

SENATE BILL No. 192

February 23, 2017, Introduced by Senator BOOHER and referred to the Committee on
Regulatory Reform.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 208c and 698 (MCL 257.208c and 257.698),
section 208c as amended by 2008 PA 539 and section 698 as amended
by 2016 PA 161.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 208c. (1) Except as provided in this section and in
2 section 232, personal information in a record maintained under this
3 act shall not be disclosed, unless the person requesting the
4 information furnishes proof of identity satisfactory to the
5 secretary of state and certifies that the personal information
6 requested will be used for a permissible purpose identified in this
7 section or in section 232. However, highly restricted personal
8 information shall be used and disclosed only as expressly permitted

1 in section 307 or as otherwise expressly provided by law.

2 (2) Personal information in a record maintained under this act
3 shall be disclosed by the secretary of state if required to carry
4 out the purposes of federal law or federal regulations.

5 (3) Personal information in a record maintained under this act
6 may be disclosed by the secretary of state as follows:

7 (a) For use by a federal, state, or local governmental agency,
8 including a court or law enforcement agency, in carrying out the
9 agency's functions, or by a private person or entity acting on
10 behalf of a governmental agency in carrying out the agency's
11 functions.

12 (b) For use in connection with matters of motor vehicle and
13 driver safety or auto theft; motor vehicle emissions; motor vehicle
14 product alterations, recalls, or advisories; performance monitoring
15 of motor vehicles; motor vehicle market research activities,
16 including survey research; and the removal of nonowner records from
17 the original records of motor vehicle manufacturers.

18 (c) For use in the normal course of business by a legitimate
19 business, including the agents, employees, and contractors of the
20 business, but only to verify the accuracy of personal information
21 submitted by an individual to the business or its agents,
22 employees, or contractors, and if the information as so submitted
23 is no longer correct, to obtain the correct information, for the
24 sole purpose of preventing fraud by pursuing legal remedies
25 against, or recovering on a debt against, the individual.

26 (d) For use in connection with a civil, criminal,
27 administrative, or arbitration proceeding in a federal, state, or

1 local court or governmental agency or before a self-regulatory
2 body, including use for service of process, investigation in
3 anticipation of litigation, and the execution or enforcement of
4 judgments and orders, or pursuant to an order of a federal, state,
5 or local court, an administrative agency, or a self-regulatory
6 body.

7 (e) For use in legitimate research activities and in preparing
8 statistical reports for commercial, scholarly, or academic purposes
9 by a bona fide research organization, if the personal information
10 is not published, redisclosed, or used to contact individuals.

11 (f) For use by an insurer or insurance support organization,
12 or by a self-insured entity, or its agents, employees, or
13 contractors, in connection with claims investigating activity,
14 antifraud activity, rating, or underwriting.

15 (g) For use in providing notice to the owner of an abandoned,
16 towed, or impounded vehicle or for use by the custodian of a
17 vehicle that is considered an abandoned vehicle as defined in
18 sections 252a, 252b, and 252d.

19 (h) For use ~~either by a~~ **ANY OF THE FOLLOWING FOR A PURPOSE**
20 **PERMITTED UNDER THIS SECTION:**

21 (i) A private detective or private investigator **THAT IS**
22 licensed under the professional investigator licensure act, 1965 PA
23 285, MCL 338.821 to 338.851. ~~, or by a~~

24 (ii) A private security guard agency or alarm system
25 contractor **THAT IS** licensed under the private security business and
26 security alarm act, 1968 PA 330, MCL 338.1051 to 338.1083. ~~, only~~
27 ~~for a purpose permitted under this section.~~

1 (iii) A SECURITY GUARD AGENCY THAT IS LICENSED UNDER ARTICLE
2 14A OF THE OCCUPATIONAL CODE, 1980 PA 299, MCL 339.1421 TO
3 339.1443.

4 (iv) A SYSTEM PROVIDER THAT IS REGISTERED UNDER THE SECURITY
5 ALARM SYSTEMS ACT, 2012 PA 580, MCL 338.2181 TO 338.2187.

6 (i) For use by an employer, or the employer's agent or
7 insurer, to obtain or verify information relating either to the
8 holder of a commercial driver license that is required under
9 federal law or to the holder of a chauffeur's license that is
10 required under chapter 3.

11 (j) For use by a car rental business, or its employees,
12 agents, contractors, or service firms, for the purpose of making
13 rental decisions.

14 (k) For use in connection with the operation of private toll
15 transportation facilities.

16 (l) For use by a news medium in the preparation and
17 dissemination of a report related in part or in whole to the
18 operation of a motor vehicle or public safety. "News medium"
19 includes a newspaper, a magazine or periodical published at regular
20 intervals, a news service, a broadcast network, a television
21 station, a radio station, a cablecaster, or an entity employed by
22 any of the foregoing.

23 (m) For any use by an individual requesting information
24 pertaining to himself or herself or requesting in writing that the
25 secretary of state provide information pertaining to himself or
26 herself to the individual's designee. A request for disclosure to a
27 designee, however, may be submitted only by the individual.

1 (4) Medical and disability information in a record maintained
2 under this act may be used and disclosed for purposes of subsection
3 (3)(a), (d), or (m).

4 Sec. 698. (1) A motor vehicle may be equipped with not more
5 than 2 side cowl or fender lamps that shall emit an amber or white
6 light without glare.

7 (2) A motor vehicle may be equipped with not more than 1
8 running board courtesy lamp on each side that shall emit a white or
9 amber light without glare.

10 (3) Backing lights of red, amber, or white may be mounted on
11 the rear of a motor vehicle if the switch controlling the light is
12 so arranged that the light may be turned on only if the vehicle is
13 in reverse gear. The backing lights when unlighted shall be covered
14 or otherwise arranged so as not to reflect objectionable glare in
15 the eyes of an operator of a vehicle approaching from the rear.

16 (4) Unless both covered and unlit, a vehicle operated on the
17 highways of this state shall not be equipped with a lamp or a part
18 designed to be a reflector unless expressly required or permitted
19 by this chapter or that meets the standards prescribed in 49 CFR
20 571.108. A lamp or a part designed to be a reflector, if visible
21 from the front, shall display or reflect a white or amber light; if
22 visible from either side, shall display or reflect an amber or red
23 light; and if visible from the rear, shall display or reflect a red
24 light, except as otherwise provided by law.

25 (5) The use or possession of flashing, oscillating, or
26 rotating lights of any color is prohibited except as otherwise
27 provided by law, or under the following circumstances:

1 (a) A police vehicle shall be equipped with flashing,
2 rotating, or oscillating red or blue lights, for use in the
3 performance of police duties.

4 (b) A fire vehicle or ambulance available for public use or
5 for use of the United States, the state, or any unit of the state,
6 whether publicly or privately owned, shall be equipped with
7 flashing, rotating, or oscillating red lights and used as required
8 for safety.

9 (c) An authorized emergency vehicle may be equipped with
10 flashing, rotating, or oscillating red lights for use when
11 responding to an emergency call if when in use the flashing,
12 rotating, or oscillating red lights are mounted on the roof section
13 of the vehicle, either as a permanent installation or by means of
14 suction cups or magnets and are clearly visible in a 360-degree arc
15 from a distance of 500 feet when in use. A person operating lights
16 under this subdivision at any time other than when responding to an
17 emergency call is guilty of a misdemeanor.

18 (d) Flashing, rotating, or oscillating amber or green lights,
19 placed in a position as to be visible throughout an arc of 360
20 degrees, shall be used by a state, county, or municipal vehicle
21 engaged in the removal of ice, snow, or other material from the
22 highway and in other operations designed to control ice and snow,
23 or engaged in other non-winter operations. This subdivision does
24 not prohibit the use of a flashing, rotating, or oscillating green
25 light by a fire service.

26 (e) A vehicle used for the cleanup of spills or a necessary
27 emergency response action taken pursuant to state or federal law or

1 a vehicle operated by an employee of the department of natural
2 resources or the department of environmental quality that responds
3 to a spill, emergency response action, complaint, or compliance
4 activity may be equipped with flashing, rotating, or oscillating
5 amber or green lights. The lights described in this subdivision
6 shall not be activated unless the vehicle is at the scene of a
7 spill, emergency response action, complaint, or compliance
8 activity. This subdivision does not prohibit the use of a flashing,
9 rotating, or oscillating green light by a fire service.

10 (f) A vehicle to perform public utility service, a vehicle
11 owned or leased by and licensed as a business for use in the
12 collection and hauling of refuse, an automobile service car or
13 wrecker, a vehicle engaged in authorized highway repair or
14 maintenance, a vehicle of a peace officer, a vehicle operated by a
15 rural letter carrier or a person under contract to deliver
16 newspapers or other publications by motor route, a vehicle utilized
17 for snow or ice removal under section 682c, a private security
18 guard vehicle as authorized in subsection (7), a motor vehicle
19 while engaged in escorting or transporting an oversize load that
20 has been issued a permit by the state transportation department or
21 a local authority with respect to highways under its jurisdiction,
22 a vehicle owned by the national guard or a United States military
23 vehicle while traveling under the appropriate recognized military
24 authority, a motor vehicle while towing an implement of husbandry,
25 or an implement of husbandry may be equipped with flashing,
26 rotating, or oscillating amber lights. However, a wrecker may be
27 equipped with flashing, rotating, or oscillating red lights that

1 shall be activated only when the wrecker is engaged in removing or
2 assisting a vehicle at the scene of a traffic accident or
3 disablement. The flashing, rotating, or oscillating amber lights
4 shall not be activated except when the warning produced by the
5 lights is required for public safety.

6 (g) A vehicle engaged in leading or escorting a funeral
7 procession or any vehicle that is part of a funeral procession may
8 be equipped with flashing, rotating, or oscillating purple or amber
9 lights that shall not be activated except during a funeral
10 procession.

11 (h) An authorized emergency vehicle may display flashing,
12 rotating, or oscillating white lights in conjunction with an
13 authorized emergency light as prescribed in this section.

14 (i) A private motor vehicle of a physician responding to an
15 emergency call may be equipped with and the physician may use
16 flashing, rotating, or oscillating red lights mounted on the roof
17 section of the vehicle either as a permanent installation or by
18 means of magnets or suction cups and clearly visible in a 360-
19 degree arc from a distance of 500 feet when in use. The physician
20 shall first obtain written authorization from the county sheriff.

21 (j) A public transit vehicle may be equipped with a flashing,
22 oscillating, or rotating light mounted on the roof of the vehicle
23 approximately 6 feet from the rear of the vehicle that displays a
24 white light to the front, side, and rear of the vehicle, which
25 light may be actuated by the driver for use only in inclement
26 weather such as fog, rain, or snow, when boarding or discharging
27 passengers, from 1/2 hour before sunset until 1/2 hour after

1 sunrise, or when conditions hinder the visibility of the public
2 transit vehicle. As used in this subdivision, "public transit
3 vehicle" means a motor vehicle, other than a station wagon or
4 passenger van, with a gross vehicle weight rating of more than
5 10,000 pounds.

6 (k) A person engaged in the manufacture, sale, or repair of
7 flashing, rotating, or oscillating lights governed by this
8 subsection may possess the lights for the purpose of employment,
9 but shall not activate the lights upon the highway unless
10 authorized to do so under subsection (6).

11 (6) A person shall not sell, loan, or otherwise furnish a
12 flashing, rotating, or oscillating blue or red light designed
13 primarily for installation on an authorized emergency vehicle to a
14 person except a police officer, sheriff, deputy sheriff, authorized
15 physician, volunteer or paid fire fighter, volunteer ambulance
16 driver, licensed ambulance driver or attendant of the state, a
17 county or municipality within the state, a person engaged in the
18 business of operating an ambulance or wrecker service, or a
19 federally recognized nonprofit charitable organization that owns
20 and operates an emergency support vehicle used exclusively for
21 emergencies. This subsection does not prohibit an authorized
22 vehicle, equipped with flashing, rotating, or oscillating blue or
23 red lights, from being operated by a person other than a person
24 described in this section if the person receives authorization to
25 operate the emergency vehicle from a police officer, sheriff,
26 deputy sheriff, authorized physician, volunteer or paid fire
27 fighter, volunteer ambulance driver, licensed ambulance driver or

1 attendant, a person operating an ambulance or wrecker service, or a
2 federally recognized nonprofit charitable organization that owns
3 and operates an emergency support vehicle used exclusively for
4 emergencies, except that the authorization shall not permit the
5 person to operate lights as described in subsection (5)(a), (b),
6 (c), (i), or (j), or to exercise the privileges described in
7 section 603. A person who operates an authorized emergency vehicle
8 in violation of the terms of an authorization is guilty of a
9 misdemeanor punishable by imprisonment for not more than 90 days or
10 a fine of not more than \$100.00, or both.

11 (7) A private motor vehicle of a security guard agency or
12 alarm company **THAT IS** licensed under the private security business
13 and security alarm act, 1968 PA 330, MCL 338.1051 to 338.1092, **A**
14 **SECURITY GUARD AGENCY THAT IS LICENSED UNDER ARTICLE 14A OF THE**
15 **OCCUPATIONAL CODE, 1980 PA 299, MCL 339.1421 TO 339.1443, OR A**
16 **SYSTEM PROVIDER THAT IS REGISTERED UNDER THE SECURITY ALARM SYSTEMS**
17 **ACT, 2012 PA 580, MCL 338.2181 TO 338.2187,** may display flashing,
18 rotating, or oscillating amber lights. The flashing, rotating, or
19 oscillating amber lights shall not be activated on a public highway
20 when a vehicle is in motion.

21 (8) This section does not prohibit, restrict, or limit the use
22 of lights authorized or required under sections 697, 697a, and
23 698a.

24 (9) A person who operates a vehicle in violation of subsection
25 (1), (2), (3), or (4) is responsible for a civil infraction.

26 Enacting section 1. This amendatory act takes effect January
27 1, 2018.