
 27 safely. After stopping as required in this subsection, and upon

1 proceeding when it is safe to do so, the driver of the vehicle
2 shall cross only in a gear of the vehicle that does not require
3 changing gears while traversing the crossing. The driver shall not
4 shift gears while crossing the track or tracks.

5 (2) A stop need not be made at a railroad track grade crossing
6 where a police officer or a traffic-control signal directs traffic
7 to proceed.

8 (3) A stop need not be made at an inactive railroad track
9 grade crossing. As used in this subsection, "inactive railroad
10 track" means a railroad track that meets all of the following
11 requirements:

12 (A) ~~(i)~~—The track has been covered or removed.

13 (B) ~~(ii)~~—All signs, signals, and other warning devices are
14 removed.

15 (4) A stop shall not be made at a railroad grade crossing
16 marked with a sign reading "exempt". Exempt signs may be erected
17 only by or with the consent of the state transportation department
18 after notice to and an opportunity to be heard by the primary
19 railroad operating over that crossing.

20 (5) A person who violates this section is responsible for a
21 civil infraction.

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