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BILL



ANALYSIS

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Senate Bill 980 (Substitute S-2 as reported)
Sponsor: Senator Jud Gilbert, II
Committee: Transportation

(as passed by the Senate)

Date Completed: 2-2-10

RATIONALE

The Michigan Vehicle Code requires a State, county, or municipal vehicle to use flashing, rotating, or oscillating amber lights when removing ice, snow, or other material from the highway, but no similar requirement exists for commercial snow removal vehicles. Snow plows hired to clear residential or commercial parking lots frequently operate at night, early in the morning, or in inclement weather when visibility is reduced. While clearing parking lots or driveways, snow removal vehicles must share the space with pedestrians, a potentially dangerous situation if a pedestrian is unaware that the snow plow is approaching. It has been suggested that those vehicles should be equipped with lights and back-up signals to warn pedestrians and others of their presence.

CONTENT

The bill would amend the Michigan Vehicle Code to prohibit a person from operating a commercial snow plow unless the vehicle was operated with at least one flashing, rotating, or oscillating light and a reverse signal alarm or observer.

Specifically, a person could not operate a commercial snow removal vehicle to remove snow or ice on a public street or highway or in a parking lot accessible for use by the public unless both of the following applied:

- The vehicle was operated with at least one flashing, rotating, or oscillating yellow or amber light that was clearly visible in a 360-degree arc from a distance of 500 feet when in use.

- The vehicle was operated with a reverse signal alarm that was audible above the surrounding noise level or the vehicle was backed up only when an observer signaled that it was safe to do so.

The second requirement would not apply if the vehicle were being operated within 200 feet of a residence between midnight and 7:00 a.m.

A person who owned or leased a commercial snow removal vehicle could not knowingly allow a person to operate it in violation of the bill.

A person who violated the bill would be guilty of a misdemeanor punishable by imprisonment for up to 90 days or a fine of not more than \$500, or both.

The bill would define "commercial snow removal vehicle" as a vehicle equipped with a plow or other device that is used to remove snow or ice for payment or other remuneration. "Person" would mean an individual, partnership, governmental entity, or other legal entity.

MCL 257.698 et al.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

In December 2008, a woman named Helen Wunch was killed by a snow plow while crossing the parking lot of a retirement

home in Fort Gratiot. The 87-year-old did not see the plow because she was looking down at the pavement to make sure she did not fall and did not hear the vehicle because of traffic noise, according to testimony before the Senate Transportation Committee. While backing up, the snow plow operator did not see the woman crossing behind the vehicle and hit her.

The bill would help to prevent similar accidents by ensuring that all commercial snow removal vehicles were equipped with warning lights and back-up alarms. That requirement would represent a minimal expense for commercial snow plow operators: Warning lights that attach to the roof of the vehicle and plug into the cigarette lighter are available from auto parts stores for about \$20, and back-up alarms cost as little as \$30, although more expensive models are available. The bill would not apply to snow plows owned by individuals for personal use, or commercial plows when they were used to clear private driveways.

Snow plow operators frequently operate under severe time pressures and must work quickly to make sure that roads and public parking lots are clear. Depending on the area being cleared, snow plows also may have to back up repeatedly or move in unexpected ways. In such a situation, there is always the danger that the plow operator might not see a pedestrian. The oscillating light would alert others to the snow plow's presence, and the alarm would serve as additional warning if for some reason they did not see the light. For vehicles without a reverse alarm, an observer would have to be present to ensure that it was safe to back up. These safety features would help to reduce the likelihood of an accident.

Response: The bill would require the light to be visible at a distance of 500 feet, a standard that could be difficult to meet in heavy fog or snow. The language should clarify that the light would have to be visible at 500 feet under normal conditions.

Supporting Argument

The bill would not require a back-up signal to be used in residential areas during the early hours of the morning. In many neighborhoods there is little pedestrian traffic at those hours, and the noise of the back-up signals could disturb residents who were trying to sleep.

Response: If the purpose of the back-up signal is to increase safety, it should be used in all circumstances, regardless of the time. Many people work unusual hours and others are up during the night or early in the morning. Also, as a practical matter, if a back-up signal is hardwired into a vehicle, disabling it might not be possible.

Legislative Analyst: Curtis Walker

FISCAL IMPACT

The bill would make operators of commercial snow removal vehicles subject to a misdemeanor penalty in the event of noncompliance with the stated regulations. Because there are no data to indicate how many snow removal vehicles would not comply with these regulations, the bill would have an indeterminate impact on local units of governments. An individual found guilty of the proposed misdemeanor would be subject to imprisonment for up to 90 days and a fine of up to \$500. Local governments would incur the costs of incarceration in local facilities, which vary by county. Additional penal fine revenue would benefit public libraries.

Fiscal Analyst: Matthew Grabowski

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.