

HB 5549, As Passed Senate, December 14, 2000

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5549**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
(MCL 257.1 to 257.923) by adding section 653a.

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, THE DRIVER OF AN APPROACHING
5 VEHICLE SHALL EXHIBIT DUE CARE AND CAUTION, AS REQUIRED UNDER THE
6 FOLLOWING:

7 (A) ON ANY PUBLIC ROADWAY WITH AT LEAST 2 ADJACENT LANES
8 PROCEEDING IN THE SAME DIRECTION OF THE STATIONARY AUTHORIZED
9 EMERGENCY VEHICLE, THE DRIVER OF THE APPROACHING VEHICLE SHALL
10 PROCEED WITH CAUTION AND YIELD THE RIGHT-OF-WAY BY MOVING INTO A
11 LANE AT LEAST 1 MOVING LANE OR 2 VEHICLE WIDTHS APART FROM THE

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1 STATIONARY AUTHORIZED EMERGENCY VEHICLE, UNLESS DIRECTED
2 OTHERWISE BY A POLICE OFFICER. IF MOVEMENT TO AN ADJACENT LANE
3 OR 2 VEHICLE WIDTHS APART IS NOT POSSIBLE DUE TO WEATHER, ROAD
4 CONDITIONS, OR THE IMMEDIATE PRESENCE OF VEHICULAR OR PEDESTRIAN
5 TRAFFIC IN PARALLEL MOVING LANES, THE DRIVER OF THE APPROACHING
6 VEHICLE SHALL PROCEED AS REQUIRED IN SUBDIVISION (B).

7 (B) ON ANY PUBLIC ROADWAY THAT DOES NOT HAVE AT LEAST 2
8 ADJACENT LANES PROCEEDING IN THE SAME DIRECTION AS THE STATIONARY
9 AUTHORIZED EMERGENCY VEHICLE, OR IF THE MOVEMENT BY THE DRIVER OF
10 THE VEHICLE INTO AN ADJACENT LANE OR 2 VEHICLE WIDTHS APART IS
11 NOT POSSIBLE AS DESCRIBED IN SUBDIVISION (A), THE APPROACHING
12 VEHICLE SHALL REDUCE AND MAINTAIN A SAFE SPEED FOR WEATHER, ROAD
13 CONDITIONS, AND VEHICULAR OR PEDESTRIAN TRAFFIC AND PROCEED WITH
14 DUE CARE AND CAUTION, OR AS DIRECTED BY A POLICE OFFICER.

15 (2) EXCEPT AS PROVIDED IN SUBSECTIONS (3) AND (4), A PERSON
16 WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR PUNISHABLE
17 BY A FINE OF NOT MORE THAN \$500.00 OR IMPRISONMENT FOR NOT MORE
18 THAN 90 DAYS, OR BOTH.

19 (3) A PERSON WHO VIOLATES THIS SECTION AND CAUSES INJURY TO
20 A POLICE OFFICER, FIREFIGHTER, OR OTHER EMERGENCY RESPONSE PER-
21 SONNEL IN THE IMMEDIATE AREA OF THE STATIONARY AUTHORIZED EMER-
22 GENCY VEHICLE IS GUILTY OF A FELONY PUNISHABLE BY A FINE OF NOT
23 MORE THAN \$1,000.00 OR IMPRISONMENT FOR NOT MORE THAN 2 YEARS, OR
24 BOTH.

25 (4) A PERSON WHO VIOLATES THIS SECTION AND CAUSES DEATH TO A
26 POLICE OFFICER, FIREFIGHTER, OR OTHER EMERGENCY RESPONSE
27 PERSONNEL IN THE IMMEDIATE AREA OF THE STATIONARY AUTHORIZED

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1 EMERGENCY VEHICLE IS GUILTY OF A FELONY PUNISHABLE BY A FINE OF
2 NOT MORE THAN \$7,500.00 OR BY IMPRISONMENT FOR NOT MORE THAN
3 15 YEARS, OR BOTH.

4 Enacting section 1. This amendatory act does not take
5 effect unless House Bill No. 6177 of the 90th Legislature is
6 enacted into law.