

SUBSTITUTE FOR
SENATE BILL NO. 980

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 698 (MCL 257.698), as amended by 1998 PA 247,
and by adding section 682c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 682C. (1) A PERSON SHALL NOT OPERATE A COMMERCIAL SNOW
2 REMOVAL VEHICLE TO REMOVE SNOW OR ICE ON A PUBLIC STREET OR HIGHWAY
3 OR IN A PARKING LOT ACCESSIBLE FOR USE BY THE PUBLIC UNLESS BOTH OF
4 THE FOLLOWING APPLY:

5 (A) THE VEHICLE IS OPERATED WITH AT LEAST 1 FLASHING,
6 ROTATING, OR OSCILLATING YELLOW OR AMBER LIGHT THAT IS CLEARLY
7 VISIBLE IN A 360-DEGREE ARC FROM A DISTANCE OF 500 FEET WHEN IN
8 USE.

(B) THE VEHICLE IS OPERATED WITH A REVERSE SIGNAL ALARM AUDIBLE ABOVE THE SURROUNDING NOISE LEVEL OR THE VEHICLE IS BACKED UP ONLY WHEN AN OBSERVER SIGNALS THAT IT IS SAFE TO DO SO. THIS SUBDIVISION DOES NOT APPLY IF THE VEHICLE IS BEING OPERATED WITHIN 200 FEET OF A RESIDENCE BETWEEN THE HOURS OF MIDNIGHT AND 7 A.M.

(2) A PERSON WHO OWNS OR LEASES A COMMERCIAL SNOW REMOVAL VEHICLE SHALL NOT KNOWINGLY ALLOW A PERSON TO OPERATE THAT VEHICLE IN VIOLATION OF SUBSECTION (1).

(3) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A FINE OF NOT MORE THAN \$500.00, OR BOTH.

(4) AS USED IN THIS SECTION:

(A) "COMMERCIAL SNOW REMOVAL VEHICLE" MEANS A VEHICLE EQUIPPED WITH A PLOW OR OTHER DEVICE THAT IS USED TO REMOVE SNOW OR ICE FOR PAYMENT OR OTHER REMUNERATION.

(B) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION, ASSOCIATION, GOVERNMENTAL ENTITY, OR OTHER LEGAL ENTITY.

Sec. 698. (1) A motor vehicle may be equipped with not more than 2 side cowl or fender lamps ~~which~~ **THAT** shall emit an amber or white light without glare.

(2) A motor vehicle may be equipped with not more than 1 running board courtesy lamp on each side ~~which~~ **THAT** shall emit a white or amber light without glare.

(3) Backing lights of red, amber, or white may be mounted on the rear of a motor vehicle if the switch controlling the light is so arranged that the light may be turned on only if the vehicle is in reverse gear. The backing lights when unlighted shall be covered

1 or otherwise arranged so as not to reflect objectionable glare in
2 the eyes of a ~~driver~~ **AN OPERATOR** of a vehicle approaching from the
3 rear.

4 (4) Unless both covered and unlit, a vehicle ~~driven~~ **OPERATED**
5 on the highways of this state shall not be equipped with a lamp or
6 a part designed to be a reflector unless expressly required or
7 permitted by this chapter or that meets the standards prescribed in
8 49 ~~C.F.R.~~ **CFR** 571.108. A lamp or a part designed to be a reflector,
9 if visible from the front, shall display or reflect a white or
10 amber light; if visible from either side, shall display or reflect
11 an amber or red light; and if visible from the rear, shall display
12 or reflect a red light, except as otherwise provided by law.

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

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

19 (b) A fire vehicle or ambulance available for public use or
20 for use of the United States, the state, or any unit of the state,
21 whether publicly or privately owned, shall be equipped with
22 flashing, rotating, or oscillating red lights and used as required
23 for safety.

24 (c) An authorized emergency vehicle ~~as defined in section 2~~
25 may be equipped with flashing, rotating, or oscillating red lights
26 for use when responding to an emergency call if when in use the
27 flashing, rotating, or oscillating red lights are mounted on the

1 roof section of the vehicle, either as a permanent installation or
2 by means of suction cups or magnets and are clearly visible in a
3 360-degree arc from a distance of 500 feet when in use. A person
4 operating lights under this subdivision at any time other than when
5 responding to an emergency call is guilty of a misdemeanor.

6 (d) Flashing, rotating, or oscillating amber lights, placed in
7 a position as to be visible throughout an arc of 360 degrees, shall
8 be used by a state, county, or municipal vehicle engaged in the
9 removal of ~~ice, snow, or other~~ material from the highway. ~~and in~~
10 ~~other operations designed to control ice and snow.~~

11 (e) A vehicle used for the cleanup of spills or a necessary
12 emergency response action taken pursuant to state or federal law or
13 a vehicle operated by an employee of the department of natural
14 resources that responds to a spill, emergency response action,
15 complaint, or compliance activity may be equipped with flashing,
16 rotating, or oscillating amber lights. Such lights shall not be
17 activated unless the vehicle is at the scene of a spill, emergency
18 response action, complaint, or compliance activity.

19 (f) A vehicle to perform public utility service, a vehicle
20 owned or leased by and licensed as a business for use in the
21 collection and hauling of refuse, an automobile service car or
22 wrecker, a vehicle engaged in authorized highway repair or
23 maintenance, a vehicle of a peace officer, a vehicle operated by a
24 rural letter carrier or a person under contract to deliver
25 newspapers or other publications by motor route, a vehicle utilized
26 for snow **OR ICE** removal **UNDER SECTION 682C**, a private security
27 guard vehicle as authorized in subsection (7), a motor vehicle

1 while engaged in escorting or transporting an oversize load that
2 has been issued a permit by the state transportation department or
3 a local authority with respect to highways under its jurisdiction,
4 a vehicle owned by the national guard or a United States military
5 vehicle while traveling under the appropriate recognized military
6 authority, a motor vehicle while towing an implement of husbandry,
7 or an implement of husbandry may be equipped with flashing,
8 rotating, or oscillating amber lights. However, a wrecker may be
9 equipped with flashing, rotating, or oscillating red lights ~~which~~
10 **THAT** shall be activated only when the wrecker is engaged in
11 removing or assisting a vehicle at the scene of a traffic accident
12 or disablement. The flashing, rotating, or oscillating amber lights
13 shall not be activated except ~~in those circumstances that~~ **WHEN** the
14 warning produced by the lights is required for public safety.

15 (g) A vehicle engaged in leading or escorting a funeral
16 procession or any vehicle that is part of a funeral procession may
17 be equipped with flashing, rotating, or oscillating purple or amber
18 lights ~~which~~ **THAT** shall not be activated except during a funeral
19 procession.

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

23 (i) A private motor vehicle of a physician responding to an
24 emergency call may be equipped with and the physician may use
25 flashing, rotating, or oscillating red lights mounted on the roof
26 section of the vehicle either as a permanent installation or by
27 means of magnets or suction cups and clearly visible in a 360-

1 degree arc from a distance of 500 feet when in use. The physician
2 shall first obtain written authorization from the county sheriff.

3 (j) A public transit vehicle may be equipped with a flashing,
4 oscillating, or rotating light mounted on the roof of the vehicle
5 approximately 6 feet from the rear of the vehicle ~~which~~**THAT**
6 displays a white light to the front, side, and rear of the vehicle,
7 which light may be actuated by the driver for use only in inclement
8 weather such as fog, rain, or snow, when boarding or discharging
9 passengers, from 1/2 hour before sunset until 1/2 hour after
10 sunrise, or ~~where~~**WHEN** conditions hinder the visibility of the
11 public transit vehicle. As used in this subdivision, "public
12 transit vehicle" means a motor vehicle, other than a station wagon
13 or passenger van, with a gross vehicle weight rating of more than
14 10,000 pounds.

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

20 (6) A person shall not sell, loan, or otherwise furnish a
21 flashing, rotating, or oscillating blue or red light designed
22 primarily for installation on an authorized emergency vehicle to a
23 person except a police officer, sheriff, deputy sheriff, authorized
24 physician, volunteer or paid fire fighter, volunteer ambulance
25 driver, licensed ambulance driver or attendant of the state, a
26 county or municipality within the state, a person engaged in the
27 business of operating an ambulance or wrecker service, or a

1 federally recognized nonprofit charitable organization ~~which~~ **THAT**
 2 owns and operates an emergency support vehicle used exclusively for
 3 emergencies. This subsection does not prohibit an authorized
 4 vehicle, equipped with flashing, rotating, or oscillating blue or
 5 red lights, from being operated by a person other than a person
 6 described in this section if the person receives authorization to
 7 operate the emergency vehicle from a police officer, sheriff,
 8 deputy sheriff, authorized physician, volunteer or paid fire
 9 fighter, volunteer ambulance driver, licensed ambulance driver or
 10 attendant, a person operating an ambulance or wrecker service, or a
 11 federally recognized nonprofit charitable organization ~~which~~ **THAT**
 12 owns and operates an emergency support vehicle used exclusively for
 13 emergencies, except that the authorization shall not permit the
 14 person to operate lights as described in subsection (5)(a), (b),
 15 (c), (i), or (j), or to exercise the privileges described in
 16 section 603. A person who operates an authorized emergency vehicle
 17 in violation of the terms of an authorization is guilty of a
 18 misdemeanor.

19 (7) A private motor vehicle of a security guard agency or
 20 alarm company licensed ~~pursuant to~~ **UNDER** the private security guard
 21 ~~act of 1968,~~ **BUSINESS AND SECURITY ALARM ACT**, 1968 PA 330, MCL
 22 338.1051 to ~~338.1085~~ **338.1083**, may display flashing, rotating, or
 23 oscillating amber lights. The flashing, rotating, or oscillating
 24 amber lights shall not be activated on a public highway when a
 25 vehicle is in motion.

26 (8) This section ~~shall not be construed to~~ **DOES NOT** prohibit,
 27 restrict, or limit the use of lights authorized or required under

1 sections 697, 697a, and 698a.

2 (9) A person who ~~violates~~ **OPERATES A VEHICLE IN VIOLATION OF**
3 subsection (1), (2), (3), or (4) is responsible for a civil
4 infraction.