

HOUSE BILL No. 5391

January 10, 2018, Introduced by Reps. VanderWall, Howell, Canfield and Hughes and referred to the Committee on Transportation and Infrastructure.

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 13e.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 13E. "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
6 SPEED ON A PAVED LEVEL SURFACE OF NOT MORE THAN 25 MILES PER HOUR.

1 AN ELECTRIC SKATEBOARD MAY, IN ADDITION TO HAVING AN ELECTRICAL
2 PROPULSION SYSTEM WITH POWER OF NO MORE THAN 2,500 WATTS, BE
3 DESIGNED TO ALSO BE POWERED BY HUMAN PROPULSION.

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

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

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

26 (2) A bicycle or motorcycle shall not be used to carry more
27 persons at 1 time than the number for which it is designed and

1 equipped.

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

5 (4) A person less than 19 years of age operating a moped on a
6 public thoroughfare shall wear a crash helmet on his or her head.
7 Except as provided in subsection (5), a person operating or riding
8 on a motorcycle shall wear a crash helmet on his or her head.

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

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

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

21 (c) A person who is operating a motorcycle and a person who is
22 riding on a motorcycle are not required to wear crash helmets on
23 their heads if the operator of the motorcycle or the rider has in
24 effect security for the first-party medical benefits payable in the
25 event that he or she is involved in a motorcycle accident, as
26 provided in section 3103 of the insurance code of 1956, 1956 PA
27 218, MCL 500.3103, in 1 of the following amounts, as applicable:

1 (i) A motorcycle operator without a rider, not less than
2 \$20,000.00.

3 (ii) A motorcycle operator with a rider, not less than
4 \$20,000.00 per person per occurrence. However, if the rider has
5 security in an amount not less than \$20,000.00, then the operator
6 is only required to have security in the amount of not less than
7 \$20,000.00.

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

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

17 (8) A person operating or riding in an autocycle shall wear
18 seat belts when on a public highway in this state.

19 Sec. 660. (1) A person operating an electric personal
20 assistive mobility device, low-speed vehicle, **ELECTRIC SKATEBOARD**,
21 or moped upon a roadway shall ride as near to the right side of the
22 roadway as practicable and shall exercise due care when passing a
23 standing vehicle or one proceeding in the same direction. A
24 motorcycle is entitled to full use of a lane, and a motor vehicle
25 shall not be driven in such a manner as to deprive a motorcycle of
26 the full use of a lane. This subsection does not apply to
27 motorcycles operated 2 abreast in a single lane.

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

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

9 (4) A person operating a motorcycle, moped, low-speed vehicle,
10 ~~or~~ electric personal assistive mobility device, **OR ELECTRIC**
11 **SKATEBOARD** shall not pass between lines of traffic, but may pass on
12 the left of traffic moving in his or her direction in the case of a
13 2-way street or on the left or right of traffic in the case of a 1-
14 way street, in an unoccupied lane.

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

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

23 (7) A low-speed vehicle or commercial quadricycle shall be
24 operated at a speed of not more than 25 miles per hour. A low-speed
25 vehicle shall not be operated on a highway or street with a speed
26 limit of more than 35 miles per hour except for the purpose of
27 crossing that highway or street. A commercial quadricycle shall not

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

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

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

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

20 **(11)** ~~(10)~~ The governing body of a county, a city, a village,
21 an entity created under the urban cooperation act of 1967, 1967 (Ex
22 Sess) PA 7, MCL 124.501 to 124.512, or a township may, by
23 ordinance, ~~which is~~ based on the health, safety, and welfare of the
24 citizens, regulate the operation of electric personal assistive
25 mobility devices, **ELECTRIC SKATEBOARDS**, or commercial quadricycles
26 on sidewalks, highways or streets, or crosswalks. Except as
27 otherwise provided in this subsection, a governing body of a

1 county, city, village, entity created under the urban cooperation
2 act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512, or
3 township may prohibit the operation of electric personal assistive
4 mobility devices, **ELECTRIC SKATEBOARDS** or commercial quadricycles
5 in an area open to pedestrian traffic adjacent to a waterfront or
6 on a trail under its jurisdiction or in a downtown or central
7 business district. Signs indicating the regulation shall be
8 conspicuously posted in the area where the use of an electric
9 personal assistive mobility device, **ELECTRIC SKATEBOARD**, or
10 commercial quadricycle is regulated.

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

15 (13) ~~(12)~~—Operation of an electric personal assistive mobility
16 device **OR ELECTRIC SKATEBOARD** may be prohibited in a historic
17 district.

18 (14) ~~(13)~~—The department of natural resources may by order
19 regulate the use of electric personal assistive mobility devices **OR**
20 **ELECTRIC SKATEBOARDS** on all lands under its control.

21 Sec. 662. (1) A bicycle, electric personal assistive mobility
22 device, or commercial quadricycle being operated on a roadway
23 between 1/2 hour after sunset and 1/2 hour before sunrise shall be
24 equipped with a lamp on the front that emits a white light visible
25 from a distance of at least 500 feet to the front and with a red
26 reflector on the rear that shall be visible from all distances from
27 100 feet to 600 feet to the rear when directly in front of lawful

1 lower beams of head lamps on a motor vehicle. A lamp emitting a red
2 light visible from a distance of 500 feet to the rear may be used
3 in addition to the red reflector.

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

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

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

23 (5) A person shall not sell, offer for sale, or deliver for
24 sale in this state a bicycle manufactured after January 1, 1976 or
25 an electric personal assistive mobility device unless it is
26 equipped with either tires that have reflective sidewalls or with
27 wide-angle prismatic spoke reflectors. If the bicycle or the

1 electric personal assistive mobility device is manufactured with
2 reflective sidewalls, the reflective portion of the sidewall shall
3 form a continuous circle on the sidewall, and may not be removed
4 from the tire without removal of tire material. If the bicycle is
5 equipped with wide-angle prismatic spoke reflectors, the reflectors
6 of the front wheel shall be essentially colorless or amber, and the
7 reflectors on the rear wheel shall be essentially colorless or red.
8 Reflective sidewalls or spoke reflectors shall cause the bicycle to
9 be visible from all distances from 100 feet to 600 feet when viewed
10 under lawful low beam motor vehicle head lamps under normal
11 atmospheric conditions.

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

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