

HOUSE BILL No. 4228

February 24, 2015, Introduced by Reps. Irwin, Pettalia, Lucido, Tedder, McCready, Kivela, Dianda, Singh, Faris, Plawecki, Lane and Rutledge and referred to the Committee on Tourism and Outdoor Recreation.

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
7 transport or possess alcoholic liquor in a container that is open

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

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

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

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

27 (5) **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, UNLESS**

1 PROHIBITED BY LOCAL ORDINANCE, SUBSECTIONS (1) AND (2) DO NOT APPLY
2 TO A PASSENGER IN A COMMERCIAL QUADRICYCLE. A PASSENGER IN A
3 COMMERCIAL QUADRICYCLE SHALL NOT TRANSPORT OR POSSESS ALCOHOLIC
4 LIQUOR OTHER THAN BEER, WINE, SPIRITS, OR A MIXED SPIRITS DRINK.

5 (6) ~~(5)~~—As used in this section:

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

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

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

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

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

25 (B) IF THE PERSON HAS AN ALCOHOL CONTENT OF GREATER THAN 0.00
26 GRAMS, BUT LESS THAN 0.04 GRAMS, PER 100 MILLILITERS OF BLOOD, PER
27 210 LITERS OF BREATH, OR PER 67 MILLILITERS OF URINE, A FINE OF NOT

1 **MORE THAN \$300.00, TOGETHER WITH COSTS OF THE PROSECUTION.**

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

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

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

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

27 (4) A person operating a motorcycle, moped, low-speed vehicle,

1 or electric personal assistive mobility device shall not pass
2 between lines of traffic, but may pass on the left of traffic
3 moving in his or her direction in the case of a 2-way street or on
4 the left or right of traffic in the case of a 1-way street, in an
5 unoccupied lane.

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

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

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

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

27 (9) An electric personal assistive mobility device shall be

1 operated at a speed **OF** not ~~to exceed~~ **MORE THAN** 15 miles per hour
2 and shall not be operated on a highway or street with a speed limit
3 of more than 25 miles per hour except to cross that highway or
4 street.

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

22 (11) Operation of an electric personal assistive mobility
23 device is prohibited in a special charter city and a state park
24 under the jurisdiction of the Mackinac Island state park
25 commission.

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

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

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

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

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

21 (4) A person shall not sell, offer for sale, or deliver for
22 sale in this state a bicycle or a pedal for use on a bicycle,
23 either of which was manufactured after January 1, 1976, unless it
24 is equipped with a type of reflex reflector located on the front
25 and rear surfaces of the pedal. The reflector elements may be
26 either integral with the construction of the pedal or mechanically
27 attached, but shall be sufficiently recessed from the edge of the

1 pedal, or of the reflector housing, to prevent contact of the
2 reflector element with a flat surface placed in contact with the
3 edge of the pedal. The pedal reflectors shall be visible from the
4 front and rear of the bicycle during the nighttime from a distance
5 of 200 feet when directly exposed to the lower beam head lamps of a
6 motor vehicle.

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

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

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

1 to be a felony or a civil infraction.

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

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

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

14 (2) If a person is determined under sections 741 to 750 to be
15 responsible or responsible "with explanation" for a civil
16 infraction under this act or a local ordinance substantially
17 corresponding to a provision of this act, the judge or district
18 court magistrate may order the person to pay a civil fine of not
19 more than \$100.00 and costs as provided in subsection (4). However,
20 ~~beginning October 31, 2010,~~ if the civil infraction was a moving
21 violation that resulted in an at-fault collision with another
22 vehicle, a person, or any other object, the civil fine ordered
23 under this section shall be increased by \$25.00 but the total civil
24 fine shall not exceed \$100.00. However, for a violation of section
25 602b, the person shall be ordered to pay costs as provided in
26 subsection (4) and a civil fine of \$100.00 for a first offense and
27 \$200.00 for a second or subsequent offense. For a violation of

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

1 be granted for payment of a civil fine and costs to be made within
2 a specified period of time or in specified installments, but unless
3 permission is included in the order or judgment, the civil fine and
4 costs shall be payable immediately.

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

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

23 (5) In addition to a civil fine and costs ordered under
24 subsection (2) or (3) and subsection (4) and the justice system
25 assessment ordered under subsection (13), the judge or district
26 court magistrate may order the person to attend and complete a
27 program of treatment, education, or rehabilitation.

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

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

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

23 (9) If a person has received a civil infraction citation for
24 defective safety equipment on a vehicle under section 683, the
25 court shall waive a civil fine, costs, and assessments upon receipt
26 of certification by a law enforcement agency that repair of the
27 defective equipment was made before the appearance date on the

1 citation.

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

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

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

22 (13) In addition to any civil fines or costs ordered to be
23 paid under this section, the judge or district court magistrate
24 shall order the defendant to pay a justice system assessment of
25 \$40.00 for each civil infraction determination, except for a
26 parking violation or a violation for which the total fine and costs
27 imposed are \$10.00 or less. Upon payment of the assessment, the

1 clerk of the court shall transmit the assessment collected to the
2 state treasury to be deposited into the justice system fund created
3 in section 181 of the revised judicature act of 1961, 1961 PA 236,
4 MCL 600.181. An assessment levied under this subsection is not a
5 civil fine for purposes of section 909.

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

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

22 (16) IF A PERSON IS DETERMINED TO BE RESPONSIBLE OR
23 RESPONSIBLE "WITH EXPLANATION" FOR A CIVIL INFRACTION UNDER THIS
24 ACT OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO A PROVISION
25 OF THIS ACT AND THE CIVIL INFRACTION ARISES OUT OF THE OWNERSHIP OR
26 OPERATION OF A COMMERCIAL QUADRICYCLE, HE OR SHE SHALL BE ORDERED
27 TO PAY COSTS AS PROVIDED IN SUBSECTION (4) AND A CIVIL FINE OF NOT

1 **MORE THAN \$500.00.**

2 (17) ~~(16)~~—As used in this section, "moving violation" means an
3 act or omission prohibited under this act or a local ordinance
4 substantially corresponding to this act that involves the operation
5 of a motor vehicle and for which a fine may be assessed.

6 Enacting section 1. This amendatory act does not take effect
7 unless Senate Bill No. ____ or House Bill No. 4227 (request no.
8 01239'15) of the 98th Legislature is enacted into law.