



SENATE BILL No. 1086

April 12, 1994, Introduced by Senator DILLINGHAM and
referred to the Committee on Transportation and
Tourism

A bill to amend sections 6, 7a, 57, 312e, 627, 669, 682,
713, and 742 of Act No 300 of the Public Acts of 1949, entitled
as amended

"Michigan vehicle code,"

section 6 as amended by Act No 297 of the Public Acts of 1992,
sections 7a and 312e as amended by Act No 100 of the Public Acts
of 1991, section 57 as amended by Act No 346 of the Public Acts
of 1988, section 627 as amended by Act No 165 of the Public Acts
of 1990, sections 669 and 682 as amended by Act No 188 of the
Public Acts of 1990, section 713 as amended by Act No 383 of the
Public Acts of 1988, and section 742 as amended by Act No 89 of
the Public Acts of 1989, being sections 257 6, 257 7a, 257 57,
257 312e, 257 627, 257 669, 257 682, 257 713, and 257 742 of the

Michigan Compiled Laws and to repeal certain parts of the act on a specific date

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Sections 6, 7a, 57, 312e, 627, 669 682, 713
2 and 742 of Act No 300 of the Public Acts of 1949, section 6 as
3 amended by Act No 297 of the Public Acts of 1992, sections 7a
4 and 312e as amended by Act No 100 of the Public Acts of 1991,
5 section 57 as amended by Act No 346 of the Public Acts of 1988,
6 section 627 as amended by Act No 165 of the Public Acts of 1990,
7 sections 669 and 682 as amended by Act No 188 of the Public Acts
8 of 1990, section 713 as amended by Act No 383 of the Public Acts
9 of 1988, and section 742 as amended by Act No 89 of the Public
10 Acts of 1989, being sections 257 6, 257 7a, 257 57, 257 312e,
11 257 627, 257 669, 257 682, 257 713, and 257 742 of the Michigan
12 Compiled Laws, are amended to read as follows

13 Sec 6 (1) Except as otherwise provided in subsection (3),
14 "chauffeur" means any of the following

15 (a) A person who operates a motor vehicle as a motor common
16 carrier of property or a motor contract carrier of property as
17 defined in section 1(f) and (h) of the motor carrier act, Act
18 No 254 of the Public Acts of 1933, being section 475 1 of the
19 Michigan Compiled Laws, or a motor carrier of passengers as
20 defined in section 3 of the motor bus transportation act, Act
21 No 432 of the Public Acts of 1982, being section 474 103 of the
22 Michigan Compiled Laws

23 (b) A person who is employed for the principal purpose of
24 operating a motor vehicle with a GVWR of 10,000 pounds or more

1 (c) A person who operates a BUS, SCHOOL BUS, OR pupil
2 transportation vehicle WHILE IT IS BEING used for the regularly
3 scheduled transportation of pupils between school and home ~~—, or~~
4 ~~a person who operates a bus or school bus—~~

5 (d) A person who operates a taxi

6 (e) A person who operates a limousine as defined by section
7 3 of the limousine transportation act, Act No 271 of the Public
8 Acts of 1990, being section 257 1903 of the Michigan Compiled
9 Laws

10 (2) For purposes of subsection (1)(b), a person shall be
11 considered to be employed for the principal purpose of operating
12 a motor vehicle when the person's employment customarily involves
13 the necessary use of a motor vehicle for hire or for transporting
14 passengers for hire, or for transporting for gain or hire any
15 merchandise for display, sale, or delivery

16 (3) "Chauffeur" does not include any of the following

17 (a) A farmer or an employee of a farmer operating a vehicle
18 exclusively in connection with the farming operations of the
19 farmer

20 (b) A fire fighter or a member of a fire department operat-
21 ing an ambulance

22 (c) Emergency medical services personnel operating an
23 ambulance As used in this subdivision, "emergency medical serv-
24 ices personnel" means that term as defined in section 20904 of
25 the public health code, Act No 368 of the Public Acts of 1978,
26 being section 333 20904 of the Michigan Compiled Laws

1 (d) Michigan department of transportation employees whose
2 work consists of operating vehicles with a gross vehicle weight
3 rating of 10,000 pounds or more for the purpose of transporting
4 highway and bridge maintenance materials and supplies for all
5 aspects of state trunkline maintenance, including winter maintenance and facilities maintenance

7 (e) County road commission employees and other employees of
8 local units of government who do not drive their own vehicles and
9 whose work consists of hauling road building materials and supplies for the road commission or for other municipal purposes

11 (f) A person operating a motor vehicle for a volunteer program who only receives reimbursement for the costs of operating the motor vehicle

14 (g) A person who operates a motor home for personal pleasure

16 (h) A parent or parent's designee for the purpose of transporting pupils to or from school and school related events

18 Sec 7a "Commercial motor vehicle" means a bus a school bus ~~a school transportation vehicle~~ a motor vehicle, except a motor home, having a gross vehicle weight rating or gross combination weight rating of 26,001 or more pounds a motor vehicle towing a vehicle with a gross vehicle weight rating of more than 10,000 pounds or a motor vehicle carrying hazardous material and on which is required to be posted a placard as defined and required under 49 C F R parts 100 to 199 A commercial motor vehicle does not include a vehicle used exclusively to transport personal possessions or family members for nonbusiness purposes

1 Sec 57 "School bus" means every motor vehicle ~~—, except~~
2 ~~station wagons,~~ with a manufacturers' rated seating capacity of
3 ~~16~~ 11 or more passengers, including the driver, owned by a
4 public, private, or governmental agency and operated for the
5 transportation of ~~children~~ PUPILS to or from school OR SCHOOL
6 RELATED EVENTS, or privately owned and operated for compensation
7 for the transportation of ~~children~~ PUPILS to or from school OR
8 SCHOOL RELATED EVENTS School bus does not include buses oper-
9 ated by a ~~municipally owned transportation system~~ PUBLIC TRAN-
10 SIT AGENCY OR AUTHORITY AS DEFINED IN SECTION 5 OF THE PUPIL
11 TRANSPORTATION ACT, ACT NO 187 OF THE PUBLIC ACTS OF 1990, BEING
12 SECTION 257 1805 OF THE MICHIGAN COMPILED LAWS, or by a common
13 passenger carrier certificated by the state transportation
14 department UNLESS THE BUS IS USED EXCLUSIVELY TO TRANSPORT SCHOOL
15 PUPILS

16 Sec 312e (1) Except as OTHERWISE provided in
17 ~~subsections (4), (5), (6), (7), and (8)~~ THIS SECTION, a person,
18 before operating a vehicle towing a vehicle having a gross vehi-
19 cle weight rating over 10,000 pounds shall procure a group A
20 vehicle designation on his or her operator's or chauffeur's
21 license Unless an indorsement is required a person licensed to
22 operate a group A vehicle may operate a group B or C vehicle
23 without taking another test A person, before operating a single
24 vehicle having a gross vehicle weight rating of 26,001 pounds or
25 more, or any combination of vehicles having a gross combination
26 weight rating of 26,001 pounds or more if the vehicle being towed
27 does not have a gross vehicle weight rating over 10,000 pounds,

1 shall procure a group B vehicle designation on his or her
2 operator's or chauffeur's license Unless an indorsement is
3 required, a person licensed to operate a group B vehicle may
4 operate a group C vehicle without taking another test A person,
5 before operating a ~~school transportation vehicle or a~~ single
6 vehicle having a gross vehicle weight rating under 26,001 pounds
7 or a combination of vehicles having a gross combination weight
8 rating under 26,001 pounds if the vehicle being towed does not
9 have a gross vehicle weight rating over 10,000 pounds and carry-
10 ing hazardous materials on which a placard is required under 49
11 C F R parts 100 to 199, or designed to transport 16 or more pas-
12 sengers including the driver shall procure a group C vehicle
13 designation and a hazardous material or passenger vehicle
14 indorsement on his or her operator's or chauffeur's license An
15 applicant for a vehicle group designation shall take knowledge
16 and driving skills tests that comply with minimum federal stan-
17 dards prescribed in 49 C F R part 383 as required under this
18 act The license shall be issued, suspended, revoked, canceled
19 or renewed in accordance with this act Except as provided in
20 this subsection, all of the following apply

21 (a) A person who takes the driving test required under
22 section 312f for a group A vehicle designation in a combination
23 of vehicles having a gross combination weight rating under 26,001
24 pounds shall not operate a single vehicle having a gross vehicle
25 weight rating of 26,001 pounds or more or any combination of
26 vehicles having a gross combination weight rating of 26,001
27 pounds or more if the vehicle being towed has a gross vehicle

1 weight rating of 10,001 pounds or more or the towing vehicle has
2 a gross vehicle weight rating of 26,001 pounds or more

3 (b) A person who has a group B vehicle designation that is
4 not restricted under this subsection and who takes the driving
5 test required under section 312f for a group A vehicle designa-
6 tion in a combination of vehicles having a gross combination
7 weight rating under 26,001 pounds shall not operate any combina-
8 tion of vehicles having a gross combination weight rating of
9 26,001 pounds or more if the vehicle being towed has a gross
10 vehicle weight rating of 10,001 pounds or more

11 (c) A person who takes the driving test required under
12 section 312f for a group B vehicle designation in a combination
13 of vehicles in which the towing vehicle has a gross vehicle
14 weight rating under 26,001 pounds shall not operate a single
15 vehicle having a gross vehicle weight rating of 26,001 pounds or
16 more, or any combination of vehicles if the towing vehicle has a
17 gross vehicle weight rating of 26 001 pounds or more

18 (2) A person, before operating a commercial motor vehicle
19 pulling double trailers shall procure the appropriate vehicle
20 group designation and a T vehicle indorsement under this act A
21 person, before operating a commercial motor vehicle that is a
22 tank vehicle, shall procure the appropriate vehicle group desig-
23 nation and an N vehicle indorsement under this act A person,
24 before operating a commercial motor vehicle carrying hazardous
25 materials on which a placard is required under 49 C F R parts
26 100 to 199, shall procure the appropriate vehicle group
27 designation and an H vehicle indorsement under this act A

1 person, before operating a commercial motor vehicle that is a
 2 tank vehicle carrying hazardous material, shall procure the
 3 appropriate vehicle group designation and both an N and H vehicle
 4 indorsement, which combination vehicle indorsement shall be des-
 5 ignated by the code letter X on the person's operator's or
 6 chauffeur's license A person, before operating a bus ~~—~~ OR
 7 school bus, ~~or school transportation vehicle,~~ shall procure the
 8 appropriate vehicle group designation and a P vehicle indorsement
 9 under this act A person who fails the air brake portion of the
 10 written or driving tests provided under section 312f or who takes
 11 the driving test provided under that section in a commercial
 12 motor vehicle that is not equipped with air brakes shall not
 13 operate a commercial motor vehicle equipped with air brakes One
 14 or more indorsements may be necessary to operate a commercial
 15 motor vehicle An applicant for an indorsement shall take the
 16 knowledge and driving skills tests described and required pursu-
 17 ant to 49 C F R part 383 Knowledge tests shall be limited to
 18 that which a driver must have for the safe operation of a commer-
 19 cial motor vehicle The driver is not expected to have knowledge
 20 of subjects, such as vehicle mechanics, that go beyond the scope
 21 of the information necessary for safe operation of his or her
 22 commercial motor vehicle An applicant for a P vehicle indorse-
 23 ment shall take the driving skills test in a bus or school bus
 24 (3) The holder of an unexpired operator's or chauffeur's
 25 license may be issued a vehicle group designation and indorsement
 26 valid for the remainder of the license upon meeting the
 27 qualifications of section 312f and payment of the original

1 vehicle group designation fee of \$20 00 and an indorsement fee of
2 \$5 00 per indorsement for a 4-year operator's or chauffeur's
3 license, payment of a vehicle group designation fee of \$20 00 for
4 a 2-year operator's or chauffeur's license under section 314b and
5 an indorsement fee of \$5 00 per indorsement, and a corrected
6 license fee of \$6 00 A person required to procure an F vehicle
7 indorsement pursuant to subsection (5) shall pay an indorsement
8 fee of \$5 00

9 (4) Except as otherwise provided in subsections (5) and (6),
10 this section does not apply to a driver or operator of a vehicle
11 under all of the following conditions

12 (a) The vehicle is controlled and operated by a farmer or an
13 employee or family member of the farmer

14 (b) The vehicle is used to transport agricultural products
15 farm machinery, farm supplies, or a combination of these items,
16 to or from a farm

17 (c) The vehicle is not used in the operation of a common or
18 contract motor carrier

19 (d) The vehicle is operated within 150 miles of the farm

20 (5) A person, before driving or operating a combination of
21 vehicles having a gross vehicle weight rating of 26,001 pounds or
22 more on the power unit that is used as described in
23 subsection (4)(a) to (d), shall obtain an F vehicle indorsement
24 The F vehicle indorsement shall be issued upon successful comple-
25 tion of a knowledge test only

26 (6) A person, before driving or operating a single vehicle
27 truck having a gross vehicle weight rating of 26,001 pounds or

1 more or a combination of vehicles having a gross vehicle weight
2 rating of 26,001 pounds or more on the power unit that is used as
3 described in subsection (4)(a) to (d) for carrying hazardous
4 materials on which a placard is required under 49 C F R parts
5 100 to 199, shall successfully complete both a knowledge test and
6 a driving skills test Upon successful completion of the knowl-
7 edge test and driving skills test, the person shall be issued the
8 appropriate vehicle group designation and any vehicle indorsement
9 necessary under this act

10 (7) This section does not apply to a fire fighter operating
11 an authorized emergency vehicle who has met the driver training
12 standards of the Michigan fire fighters' training council

13 (8) This section does not apply to a person operating a
14 motor home or a vehicle used exclusively to transport personal
15 possessions or family members for nonbusiness purposes

16 (9) A licensee who holds an operator's or chauffeur's
17 license with a class 1 indorsement issued before January 1, 1990,
18 may operate a single vehicle weighing over 24,000 pounds gross
19 vehicle weight without having been issued a group B vehicle des-
20 ignation on his or her license until the license expires as pro-
21 vided in subsection (10) A licensee who holds an operator's or
22 chauffeur's license with a class 2 indorsement issued before
23 January 1, 1990, may operate a combination of vehicles weighing
24 over 24,000 pounds gross vehicle weight or a vehicle towing a
25 vehicle weighing over 10,000 pounds gross vehicle weight or a
26 single vehicle weighing over 24,000 pounds gross vehicle weight
27 without having been issued a group A or B vehicle designation on

1 his or her license until the license expires as provided in
 2 subsection (10) A licensee who holds an operator's or
 3 chauffeur's license with a class 3 indorsement issued before
 4 January 1, 1990, may operate a bus or school bus without having
 5 been issued a vehicle group designation or passenger vehicle
 6 indorsement on his or her license until the license expires as
 7 provided in subsection (10) ~~A licensee who holds a chauffeur's~~
 8 ~~license issued before January 1, 1990 may operate a school trans-~~
 9 ~~portation vehicle without having been issued a vehicle group des-~~
 10 ~~ignation or passenger vehicle indorsement on his or her license~~
 11 ~~until the license expires as provided in subsection (10)~~

12 (10) The class 1, class 2 or class 3 indorsement on a
 13 person's operator's or chauffeur's license that expires after
 14 March 31, 1992 shall expire on the person's next birthday after
 15 March 31, 1991

16 (11) The money received and collected under subsection (3)
 17 for a vehicle group designation or indorsement shall be deposited
 18 in the state treasury to the credit of the general fund The
 19 secretary of state shall refund out of the fees collected to each
 20 county or municipality acting as an examining officer or examin-
 21 ing bureau \$3 00 for each applicant examined for a first designa-
 22 tion or indorsement to a 4-year operator's or chauffeur's
 23 license, \$2 50 for each original designation or indorsement to a
 24 2-year operator's or chauffeur's license, \$1 50 for each renewal
 25 designation or indorsement to a 2- or 4-year operator's or
 26 chauffeur's license, whose application is not denied, on the
 27 condition that the money refunded shall be paid to the county or

1 local treasurer and is appropriated to the county, municipality,
2 or officer or bureau receiving that money for the purpose of car-
3 rying out this act

4 (12) Notwithstanding any other provision of this section, a
5 person operating a vehicle described in subsections (4) and (5)
6 is subject to the provisions of sections 303 and 319b

7 Sec 627 (1) A person driving a vehicle on a highway shall
8 drive at a careful and prudent speed not greater than nor less
9 than is reasonable and proper, having due regard to the traffic,
10 surface, and width of the highway and of any other condition then
11 existing A person shall not drive a vehicle upon a highway at a
12 speed greater than that which will permit a stop within the
13 assured clear distance ahead

14 (2) Subject to subsection (1) and except in those instances
15 where a lower speed is specified in this chapter it is prima
16 facie lawful for the driver of a vehicle to drive at a speed not
17 exceeding the following, except when this speed would be unsafe

18 (a) 25 miles an hour on all highways in a business or resi-
19 dence district as defined in this act

20 (b) 25 miles an hour in public parks unless a different
21 speed is fixed and duly posted

22 (3) It is prima facie unlawful for a person to exceed the
23 speed limits prescribed in subsection (2), except as provided in
24 section 629

25 (4) The driver of a vehicle in a mobile home park as defined
26 in section 2 of the mobile home commission act, Act No 96 of the
27 Public Acts of 1987, being section 125 2302 of the Michigan

1 Compiled Laws, shall drive at a careful and prudent speed, not
2 greater than a speed which is reasonable and proper having due
3 regard for the traffic, surface, width of the roadway, and all
4 other conditions existing, and not greater than a speed which
5 will permit a stop within the assured clear distance ahead It
6 is prima facie unlawful for the driver of a vehicle to drive at a
7 speed exceeding 15 miles an hour in a mobile home park as defined
8 in section 2 of Act No 96 of the Public Acts of 1987

9 (5) A person driving a passenger vehicle drawing another
10 vehicle or trailer shall not exceed a speed of 55 miles per hour,
11 unless the vehicle or trailer has 2 wheels or less and does not
12 exceed the combined weight of 750 pounds for the vehicle or
13 trailer and load, or a trailer coach of not more than 26 feet in
14 length with brakes on each wheel and attached to the passenger
15 vehicle with an equalizing or stabilizing coupling unit

16 (6) A truck with a gross weight of 10,000 pounds or more, a
17 truck-tractor with a trailer, or a combination of these vehicles
18 shall not exceed a speed of 55 miles per hour on highways,
19 streets, or freeways and shall not exceed a speed of 35 miles
20 per hour during the period when reduced loadings are being
21 enforced in accordance with this chapter

22 (7) A person driving a school bus shall not exceed the speed
23 of ~~50~~ 55 miles per hour

24 (8) The maximum rates of speeds allowed pursuant to this
25 section are subject to the maximum rate established pursuant to
26 section 629b

1 (9) A person operating a vehicle on a highway, when entering
 2 and passing through a designated work area where a normal lane or
 3 part of the lane of traffic has been closed due to highway con-
 4 struction, maintenance, or surveying activities, shall not exceed
 5 a speed of 45 miles per hour unless otherwise determined and
 6 posted by the state transportation department, a county road com-
 7 mission, or a local authority The state transportation depart-
 8 ment, a county road commission or a local authority shall iden-
 9 tify on streets and highways under its jurisdiction a designated
 10 work area with traffic control devices which are in conformance
 11 with the Michigan manual of uniform traffic control devices A
 12 person shall not exceed a speed limit established under this sec-
 13 tion or a speed limit established pursuant to section 628 or
 14 629

15 (10) A person who violates this section is responsible for a
 16 civil infraction

17 Sec 669 (1) Except as provided in subsections (2), (3),
 18 and (4) BEFORE CROSSING A RAILROAD TRACK AT GRADE, the driver of
 19 a motor vehicle carrying passengers for hire, ~~before crossing a~~
 20 ~~railroad track at grade~~ THE DRIVER OF A SCHOOL BUS OR THE
 21 DRIVER OF A VEHICLE CARRYING HAZARDOUS MATERIAL OR OTHER CARGO
 22 THAT IS REQUIRED TO STOP PURSUANT TO 49 C F R 392 10, shall stop
 23 the vehicle within 50 feet but not less than ~~10 feet or not less~~
 24 ~~than 15 feet in the case of a vehicle carrying hazardous mate-~~
 25 ~~rials on which a placard is required to be posted pursuant to 49~~
 26 ~~C F R 171 parts 100 to 199,~~ from the nearest rail and while
 27 stopped shall listen and look in both directions along the track

1 for an approaching train and for signals indicating the approach
2 of a train, and shall not proceed until the driver can do so
3 safely After stopping as required in this subsection, and upon
4 proceeding when it is safe to do so, the driver of the vehicle
5 shall cross only in a gear of the vehicle that does not require
6 changing gears while traversing the crossing The driver shall
7 not shift gears while crossing the track or tracks

8 (2) A stop need not be made at a railroad track grade cross-
9 ing where a police officer or a traffic-control signal directs
10 traffic to proceed

11 (3) A stop need not be made at an abandoned railroad track
12 grade crossing As used in this subsection, "abandoned railroad
13 track" means a railroad track which meets all of the following
14 requirements

15 (1) The track has been abandoned pursuant to Act No 56 of
16 the Public Acts of 1919, being sections 469 241 to 469 246 of the
17 Michigan Compiled Laws section 14 of Act No 300 of the Public
18 Acts of 1909, as amended, being section 462 14 of the Michigan
19 Compiled Laws or federal law

20 (11) The track has been covered or removed

21 (111) All signs, signals, and other warning devices are
22 removed

23 (4) A stop shall not be made at a railroad track grade
24 crossing on a freeway or limited access highway where the cross-
25 ing is protected by a clearly visible signal, crossing gate, or
26 barrier at a time when the signal, crossing gate or barrier is
27 not activated

1 (5) A person who violates this section on or after August 1,
2 1979, is responsible for a civil infraction

3 Sec 682 (1) The driver of a vehicle overtaking or meeting
4 a school bus which has stopped ON A HIGHWAY OR PRIVATE ROAD and
5 is displaying ~~-2-~~ alternately flashing OVERHEAD red lights
6 ~~located at the same level~~ shall bring the vehicle to a full
7 stop not less than 20 feet from the school bus and shall not pro-
8 ceed until the school bus resumes motion or the ~~visual signals~~
9 FLASHING RED LIGHTS are no longer actuated ~~At an intersection~~
10 ~~where traffic is controlled by an officer or a traffic~~
11 ~~stop and go signal a vehicle need not be brought to a full stop~~
12 ~~before passing a stopped school bus, but may proceed past the~~
13 ~~school bus at a speed not greater than is reasonable and proper~~
14 ~~but not greater than 10 miles an hour and with due caution for~~
15 ~~the safety of passengers being received or discharged from the~~
16 ~~school bus~~ The driver of a vehicle who fails to stop for a
17 school bus as required by this subsection, who passes a school
18 bus in violation of this subsection, or who fails to stop for a
19 school bus in violation of an ordinance that complies with this
20 subsection, is responsible for a civil infraction

21 (2) THE DRIVER OF A VEHICLE APPROACHING A SCHOOL BUS ON A
22 HIGHWAY OR PRIVATE ROAD WHICH IS DISPLAYING ALTERNATELY FLASHING
23 OVERHEAD AMBER LIGHTS SHALL USE CAUTION, AND SHALL NOT INCREASE
24 THE SPEED OF THE VEHICLE IN ORDER TO PASS THE SCHOOL BUS

25 (3) ~~-(2)-~~ The driver of a vehicle upon a highway OR PRIVATE
26 ROAD which has been divided into 2 roadways by leaving an
27 intervening space, or by a physical barrier, or clearly indicated

1 dividing sections so constructed as to impede vehicular traffic,
2 need not stop upon meeting a school bus which has stopped across
3 the dividing space, barrier, or section

4 (4) ~~—(3)—~~ In a proceeding for a violation of subsection (1)
5 OR (2), proof that the particular vehicle described in the
6 citation was in violation of subsection (1) OR (2), together with
7 proof that the defendant named in the citation was, at the time
8 of the violation, the registered owner of the vehicle, shall con-
9 stitute in evidence a presumption that the registered owner of
10 the vehicle was the driver of the vehicle at the time of the
11 violation

12 (5) ~~—(4)—~~ THE DRIVER OF A VEHICLE WHO FAILS TO STOP FOR A
13 SCHOOL BUS AS REQUIRED BY THIS SECTION, WHO PASSES A SCHOOL BUS
14 IN VIOLATION OF THIS SECTION, OR WHO PASSES OR FAILS TO STOP FOR
15 A SCHOOL BUS IN VIOLATION OF AN ORDINANCE THAT COMPLIES WITH THIS
16 SECTION, IS RESPONSIBLE FOR A CIVIL INFRACTION In addition to
17 the civil fine and costs provided for a civil infraction under
18 section 907, the judge, district court referee, or district court
19 magistrate may order a person who violates this section to per-
20 form not to exceed 100 hours of community service ~~at a school~~

21 Sec 713 (1) When a motor truck of a gross weight in
22 excess of 10 000 pounds, truck tractor, trailer, semitrailer,
23 pole trailer, bus, SCHOOL BUS, PUPIL TRANSPORTATION VEHICLE AS
24 DEFINED IN SECTION 5 OF THE PUPIL TRANSPORTATION ACT, ACT NO 187
25 OF THE PUBLIC ACTS OF 1990, BEING SECTION 257 1805 OF THE
26 MICHIGAN COMPILED LAWS, or a truck regardless of weight when
27 carrying hazardous materials on which a placard is required to be

1 posted pursuant to 49 C F R 171 parts 100 to 199 is stopped upon
2 the traveled portion of a highway or the shoulder of a highway
3 for any cause, other than necessary traffic stops, the driver of
4 the stopped vehicle shall immediately flash the 2 front and 2
5 rear turn signals simultaneously as a vehicular traffic hazard
6 warning and shall continue the flashing until he or she places
7 the warning devices required by this subsection in use on the
8 highways except as provided in subsection (2) The flashing sig-
9 nals shall be used during the time the warning devices are picked
10 up for storage before movement of the vehicle The flashing
11 lights may be used at other times while a vehicle is stopped in
12 addition to, but not in place of, the following warning devices
13 required by this subsection

14 (a) Except as provided in subdivision (b), when a vehicle
15 described in this subsection is stopped upon the traveled portion
16 of a highway or the shoulder of a highway for any cause, other
17 than necessary traffic stops, the driver shall, as soon as possi-
18 ble but not later than 10 minutes, place the warning devices
19 with which his or her vehicle is equipped pursuant to section
20 712, which shall be 3 emergency reflective triangles, 3 electric
21 emergency lanterns, 3 liquid-burning emergency flares, or 3 red
22 emergency reflectors The warning devices shall be placed in the
23 following manner

24 (1) One at the traffic side of the stopped vehicle, within
25 10 feet of the front or rear of the vehicle

26 (11) One at a distance of approximately 100 feet from the
27 rear of the stopped vehicle or load in the center of the traffic

1 lane or shoulder occupied by the vehicle and facing traffic
2 approaching the rear of the vehicle

3 (111) One at a distance of approximately 100 feet from the
4 front of the stopped vehicle, in the center of the traffic lane
5 or shoulder occupied by the vehicle, and facing oncoming traffic
6 in the opposite lane

7 (b) The following special rules apply to the placement of
8 warning devices

9 (1) The driver of a vehicle equipped with liquid-burning
10 flares or pot torches shall first place a fusee at the locations
11 specified in subdivision (a)

12 (11) Except as provided in subparagraph (111) relative to
13 business and residential districts during the period lighted
14 lamps are not required 3 emergency triangles shall be placed as
15 specified in subdivision (a) or 2 red flags shall be placed as
16 specified in subdivision (a)(11) and subparagraph (111)

17 (111) The placement of warning devices is not required
18 within the business or residential district of a municipality,
19 except during the time lighted lamps are required and when street
20 or highway lighting is insufficient to make a vehicle clearly
21 discernible to persons on the highway at a distance of 500 feet

22 (1v) If a vehicle is stopped within 500 feet of a curve,
23 crest of a hill, or other obstruction to view the driver shall
24 place the warning signals required by subdivision (a) in the
25 direction of the obstruction to view at a distance of 100 feet to
26 500 feet from the stopped vehicle so as to afford ample warning
27 to other users of the highway

1 (v) If a vehicle is stopped upon the traveled portion or the
2 shoulder of a divided or 1-way highway, the driver shall place
3 the warning devices required by subdivision (a) so that 1 warning
4 device is at a distance of 200 feet and 1 warning device is at a
5 distance of 100 feet in the direction of approaching traffic
6 The devices shall be placed in the center of the lane or shoulder
7 occupied by the vehicle The driver shall place 1 warning device
8 at the traffic side of the vehicle within 10 feet of the rear of
9 the vehicle

10 (v1) If gasoline or any other flammable liquid, combustible
11 liquid, or gas seeps or leaks from a fuel container or a vehicle
12 stopped upon a highway, an emergency warning signal producing a
13 flame shall not be lighted or placed unless it is lighted or
14 placed at a distance from the liquid or gas which assures that a
15 fire or explosion will not occur

16 (2) When a vehicle used in the transportation of inflammable
17 liquids in bulk, or transporting compressed inflammable gases is
18 disabled upon a highway at any time or place mentioned in subsec-
19 tion (1), the driver of the vehicle shall display upon the road-
20 way the following lighted warning devices

21 (a) One red electric lantern shall be immediately placed on
22 the roadway at the traffic side of the vehicle and 2 other red
23 electric lanterns shall be placed to the front and rear of the
24 vehicle in the same manner prescribed in subsection (1) for
25 flares

1 (b) When a vehicle of a type specified in this subsection is
2 disabled, the use of flares, fusees, or any signal produced by
3 flame as warning signals is prohibited

4 (3) When a vehicle of a type referred to in this section is
5 disabled upon the traveled portion of a highway or the shoulder
6 of the highway, outside of a municipality at any time when the
7 display of fusees, flares, or electric lanterns is not required,
8 the driver of the vehicle shall display 2 red flags upon the
9 roadway in the lane of traffic occupied by the disabled vehicle,
10 1 at a distance of approximately 100 feet in advance of the vehi-
11 cle, and 1 at a distance of approximately 100 feet to the rear of
12 the vehicle

13 (4) In the alternative it shall be considered compliance
14 with this section if 3 portable reflector units on standards of a
15 type approved by the department of state police are displayed at
16 the times and under the conditions specified in this section
17 either during the daytime or at nighttime, the portable reflector
18 units shall be placed on the roadway in the locations as
19 described with reference to the placing of electric lanterns and
20 lighted flares

21 (5) The flares, fusees, lanterns, portable reflectors,
22 flags, and bidirectional emergency reflective triangles to be
23 displayed as required in this section shall conform with the
24 applicable requirements of section 712

25 Sec 742 (1) A police officer who witnesses a person vio-
26 lating this act or a local ordinance substantially corresponding
27 to this act, which violation is a civil infraction, may stop the

1 person, detain the person temporarily for purposes of making a
2 record of vehicle check, and prepare and subscribe, as soon as
3 possible and as completely as possible, an original and 3 copies
4 of a written citation, which shall be a notice to appear in court
5 for 1 or more civil infractions If a police officer of a vil-
6 lage, city, township, or county, or a police officer who is an
7 authorized agent of a county road commission, witnesses a person
8 violating this act or a local ordinance substantially correspond-
9 ing to this act within that village, city, township, or county
10 and that violation is a civil infraction, that police officer may
11 pursue, stop, and detain the person outside the village city,
12 township, or county where the violation occurred for the purpose
13 of exercising the authority and performing the duties prescribed
14 in this section and section 749 as applicable

15 (2) Any police officer, having reason to believe that the
16 load, weight, height, length, or width of a vehicle or load are
17 in violation of section 717 719 719a, 722, 724, 725, or 726
18 which violation is a civil infraction may require the driver of
19 the vehicle to stop, and the officer may investigate, weigh or
20 measure the vehicle or load If after personally investigating
21 weighing, or measuring the vehicle or load, the officer deter-
22 mines that the load, weight, height, length, or width of the
23 vehicle or load are in violation of section 717, 719, 719a, 722,
24 724, 725, or 726, the officer may temporarily detain the driver
25 of the vehicle for purposes of making a record or vehicle check
26 and issue a citation to the driver or owner of the vehicle as
27 provided in those sections

1 (3) A police officer may issue a citation to a person who is
2 a driver of a motor vehicle involved in an accident when based
3 upon personal investigation, the officer has reasonable cause to
4 believe that the person is responsible for a civil infraction in
5 connection with the accident ~~A police officer may issue a~~
6 ~~citation to a person who is a driver of a motor vehicle when,~~
7 ~~based upon personal investigation by the police officer of a com-~~
8 ~~plaint by someone who witnessed the person violating this act or~~
9 ~~a local ordinance substantially corresponding to this act, which~~
10 ~~violation is a civil infraction, the officer has reasonable cause~~
11 ~~to believe that the person is responsible for a civil infraction~~
12 ~~and if the prosecuting attorney or attorney for the political~~
13 ~~subdivision approves in writing the issuance of the citation--~~

14 (4) A POLICE OFFICER MAY ISSUE A CITATION TO THE REGISTERED
15 OWNER OF A VEHICLE PURSUANT TO SECTION 682(4), OR TO THE OPERATOR
16 OF THE VEHICLE WHEN THE IDENTITY OF THE OPERATOR CAN BE DETER-
17 MINED, WHEN THE VEHICLE WAS REPORTED BY THE APPROPRIATE SCHOOL
18 AUTHORITY TO HAVE VIOLATED SECTION 682, AND THE VIOLATION HAS
19 BEEN SUBSTANTIATED BASED UPON PERSONAL INVESTIGATION BY A POLICE
20 OFFICER

21 (5) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (3) AND (4),
22 A POLICE OFFICER MAY ISSUE A CITATION TO A PERSON WHO IS A DRIVER
23 OF A MOTOR VEHICLE WHEN, BASED UPON PERSONAL INVESTIGATION BY THE
24 POLICE OFFICER OF A COMPLAINT INITIATED BY A PERSON WHO WITNESSED
25 THE PERSON VIOLATING THIS ACT OR A LOCAL ORDINANCE SUBSTANTIALLY
26 CORRESPONDING TO THIS ACT, WHICH VIOLATION IS A CIVIL INFRACTION,
27 THE OFFICER HAS REASONABLE CAUSE TO BELIEVE THAT THE PERSON IS

1 RESPONSIBLE FOR A CIVIL INFRACTION AND IF THE PROSECUTING
2 ATTORNEY OR ATTORNEY FOR THE POLITICAL SUBDIVISION APPROVES IN
3 WRITING THE ISSUANCE OF THE CITATION

4 (6) ~~-(4)-~~ The form of a citation issued under subsection
5 (1), (2), ~~or~~ (3), (4), OR (5) shall be as prescribed in sec-
6 tions 727c and 743

7 (7) ~~-(5)-~~ The officer shall inform the person of the alleged
8 civil infraction or infractions and shall deliver the third copy
9 of the citation to the alleged offender EXCEPT AS PROVIDED IN
10 SUBSECTION (8)

11 (8) ~~-(6)-~~ In a civil infraction action involving A VIOLATION
12 OF SECTION 682 OR the parking or standing of a motor vehicle, a
13 copy of the citation need not be served personally upon the
14 defendant but may be served upon the registered owner by attach-
15 ing the copy to the vehicle A city may authorize personnel
16 other than a police officer to issue and serve a citation for a
17 violation of its ordinance involving the parking or standing of a
18 motor vehicle A city may authorize a person other than person-
19 nel or a police officer to issue and serve a citation for a vio-
20 lation of an ordinance pertaining to handicapper parking if the
21 city has complied with the requirements of section 675d State
22 security personnel receiving authorization under section 6c of
23 Act No 59 of the Public Acts of 1935, being section 28 6c of the
24 Michigan Compiled Laws, may issue and serve citations for viola-
25 tions involving the parking or standing of vehicles on land owned
26 by the state or land of which the state is the lessee when

1 authorized to do so by the director of the department of state
2 police

3 (9) ~~-(7)-~~ If a parking violation notice other than a
4 citation is attached to a motor vehicle, and if an admission of
5 responsibility is not made and the civil fine and costs, if any,
6 prescribed by ordinance for the violation are not paid at the
7 parking violations bureau, a citation may be filed with the court
8 described in section 741(4) and a copy of the citation may be
9 served by first-class mail upon the registered owner of the vehi-
10 cle at the owner's last known address A parking violation
11 notice may be issued by a police officer, including a limited
12 duty officer, or other personnel duly authorized by the city,
13 village, township, college, or university to issue such a notice
14 under its ordinance The citation filed with the court pursuant
15 to this subsection need not comply in all particulars with sec-
16 tions 727c and 743 but shall consist of a sworn complaint con-
17 taining the allegations stated in the parking violation notice
18 and shall fairly inform the defendant how to respond to the
19 citation

20 (10) ~~-(8)-~~ A citation issued under subsection ~~-(6)-~~ (8) or
21 ~~-(7)-~~ (9) for a VIOLATION OF SECTION 682 OR A parking or standing
22 violation shall be processed in the same manner as a citation
23 issued personally to a defendant pursuant to subsection (1) or
24 (3)

25 (11) ~~-(9)-~~ As used in subsection ~~-(7)-~~ (9)

26 (a) "Parking violation notice" means a notice, other than a
27 citation, directing a person to appear at a parking violations

1 bureau in the city, village, or township in which, or of the
2 college or university for which, the notice is issued and to pay
3 the fine and costs, if any, prescribed by ordinance for the park-
4 ing or standing of a motor vehicle in violation of the
5 ordinance

6 (b) "Parking violations bureau" means a parking violations
7 bureau established pursuant to section 8395 of the revised judi-
8 cature act of 1961, Act No 236 of the Public Acts of 1961, as
9 amended, being section 600 8395 of the Michigan Compiled Laws,
10 the violations bureau established within the traffic and ordi-
11 nance division of the recorder's court of the city of Detroit, or
12 a comparable parking violations bureau established in a city or
13 village served by a municipal court or established pursuant to
14 law by the governing board of a state university or college

15 Section 2 Sections 57c and 627b of Act No 300 of the
16 Public Acts of 1949, being sections 257 57c and 257 627b of the
17 Michigan Compiled Laws, are repealed

18 Section 3 This amendatory act shall take effect June 30,
19 1994