

# Legislative Analysis

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## COMMERCIAL QUADRICYCLES

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**Senate Bill 165 (as passed by the Senate)**  
**Sponsor: Sen. Wayne Schmidt**

Analysis available at  
<http://www.legislature.mi.gov>

**Senate Bill 166 (as passed by the Senate)**  
**Sponsor: Sen. Tom Casperson**

*(Enacted as Public Acts 126 and 127 of 2015)*

**House Committee: Transportation and Infrastructure**  
**Senate Committee: Transportation**  
**Revised on 7-15-15**

## REVISED SUMMARY:

The two bills would amend the Michigan Vehicle Code to address commercial quadricycles, which are four-wheeled vehicles that can be propelled entirely by human power. **Senate Bill 165** would, among other things, require commercial quadricycles to carry bodily injury and personal property liability insurance, and would subject operators to penalties for driving after drinking alcohol. Passengers, however, could possess and transport alcoholic liquor unless prohibited by a local ordinance. **Senate Bill 166** defines these kinds of vehicles and specifies that they are not motor vehicles for the purpose of the code.

### **Senate Bill 165**

The bill would amend the Michigan Vehicle Code (MCL 257.624a) to do the following.

#### Liability coverage

The owner of a commercial quadricycle would be required to furnish bodily injury and property damage liability insurance with a minimum combined single limit of \$2 million for all person injured or for property damage.

#### Passengers can transport beer, wine, spirits, and mixed spirits

Generally speaking, the Vehicle Code does not permit the operator or occupant to transport or possess alcoholic liquor in a container that is open or uncapped or upon which the seal is broken within the passenger area of a vehicle upon a highway, or within the passenger area of a moving vehicle in any place open to the general public or generally accessible to motor vehicles. There is currently an exception for passengers in chartered vehicles (such as limousines and buses) authorized to operate by the Michigan Department of Transportation.

The bill provides an exception to this prohibition on open or uncapped alcohol containers for passengers in commercial quadricycles, unless prohibited by local ordinance. A passenger in a commercial quadricycle could not transport or possess alcoholic liquor other than beer, wine, spirits, or a mixed spirits drink.

### Restrictions on operators

A person could not operate a commercial quadricycle with any alcohol content. (The bill refers to a blood alcohol content [BAC] greater than 0.00 grams per 100 milliliters of blood, per 210 liters or breath, or per 67 milliliters of urine.)

A person convicted of an alcohol violation under the code or a corresponding local ordinance would be guilty of a misdemeanor punishable as follows:

- if the person has a BAC of at least 0.04 grams per milliliter of blood, per 210 liters of breath, or per 67 milliliters of urine, imprisonment for up to 93 days or a fine of not more than \$300, or both, together with the costs of the prosecution.
- if the person has a BAC greater than 0.00 grams but less than 0.04 grams, a fine of not more than \$300, together with costs of prosecution.

A person could not operate a commercial quadricycle that is equipped with a motor without a valid driver license.

### Other vehicle code provisions

Commercial quadricycles would be included in various other provisions in the code; most of these provisions already apply to bicycles, electric personal assistive mobility devices, mopeds, or low-speed vehicles. For example, operators of a commercial quadricycle would have all the rights and duties applicable to drivers of other vehicles on a roadway; would have to exercise due care; could not ride on sidewalks constructed for pedestrians; could not operate on a highway or street with a speed limit of more than 45 miles per hour, except for the purpose of crossing the highway or street; and could not go faster than 25 miles per hour.

Plus, commercial quadricycles must be equipped with front lamps when operating at night and have red reflectors on the rear; and be equipped with brakes and be capable of coming to a controlled stop. Violations of these provisions would be civil infractions.

### Civil infractions

Generally, and except where otherwise provided in the act, a violation of the act by the owner of a commercial quadricycle arising out of the ownership or operation of the quadricycle would be a civil infraction. A person determined to be responsible or responsible "with explanation" for a civil infraction, or a corresponding local ordinance, would be ordered to pay costs outlined in the act and a civil fine of not more than \$500.

### **Senate Bill 166**

The bill would amend Section 33 of the Michigan Vehicle Code to add the term "commercial quadricycle." The term would mean a vehicle that:

- Has fully operative pedals for propulsion entirely by human power.
- Has at least four wheels and is operated in a manner similar to a bicycle.
- Has at least six seats for passengers.

- Is designed to be occupied by a driver and powered either by passengers providing pedal power to the drive train of the vehicle or by a motor capable of propelling the vehicle in the absence of human power.
- Is used for commercial purposes.
- Is operated by the owner of the vehicle or an employee of the owner of the vehicle.

A quadricycle would not be considered a motor vehicle, which among other things means it would not be subject to mandatory no-fault automobile coverage.

## **FISCAL IMPACT:**

The bills would pose no significant fiscal impact for the Department of State.

The bill would add new misdemeanors. Misdemeanor convictions would increase costs related to county jails and/or local misdemeanor probation supervision. The costs of local incarceration in a county jail and local misdemeanor probation supervision vary by jurisdiction. Misdemeanor fines go to public libraries. New civil fines would also result from including quadricycles in various provisions of the Vehicle Code.

Legislative Analyst: E. Best  
Fiscal Analyst: Perry Zielak  
Robin Risko

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.