

SUBSTITUTE FOR
HOUSE BILL NO. 5391

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 33, 657, 658, 660, and 662 (MCL 257.33,
257.657, 257.658, 257.660, and 257.662), sections 33 and 657 as
amended by 2017 PA 139, section 658 as amended by 2012 PA 589, and
sections 660 and 662 as amended by 2015 PA 126, and by adding
section 13f.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 13F. "ELECTRIC SKATEBOARD" MEANS A WHEELED DEVICE THAT
2 HAS A FLOORBOARD DESIGNED TO BE STOOD UPON WHEN RIDING THAT IS NO
3 MORE THAN 60 INCHES LONG AND 18 INCHES WIDE, IS DESIGNED TO
4 TRANSPORT ONLY 1 PERSON AT A TIME, HAS AN ELECTRICAL PROPULSION
5 SYSTEM WITH POWER OF NO MORE THAN 2,500 WATTS, AND HAS A MAXIMUM

1 SPEED ON A PAVED LEVEL SURFACE OF NOT MORE THAN 25 MILES PER HOUR.
2 AN ELECTRIC SKATEBOARD MAY, IN ADDITION TO HAVING AN ELECTRICAL
3 PROPULSION SYSTEM WITH POWER OF NO MORE THAN 2,500 WATTS, BE
4 DESIGNED TO ALSO BE POWERED BY HUMAN PROPULSION.

5 Sec. 33. "Motor vehicle" means every vehicle that is self-
6 propelled, but for purposes of chapter 4 of this act motor vehicle
7 does not include industrial equipment such as a forklift, a front-
8 end loader, or other construction equipment that is not subject to
9 registration under this act. Motor vehicle does not include an
10 electric patrol vehicle being operated in compliance with the
11 electric patrol vehicle act, 1997 PA 55, MCL 257.1571 to 257.1577.
12 Motor vehicle does not include an electric personal assistive
13 mobility device. Motor vehicle does not include an electric
14 carriage. Motor vehicle does not include a commercial quadricycle.
15 Motor vehicle does not include an electric bicycle. **MOTOR VEHICLE**
16 **DOES NOT INCLUDE AN ELECTRIC SKATEBOARD.**

17 Sec. 657. Each person riding a bicycle, electric bicycle,
18 electric personal assistive mobility device, **ELECTRIC SKATEBOARD**,
19 or moped or operating a low-speed vehicle or commercial quadricycle
20 upon a roadway has all of the rights and is subject to all of the
21 duties applicable to the driver of a vehicle under this chapter,
22 except for special regulations in this article and except for the
23 provisions of this chapter that by their nature do not apply.

24 Sec. 658. (1) A person propelling a bicycle or operating a
25 motorcycle or moped shall not ride other than upon and astride a
26 permanent and regular seat attached to that vehicle.

27 (2) A bicycle or motorcycle shall not be used to carry more

1 persons at 1 time than the number for which it is designed and
2 equipped.

3 (3) An electric personal assistive mobility device **OR AN**
4 **ELECTRIC SKATEBOARD** shall not be used to carry more than 1 person
5 at a time.

6 (4) A person less than 19 years of age operating a moped on a
7 public thoroughfare shall wear a crash helmet on his or her head. **A**
8 **PERSON LESS THAN 19 YEARS OF AGE OPERATING AN ELECTRIC SKATEBOARD**
9 **SHALL WEAR A CRASH HELMET ON HIS OR HER HEAD.** Except as provided in
10 subsection (5), a person operating or riding on a motorcycle shall
11 wear a crash helmet on his or her head.

12 (5) The following conditions apply to a person 21 years of age
13 or older operating or riding on a motorcycle, as applicable:

14 (a) A person who is operating a motorcycle is not required to
15 wear a crash helmet on his or her head if he or she has had a
16 motorcycle endorsement on his or her operator's or chauffeur's
17 license for not less than 2 years or the person passes a motorcycle
18 safety course conducted under section 811a or 811b and satisfies
19 the requirements of subdivision (c).

20 (b) A person who is riding on a motorcycle is not required to
21 wear a crash helmet on his or her head if the person or the
22 operator of the motorcycle satisfies the requirements of
23 subdivision (c).

24 (c) A person who is operating a motorcycle and a person who is
25 riding on a motorcycle are not required to wear crash helmets on
26 their heads if the operator of the motorcycle or the rider has in
27 effect security for the first-party medical benefits payable in the

1 event that he or she is involved in a motorcycle accident, as
2 provided in section 3103 of the insurance code of 1956, 1956 PA
3 218, MCL 500.3103, in 1 of the following amounts, as applicable:

4 (i) A motorcycle operator without a rider, not less than
5 \$20,000.00.

6 (ii) A motorcycle operator with a rider, not less than
7 \$20,000.00 per person per occurrence. However, if the rider has
8 security in an amount not less than \$20,000.00, then the operator
9 is only required to have security in the amount of not less than
10 \$20,000.00.

11 (6) Crash helmets shall be approved by the department of state
12 police. The department of state police shall promulgate rules for
13 the implementation of this section under the administrative
14 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. Rules in
15 effect on June 1, 1970, apply to helmets required by this act.

16 (7) The crash helmet requirements under this section do not
17 apply to a person operating or riding in an autocyce if the
18 vehicle is equipped with a roof that meets or exceeds standards for
19 a crash helmet.

20 (8) A person operating or riding in an autocyce shall wear
21 seat belts when on a public highway in this state.

22 **(9) A PERSON UNDER THE AGE OF 12 SHALL NOT OPERATE AN ELECTRIC**
23 **SKATEBOARD ON A PUBLIC HIGHWAY OR STREET.**

24 Sec. 660. (1) A person operating an electric personal
25 assistive mobility device, low-speed vehicle, **ELECTRIC SKATEBOARD**,
26 or moped upon a roadway shall ride as near to the right side of the
27 roadway as practicable and shall exercise due care when passing a

1 standing vehicle or one proceeding in the same direction. A
2 motorcycle is entitled to full use of a lane, and a motor vehicle
3 shall not be driven in such a manner as to deprive a motorcycle of
4 the full use of a lane. This subsection does not apply to
5 motorcycles operated 2 abreast in a single lane.

6 (2) A person riding an electric personal assistive mobility
7 device, motorcycle, **ELECTRIC SKATEBOARD**, or moped upon a roadway
8 shall not ride more than 2 abreast except on a path or part of a
9 roadway set aside for the exclusive use of those vehicles.

10 (3) Where a usable and designated path for bicycles is
11 provided adjacent to a highway or street, a person operating an
12 electric personal assistive mobility device **OR ELECTRIC SKATEBOARD**
13 may, by local ordinance, be required to use that path.

14 (4) A person operating a motorcycle, moped, low-speed vehicle,
15 ~~or~~ electric personal assistive mobility device, **OR ELECTRIC**
16 **SKATEBOARD** shall not pass between lines of traffic, but may pass on
17 the left of traffic moving in his or her direction in the case of a
18 2-way street or on the left or right of traffic in the case of a 1-
19 way street, in an unoccupied lane.

20 (5) A person operating an electric personal assistive mobility
21 device **OR ELECTRIC SKATEBOARD** on a sidewalk constructed for the use
22 of pedestrians shall yield the right-of-way to a pedestrian and
23 shall give an audible signal before overtaking and passing the
24 pedestrian.

25 (6) A moped, low-speed vehicle, or commercial quadricycle
26 shall not be operated on a sidewalk constructed for the use of
27 pedestrians.

1 (7) A low-speed vehicle or commercial quadricycle shall be
2 operated at a speed of not more than 25 miles per hour. A low-speed
3 vehicle shall not be operated on a highway or street with a speed
4 limit of more than 35 miles per hour except for the purpose of
5 crossing that highway or street. A commercial quadricycle shall not
6 be operated on a highway or street with a speed limit of more than
7 45 miles per hour except for the purpose of crossing that highway
8 or street. An individual shall not operate a commercial quadricycle
9 that is equipped with a motor unless he or she has a valid
10 operator's license issued under this act. The state transportation
11 department may prohibit the operation of a low-speed vehicle or
12 commercial quadricycle on any highway or street under its
13 jurisdiction if it determines that the prohibition is necessary in
14 the interest of public safety.

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

17 (9) An electric personal assistive mobility device shall be
18 operated at a speed of not more than 15 miles per hour and shall
19 not be operated on a highway or street with a speed limit of more
20 than 25 miles per hour except to cross that highway or street.

21 **(10) AN ELECTRIC SKATEBOARD SHALL BE OPERATED AT A SPEED OF**
22 **NOT MORE THAN 25 MILES PER HOUR AND SHALL NOT BE OPERATED ON A**
23 **HIGHWAY OR STREET WITH A SPEED LIMIT OF MORE THAN 25 MILES PER HOUR**
24 **EXCEPT TO CROSS THAT HIGHWAY OR STREET.**

25 **(11)** ~~(10)~~—The governing body of a county, a city, a village,
26 an entity created under the urban cooperation act of 1967, 1967 (Ex
27 Sess) PA 7, MCL 124.501 to 124.512, or a township may, by ordinance

1 ~~, which is~~ based on the health, safety, and welfare of the
 2 citizens, regulate the operation of electric personal assistive
 3 mobility devices, **ELECTRIC SKATEBOARDS**, or commercial quadricycles
 4 on sidewalks, highways or streets, or crosswalks. Except as
 5 otherwise provided in this subsection, a governing body of a
 6 county, city, village, entity created under the urban cooperation
 7 act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512, or
 8 township may prohibit the operation of electric personal assistive
 9 mobility devices, **ELECTRIC SKATEBOARDS** or commercial quadricycles
 10 in an area open to pedestrian traffic adjacent to a waterfront or
 11 on a trail under its jurisdiction or in a downtown or central
 12 business district. Signs indicating the regulation shall be
 13 conspicuously posted in the area where the use of an electric
 14 personal assistive mobility device, **ELECTRIC SKATEBOARD**, or
 15 commercial quadricycle is regulated.

16 (12) ~~(11)~~ Operation of an electric personal assistive mobility
 17 device **OR ELECTRIC SKATEBOARD** is prohibited in a special charter
 18 city and a state park under the jurisdiction of the Mackinac Island
 19 State Park commission.

20 (13) ~~(12)~~ Operation of an electric personal assistive mobility
 21 device **OR ELECTRIC SKATEBOARD** may be prohibited in a historic
 22 district.

23 (14) ~~(13)~~ The department of natural resources may by order
 24 regulate the use of electric personal assistive mobility devices **OR**
 25 **ELECTRIC SKATEBOARDS** on all lands under its control.

26 Sec. 662. (1) A bicycle, electric personal assistive mobility
 27 device, **ELECTRIC SKATEBOARD**, or commercial quadricycle being

1 operated on a roadway between 1/2 hour after sunset and 1/2 hour
2 before sunrise shall be equipped with a lamp on the front that
3 emits a white light visible from a distance of at least 500 feet to
4 the front and with a red reflector on the rear that shall be
5 visible from all distances from 100 feet to 600 feet to the rear
6 when directly in front of lawful lower beams of head lamps on a
7 motor vehicle. A lamp emitting a red light visible from a distance
8 of 500 feet to the rear may be used in addition to the red
9 reflector.

10 (2) A bicycle shall be equipped with a brake that enables the
11 operator to make the braked wheels skid on dry, level, clean
12 pavement.

13 (3) An electric personal assistive mobility device, **ELECTRIC**
14 **SKATEBOARD**, or commercial quadricycle shall enable the operator to
15 bring it to a controlled stop.

16 (4) A person shall not sell, offer for sale, or deliver for
17 sale in this state a bicycle or a pedal for use on a bicycle,
18 either of which was manufactured after January 1, 1976, unless it
19 is equipped with a type of reflex reflector located on the front
20 and rear surfaces of the pedal. The reflector elements may be
21 either integral with the construction of the pedal or mechanically
22 attached, but shall be sufficiently recessed from the edge of the
23 pedal, or of the reflector housing, to prevent contact of the
24 reflector element with a flat surface placed in contact with the
25 edge of the pedal. The pedal reflectors shall be visible from the
26 front and rear of the bicycle during the nighttime from a distance
27 of 200 feet when directly exposed to the lower beam head lamps of a

1 motor vehicle.

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

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

20 Enacting section 1. This amendatory act takes effect 90 days
21 after the date it is enacted into law.