

Legislative Analysis



COMMERCIAL QUADRICYCLES

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House Bill 5408

Sponsor: Rep. Wayne Schmidt

House Bill 5409

Sponsor: Rep. Jeff Irwin

Committee: Transportation and Infrastructure

Complete to 9-30-14

A REVISED SUMMARY OF HOUSE BILLS 5408 AND 5409 AS INTRODUCED 3-12-14

The two bills would amend the Michigan Vehicle Code to address commercial quadricycles, which are four-wheeled vehicles that can be propelled entirely by human power. House Bill 5408 defines these kinds of vehicles and specifies that they are not motor vehicles for the purpose of the code. House Bill 5409 would, among other things, require commercial quadricycles to carry bodily injury and personal property liability insurance, and would subject operators to penalties for driving after drinking alcohol. Passengers, however, could transport beer or wine.

House Bill 5408

The bill would amend Section 33 of the Michigan Vehicle Code to add the term "commercial quadricycle." The term would mean a vehicle that:

- Has fully operative pedals for propulsion entirely by human power.
- Has at least four wheels and is operated in a manner similar to a bicycle.
- Has at least six seats for passengers.
- Is designed to be occupied by a driver and powered either by passengers providing pedal power to the drive train of the vehicle or by a motor capable of propelling the vehicle in the absence of human power.
- Is used for commercial purposes.
- Is operated by the owner of the vehicle or an employee of the owner of the vehicle.

A quadricycle would not be considered a motor vehicle, which among other things means it would not be subject to mandatory no-fault automobile coverage.

House Bill 5409

The bill would amend the Michigan Vehicle Code (MCL 257.624a) to do the following.

Liability coverage

The owner of a commercial quadricycle would be required to furnish bodily injury and property damage liability insurance with a minimum combined single limit of \$2 million for all person injured or for property damage.

Passengers can transport beer and wine

A passenger in a commercial quadricycle could not transport alcoholic liquor other than beer or wine.

Restrictions on operators

A person could not operate a commercial quadricycle with any alcohol content. (The bill refers to a blood alcohol content [BAC] greater than 0.00 grams per 100 milliliters of blood, per 210 liters or breath, or per 67 milliliters of urine.)

A person convicted of an alcohol violation under the code or a corresponding local ordinance would be guilty of a misdemeanor punishable as follows:

- if the person has a BAC of at least 0.04 grams per milliliter of blood, per 210 liters of breath, or per 67 milliliters of urine, imprisonment for up to 93 days or a fine of not more than \$300, or both, together with the costs of the prosecution.
- if the person has a BAC greater than 0.00 grams but less than 0.04 grams, a fine of not more than \$300, together with costs of prosecution.

Other vehicle code provisions

Commercial quadricycles would be included in various other provisions in the code; most of these provisions already apply to bicycles, electric personal assistive mobility devices, mopeds, or low-speed vehicles. For example, operators of a commercial quadricycle would have all the rights and duties applicable to drivers of other vehicles on a roadway; would have to exercise due care; could not ride on sidewalks constructed for pedestrians; could not operate on highways or streets with speed limits greater than 35 miles per hour; and could not go faster than 25 miles per hour.

Plus, commercial quadricycles must be equipped with front lamps when operating at night and have red reflectors on the rear; and be equipped with brakes and be capable of coming to a controlled stop. Violations of these provisions would be civil infractions.

Civil infractions

Generally, and except where otherwise provided in the act, a violation of the act by the owner of a commercial quadricycle arising out of the ownership or operation of the quadricycle would be a civil infraction. A person determined to be responsible or responsible "with explanation" for a civil infraction or a corresponding local ordinance, would be ordered to pay costs outlined in the act and a civil fine of not more than \$500.

FISCAL IMPACT:

The bills would pose no significant fiscal impact for the Department of State.

The bill would add new misdemeanors. Misdemeanor convictions would increase costs related to county jails and/or local misdemeanor probation supervision. The costs of local incarceration in a county jail and local misdemeanor probation supervision vary by jurisdiction. Misdemeanor fines go to public libraries. New civil fines would also result from including quadricycles in various provisions of the Vehicle Code.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.