

# SENATE BILL No. 980

November 10, 2009, Introduced by Senator GILBERT and referred to the Committee on Transportation.

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 ROADWAY OR IN A  
3        PARKING LOT ACCESSIBLE FOR USE BY THE PUBLIC UNLESS BOTH OF THE  
4        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.

9        (B) THE VEHICLE IS OPERATED WITH A REVERSE SIGNAL ALARM

1 AUDIBLE ABOVE THE SURROUNDING NOISE LEVEL OR THE VEHICLE IS BACKED  
2 UP ONLY WHEN AN OBSERVER SIGNALS THAT IT IS SAFE TO DO SO.

3 (2) A PERSON WHO OWNS OR LEASES A COMMERCIAL SNOW REMOVAL  
4 VEHICLE USED TO REMOVE SNOW OR ICE ON A PUBLIC ROADWAY OR IN A  
5 PUBLIC PARKING LOT SHALL NOT KNOWINGLY ALLOW A PERSON TO OPERATE  
6 THAT VEHICLE IN VIOLATION OF SUBSECTION (1).

7 (3) AS USED IN THIS SECTION:

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

11 (B) "PERSON" INCLUDES THIS STATE AND POLITICAL SUBDIVISIONS OF  
12 THIS STATE.

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

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

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

22 (3) Backing lights of red, amber, or white may be mounted on  
23 the rear of a motor vehicle if the switch controlling the light is  
24 so arranged that the light may be turned on only if the vehicle is  
25 in reverse gear. The backing lights when unlighted shall be covered  
26 or otherwise arranged so as not to reflect objectionable glare in  
27 the eyes of a driver of a vehicle approaching from the rear.

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

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

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

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

21 (c) An authorized emergency vehicle ~~as defined in section 2~~  
22 may be equipped with flashing, rotating, or oscillating red lights  
23 for use when responding to an emergency call if when in use the  
24 flashing, rotating, or oscillating red lights are mounted on the  
25 roof section of the vehicle, either as a permanent installation or  
26 by means of suction cups or magnets and are clearly visible in a  
27 360-degree arc from a distance of 500 feet when in use. A person

1 operating lights under this subdivision at any time other than when  
2 responding to an emergency call is guilty of a misdemeanor.

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

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

16 (f) A vehicle to perform public utility service, a vehicle  
17 owned or leased by and licensed as a business for use in the  
18 collection and hauling of refuse, an automobile service car or  
19 wrecker, a vehicle engaged in authorized highway repair or  
20 maintenance, a vehicle of a peace officer, a vehicle operated by a  
21 rural letter carrier or a person under contract to deliver  
22 newspapers or other publications by motor route, a vehicle utilized  
23 for snow **OR ICE** removal **UNDER SECTION 682C**, a private security  
24 guard vehicle as authorized in subsection (7), a motor vehicle  
25 while engaged in escorting or transporting an oversize load that  
26 has been issued a permit by the state transportation department or  
27 a local authority with respect to highways under its jurisdiction,

1 a vehicle owned by the national guard or a United States military  
2 vehicle while traveling under the appropriate recognized military  
3 authority, a motor vehicle while towing an implement of husbandry,  
4 or an implement of husbandry may be equipped with flashing,  
5 rotating, or oscillating amber lights. However, a wrecker may be  
6 equipped with flashing, rotating, or oscillating red lights which  
7 shall be activated only when the wrecker is engaged in removing or  
8 assisting a vehicle at the scene of a traffic accident or  
9 disablement. The flashing, rotating, or oscillating amber lights  
10 shall not be activated except in those circumstances that the  
11 warning produced by the lights is required for public safety.

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

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

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

27 (j) A public transit vehicle may be equipped with a flashing,

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

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

17 (6) A person shall not sell, loan, or otherwise furnish a  
18 flashing, rotating, or oscillating blue or red light designed  
19 primarily for installation on an authorized emergency vehicle to a  
20 person except a police officer, sheriff, deputy sheriff, authorized  
21 physician, volunteer or paid fire fighter, volunteer ambulance  
22 driver, licensed ambulance driver or attendant of the state, a  
23 county or municipality within the state, a person engaged in the  
24 business of operating an ambulance or wrecker service, or a  
25 federally recognized nonprofit charitable organization which owns  
26 and operates an emergency support vehicle used exclusively for  
27 emergencies. This subsection does not prohibit an authorized

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

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

22 (8) This section shall not be construed to prohibit, restrict,  
23 or limit the use of lights authorized or required under sections  
24 697, 697a, and 698a.

25 (9) A person who violates subsection (1), (2), (3), or (4) is  
26 responsible for a civil infraction.