

SUBSTITUTE FOR
SENATE BILL NO. 165

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 624a, 657, 660, 662, 901, and 907 (MCL
257.624a, 257.657, 257.660, 257.662, 257.901, and 257.907), section
624a as amended by 2012 PA 306, sections 657 and 662 as amended by
2002 PA 494, section 660 as amended by 2006 PA 339, and section 907
as amended by 2014 PA 303, and by adding sections 518a and 625p.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 518A. THE OWNER OF A COMMERCIAL QUADRICYCLE SHALL FURNISH
2 BODILY INJURY AND PROPERTY DAMAGE LIABILITY INSURANCE WITH A
3 MINIMUM COMBINED SINGLE LIMIT OF \$2,000,000.00 FOR ALL PERSONS
4 INJURED OR FOR PROPERTY DAMAGE.

5 Sec. 624a. (1) Except as provided in ~~subsection~~ SUBSECTIONS
6 (2) AND (5), a person who is an operator or occupant shall not

1 transport or possess alcoholic liquor in a container that is open
2 or uncapped or upon which the seal is broken within the passenger
3 area of a vehicle upon a highway, or within the passenger area of a
4 moving vehicle in any place open to the general public or generally
5 accessible to motor vehicles, including an area designated for the
6 parking of vehicles, in this state.

7 (2) ~~A~~ **EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (5),** A person
8 may transport or possess alcoholic liquor in a container that is
9 open or uncapped or upon which the seal is broken within the
10 passenger area of a vehicle upon a highway or other place open to
11 the general public or generally accessible to motor vehicles,
12 including an area designated for the parking of vehicles in this
13 state, if the vehicle does not have a trunk or compartment separate
14 from the passenger area, and the container is in a locked glove
15 compartment, behind the last upright seat, or in an area not
16 normally occupied by the operator or a passenger.

17 (3) A person who violates this section is guilty of a
18 misdemeanor. As part of the sentence, the person may be ordered to
19 perform community service and undergo substance abuse screening and
20 assessment at his or her own expense as described in section 703(1)
21 of the Michigan liquor control code of 1998, 1998 PA 58, MCL
22 436.1703. A court shall not accept a plea of guilty or nolo
23 contendere for a violation of this section from a person charged
24 solely with a violation of section 625(6).

25 (4) This section does not apply to a passenger in a chartered
26 vehicle authorized to operate by the state transportation
27 department.

(5) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, UNLESS PROHIBITED BY LOCAL ORDINANCE, SUBSECTIONS (1) AND (2) DO NOT APPLY TO A PASSENGER IN A COMMERCIAL QUADRICYCLE. A PASSENGER IN A COMMERCIAL QUADRICYCLE SHALL NOT TRANSPORT OR POSSESS ALCOHOLIC LIQUOR OTHER THAN BEER, WINE, SPIRITS, OR A MIXED SPIRITS DRINK.

(6) ~~(5)~~—As used in this section:

(a) "Glove compartment" means a recess with a hinged and locking door in the dashboard of a motor vehicle.

(b) "Passenger area" means the area designed to seat the operator and passengers of a motor vehicle while it is in operation and any area that is readily accessible to the operator or a passenger while in his or her seating position, including the glove compartment.

SEC. 625P. (1) A PERSON, WHETHER LICENSED OR NOT, WHO HAS AN ALCOHOL CONTENT OF GREATER THAN 0.00 GRAMS PER 100 MILLILITERS OF BLOOD, PER 210 LITERS OF BREATH, OR PER 67 MILLILITERS OF URINE SHALL NOT OPERATE A COMMERCIAL QUADRICYCLE WITHIN THIS STATE.

(2) A PERSON WHO IS CONVICTED OF A VIOLATION OF THIS SECTION OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO THIS SECTION IS GUILTY OF A MISDEMEANOR PUNISHABLE BY 1 OF THE FOLLOWING:

(A) IF THE PERSON HAS AN ALCOHOL CONTENT OF AT LEAST 0.04 GRAMS PER 100 MILLILITERS OF BLOOD, PER 210 LITERS OF BREATH, OR PER 67 MILLILITERS OF URINE, IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR A FINE OF NOT MORE THAN \$300.00, OR BOTH, TOGETHER WITH COSTS OF THE PROSECUTION.

(B) IF THE PERSON HAS AN ALCOHOL CONTENT OF GREATER THAN 0.00 GRAMS, BUT LESS THAN 0.04 GRAMS, PER 100 MILLILITERS OF BLOOD, PER

1 210 LITERS OF BREATH, OR PER 67 MILLILITERS OF URINE, A FINE OF NOT
2 MORE THAN \$300.00, TOGETHER WITH COSTS OF THE PROSECUTION.

3 Sec. 657. Each person riding a bicycle, electric personal
4 assistive mobility device, or moped or operating a low-speed
5 vehicle **OR COMMERCIAL QUADRICYCLE** upon a roadway has all of the
6 rights and is subject to all of the duties applicable to the driver
7 of a vehicle ~~by~~ **UNDER** this chapter, except ~~as to~~ **FOR** special
8 regulations in this article and except ~~as to~~ **FOR** the provisions of
9 this chapter ~~which~~ **THAT** by their nature do not have
10 application. **APPLY.**

11 Sec. 660. (1) A person operating an electric personal
12 assistive mobility device, low-speed vehicle, or moped upon a
13 roadway shall ride as near to the right side of the roadway as
14 practicable ~~, exercising~~ **AND SHALL EXERCISE** due care when passing a
15 standing vehicle or one proceeding in the same direction. A
16 motorcycle is entitled to full use of a lane, and a motor vehicle
17 shall not be driven in such a manner as to deprive a motorcycle of
18 the full use of a lane. This subsection does not apply to
19 motorcycles operated 2 abreast in a single lane.

20 (2) A person riding an electric personal assistive mobility
21 device, motorcycle, or moped upon a roadway shall not ride more
22 than 2 abreast except on a path or part of a roadway set aside for
23 the exclusive use of those vehicles.

24 (3) Where a usable and designated path for bicycles is
25 provided adjacent to a highway or street, a person operating an
26 electric personal assistive mobility device may, by local
27 ordinance, be required to use that path.

1 (4) A person operating a motorcycle, moped, low-speed vehicle,
2 or electric personal assistive mobility device shall not pass
3 between lines of traffic, but may pass on the left of traffic
4 moving in his or her direction in the case of a 2-way street or on
5 the left or right of traffic in the case of a 1-way street, in an
6 unoccupied lane.

7 (5) A person operating an electric personal assistive mobility
8 device on a sidewalk constructed for the use of pedestrians shall
9 yield the right-of-way to a pedestrian and shall give an audible
10 signal before overtaking and passing the pedestrian.

11 (6) A moped, ~~or~~ low-speed vehicle, **OR COMMERCIAL QUADRICYCLE**
12 shall not be operated on a sidewalk constructed for the use of
13 pedestrians.

14 (7) A low-speed vehicle **OR COMMERCIAL QUADRICYCLE** shall be
15 operated at a speed of not ~~to exceed~~ **MORE THAN** 25 miles per hour.
16 ~~and A LOW-SPEED VEHICLE~~ shall not be operated on a highway or
17 street with a speed limit of more than 35 miles per hour except for
18 the purpose of crossing that highway or street. **A COMMERCIAL**
19 **QUADRICYCLE SHALL NOT BE OPERATED ON A HIGHWAY OR STREET WITH A**
20 **SPEED LIMIT OF MORE THAN 45 MILES PER HOUR EXCEPT FOR THE PURPOSE**
21 **OF CROSSING THAT HIGHWAY OR STREET. AN INDIVIDUAL SHALL NOT OPERATE**
22 **A COMMERCIAL QUADRICYCLE THAT IS EQUIPPED WITH A MOTOR UNLESS HE OR**
23 **SHE HAS A VALID OPERATOR'S LICENSE ISSUED UNDER THIS ACT.** The state
24 transportation department may prohibit the operation of a low-speed
25 vehicle **OR COMMERCIAL QUADRICYCLE** on any highway or street under
26 its jurisdiction if it determines that the prohibition is necessary
27 in the interest of public safety.

1 (8) This section does not apply to a police officer in the
2 performance of his or her official duties.

3 (9) An electric personal assistive mobility device shall be
4 operated at a speed **OF** not ~~to exceed~~ **MORE THAN** 15 miles per hour
5 and shall not be operated on a highway or street with a speed limit
6 of more than 25 miles per hour except to cross that highway or
7 street.

8 (10) The governing body of a county, a city, a village, an
9 entity created under the urban cooperation act of 1967, 1967 (Ex
10 Sess) PA 7, MCL 124.501 to 124.512, or a township may, by
11 ordinance, which is based on the health, safety, and welfare of the
12 citizens, regulate the operation of electric personal assistive
13 mobility devices **OR COMMERCIAL QUADRICYCLES** on sidewalks, highways
14 or streets, or crosswalks. Except as otherwise provided in this
15 subsection, a governing body of a county, city, village, entity
16 created under the urban cooperation act of 1967, 1967 (Ex Sess) PA
17 7, MCL 124.501 to 124.512, or township may prohibit the operation
18 of electric personal assistive mobility devices **OR COMMERCIAL**
19 **QUADRICYCLES** in an area open to pedestrian traffic adjacent to a
20 waterfront or on a trail under ~~their~~ **ITS** jurisdiction or in a
21 downtown or central business district. Signs indicating the
22 regulation shall be conspicuously posted in the area where the use
23 of an electric personal assistive mobility device **OR COMMERCIAL**
24 **QUADRICYCLE** is regulated.

25 (11) Operation of an electric personal assistive mobility
26 device is prohibited in a special charter city and a state park
27 under the jurisdiction of the Mackinac Island ~~state park~~ **STATE PARK**

1 commission.

2 (12) Operation of an electric personal assistive mobility
3 device may be prohibited in a historic district.

4 (13) The department of natural resources may by order regulate
5 the use of electric personal assistive mobility devices on all
6 lands under its control.

7 Sec. 662. (1) A bicycle, ~~or an~~ electric personal assistive
8 mobility device, **OR COMMERCIAL QUADRICYCLE** being operated on a
9 roadway between 1/2 hour after sunset and 1/2 hour before sunrise
10 shall be equipped with a lamp on the front ~~which shall emit~~ **THAT**
11 **EMITS** a white light visible from a distance of at least 500 feet to
12 the front and with a red reflector on the rear ~~which~~ **THAT** shall be
13 visible from all distances from 100 feet to 600 feet to the rear
14 when directly in front of lawful lower beams of head lamps on a
15 motor vehicle. A lamp emitting a red light visible from a distance
16 of 500 feet to the rear may be used in addition to the red
17 reflector.

18 (2) A bicycle shall be equipped with a brake ~~which will enable~~
19 **THAT ENABLES** the operator to make the braked wheels skid on dry,
20 level, clean pavement.

21 (3) An electric personal assistive mobility device **OR**
22 **COMMERCIAL QUADRICYCLE** shall enable the operator to bring it to a
23 controlled stop.

24 (4) A person shall not sell, offer for sale, or deliver for
25 sale in this state a bicycle or a pedal for use on a bicycle,
26 either of which was manufactured after January 1, 1976, unless it
27 is equipped with a type of reflex reflector located on the front

1 and rear surfaces of the pedal. The reflector elements may be
2 either integral with the construction of the pedal or mechanically
3 attached, but shall be sufficiently recessed from the edge of the
4 pedal, or of the reflector housing, to prevent contact of the
5 reflector element with a flat surface placed in contact with the
6 edge of the pedal. The pedal reflectors shall be visible from the
7 front and rear of the bicycle during the nighttime from a distance
8 of 200 feet when directly exposed to the lower beam head lamps of a
9 motor vehicle.

10 (5) A person shall not sell, offer for sale, or deliver for
11 sale in this state a bicycle manufactured after January 1, 1976 or
12 an electric personal assistive mobility device unless it is
13 equipped with either tires ~~which~~**THAT** have reflective sidewalls or
14 with wide-angle prismatic spoke reflectors. If the bicycle or the
15 electric personal assistive mobility device is manufactured with
16 reflective sidewalls, the reflective portion of the sidewall shall
17 form a continuous circle on the sidewall, and may not be removed
18 from the tire without removal of tire material. If the bicycle is
19 equipped with wide-angle prismatic spoke reflectors, the reflectors
20 of the front wheel shall be essentially colorless or amber, and the
21 reflectors on the rear wheel shall be essentially colorless or red.
22 Reflective sidewalls or spoke reflectors shall cause the bicycle to
23 be visible from all distances from 100 feet to 600 feet when viewed
24 under lawful low beam motor vehicle head lamps under normal
25 atmospheric conditions.

26 (6) A person who violates subsection (1) or (2) is responsible
27 for a civil infraction.

1 Sec. 901. (1) ~~It~~ **EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION**
2 **(3), IT** is a misdemeanor for a person to violate this act, unless
3 that violation is by this act or other law of this state declared
4 to be a felony or a civil infraction.

5 (2) Unless another penalty is provided in this act or by the
6 laws of this state, a person convicted of a misdemeanor for the
7 violation of this act shall be punished by a fine of not more than
8 \$100.00, or by imprisonment for not more than 90 days, or both.

9 **(3) EXCEPT AS OTHERWISE PROVIDED IN THIS ACT, A VIOLATION OF**
10 **THIS ACT BY THE OWNER OF A COMMERCIAL QUADRICYCLE ARISING OUT OF**
11 **THE OWNERSHIP OR OPERATION OF THE COMMERCIAL QUADRICYCLE IS A CIVIL**
12 **INFRACTION.**

13 Sec. 907. (1) A violation of this act, or a local ordinance
14 substantially corresponding to a provision of this act, that is
15 designated a civil infraction shall not be considered a lesser
16 included offense of a criminal offense.

17 (2) If a person is determined under sections 741 to 750 to be
18 responsible or responsible "with explanation" for a civil
19 infraction under this act or a local ordinance substantially
20 corresponding to a provision of this act, the judge or district
21 court magistrate may order the person to pay a civil fine of not
22 more than \$100.00 and costs as provided in subsection (4). However,
23 ~~beginning October 31, 2010,~~ if the civil infraction was a moving
24 violation that resulted in an at-fault collision with another
25 vehicle, a person, or any other object, the civil fine ordered
26 under this section shall be increased by \$25.00 but the total civil
27 fine shall not exceed \$100.00. However, for a violation of section

1 602b, the person shall be ordered to pay costs as provided in
2 subsection (4) and a civil fine of \$100.00 for a first offense and
3 \$200.00 for a second or subsequent offense. For a violation of
4 section 674(1)(s) or a local ordinance substantially corresponding
5 to section 674(1)(s), the person shall be ordered to pay costs as
6 provided in subsection (4) and a civil fine of not less than
7 \$100.00 or more than \$250.00. For a violation of section 676c, the
8 person shall be ordered to pay costs as provided in subsection (4)
9 and a civil fine of \$1,000.00. For a violation of section 328, the
10 civil fine ordered under this subsection shall be not more than
11 \$50.00. For a violation of section 710d, the civil fine ordered
12 under this subsection shall not exceed \$10.00, subject to
13 subsection (12). For a violation of section 710e, the civil fine
14 and court costs ordered under this subsection shall be \$25.00. For
15 a violation of section 682 or a local ordinance substantially
16 corresponding to section 682, the person shall be ordered to pay
17 costs as provided in subsection (4) and a civil fine of not less
18 than \$100.00 or more than \$500.00. For a violation of section 240,
19 the civil fine ordered under this subsection shall be \$15.00. For a
20 violation of section 252a(1), the civil fine ordered under this
21 subsection shall be \$50.00. For a violation of section 676a(3), the
22 civil fine ordered under this section shall be not more than
23 \$10.00. For a first violation of section 319f(1), the civil fine
24 ordered under this section shall be not less than \$2,500.00 or more
25 than \$2,750.00; for a second or subsequent violation, the civil
26 fine shall be not less than \$5,000.00 or more than \$5,500.00. For a
27 violation of section 319g(1)(a), the civil fine ordered under this

1 section shall be not more than \$10,000.00. For a violation of
2 section 319g(1)(g), the civil fine ordered under this section shall
3 be not less than \$2,750.00 or more than \$25,000.00. Permission may
4 be granted for payment of a civil fine and costs to be made within
5 a specified period of time or in specified installments, but unless
6 permission is included in the order or judgment, the civil fine and
7 costs shall be payable immediately.

8 (3) Except as provided in this subsection, if a person is
9 determined to be responsible or responsible "with explanation" for
10 a civil infraction under this act or a local ordinance
11 substantially corresponding to a provision of this act while
12 driving a commercial motor vehicle, he or she shall be ordered to
13 pay costs as provided in subsection (4) and a civil fine of not
14 more than \$250.00.

15 (4) If a civil fine is ordered under subsection (2) or (3),
16 the judge or district court magistrate shall summarily tax and
17 determine the costs of the action, which are not limited to the
18 costs taxable in ordinary civil actions, and may include all
19 expenses, direct and indirect, to which the plaintiff has been put
20 in connection with the civil infraction, up to the entry of
21 judgment. Costs shall not be ordered in excess of \$100.00. A civil
22 fine ordered under subsection (2) or (3) shall not be waived unless
23 costs ordered under this subsection are waived. Except as otherwise
24 provided by law, costs are payable to the general fund of the
25 plaintiff.

26 (5) In addition to a civil fine and costs ordered under
27 subsection (2) or (3) and subsection (4) and the justice system

1 assessment ordered under subsection (13), the judge or district
2 court magistrate may order the person to attend and complete a
3 program of treatment, education, or rehabilitation.

4 (6) A district court magistrate shall impose the sanctions
5 permitted under subsections (2), (3), and (5) only to the extent
6 expressly authorized by the chief judge or only judge of the
7 district court district.

8 (7) Each district of the district court and each municipal
9 court may establish a schedule of civil fines, costs, and
10 assessments to be imposed for civil infractions that occur within
11 the respective district or city. If a schedule is established, it
12 shall be prominently posted and readily available for public
13 inspection. A schedule need not include all violations that are
14 designated by law or ordinance as civil infractions. A schedule may
15 exclude cases on the basis of a defendant's prior record of civil
16 infractions or traffic offenses, or a combination of civil
17 infractions and traffic offenses.

18 (8) The state court administrator shall annually publish and
19 distribute to each district and court a recommended range of civil
20 fines and costs for first-time civil infractions. This
21 recommendation is not binding upon the courts having jurisdiction
22 over civil infractions but is intended to act as a normative guide
23 for judges and district court magistrates and a basis for public
24 evaluation of disparities in the imposition of civil fines and
25 costs throughout the state.

26 (9) If a person has received a civil infraction citation for
27 defective safety equipment on a vehicle under section 683, the

1 court shall waive a civil fine, costs, and assessments upon receipt
2 of certification by a law enforcement agency that repair of the
3 defective equipment was made before the appearance date on the
4 citation.

5 (10) A default in the payment of a civil fine or costs ordered
6 under subsection (2), (3), or (4) or a justice system assessment
7 ordered under subsection (13), or an installment of the fine,
8 costs, or assessment, may be collected by a means authorized for
9 the enforcement of a judgment under chapter 40 of the revised
10 judicature act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, or
11 under chapter 60 of the revised judicature act of 1961, 1961 PA
12 236, MCL 600.6001 to 600.6098.

13 (11) If a person fails to comply with an order or judgment
14 issued under this section within the time prescribed by the court,
15 the driver's license of that person shall be suspended under
16 section 321a until full compliance with that order or judgment
17 occurs. In addition to this suspension, the court may also proceed
18 under section 908.

19 (12) The court may waive any civil fine, cost, or assessment
20 against a person who received a civil infraction citation for a
21 violation of section 710d if the person, before the appearance date
22 on the citation, supplies the court with evidence of acquisition,
23 purchase, or rental of a child seating system meeting the
24 requirements of section 710d.

25 (13) In addition to any civil fines or costs ordered to be
26 paid under this section, the judge or district court magistrate
27 shall order the defendant to pay a justice system assessment of

1 \$40.00 for each civil infraction determination, except for a
2 parking violation or a violation for which the total fine and costs
3 imposed are \$10.00 or less. Upon payment of the assessment, the
4 clerk of the court shall transmit the assessment collected to the
5 state treasury to be deposited into the justice system fund created
6 in section 181 of the revised judicature act of 1961, 1961 PA 236,
7 MCL 600.181. An assessment levied under this subsection is not a
8 civil fine for purposes of section 909.

9 (14) If a person has received a citation for a violation of
10 section 223, the court shall waive any civil fine, costs, and
11 assessment, upon receipt of certification by a law enforcement
12 agency that the person, before the appearance date on the citation,
13 produced a valid registration certificate that was valid on the
14 date the violation of section 223 occurred.

15 (15) If a person has received a citation for a violation of
16 section 328(1) for failing to produce a certificate of insurance
17 under section 328(2), the court may waive the fee described in
18 section 328(3)(c) and shall waive any fine, costs, and any other
19 fee or assessment otherwise authorized under this act upon receipt
20 of verification by the court that the person, before the appearance
21 date on the citation, produced valid proof of insurance that was in
22 effect at the time the violation of section 328(1) occurred.
23 Insurance obtained subsequent to the time of the violation does not
24 make the person eligible for a waiver under this subsection.

25 (16) IF A PERSON IS DETERMINED TO BE RESPONSIBLE OR
26 RESPONSIBLE "WITH EXPLANATION" FOR A CIVIL INFRACTION UNDER THIS
27 ACT OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO A PROVISION

1 OF THIS ACT AND THE CIVIL INFRACTION ARISES OUT OF THE OWNERSHIP OR
2 OPERATION OF A COMMERCIAL QUADRICYCLE, HE OR SHE SHALL BE ORDERED
3 TO PAY COSTS AS PROVIDED IN SUBSECTION (4) AND A CIVIL FINE OF NOT
4 MORE THAN \$500.00.

5 (17) ~~(16)~~—As used in this section, "moving violation" means an
6 act or omission prohibited under this act or a local ordinance
7 substantially corresponding to this act that involves the operation
8 of a motor vehicle and for which a fine may be assessed.

9 Enacting section 1. This amendatory act does not take effect
10 unless Senate Bill No. 166 of the 98th Legislature is enacted into
11 law.