

HOUSE BILL No. 4417

February 24, 2009, Introduced by Reps. Booher, Ball, Hansen, Polidori, Moore, Wayne Schmidt, Lahti, Moss, Spade, Horn and Rick Jones 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.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

7 (3) Backing lights of red, amber, or white may be mounted on
8 the rear of a motor vehicle if the switch controlling the light is
9 so arranged that the light may be turned on only if the vehicle is
10 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 of a vehicle approaching from the rear.

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

12 (5) The ~~use or possession of~~ **OPERATOR OR PASSENGER OF A MOTOR**
13 **VEHICLE SHALL NOT DISPLAY OR POSSESS** flashing, oscillating, or
14 rotating lights of any color ~~is prohibited~~ **ON OR FROM A MOTOR**
15 **VEHICLE**, except as otherwise provided by law, ~~or~~ under the
16 following circumstances:

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

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

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

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

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

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

21 (f) A **MOTOR** vehicle **USED** to perform public utility service, a
22 **MOTOR** vehicle owned or leased by and licensed as a business for use
23 in the collection and hauling of refuse, an automobile service car
24 or wrecker, a **MOTOR** vehicle engaged in authorized highway repair or
25 maintenance, a ~~vehicle of a peace officer~~ **OFFICER'S VEHICLE**, a
26 **MOTOR** vehicle operated by a rural letter carrier or a person under
27 contract to deliver newspapers or other publications by motor

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

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

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

26 (i) A private motor vehicle of a physician responding to an
27 emergency call may be equipped with, and the physician may use,

1 flashing, rotating, or oscillating red lights mounted on the roof
2 section of the vehicle, either as a permanent installation or by
3 means of magnets or suction cups, and clearly visible in a 360
4 degree arc from a distance of 500 feet when in use. The physician
5 shall first obtain written authorization from the county sheriff.

6 (j) A public transit vehicle may be equipped with a flashing,
7 oscillating, or rotating light mounted on the roof of the vehicle
8 approximately 6 feet from the rear of the vehicle ~~which~~ **THAT**
9 displays a white light to the front, side, and rear of the vehicle,
10 which light may be actuated by the driver for use only in inclement
11 weather such as fog, rain, or snow, when boarding or discharging
12 passengers, from 1/2 hour before sunset until 1/2 hour after
13 sunrise, or where conditions hinder the visibility of the public
14 transit vehicle. As used in this subdivision, "public transit
15 vehicle" means a motor vehicle, other than a station wagon or
16 passenger van, with a gross vehicle weight rating of more than
17 10,000 pounds.

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

23 **(l) A MOTOR VEHICLE USED BY A DRIVER EDUCATION INSTRUCTOR OR**
24 **DRIVER EDUCATION PROVIDER CERTIFIED UNDER THE DRIVER EDUCATION**
25 **PROVIDER AND INSTRUCTOR ACT, 2006 PA 384, MCL 256.621 TO 256.705,**
26 **TO GIVE INSTRUCTION AS PART OF A DRIVER EDUCATION COURSE AS THAT**
27 **TERM IS DEFINED IN SECTION 3 OF THE DRIVER EDUCATION PROVIDER AND**

1 INSTRUCTOR ACT, 2006 PA 384, MCL 256.623, SHALL BE EQUIPPED WITH A
2 FLASHING, ROTATING, OR OSCILLATING AMBER LIGHT, WHICH SHALL ONLY BE
3 ACTIVATED DURING THE COURSE OF THE INSTRUCTION DESCRIBED UNDER THIS
4 SUBDIVISION.

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

1 section 603. A person who operates an authorized emergency vehicle
2 in violation of the terms of an authorization is guilty of a
3 misdemeanor.

4 (7) A private motor vehicle of a security guard agency or
5 alarm company licensed ~~pursuant to~~ **UNDER** the private security ~~guard~~
6 **BUSINESS AND SECURITY ALARM** act, ~~of 1968,~~ 1968 PA 330, MCL 338.1051
7 to ~~338.1085~~ **338.1083**, may display flashing, rotating, or
8 oscillating amber lights. The flashing, rotating, or oscillating
9 amber lights shall not be activated on a public highway when a
10 vehicle is in motion.

11 (8) This section shall not be construed to prohibit, restrict,
12 or limit the use of lights authorized or required under sections
13 697, 697a, and 698a.

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