

# SENATE BILL No. 728

August 5, 2009, Introduced by Senator STAMAS and referred to the Committee on Transportation.

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

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           SEC. 653C. (1) UPON APPROACHING AND PASSING A STATIONARY  
2   POSTAL DELIVERY VEHICLE, THE DRIVER OF AN APPROACHING VEHICLE SHALL  
3   EXHIBIT DUE CARE AND CAUTION, AS REQUIRED UNDER THE FOLLOWING:  
4           (A) ON ANY PUBLIC ROADWAY WITH AT LEAST 2 ADJACENT LANES  
5   PROCEEDING IN THE SAME DIRECTION OF THE STATIONARY POSTAL DELIVERY  
6   VEHICLE, THE DRIVER OF THE APPROACHING VEHICLE SHALL PROCEED WITH  
7   CAUTION AND YIELD THE RIGHT-OF-WAY BY MOVING INTO A LANE AT LEAST 1  
8   MOVING LANE OR 2 VEHICLE WIDTHS APART FROM THE STATIONARY POSTAL  
9   DELIVERY VEHICLE, UNLESS DIRECTED OTHERWISE BY A POLICE OFFICER. IF

1 MOVEMENT TO AN ADJACENT LANE OR 2 VEHICLE WIDTHS APART IS NOT  
2 POSSIBLE DUE TO WEATHER, ROAD CONDITIONS, OR THE IMMEDIATE PRESENCE  
3 OF VEHICULAR OR PEDESTRIAN TRAFFIC IN PARALLEL MOVING LANES, THE  
4 DRIVER OF THE APPROACHING VEHICLE SHALL PROCEED AS REQUIRED IN  
5 SUBDIVISION (B).

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

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

18 (3) A PERSON WHO VIOLATES THIS SECTION AND CAUSES INJURY TO A  
19 POSTAL WORKER OR CONTRACT POSTAL WORKER IN THE IMMEDIATE AREA OF  
20 THE STATIONARY POSTAL DELIVERY VEHICLE IS GUILTY OF A FELONY  
21 PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000.00 OR IMPRISONMENT FOR  
22 NOT MORE THAN 2 YEARS, OR BOTH.

23 (4) A PERSON WHO VIOLATES THIS SECTION AND CAUSES DEATH TO  
24 POSTAL WORKER OR CONTRACT POSTAL WORKER IN THE IMMEDIATE AREA OF  
25 THE STATIONARY POSTAL DELIVERY VEHICLE IS GUILTY OF A FELONY  
26 PUNISHABLE BY A FINE OF NOT MORE THAN \$7,500.00 OR IMPRISONMENT FOR  
27 NOT MORE THAN 15 YEARS, OR BOTH.

1 (5) AS USED IN THIS SECTION:

2 (A) "CONTRACT POSTAL WORKER" MEANS AN INDIVIDUAL WORKING UNDER  
3 CONTRACT WITH THE UNITED STATES POSTAL SERVICE TO COLLECT OR  
4 DELIVER UNITED STATES MAIL.

5 (B) "POSTAL DELIVERY VEHICLE" MEANS A VEHICLE OWNED OR  
6 OPERATED BY THE UNITED STATES POSTAL SERVICE OR A CONTRACT POSTAL  
7 WORKER TO COLLECT OR DELIVER UNITED STATES MAIL AND THAT IS CLEARLY  
8 MARKED AS A VEHICLE USED FOR THAT PURPOSE.

9 (C) "POSTAL WORKER" MEANS AN INDIVIDUAL EMPLOYED BY THE UNITED  
10 STATES POSTAL SERVICE TO COLLECT OR DELIVER UNITED STATES MAIL.