

POWER-DRIVEN MOBILITY DEVICES

Phone: (517) 373-8080
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House Bill 5374 as enacted
Public Act 391 of 2018
Sponsor: Rep. Martin Howrylak

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

House Bill 5834 as enacted
Public Act 428 of 2018
Sponsor: Rep. Beau LaFave

House Committee: Transportation and Infrastructure
Senate Committee: Transportation
Complete to 6-20-19

SUMMARY:

House Bill 5374 amends the Michigan Vehicle Code to revise the definition of “motor vehicle” to specify that it does not include a *power-driven mobility device* when it is being used by an individual with a mobility disability.

The bill also revises the definition of “pedestrian” to include an individual with a mobility disability who is using a *power-driven mobility device*.

Power-driven mobility device is defined to mean a mobility device powered by a battery, fuel, or other engine and used by an individual with a mobility disability for the purpose of locomotion. The bill stipulates that the requirements of the Vehicle Code apply to a power-driven mobility device while it is being operated on a street, road, or highway in Michigan.

MCL 257.33 et seq.

House Bill 5834 amends the Michigan Vehicle Code to exempt from the requirement to obtain a driver’s license a person with a mobility disability while operating a *power-driven mobility device*. However, the exemption would not apply while he or she is operating such a device on a street, road, or highway in the state.

Section 302 of the Vehicle Code exempts certain vehicle operators from the requirement to obtain a license under the act, including members of the Armed Forces on leave or stationed in Michigan, nonresidents whose home states do not require licensure, and certain persons operating a farm tractor or implement of husbandry temporarily on a highway, among others.

The bill additionally exempts a person with a mobility disability while operating a power-driven mobility device. However, the exemption does not apply to a disabled person operating a power-driven mobility device on a street, road, or highway in the state.

MCL 257.302

House Bill 5374 took effect March 19, 2019, and House Bill 5834 took effect March 20, 2019.

BRIEF DISCUSSION:

Previously, the Vehicle Code defined “motor vehicle” as “every vehicle that is self-propelled” (with exceptions) and “pedestrian” as “any person afoot.” Supporters argued that the bills clarify that individuals using power-driven mobility devices (e.g., electric wheelchairs) on sidewalks and on roadways are to be considered pedestrians under the Vehicle Code and that providing this clarification better aligns Michigan law with the federal Americans with Disabilities Act.¹

FISCAL IMPACT:

The bills would have no fiscal impact on the state or on local units of government.

Legislative Analyst: E. Best
Fiscal Analyst: Michael Crossen

■ 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.

¹ For a discussion of power-driven mobility devices under the ADA, see: <https://www.ada.gov/opdmd.pdf>