

SENATE BILL NO. 781

March 13, 2024, Introduced by Senator WEBBER and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 2, 698, 716, and 907 (MCL 257.2, 257.698, 257.716, and 257.907), section 2 as amended by 2011 PA 231, section 698 as amended by 2020 PA 382, section 716 as amended by 2016 PA 453, and section 907 as amended by 2023 PA 40, and by adding section 682d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) "Authorized emergency vehicle" means any 1 of the
2 following:

1 (a) Vehicles of the fire department, police vehicles,
2 ambulances, privately owned motor vehicles of volunteer or paid
3 fire fighters, or volunteer members of an emergency rescue unit if
4 authorized by the chief of an organized fire department, a county
5 sheriff, or the director of the department of state police, or
6 privately owned motor vehicles of volunteer or paid members of a
7 life support agency licensed by the department of licensing and
8 regulatory affairs if authorized by the life support agency.

9 (b) For purposes of section 698(5)(c) during an emergency, a
10 vehicle **that is** owned and operated by a federally recognized
11 nonprofit charitable organization ~~that is~~ **and** used exclusively for
12 assistance during that emergency.

13 (c) For purposes of section 653a, a road service vehicle
14 giving a visual signal by means of a flashing, rotating, or
15 oscillating **blue**, red, or amber light. ~~As used in this subdivision,~~
16 ~~"road service vehicle" means a vehicle that is clearly marked and~~
17 ~~readily recognizable as a vehicle used to assist disabled vehicles.~~

18 (2) As used in this section:

19 (a) "Emergency rescue unit" means an entity with training in a
20 specialized discipline ~~exceeding~~ **that exceeds** the level of training
21 for **a** medical first ~~responders~~ **responder**.

22 (b) "Life support agency" means that term as defined in
23 section 20906 of the public health code, 1978 PA 368, MCL
24 333.20906.

25 (c) "Medical first responder" means that term as defined in
26 section 20906 of the public health code, 1978 PA 368, MCL
27 333.20906.

28 (d) **"Road service vehicle" means a vehicle that is clearly**
29 **marked and readily recognizable as a vehicle used to assist**

1 disabled vehicles.

2 Sec. 682d. (1) A vehicle may use roadside flares in a
3 nonemergency situation if the vehicle is one of the following:

4 (a) An authorized emergency vehicle.

5 (b) A road service vehicle.

6 (c) A commercial snow removal vehicle under section 682c.

7 (d) A tow truck or wrecker.

8 (2) As used in this section, "road service vehicle" means a
9 vehicle that is clearly marked and readily recognizable as a
10 vehicle used to assist disabled vehicles.

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

14 (2) A motor vehicle may be equipped with not more than 1
15 running board courtesy lamp on each side that emits a white or
16 amber light without glare.

17 (3) Backing lights of red, amber, or white may be mounted on
18 the rear of a motor vehicle if the switch controlling the light is
19 so arranged that the light may be turned on only if the vehicle is
20 in reverse gear. The backing lights, when unlighted, must be
21 covered or otherwise arranged so as not to reflect objectionable
22 glare in the eyes of an operator of a vehicle approaching from the
23 rear.

24 (4) Unless both covered and unlit, a vehicle operated on ~~the~~
25 ~~highways of this state~~ **a highway** must not be equipped with a lamp
26 or a part designed to be a reflector unless expressly required or
27 permitted by this chapter or that meets the standards prescribed in
28 49 CFR 571.108. Except as otherwise provided, a lamp or a part
29 designed to be a reflector, if visible from the front, must display

1 or reflect a white or amber light; if visible from either side,
2 must display or reflect an amber or red light; and if visible from
3 the rear, must display or reflect a red light.

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

7 (a) A police vehicle must be equipped with flashing, rotating,
8 or oscillating red or blue lights, for use in the performance of
9 police duties.

10 (b) A fire vehicle or ambulance available for public use or
11 for use of the United States, this state, or any unit of this
12 state, whether publicly or privately owned, must be equipped with
13 flashing, rotating, or oscillating red lights and used as required
14 for safety.

15 (c) An authorized emergency vehicle may be equipped with
16 flashing, rotating, or oscillating red lights for use when
17 responding to an emergency call if, when in use, the flashing,
18 rotating, or oscillating red lights are clearly visible in a 360-
19 degree arc from a distance of 500 feet.

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

28 (e) A vehicle used for the cleanup of spills or a necessary
29 emergency response action taken under state or federal law or a

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

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

oscillating amber lights must not be activated ~~except when~~ **unless** the warning produced by the lights is required for public safety. A vehicle engaged in authorized highway repair or maintenance may be equipped with flashing, rotating, or oscillating amber or green lights. This subdivision does not prohibit the operator of a vehicle utilized for snow or ice removal under section 682c ~~that is~~ **and** equipped with flashing, rotating, or oscillating amber lights from activating the flashing, rotating, or oscillating amber lights when ~~that the~~ vehicle is traveling between locations ~~at which it~~ **where the vehicle** is being utilized for snow or ice removal.

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

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

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

(j) A public transit vehicle may be equipped with a flashing, ~~oscillating, rotating, or rotating~~ **oscillating** light **that is**

1 mounted on the roof of the vehicle approximately 6 feet from the
2 rear of the vehicle ~~that~~ **and** displays a white light to the front,
3 side, and rear of the vehicle, which light may be ~~actuated~~
4 **activated** by the driver for use only in inclement weather such as
5 fog, rain, or snow, when boarding or discharging passengers, from
6 1/2 hour before sunset until 1/2 hour after sunrise, or when
7 conditions hinder the visibility of the public transit vehicle. As
8 used in this subdivision, "public transit vehicle" means a motor
9 vehicle, other than a station wagon or passenger van, with a gross
10 vehicle weight rating of more than 10,000 pounds.

11 (k) A person engaged in the manufacture, sale, or repair of
12 flashing, rotating, or oscillating lights governed by this
13 subsection may possess the lights for the purpose of employment ~~7~~
14 but shall not activate the lights ~~upon the~~ **on a** highway unless
15 authorized to do so under subsection (6).

16 (l) A vehicle used as part of a neighborhood watch program may
17 be equipped with flashing, rotating, or oscillating amber lights,
18 if the vehicle is clearly identified as a neighborhood watch
19 vehicle and the neighborhood watch program is working in
20 cooperation with local law enforcement. The lights ~~described in~~
21 ~~this subdivision~~ must not be activated when the vehicle is not
22 being used to perform neighborhood watch program duties.

23 (m) **A road service vehicle may be equipped with flashing,**
24 **rotating, or oscillating blue lights that may be activated only if**
25 **the vehicle is assisting a disabled vehicle at the scene of a**
26 **traffic accident or disablement. As used in this subdivision, "road**
27 **service vehicle" means a vehicle that is clearly marked and readily**
28 **recognizable as a vehicle used to assist disabled vehicles.**

29 (6) A person shall not sell, loan, or otherwise furnish a

1 flashing, rotating, or oscillating blue or red light designed
 2 primarily for installation on an authorized emergency vehicle to a
 3 person except a police officer, sheriff, deputy sheriff, authorized
 4 physician, volunteer or paid fire fighter, volunteer ambulance
 5 driver, licensed ambulance driver or attendant of this state, a
 6 county or municipality within this state, a person engaged in the
 7 business of operating an ambulance or wrecker service, **a person**
 8 **engaged in the business of operating a road service vehicle**, or a
 9 federally recognized nonprofit charitable organization that owns
 10 and operates an emergency support vehicle used exclusively for
 11 emergencies. This subsection does not prohibit an authorized
 12 emergency vehicle ~~—~~equipped with flashing, rotating, or
 13 oscillating blue or red lights ~~—~~from being operated by a person
 14 other than a person described in this section if the person
 15 receives authorization to operate the authorized emergency vehicle
 16 from a police officer, sheriff, deputy sheriff, authorized
 17 physician, volunteer or paid fire fighter, volunteer ambulance
 18 driver, licensed ambulance driver or attendant, a person operating
 19 an ambulance or wrecker service, **a person operating a road service**
 20 **vehicle**, or a federally recognized nonprofit charitable
 21 organization that owns and operates an emergency support vehicle
 22 used exclusively for emergencies, except that the authorization
 23 must not permit the person to operate lights as described in
 24 subsection (5)(a), (b), (c), (i), or (j), or to exercise the
 25 privileges described in section 603.

26 (7) A private motor vehicle of a security guard agency or
 27 alarm company licensed under the private security business and
 28 security alarm act, 1968 PA 330, MCL 338.1051 to 338.1092, may
 29 display flashing, rotating, or oscillating amber lights. The

~~flashing, rotating, or oscillating amber~~ lights must not be activated on a public highway when ~~a~~**the** vehicle is in motion.

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

(9) A person who operates a vehicle in violation of this section is responsible for a civil infraction. ~~and shall be ordered to pay a civil fine of not more than \$100.00.~~

Sec. 716. (1) ~~Unless specifically declared to be a civil infraction, it is a misdemeanor for a~~ **A** person ~~to~~**shall not** drive or move or ~~for the~~**a vehicle's** owner ~~to~~**shall not** cause or permit to be driven or moved on a highway a vehicle or vehicles of a size or weight exceeding the limitations stated in this chapter or otherwise in violation of this chapter, and the maximum size and weight specified in this chapter are lawful throughout this state. ~~, and local~~**Local** authorities shall not alter ~~these~~**the** size and weight limitations except as express authority is granted in this chapter.

(2) The ~~provision~~**provisions** of this chapter ~~governing that~~**govern** size, weight, and load do not apply to a fire apparatus, ~~to~~ an implement of husbandry, a boat lift or oversized hydraulic boat trailer owned and operated by a marina or watercraft dealer used exclusively in a commercial boat storage operation and incidentally moved ~~upon~~**on** a highway, a combination of vehicles described in, and under the conditions provided by, subsection (4), or ~~to~~**a** vehicle operated under the terms of a special permit issued as provided in this chapter.

(3) The state transportation department, under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to

24.328, may promulgate rules permitting and regulating the operation of a vehicle or vehicles of a size or weight that exceeds the size or weight limitations in this chapter. The rules may restrict or proscribe the conditions of operation of a vehicle or vehicles of a size or weight that exceeds the size or weight limitations in this chapter, if the restriction or proscription is necessary to protect the public safety or to prevent undue damage to a road foundation or surface, a structure, or an installation. The rules may provide for a reasonable inspection fee for an inspection of a vehicle or vehicles to determine whether their sizes and weights are in conformance with this act, and may require other security necessary to compensate for damage caused by the vehicle or vehicles described in this subsection.

(4) A wrecker and a disabled vehicle, or a wrecker and a combination of a disabled vehicle and 1 trailer, that exceeds the size and weight limitations in this chapter may be operated ~~upon~~**on** the highways of this state under the following conditions:

(a) The wrecker is specifically designed for such towing operations, is equipped with flashing, ~~oscillating, rotating,~~ or ~~rotating-oscillating~~ **oscillating** amber, ~~or red,~~ **or blue** lights as permitted under section 698, and is capable of utilizing the lighting and braking systems of the disabled vehicle or combination of disabled vehicles if those systems are operational.

(b) For a combination of disabled vehicles, the wrecker is issued a special permit under section 725 by the state transportation department. The special permit is valid for the entire towing distance, and the operator of the wrecker may remove the disabled vehicles from the roadway at any lawful point ~~of his~~ ~~or her choosing~~ **that the operator chooses** within that distance.

1 (c) For a single disabled vehicle, the wrecker is issued a
2 special permit under section 725 by the state transportation
3 department for the transport of the disabled vehicle. A wrecker
4 operator is not subject to mileage limitations for a special permit
5 issued ~~for purposes of~~ **under** this subdivision.

6 (d) The wrecker does not operate on any highway, road, street,
7 or structure included on a list provided by the state
8 transportation department unless the disabled vehicle or
9 combination of vehicles is located on 1 of those roads or
10 structures.

11 (5) The owner or operator of a wrecker that does not comply
12 with subsection (4) (d) is responsible for a civil infraction and
13 shall pay a civil fine of not less than \$250.00 or more than
14 \$500.00. The civil fine imposed under this subsection is in
15 addition to any fine that may be imposed under section 724 or 725.

16 Sec. 907. (1) A violation of this act, or a local ordinance
17 that substantially corresponds to a provision of this act, that is
18 designated a civil infraction must not be considered a lesser
19 included offense of a criminal offense.

20 (2) Permission may be granted for payment of a civil fine and
21 costs to be made within a specified period of time or in specified
22 installments but, unless permission is included in the order or
23 judgment, the civil fine and costs must be payable immediately.
24 Except as otherwise provided, a person found responsible or
25 responsible "with explanation" for a civil infraction must pay
26 costs as provided in subsection (4) and 1 or more of the following
27 civil fines, as applicable:

28 (a) Except as otherwise provided, for a civil infraction under
29 this act or a local ordinance that substantially corresponds to a

1 provision of this act, the person ~~shall~~**must** be ordered to pay a
2 civil fine of not more than \$100.00.

3 (b) If the civil infraction was a moving violation that
4 resulted in an at-fault collision with another vehicle, an
5 individual, or any other object, the civil fine ordered under this
6 section is increased by \$25.00 but the total civil fine must not be
7 more than \$100.00.

8 (c) For a violation of section 240, the civil fine ordered
9 under this ~~subsection~~**section** is \$15.00.

10 (d) For a violation of section 312a(4) (a), the civil fine
11 ordered under this section must not be more than \$250.00.

12 (e) For a first violation of section 319f(1), the civil fine
13 ordered under this section must not be less than \$2,500.00 or more
14 than \$2,750.00; for a second or subsequent violation, the civil
15 fine must not be less than \$5,000.00 or more than \$5,500.00.

16 (f) For a violation of section 319g(1) (a), the civil fine
17 ordered under this section must not be more than \$10,000.00.

18 (g) For a violation of section 319g(1) (g), the civil fine
19 ordered under this section must not be less than \$2,750.00 or more
20 than \$25,000.00.

21 (h) For a violation of section 602b, the civil fine ordered
22 under this section must be as follows:

23 (i) For a violation of section 602b(1), either of the
24 following:

25 (A) If the violation does not involve an accident, \$100.00 for
26 a first offense and \$250.00 for a second or subsequent offense.

27 (B) If the violation involves an accident, \$200.00 for a first
28 offense and \$500.00 for a second or subsequent offense.

29 (ii) For a violation of section 602b(2), either of the

1 following:

2 (A) If the violation does not involve an accident, \$200.00 for
3 a first offense and \$500.00 for a second or subsequent offense.

4 (B) If the violation involves an accident, \$400.00 for a first
5 offense and \$1,000.00 for a second or subsequent offense.

6 (i) For a violation of section 674(1)(s) or a local ordinance
7 that substantially corresponds to section 674(1)(s), the civil fine
8 ordered under this section must not be less than \$100.00 or more
9 than \$250.00.

10 (j) For a violation of section 676a(3), the civil fine ordered
11 under this section must not be more than \$10.00.

12 (k) For a violation of section 676c, the civil fine ordered
13 under this section is \$1,000.00.

14 (l) For a violation of section 682 or a local ordinance that
15 substantially corresponds to section 682, the civil fine ordered
16 under this section must not be less than \$100.00 or more than
17 \$500.00.

18 (m) For a violation of section 710d, the civil fine ordered
19 under this section must not be more than \$10.00, subject to
20 subsection (11).

21 (n) For a violation of section 710e, the civil fine and court
22 costs ordered under this subsection must be \$25.00.

23 **(o) For a violation of section 716(5), the civil fine ordered**
24 **under this section must not be less than \$250.00 or more than**
25 **\$500.00.**

26 (3) Except as provided in this section, if an individual is
27 determined to be responsible or responsible "with explanation" for
28 a civil infraction under this act or a local ordinance that
29 substantially corresponds to a provision of this act while driving

1 a commercial motor vehicle, the individual must be ordered to pay
2 costs as provided in subsection (4) and a civil fine of not more
3 than \$250.00.

4 (4) If a civil fine is ordered under subsection (2) or (3),
5 the judge or district court magistrate shall summarily tax and
6 determine the costs of the action, which are not limited to the
7 costs taxable in ordinary civil actions, and may include all
8 expenses, direct and indirect, to which the plaintiff has been put
9 in connection with the civil infraction, up to the entry of
10 judgment. Costs must not be ordered in excess of \$100.00. A civil
11 fine ordered under subsection (2) or (3) must not be waived unless
12 costs ordered under this subsection are waived. Except as otherwise
13 provided by law, costs are payable to the general fund of the
14 plaintiff.

15 (5) In addition to a civil fine and costs ordered under
16 subsection (2) or (3) and subsection (4) and the justice system
17 assessment ordered under subsection (12), the judge or district
18 court magistrate may order the individual to attend and complete a
19 program of treatment, education, or rehabilitation.

20 (6) A district court magistrate shall impose the sanctions
21 permitted under subsections (2), (3), and (5) only to the extent
22 expressly authorized by the chief judge or only judge of the
23 district court district.

24 (7) Each district of the district court and each municipal
25 court may establish a schedule of civil fines, costs, and
26 assessments to be imposed for civil infractions that occur within
27 the respective district or city. If a schedule is established, it
28 must be prominently posted and readily available for public
29 inspection. A schedule need not include all violations that are

1 designated by law or ordinance as civil infractions. A schedule may
2 exclude cases on the basis of a defendant's prior record of civil
3 infractions or traffic offenses, or a combination of civil
4 infractions and traffic offenses.

5 (8) The state court administrator shall annually publish and
6 distribute to each district and court a recommended range of civil
7 fines and costs for first-time civil infractions. This
8 recommendation is not binding on the courts ~~having~~**that have**
9 jurisdiction over civil infractions but is intended to act as a
10 normative guide for judges and district court magistrates and a
11 basis for public evaluation of disparities in the imposition of
12 civil fines and costs throughout this state.

13 (9) If a person has received a civil infraction citation for
14 defective safety equipment on a vehicle under section 683, the
15 court shall waive a civil fine, costs, and assessments on receipt
16 of certification by a law enforcement agency that repair of the
17 defective equipment was made before the appearance date on the
18 citation.

19 (10) A default in the payment of a civil fine or costs ordered
20 under subsection (2), (3), or (4) or a justice system assessment
21 ordered under subsection (12), or an installment of the fine,
22 costs, or assessment, may be collected by a means authorized for
23 the enforcement of a judgment under chapter 40 of the revised
24 judicature act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, or
25 under chapter 60 of the revised judicature act of 1961, 1961 PA
26 236, MCL 600.6001 to 600.6098.

27 (11) The court may waive any civil fine, cost, or assessment
28 against an individual who received a civil infraction citation for
29 a violation of section 710d if the individual, before the

1 appearance date on the citation, supplies the court with evidence
2 of acquisition, purchase, or rental of a child seating system
3 ~~meeting~~**that meets** the requirements of section 710d.

4 (12) In addition to any civil fines or costs ordered to be
5 paid under this section, the judge or district court magistrate
6 shall order the defendant to pay a justice system assessment of
7 \$40.00 for each civil infraction determination, except for a
8 parking violation or a violation for which the total fine and costs
9 imposed are \$10.00 or less. On payment of the assessment, the clerk
10 of the court shall transmit the assessment collected to the state
11 treasury to be deposited into the justice system fund created in
12 section 181 of the revised judicature act of 1961, 1961 PA 236, MCL
13 600.181. An assessment levied under this subsection is not a civil
14 fine for purposes of section 909.

15 (13) If a person has received a citation for a violation of
16 section 223, the court shall waive any civil fine, costs, and
17 assessment ~~, on receipt of certification by a law enforcement~~
18 agency that the person, before the appearance date on the citation,
19 produced a valid registration certificate that was valid on the
20 date the violation of section 223 occurred.

21 (14) If a person has received a citation for a violation of
22 section 328(1) for failing to produce a certificate of insurance
23 under section 328(2), the court may waive the fee described in
24 section 328(3)(c) and shall waive any fine, costs, and any other
25 fee or assessment otherwise authorized under this act on receipt of
26 verification by the court that the person, before the appearance
27 date on the citation, produced valid proof of insurance that was in
28 effect ~~at the time~~**when** the violation of section 328(1) occurred.
29 Insurance obtained ~~subsequent to the time of~~**after** the violation

1 **occurred** does not make the person eligible for a waiver under this
2 subsection.

3 (15) If a person is determined to be responsible or
4 responsible "with explanation" for a civil infraction under this
5 act or a local ordinance that substantially corresponds to a
6 provision of this act and the civil infraction arises out of the
7 ownership or operation of a commercial quadricycle, the person must
8 be ordered to pay costs as provided in subsection (4) and a civil
9 fine of not more than \$500.00.

10 (16) As used in this section, "moving violation" means an act
11 or omission prohibited under this act or a local ordinance that
12 substantially corresponds to this act that involves the operation
13 of a motor vehicle and for which a fine may be assessed.