

SENATE BILL No. 620

October 15, 2013, Introduced by Senator HILDENBRAND and referred to the Committee on Economic Development.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 208c and 698 (MCL 257.208c and 257.698), section 208c as amended by 2008 PA 539 and section 698 as amended by 2012 PA 262.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 208c. (1) Except as provided in this section and in
2 section 232, personal information in a record maintained under this
3 act shall not be disclosed, unless the person requesting the
4 information furnishes proof of identity satisfactory to the
5 secretary of state and certifies that the personal information
6 requested will be used for a permissible purpose identified in this
7 section or in section 232. However, highly restricted personal

1 information shall be used and disclosed only as expressly permitted
2 in section 307 or as otherwise expressly provided by law.

3 (2) Personal information in a record maintained under this act
4 shall be disclosed by the secretary of state if required to carry
5 out the purposes of federal law or federal regulations.

6 (3) Personal information in a record maintained under this act
7 may be disclosed by the secretary of state as follows:

8 (a) For use by a federal, state, or local governmental agency,
9 including a court or law enforcement agency, in carrying out the
10 agency's functions, or by a private person or entity acting on
11 behalf of a governmental agency in carrying out the agency's
12 functions.

13 (b) For use in connection with matters of motor vehicle and
14 driver safety or auto theft; motor vehicle emissions; motor vehicle
15 product alterations, recalls, or advisories; performance monitoring
16 of motor vehicles; motor vehicle market research activities,
17 including survey research; and the removal of nonowner records from
18 the original records of motor vehicle manufacturers.

19 (c) For use in the normal course of business by a legitimate
20 business, including the agents, employees, and contractors of the
21 business, but only to verify the accuracy of personal information
22 submitted by an individual to the business or its agents,
23 employees, or contractors, and if the information as so submitted
24 is no longer correct, to obtain the correct information, for the
25 sole purpose of preventing fraud by pursuing legal remedies
26 against, or recovering on a debt against, the individual.

27 (d) For use in connection with a civil, criminal,

1 administrative, or arbitration proceeding in a federal, state, or
2 local court or governmental agency or before a self-regulatory
3 body, including use for service of process, investigation in
4 anticipation of litigation, and the execution or enforcement of
5 judgments and orders, or pursuant to an order of a federal, state,
6 or local court, an administrative agency, or a self-regulatory
7 body.

8 (e) For use in legitimate research activities and in preparing
9 statistical reports for commercial, scholarly, or academic purposes
10 by a bona fide research organization, if the personal information
11 is not published, redisclosed, or used to contact individuals.

12 (f) For use by an insurer or insurance support organization,
13 or by a self-insured entity, or its agents, employees, or
14 contractors, in connection with claims investigating activity,
15 antifraud activity, rating, or underwriting.

16 (g) For use in providing notice to the owner of an abandoned,
17 towed, or impounded vehicle or for use by the custodian of a
18 vehicle that is considered an abandoned vehicle as defined in
19 sections 252a, 252b, and 252d.

20 (h) For use ~~either~~ by a private detective or private
21 investigator licensed under the professional investigator licensure
22 act, 1965 PA 285, MCL 338.821 to 338.851, ~~or~~ by a private security
23 guard agency ~~or alarm system contractor~~ licensed under the private
24 security business ~~and security alarm~~ act, 1968 PA 330, MCL 338.1051
25 to ~~338.1083, 338.1092~~, **OR BY A SYSTEM PROVIDER THAT IS REGISTERED**
26 **UNDER THE SECURITY ALARM SYSTEMS ACT, 2012 PA 580, MCL 338.2181 TO**
27 **338.2187**, only for a purpose permitted under this section.

1 (i) For use by an employer, or the employer's agent or
2 insurer, to obtain or verify information relating either to the
3 holder of a commercial driver license that is required under
4 federal law or to the holder of a chauffeur's license that is
5 required under chapter 3.

6 (j) For use by a car rental business, or its employees,
7 agents, contractors, or service firms, for the purpose of making
8 rental decisions.

9 (k) For use in connection with the operation of private toll
10 transportation facilities.

11 (l) For use by a news medium in the preparation and
12 dissemination of a report related in part or in whole to the
13 operation of a motor vehicle or public safety. "News medium"
14 includes a newspaper, a magazine or periodical published at regular
15 intervals, a news service, a broadcast network, a television
16 station, a radio station, a cablecaster, or an entity employed by
17 any of the foregoing.

18 (m) For any use by an individual requesting information
19 pertaining to himself or herself or requesting in writing that the
20 secretary of state provide information pertaining to himself or
21 herself to the individual's designee. A request for disclosure to a
22 designee, however, may be submitted only by the individual.

23 (4) Medical and disability information in a record maintained
24 under this act may be used and disclosed for purposes of subsection
25 (3)(a), (d), or (m).

26 Sec. 698. (1) A motor vehicle may be equipped with not more
27 than 2 side cowl or fender lamps that shall emit an amber or white

1 light without glare.

2 (2) A motor vehicle may be equipped with not more than 1
3 running board courtesy lamp on each side that shall emit a white or
4 amber light without glare.

5 (3) Backing lights of red, amber, or white may be mounted on
6 the rear of a motor vehicle if the switch controlling the light is
7 so arranged that the light may be turned on only if the vehicle is
8 in reverse gear. The backing lights when unlighted shall be covered
9 or otherwise arranged so as not to reflect objectionable glare in
10 the eyes of an operator of a vehicle approaching from the rear.

11 (4) Unless both covered and unlit, a vehicle operated on the
12 highways of this state shall not be equipped with a lamp or a part
13 designed to be a reflector unless expressly required or permitted
14 by this chapter or that meets the standards prescribed in 49 CFR
15 571.108. A lamp or a part designed to be a reflector, if visible
16 from the front, shall display or reflect a white or amber light; if
17 visible from either side, shall display or reflect an amber or red
18 light; and if visible from the rear, shall display or reflect a red
19 light, except as otherwise provided by law.

20 (5) The use or possession of flashing, oscillating, or
21 rotating lights of any color is prohibited except as otherwise
22 provided by law, or under the following circumstances:

23 (a) A police vehicle shall be equipped with flashing,
24 rotating, or oscillating red or blue lights, for use in the
25 performance of police duties.

26 (b) A fire vehicle or ambulance available for public use or
27 for use of the United States, the state, or any unit of the state,

1 whether publicly or privately owned, shall be equipped with
2 flashing, rotating, or oscillating red lights and used as required
3 for safety.

4 (c) An authorized emergency vehicle may be equipped with
5 flashing, rotating, or oscillating red lights for use when
6 responding to an emergency call if when in use the flashing,
7 rotating, or oscillating red lights are mounted on the roof section
8 of the vehicle, either as a permanent installation or by means of
9 suction cups or magnets and are clearly visible in a 360-degree arc
10 from a distance of 500 feet when in use. A person operating lights
11 under this subdivision at any time other than when responding to an
12 emergency call is guilty of a misdemeanor.

13 (d) Flashing, rotating, or oscillating amber lights, placed in
14 a position as to be visible throughout an arc of 360 degrees, shall
15 be used by a state, county, or municipal vehicle engaged in the
16 removal of ice, snow, or other material from the highway and in
17 other operations designed to control ice and snow.

18 (e) A vehicle used for the cleanup of spills or a necessary
19 emergency response action taken pursuant to state or federal law or
20 a vehicle operated by an employee of the department of natural
21 resources that responds to a spill, emergency response action,
22 complaint, or compliance activity may be equipped with flashing,
23 rotating, or oscillating amber lights. Such lights shall not be
24 activated unless the vehicle is at the scene of a spill, emergency
25 response action, complaint, or compliance activity.

26 (f) A vehicle to perform public utility service, a vehicle
27 owned or leased by and licensed as a business for use in the

1 collection and hauling of refuse, an automobile service car or
2 wrecker, a vehicle engaged in authorized highway repair or
3 maintenance, a vehicle of a peace officer, a vehicle operated by a
4 rural letter carrier or a person under contract to deliver
5 newspapers or other publications by motor route, a vehicle utilized
6 for snow or ice removal under section 682c, a private security
7 guard vehicle as authorized in subsection (7), a motor vehicle
8 while engaged in escorting or transporting an oversize load that
9 has been issued a permit by the state transportation department or
10 a local authority with respect to highways under its jurisdiction,
11 a vehicle owned by the national guard or a United States military
12 vehicle while traveling under the appropriate recognized military
13 authority, a motor vehicle while towing an implement of husbandry,
14 or an implement of husbandry may be equipped with flashing,
15 rotating, or oscillating amber lights. However, a wrecker may be
16 equipped with flashing, rotating, or oscillating red lights that
17 shall be activated only when the wrecker is engaged in removing or
18 assisting a vehicle at the scene of a traffic accident or
19 disablement. The flashing, rotating, or oscillating amber lights
20 shall not be activated except when the warning produced by the
21 lights is required for public safety.

22 (g) A vehicle engaged in leading or escorting a funeral
23 procession or any vehicle that is part of a funeral procession may
24 be equipped with flashing, rotating, or oscillating purple or amber
25 lights that shall not be activated except during a funeral
26 procession.

27 (h) An authorized emergency vehicle may display flashing,

1 rotating, or oscillating white lights in conjunction with an
2 authorized emergency light as prescribed in this section.

3 (i) A private motor vehicle of a physician responding to an
4 emergency call may be equipped with and the physician may use
5 flashing, rotating, or oscillating red lights mounted on the roof
6 section of the vehicle either as a permanent installation or by
7 means of magnets or suction cups and clearly visible in a 360-
8 degree arc from a distance of 500 feet when in use. The physician
9 shall first obtain written authorization from the county sheriff.

10 (j) A public transit vehicle may be equipped with a flashing,
11 oscillating, or rotating light mounted on the roof of the vehicle
12 approximately 6 feet from the rear of the vehicle that displays a
13 white light to the front, side, and rear of the vehicle, which
14 light may be actuated by the driver for use only in inclement
15 weather such as fog, rain, or snow, when boarding or discharging
16 passengers, from 1/2 hour before sunset until 1/2 hour after
17 sunrise, or when conditions hinder the visibility of the public
18 transit vehicle. As used in this subdivision, "public transit
19 vehicle" means a motor vehicle, other than a station wagon or
20 passenger van, with a gross vehicle weight rating of more than
21 10,000 pounds.

22 (k) A person engaged in the manufacture, sale, or repair of
23 flashing, rotating, or oscillating lights governed by this
24 subsection may possess the lights for the purpose of employment,
25 but shall not activate the lights upon the highway unless
26 authorized to do so under subsection (6).

27 (6) A person shall not sell, loan, or otherwise furnish a

1 flashing, rotating, or oscillating blue or red light designed
2 primarily for installation on an authorized emergency vehicle to a
3 person except a police officer, sheriff, deputy sheriff, authorized
4 physician, volunteer or paid fire fighter, volunteer ambulance
5 driver, licensed ambulance driver or attendant of the state, a
6 county or municipality within the state, a person engaged in the
7 business of operating an ambulance or wrecker service, or a
8 federally recognized nonprofit charitable organization that owns
9 and operates an emergency support vehicle used exclusively for
10 emergencies. This subsection does not prohibit an authorized
11 vehicle, equipped with flashing, rotating, or oscillating blue or
12 red lights, from being operated by a person other than a person
13 described in this section if the person receives authorization to
14 operate the emergency vehicle from a police officer, sheriff,
15 deputy sheriff, authorized physician, volunteer or paid fire
16 fighter, volunteer ambulance driver, licensed ambulance driver or
17 attendant, a person operating an ambulance or wrecker service, or a
18 federally recognized nonprofit charitable organization that owns
19 and operates an emergency support vehicle used exclusively for
20 emergencies, except that the authorization shall not permit the
21 person to operate lights as described in subsection (5) (a), (b),
22 (c), (i), or (j), or to exercise the privileges described in
23 section 603. A person who operates an authorized emergency vehicle
24 in violation of the terms of an authorization is guilty of a
25 misdemeanor punishable by imprisonment for not more than 90 days or
26 a fine of not more than \$100.00, or both.

27 (7) A private motor vehicle of a security guard agency ~~or~~

1 ~~alarm company~~ licensed under the private security business and
2 ~~security alarm act~~, 1968 PA 330, MCL 338.1051 to 338.1092, **OR A**
3 **SYSTEM PROVIDER THAT IS REGISTERED UNDER THE SECURITY ALARM SYSTEMS**
4 **ACT, 2012 PA 580, MCL 338.2181 TO 338.2187**, may display flashing,
5 rotating, or oscillating amber lights. The flashing, rotating, or
6 oscillating amber lights shall not be activated on a public highway
7 when a vehicle is in motion.

8 (8) This section does not prohibit, restrict, or limit the use
9 of lights authorized or required under sections 697, 697a, and
10 698a.

11 (9) A person who operates a vehicle in violation of subsection
12 (1), (2), (3), or (4) is responsible for a civil infraction.

13 Enacting section 1. This amendatory act does not take effect
14 unless Senate Bill No. 619

15 of the 97th Legislature is enacted into law.