

SUBSTITUTE FOR
SENATE BILL NO. 477

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 653a and 653b (MCL 257.653a and 257.653b),
section 653a as added by 2000 PA 458 and section 653b as added by
2008 PA 464.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 653a. (1) Upon approaching and passing a stationary
2 authorized emergency vehicle that is giving a visual signal by
3 means of flashing, rotating, or oscillating red, blue, ~~or~~ white, **OR**
4 **AMBER** lights as permitted by section 698, the driver of an
5 approaching vehicle shall exhibit due care and caution, as required
6 under the following:

7 (a) On any public roadway with at least 2 adjacent lanes
8 proceeding in the same direction of the stationary authorized

1 emergency vehicle, the driver of the approaching vehicle shall
2 proceed with caution, **REDUCE HIS OR HER SPEED BY AT LEAST 10 MILES**
3 **PER HOUR BELOW THE POSTED SPEED LIMIT**, and yield the right-of-way
4 by moving into a lane at least 1 moving lane or 2 vehicle widths
5 apart from the stationary authorized emergency vehicle, unless
6 directed otherwise by a police officer. If movement to an adjacent
7 lane or 2 vehicle widths apart is not possible due to weather, road
8 conditions, or the immediate presence of vehicular or pedestrian
9 traffic in parallel moving lanes, the driver of the approaching
10 vehicle shall proceed as required in subdivision (b).

11 (b) On any public roadway that does not have at least 2
12 adjacent lanes proceeding in the same direction as the stationary
13 authorized emergency vehicle, or if the movement by the driver of
14 the vehicle into an adjacent lane or 2 vehicle widths apart is not
15 possible as described in subdivision (a), the approaching vehicle
16 shall ~~reduce and maintain a safe speed for weather, road~~
17 ~~conditions, and vehicular or pedestrian traffic and~~ proceed with
18 due care and caution **AND REDUCE HIS OR HER SPEED BY AT LEAST 10**
19 **MILES PER HOUR BELOW THE POSTED SPEED LIMIT**, or as directed by a
20 police officer.

21 (2) Except as provided in subsections (3) and (4), a person
22 who violates this section is guilty of a misdemeanor punishable by
23 a fine of not more than \$500.00 or imprisonment for not more than
24 90 days, or both.

25 (3) A person who violates this section and causes injury to a
26 police officer, firefighter, or other emergency response personnel
27 in the immediate area of the stationary authorized emergency

1 vehicle is guilty of a felony punishable by a fine of not more than
2 \$1,000.00 or imprisonment for not more than 2 years, or both.

3 (4) A person who violates this section and causes death to a
4 police officer, firefighter, or other emergency response personnel
5 in the immediate area of the stationary authorized emergency
6 vehicle is guilty of a felony punishable by a fine of not more than
7 \$7,500.00 or by imprisonment for not more than 15 years, or both.

8 (5) THE OPERATOR OF A VEHICLE UPON A HIGHWAY THAT HAS
9 BEEN DIVIDED INTO 2 ROADWAYS BY LEAVING AN INTERVENING SPACE, OR BY
10 A PHYSICAL BARRIER OR CLEARLY INDICATED DIVIDING SECTIONS SO
11 CONSTRUCTED AS TO IMPEDE VEHICULAR TRAFFIC, IS NOT REQUIRED TO
12 REDUCE HIS OR HER SPEED OR YIELD THE RIGHT-OF-WAY FOR AN AUTHORIZED
13 EMERGENCY VEHICLE THAT IS STOPPED ACROSS THE DIVIDING SPACE,
14 BARRIER, OR SECTION.

15 Sec. 653b. (1) ~~Upon~~ EXCEPT WHEN IN A WORK ZONE AS DEFINED IN
16 SECTION 79D, UPON approaching and passing a stationary solid waste
17 collection vehicle, a utility service vehicle, or a road
18 maintenance vehicle that is giving a visual signal by means of
19 flashing, rotating, or oscillating amber lights as permitted by
20 section 698, the driver of an approaching vehicle shall
21 ~~reduce to and maintain a safe speed for weather, road conditions,~~
22 ~~and vehicular or pedestrian traffic and~~ EXHIBIT DUE CARE AND
23 CAUTION, AS REQUIRED UNDER THE FOLLOWING:

24 (A) ON ANY PUBLIC ROADWAY WITH AT LEAST 2 ADJACENT LANES
25 PROCEEDING IN THE SAME DIRECTION OF THE STATIONARY SOLID WASTE
26 COLLECTION VEHICLE, UTILITY SERVICE VEHICLE, OR ROAD MAINTENANCE
27 VEHICLE, OR UPON WHICH AN INDIVIDUAL PERFORMING SURVEYING WORK OR A

1 CONSTRUCTION WORKER IN THE PROCESS OF ESTABLISHING A WORK ZONE AS
2 DEFINED IN SECTION 79D IS PRESENT, THE DRIVER OF THE APPROACHING
3 VEHICLE SHALL PROCEED WITH CAUTION, REDUCE HIS OR HER SPEED BY 10
4 MILES PER HOUR, AND YIELD THE RIGHT-OF-WAY BY MOVING INTO A LANE AT
5 LEAST 1 MOVING LANE OR 2 VEHICLE WIDTHS APART FROM THE STATIONARY
6 SOLID WASTE COLLECTION VEHICLE, UTILITY SERVICE VEHICLE, ROAD
7 MAINTENANCE VEHICLE, INDIVIDUAL PERFORMING SURVEYING WORK, OR
8 CONSTRUCTION WORKER, UNLESS DIRECTED OTHERWISE BY A POLICE OFFICER.
9 IF MOVEMENT TO AN ADJACENT LANE OR 2 VEHICLE WIDTHS APART IS NOT
10 POSSIBLE DUE TO WEATHER, ROAD CONDITIONS, OR THE IMMEDIATE PRESENCE
11 OF VEHICULAR OR PEDESTRIAN TRAFFIC IN PARALLEL MOVING LANES, THE
12 DRIVER OF THE APPROACHING VEHICLE SHALL PROCEED AS REQUIRED IN
13 SUBDIVISION (B).

14 (B) ON ANY PUBLIC ROADWAY THAT DOES NOT HAVE AT LEAST 2
15 ADJACENT LANES PROCEEDING IN THE SAME DIRECTION AS THE STATIONARY
16 SOLID WASTE COLLECTION VEHICLE, UTILITY SERVICE VEHICLE, OR ROAD
17 MAINTENANCE VEHICLE, OR UPON WHICH AN INDIVIDUAL PERFORMING
18 SURVEYING WORK OR A CONSTRUCTION WORKER IN THE PROCESS OF
19 ESTABLISHING A WORK ZONE AS DEFINED IN SECTION 79D IS PRESENT, OR
20 IF THE MOVEMENT BY THE DRIVER OF THE VEHICLE INTO AN ADJACENT LANE
21 OR 2 VEHICLE WIDTHS APART IS NOT POSSIBLE AS DESCRIBED IN
22 SUBDIVISION (A), THE APPROACHING VEHICLE SHALL proceed with due
23 care and caution AND REDUCE HIS OR HER SPEED BY 10 MILES PER HOUR.

24 (2) THE OPERATOR OF A VEHICLE UPON A HIGHWAY THAT HAS BEEN
25 DIVIDED INTO 2 ROADWAYS BY LEAVING AN INTERVENING SPACE, OR BY A
26 PHYSICAL BARRIER OR CLEARLY INDICATED DIVIDING SECTIONS SO
27 CONSTRUCTED AS TO IMPEDE VEHICULAR TRAFFIC, IS NOT REQUIRED TO

1 REDUCE HIS OR HER SPEED OR YIELD THE RIGHT-OF-WAY FOR A STATIONARY
2 SOLID WASTE COLLECTION VEHICLE, UTILITY SERVICE VEHICLE, OR ROAD
3 MAINTENANCE VEHICLE THAT IS STOPPED ACROSS THE DIVIDING SPACE,
4 BARRIER, OR SECTION OR FOR AN INDIVIDUAL PERFORMING SURVEYING WORK
5 OR A CONSTRUCTION WORKER IN THE PROCESS OF ESTABLISHING A WORK ZONE
6 AS DEFINED IN SECTION 79D WHO IS PRESENT ON THE DIVIDING SPACE,
7 BARRIER, OR SECTION.

8 (3) ~~(2)~~—As used in this section:

9 (a) "Road maintenance authority" means any of the following:

10 (i) The state department of transportation.

11 (ii) A local authority.

12 (iii) An entity operating under contract with the state
13 department of transportation or a local authority to provide road
14 construction or road maintenance services.

15 (b) "Road maintenance vehicle" means a vehicle owned or
16 operated by a road maintenance authority.

17 (c) "Solid waste" means that term as defined in section 11506
18 of the natural resources and environmental protection act, 1994 PA
19 451, MCL 324.11506.

20 (d) "Solid waste collection vehicle" means a solid waste
21 transporting unit that is used for the curbside collection of
22 municipal solid waste.

23 (e) "Solid waste hauler" means that term as defined in section
24 11506 of the natural resources and environmental protection act,
25 1994 PA 451, MCL 324.11506.

26 (f) "Solid waste transporting unit" means that term as defined
27 in section 11506 of the natural resources and environmental

1 protection act, 1994 PA 451, MCL 324.11506.

2 (g) "Utility provider" means an entity that does any of the
3 following and that is regulated as a utility under the laws of this
4 state or of the United States:

5 (i) Generates or distributes electrical power to the public.

6 (ii) Generates or distributes natural gas to the public.

7 (iii) Provides sewage collection services to the public.

8 (iv) Provides water distribution services to the public.

9 (v) Provides telephone services to the public.

10 (vi) Provides cable or video services to the public.

11 (h) "Utility service vehicle" means a vehicle owned or
12 operated by a utility provider.

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