

HOUSE BILL No. 4749

May 15, 2007, Introduced by Reps. Farrah, Acciavatti, Byrum, Johnson, LeBlanc, Hune, Accavitti, Hildenbrand, Rick Jones, Hopgood, Pastor, LaJoy, Marleau, DeRoche, Stakoe, Sheltroun, Miller, Simpson, Lemmons, Bennett, Espinoza, Gonzales, Spade, Leland, Ward, Calley, Agema, Constan, Melton, Hammel, Clack, Brown, Young, Condino, Gillard, Donigan, Cheeks, Cushingberry, Jackson, Stahl, Mayes, Virgil Smith, Wojno, Emmons, Garfield, Steil, Elsenheimer, Kathleen Law, Palsrok, Meltzer, Meekhof, McDowell, Nitz, Pavlov, Shaffer, Caul, Moore, Huizenga, Sheen, Casperson and Scott and referred to the Committee on Regulatory Reform.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 312a and 658 (MCL 257.312a and 257.658),
section 658 as amended by 2002 PA 494, and by adding section 658c;
and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 312a. (1) A person, before operating a motorcycle upon a
2 public street or highway in this state, shall procure a motorcycle
3 indorsement on the operator's or chauffeur's license. The license
4 shall be issued, suspended, revoked, canceled, or renewed in
5 accordance with and governed by this act. **UNTIL JANUARY 1, 2013, A**
6 **PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A MISDEMEANOR**
7 **PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 180 DAYS OR A FINE OF**
8 **NOT MORE THAN \$200.00, OR BOTH. BEGINNING ON AND AFTER JANUARY 1,**

1 2013, A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A
2 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR
3 A FINE OF NOT MORE THAN \$100.00, OR BOTH.

4 (2) A person, before operating a moped upon a highway shall
5 procure a special restricted license to operate a moped unless the
6 person has a valid operator's or chauffeur's license. A special
7 restricted license to operate a moped may be issued to a person 15
8 years of age or older if the person satisfies the secretary of
9 state that he **OR SHE** is competent to operate a moped with safety.
10 The secretary of state shall not require a road test before
11 ~~issuance of~~ **ISSUING** a special restricted license to operate a
12 moped.

13 (3) A special restricted license to operate a moped ~~shall~~
14 ~~expire~~ **EXPIRES** on the birthday of the person to whom it is issued
15 in the fourth year following the date ~~of issuance~~ **IT IS ISSUED**. A
16 license shall not be issued for a period longer than 4 years. A
17 person issued a license to operate a moped shall pay \$7.50 for an
18 original license and \$6.00 for a renewal license. The money
19 received and collected under this subsection shall be deposited in
20 the state treasury to the credit of the general fund. The secretary
21 of state shall refund out of the fees collected to each county or
22 municipality, acting as an examining officer, \$2.50 for each
23 applicant examined for an original license and \$1.00 for a renewal
24 license.

25 Sec. 658. (1) A person propelling a bicycle or operating a
26 motorcycle or moped shall not ride other than upon and astride a
27 permanent and regular seat attached to that vehicle.

(2) A bicycle or motorcycle shall not be used to carry more persons at 1 time than the number for which it is designed and equipped.

(3) A moped or an electric personal assistive mobility device shall not be used to carry more than 1 person at a time.

(4) ~~A-EXCEPT AS PROVIDED IN SECTION 658C, A~~ person operating or riding on a motorcycle ~~—~~and any person less than 19 years of age operating a moped on a public thoroughfare shall wear a crash helmet on his or her head. Crash helmets shall be approved by the department of state police. The department of state police shall promulgate rules ~~for the implementation of~~ **TO IMPLEMENT** this section ~~pursuant to~~ **UNDER** the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. Rules in effect on June 1, 1970, ~~shall~~ apply to helmets required by this act. This subsection does not apply to a person operating or riding in an autocycle if the vehicle is equipped with a roof which meets or exceeds standards for a crash helmet. **A PERSON WHO OPERATES OR RIDES ON A MOTORCYCLE IN VIOLATION OF THIS SUBSECTION IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A FINE OF NOT MORE THAN \$300.00, OR BOTH.**

(5) A person operating or riding in an autocycle shall wear seat belts when on a public highway in this state.

SEC. 658C. (1) THE HELMET REQUIREMENTS UNDER SECTION 658(4) DO NOT APPLY TO A MOTORCYCLE OPERATOR IF ALL OF THE FOLLOWING CONDITIONS ARE SATISFIED:

(A) HE OR SHE IS 21 YEARS OF AGE OR OLDER.

(B) HE OR SHE HAS BEEN LICENSED UNDER THIS ACT TO OPERATE A

1 MOTORCYCLE FOR NOT LESS THAN 2 YEARS.

2 (C) HE OR SHE HAS SUCCESSFULLY COMPLETED A MOTORCYCLE SAFETY
3 COURSE UNDER SECTION 811A OR 811B.

4 (D) HE OR SHE HAS IN EFFECT SECURITY IN THE AMOUNT OF
5 \$20,000.00 FOR THE PAYMENT OF FIRST-PARTY MEDICAL BENEFITS PAYABLE
6 IN THE EVENT THAT HE OR SHE IS INVOLVED IN A MOTORCYCLE ACCIDENT AS
7 PROVIDED IN SECTION 3103 OF THE INSURANCE CODE OF 1956, 1956 PA
8 218, MCL 500.3103.

9 (E) HE OR SHE CARRIES A VALID PERMIT OBTAINED UNDER SUBSECTION
10 (3).

11 (2) THE HELMET REQUIREMENTS UNDER SECTION 658(4) DO NOT APPLY
12 TO A PASSENGER ON A MOTORCYCLE IF ALL OF THE FOLLOWING CONDITIONS
13 ARE SATISFIED:

14 (A) THE MOTORCYCLE OPERATOR HAS SATISFIED ALL OF THE
15 REQUIREMENTS LISTED UNDER SUBSECTION (1).

16 (B) THE PASSENGER IS 21 YEARS OF AGE OR OLDER.

17 (C) HE OR SHE CARRIES A VALID PERMIT OBTAINED UNDER SUBSECTION
18 (3).

19 (3) A PERSON SHALL OBTAIN A PERMIT UNDER THIS SUBSECTION FROM
20 THE SECRETARY OF STATE BEFORE OPERATING OR RIDING UPON A MOTORCYCLE
21 ON A PUBLIC STREET OR HIGHWAY IN THIS STATE WITHOUT WEARING A CRASH
22 HELMET UPON HIS OR HER HEAD. THE SECRETARY OF STATE MAY ISSUE A
23 PERMIT UNDER THIS SUBSECTION IF ALL OF THE FOLLOWING CONDITIONS ARE
24 MET:

25 (A) IF THE PERSON IS A MOTORCYCLE OPERATOR, HE OR SHE HAS
26 SATISFIED ALL OF THE REQUIREMENTS UNDER SUBSECTION (1) AND PAYS 1
27 OF THE FOLLOWING FEES:

1 (i) ANNUALLY PAYS A FEE OF \$100.00 FOR A PERMIT THAT IS VALID
2 FOR A PERIOD OF 1 YEAR.

3 (ii) PAYS A FEE OF \$200.00 FOR A PERMIT THAT IS VALID FOR 3
4 YEARS.

5 (B) IF THE PERSON IS A PASSENGER ON A MOTORCYCLE, HE OR SHE
6 HAS SATISFIED ALL OF THE REQUIREMENTS LISTED UNDER SUBSECTION (2)
7 AND PAYS 1 OF THE FOLLOWING FEES:

8 (i) ANNUALLY PAYS A FEE OF \$100.00 FOR A PERMIT THAT IS VALID
9 FOR A PERIOD OF 1 YEAR.

10 (ii) PAYS A FEE OF \$200.00 FOR A PERMIT THAT IS VALID FOR 3
11 YEARS.

12 (4) A PERMIT ISSUED UNDER SUBSECTION (3) SHALL CONTAIN ALL OF
13 THE FOLLOWING:

14 (A) THE PERSON'S NAME, ADDRESS, AND DATE OF BIRTH.

15 (B) THE DATE WHEN THE PERMIT EXPIRES.

16 (C) THE FOLLOWING STATEMENT: "A PERSON WHO OPERATES OR RIDES A
17 MOTORCYCLE ON A PUBLIC STREET OR HIGHWAY IN THIS STATE WITHOUT
18 WEARING A CRASH HELMET WHO FAILS TO PRODUCE A VALID PERMIT ISSUED
19 UNDER MCL 257.658C UPON THE REQUEST OF A PEACE OFFICER IS IN
20 VIOLATION OF MCL 257.658(4), A MISDEMEANOR PUNISHABLE BY
21 IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A FINE OF NOT MORE THAN
22 \$300.00, OR BOTH."

23 (D) ANY OTHER INFORMATION REQUIRED BY THE SECRETARY OF STATE.

24 (5) UPON REQUEST, THE SECRETARY OF STATE MAY ISSUE A STICKER
25 TO THE REGISTERED OWNER OF A MOTORCYCLE FOR APPLICATION ON THE
26 REGISTRATION PLATE OF THE MOTORCYCLE IF THE REGISTERED OWNER OF THE
27 MOTORCYCLE OBTAINS A PERMIT UNDER SUBSECTION (3).

1 Enacting section 1. Section 658c of the Michigan vehicle code,
2 1949 PA 300, MCL 257.658c, is repealed effective January 1, 2013.