



Senate Fiscal Agency
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BILL



ANALYSIS

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Senate Bill 46 (as enacted)
Sponsor: Senator Dale W. Zorn
Senate Committee: Transportation
House Committee: Transportation and Infrastructure

PUBLIC ACT 37 of 2017

Date Completed: 8-10-17

RATIONALE

The Michigan Vehicle Code prescribes lighting requirements for emergency vehicles, such as fire department, police, and emergency medical service (EMS) vehicles, and restricts the use or possession of certain lights to emergency vehicles or specific vehicles described under the Code. The requirements pertain to characteristics such as the light's color, visibility, pattern or movement, and placement on the vehicle.

Emergency services have access to advanced light systems that may be placed on the sides of or within an emergency vehicle and remain effective. Many emergency vehicles, including those in Michigan, are being equipped with these newer systems in different locations on the vehicle. However, the Code requires the use of flashing, rotating, or oscillating red lights on the roof of an emergency vehicle. It was suggested that this requirement be removed, in order to accommodate the new lighting.

CONTENT

The bill amends the Michigan Vehicle Code to delete a requirement that an emergency vehicle's flashing, rotating, or oscillating red lights be mounted on the roof of the vehicle.

Under the Code, the use or possession of flashing, oscillating, or rotating lights of any color is prohibited except as otherwise provided by law, or under certain circumstances. Currently, under one of those circumstances, an "authorized emergency vehicle" may be equipped with flashing, rotating, or oscillating red lights for use when responding to an emergency call if, when in use, the lights are mounted on the roof section of the vehicle, either as a permanent installation or by means of suction cups or magnets and are clearly visible in a 360-degree arc from a distance of 500 feet when in use. The bill deletes the requirement that the lights be mounted on the roof but retains the visibility requirement.

A person who operates lights under this provision except when responding to an emergency call is guilty of a misdemeanor. (As a rule, a misdemeanor violation of the Code is punishable by a maximum fine of \$100, imprisonment for up to 90 days, or both.)

The Code defines "authorized emergency vehicle" as vehicles of a fire department, police vehicles, ambulances, privately owned motor vehicles of volunteer or paid firefighters, or volunteer members of an emergency rescue unit if authorized by the chief of an organized fire department, a county sheriff, or the Director of the Department of State Police, or privately owned motor vehicles of volunteer or paid members of a life support agency licensed by the Department of Licensing and Regulatory Affairs if authorized by the life support agency. For purposes of the provision the bill amends, "authorized emergency vehicle" also means, during an emergency, a

vehicle owned and operated by a federally recognized nonprofit charitable organization that is used exclusively for assistance during that emergency.

The bill will take effect on August 21, 2017.

MCL 257.698

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Technological advancements in lighting have rendered roof-mounted emergency light requirements obsolete, as modern lighting systems can be bright and visible from different locations on an emergency vehicle. For example, light emitting diodes (LEDs) are powerful light sources that can be configured to be visible from long distances, are compact, and can be structurally integrated within an emergency vehicle to give it a less obtrusive presentation when not responding to an emergency. This is important for a volunteer employee, such as a volunteer firefighter, who may wish to have a vehicle that retains a "civilian" appearance while he or she is off-duty. Requiring roof-mounted emergency lighting may dissuade individuals from providing volunteer emergency services, which are critical in many rural areas throughout the State.

In some situations, the roof-mounting requirement is dangerous, as in the case of tall emergency vehicles, such as a modern ambulance or fire engine, which approach or exceed a height of 10 feet. Some current vehicle configurations, such as Type III ambulances, prevent a roof-mounted rotating red light from being visible in a 360-degree arc from a distance of 500 feet when in use. Furthermore, a roof-mounted light can be bulky or unwieldy.

Some emergency vehicles in Michigan already use the new light systems. For example, there are many fire emergency and EMS vehicles that are equipped with ultra-high intensity LED systems mounted within the vehicle's cab and around its perimeter. Moreover, KKK-A-1822F, the Federal specification for a Star-of-Life ambulance released by the National Highway Traffic Safety Administration, prescribes lighting around the perimeter of the ambulance, with a certain exception for roof-mounted lighting if dimension or size requirements cannot be met. The bill is needed to ensure that the Code reflects technological advancements in lighting, and that emergency vehicles already equipped with the technology are not in violation of State law.

Opposing Argument

The bill removes the lighting requirement for law enforcement vehicles, as well as EMS vehicles. Removing the roof-mounted lighting requirement for police vehicles, especially those engaged in highway patrol or traffic duties, will create opportunities for individuals to impersonate police officers by affixing inconspicuous lighting to locations around their vehicles, such as the grill, and attempt what would appear to be a routine traffic stop for criminal purposes. Several such events already have been reported in the news across the United States. Law enforcement vehicles should have definitive markings or other identifiable features to reduce the concern regarding imposters.

Legislative Analyst: Drew Krogulecki

FISCAL IMPACT

The bill will have no fiscal impact on the State and will have an indeterminate, though minimal, fiscal impact on local government. Removing the requirement that lights be mounted on the roof of an emergency vehicle theoretically will reduce the number of violations. It is unknown whether those violations would occur in the absence of the bill.

A decrease in misdemeanor arrests and prosecutions may reduce resource demands on law enforcement, court systems, and jails. Any decreased fine revenue will reduce revenue dedicated to public libraries.

Fiscal Analyst: Ryan Bergan

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.