

SUBSTITUTE FOR

SENATE BILL NO. 479

(As amended, June 6, 2007)

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1           SEC. 653B. (1) UPON APPROACHING AND PASSING A STATIONARY SOLID  
2 WASTE COLLECTION VEHICLE, A UTILITY SERVICE VEHICLE, A ROAD SERVICE  
3 VEHICLE, OR A ROAD MAINTENANCE VEHICLE THAT IS GIVING A VISUAL  
4 SIGNAL BY MEANS OF FLASHING, ROTATING, OR OSCILLATING <<RED OR>> AMBER  
LIGHTS  
5 AS PERMITTED BY SECTION 698, THE DRIVER OF AN APPROACHING VEHICLE  
6 SHALL EXHIBIT DUE CARE AND CAUTION, AS REQUIRED UNDER THE  
7 FOLLOWING:  
8           (A) ON ANY PUBLIC ROADWAY WITH AT LEAST 2 ADJACENT LANES  
9 PROCEEDING IN THE SAME DIRECTION OF THE STATIONARY SOLID WASTE  
10 COLLECTION VEHICLE, THE UTILITY SERVICE VEHICLE, THE ROAD SERVICE

Senate Bill No. 479 as amended June 6, 2007

1 VEHICLE, OR THE ROAD MAINTENANCE VEHICLE, THE DRIVER OF THE  
 2 APPROACHING VEHICLE SHALL PROCEED WITH CAUTION AND YIELD THE RIGHT-  
 3 OF-WAY BY MOVING INTO A LANE AT LEAST 1 MOVING LANE OR 2 VEHICLE  
 4 WIDTHS APART FROM THE STATIONARY SOLID WASTE COLLECTION VEHICLE,  
 5 THE UTILITY SERVICE VEHICLE, THE ROAD SERVICE VEHICLE, OR THE ROAD  
 6 MAINTENANCE VEHICLE. IF MOVEMENT TO AN ADJACENT LANE OR 2 VEHICLE  
 7 WIDTHS APART IS NOT POSSIBLE DUE TO WEATHER, ROAD CONDITIONS, OR  
 8 THE IMMEDIATE PRESENCE OF VEHICULAR OR PEDESTRIAN TRAFFIC IN  
 9 PARALLEL MOVING LANES, THE DRIVER OF THE APPROACHING VEHICLE SHALL  
 10 PROCEED AS REQUIRED IN SUBDIVISION (B).

11 (B) ON ANY PUBLIC ROADWAY THAT DOES NOT HAVE AT LEAST 2  
 12 ADJACENT LANES PROCEEDING IN THE SAME DIRECTION AS THE STATIONARY  
 13 SOLID WASTE COLLECTION VEHICLE, THE UTILITY SERVICE VEHICLE, THE  
 14 ROAD SERVICE VEHICLE, OR THE ROAD MAINTENANCE VEHICLE, OR IF THE  
 15 MOVEMENT BY THE DRIVER OF THE VEHICLE INTO AN ADJACENT LANE OR 2  
 16 VEHICLE WIDTHS APART IS NOT POSSIBLE AS DESCRIBED IN SUBDIVISION  
 17 (A), THE APPROACHING VEHICLE SHALL REDUCE AND MAINTAIN A SAFE SPEED  
 18 FOR WEATHER, ROAD CONDITIONS, AND VEHICULAR OR PEDESTRIAN TRAFFIC  
 19 AND PROCEED WITH DUE CARE AND CAUTION.

20 (2) EXCEPT AS PROVIDED IN SUBSECTIONS (3) <<, (4), AND (5)>>, A  
 PERSON  
 21 WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR PUNISHABLE BY  
 22 A FINE OF NOT MORE THAN \$500.00 OR IMPRISONMENT FOR NOT MORE THAN  
 23 90 DAYS, OR BOTH.

24 (3) <<EXCEPT AS PROVIDED IN SUBSECTION (5),>> A PERSON WHO VIOLATES  
 THIS SECTION AND CAUSES INJURY TO AN  
 25 EMPLOYEE OF THE SOLID WASTE HAULER, THE UTILITY PROVIDER, THE ROAD  
 26 SERVICE PROVIDER, OR THE ROAD MAINTENANCE AUTHORITY IN THE  
 27 IMMEDIATE AREA OF THE STATIONARY SOLID WASTE COLLECTION VEHICLE<<, THE  
 UTILITY VEHICLE, THE ROAD SERVICE VEHICLE, OR THE ROAD MAINTENANCE  
 VEHICLE>> IS

Senate Bill No. 479 as amended June 6, 2007

1 GUILTY OF A FELONY PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000.00  
2 OR IMPRISONMENT FOR NOT MORE THAN 2 YEARS, OR BOTH.

3 (4) <<EXCEPT AS PROVIDED IN SUBSECTION (5),>> A PERSON WHO VIOLATES  
THIS SECTION AND CAUSES DEATH TO AN  
4 EMPLOYEE OF THE SOLID WASTE HAULER, THE UTILITY PROVIDER, THE ROAD  
5 SERVICE PROVIDER, OR THE ROAD MAINTENANCE AUTHORITY IN THE  
6 IMMEDIATE AREA OF THE STATIONARY SOLID WASTE COLLECTION VEHICLE<<, THE  
UTILITY VEHICLE, THE ROAD SERVICE VEHICLE, OR THE ROAD MAINTENANCE  
VEHICLE>> IS

7 GUILTY OF A FELONY PUNISHABLE BY A FINE OF NOT MORE THAN \$7,500.00  
8 OR BY IMPRISONMENT FOR NOT MORE THAN 15 YEARS, OR BOTH.

<<(5) SUBSECTIONS (2) TO (4) DO NOT APPLY IF THE EMPLOYEE OF THE  
SOLID WASTE HAULER, OF THE UTILITY PROVIDER, OF THE ROAD SERVICE  
PROVIDER, OR OF THE ROAD MAINTENANCE AUTHORITY WAS ACTING IN CARELESS  
DISREGARD FOR HIS OR HER OWN SAFETY AT THE TIME OF THE VIOLATION.

9 (6)>> AS USED IN THIS SECTION:

10 (A) "ROAD MAINTENANCE VEHICLE" MEANS A VEHICLE OWNED OR  
11 OPERATED BY A ROAD MAINTENANCE AUTHORITY.

12 (B) "ROAD SERVICE PROVIDER" MEANS A PERSON WHO IS ENGAGED IN  
13 THE BUSINESS OF PROVIDING ROADSIDE MECHANICAL ASSISTANCE OR TOWING  
14 SERVICES TO INDIVIDUALS WITH DISABLED VEHICLES.

15 (C) "ROAD SERVICE VEHICLE" MEANS A VEHICLE THAT IS OWNED OR  
16 OPERATED BY A ROAD SERVICE PROVIDER AND THAT IS CLEARLY MARKED AND  
17 READILY RECOGNIZABLE AS A VEHICLE USED TO ASSIST DISABLED VEHICLES.

18 (D) "SOLID WASTE" MEANS THAT TERM AS DEFINED IN SECTION 11506  
19 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA  
20 451, MCL 324.11506.

21 (E) "SOLID WASTE COLLECTION VEHICLE" MEANS A SOLID WASTE  
22 TRANSPORTING UNIT THAT IS USED FOR THE CURBSIDE COLLECTION OF  
23 MUNICIPAL SOLID WASTE.

24 (F) "SOLID WASTE HAULER" MEANS THAT TERM AS DEFINED IN SECTION  
25 11506 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT,  
26 1994 PA 451, MCL 324.11506.

27 (G) "SOLID WASTE TRANSPORTING UNIT" MEANS THAT TERM AS DEFINED

Senate Bill No. 479 as amended June 6, 2007

1 IN SECTION 11506 OF THE NATURAL RESOURCES AND ENVIRONMENTAL  
2 PROTECTION ACT, 1994 PA 451, MCL 324.11506.

3 (H) "UTILITY PROVIDER" MEANS AN ENTITY THAT DOES ANY OF THE  
4 FOLLOWING AND THAT IS REGULATED AS A UTILITY UNDER THE LAWS OF THIS  
5 STATE OR OF THE UNITED STATES:

6 (i) GENERATES OR DISTRIBUTES ELECTRICAL POWER TO THE PUBLIC.

7 (ii) GENERATES OR DISTRIBUTES NATURAL GAS TO THE PUBLIC.

8 (iii) PROVIDES SEWAGE COLLECTION SERVICES TO THE PUBLIC.

9 (iv) PROVIDES WATER DISTRIBUTION SERVICES TO THE PUBLIC.

10 (v) PROVIDES TELEPHONE SERVICES TO THE PUBLIC.

11 (vi) PROVIDES CABLE OR VIDEO SERVICES TO THE PUBLIC.

12 (I) "UTILITY SERVICE VEHICLE" MEANS A VEHICLE OWNED OR  
13 OPERATED BY A UTILITY PROVIDER.

14 (J) "ROAD MAINTENANCE AUTHORITY" MEANS ANY OF THE FOLLOWING:

15 (i) THE STATE DEPARTMENT OF TRANSPORTATION.

16 (ii) A LOCAL AUTHORITY <<THAT HAS JURISDICTION OF ROADWAYS>>.

17 (iii) AN ENTITY OPERATING UNDER CONTRACT WITH THE STATE

18 DEPARTMENT OF TRANSPORTATION OR A LOCAL AUTHORITY TO PROVIDE ROAD  
19 CONSTRUCTION OR ROAD MAINTENANCE SERVICES.

<<Enacting section 1. This amendatory act takes effect 90 days  
after the date it is enacted.>>