

# HOUSE BILL No. 5409

March 12, 2014, Introduced by Reps. Irwin, Schmidt, Heise, Bumstead, Kivela, Pettalia, Jacobsen, Graves, Schor, Kosowski, LaVoy, Driskell and Oakes and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 624a, 657, 660, 662, 901, and 907 (MCL 257.624a, 257.657, 257.660, 257.662, 257.901, and 257.907), section 624a as amended by 2012 PA 306, sections 657 and 662 as amended by 2002 PA 494, section 660 as amended by 2006 PA 339, and section 907 as amended by 2013 PA 35, and by adding sections 518a and 625p.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

**SEC. 518A. THE OWNER OF A COMMERCIAL QUADRICYCLE SHALL FURNISH BODILY INJURY AND PROPERTY DAMAGE LIABILITY INSURANCE WITH A MINIMUM COMBINED SINGLE LIMIT OF \$2,000,000.00 FOR ALL PERSONS INJURED OR FOR PROPERTY DAMAGE.**

Sec. 624a. (1) Except as provided in ~~subsection~~ **SUBSECTIONS**

1 (2) **AND (5)**, a person who is an operator or occupant shall not  
2 transport or possess alcoholic liquor in a container that is open  
3 or uncapped or upon which the seal is broken within the passenger  
4 area of a vehicle upon a highway, or within the passenger area of a  
5 moving vehicle in any place open to the general public or generally  
6 accessible to motor vehicles, including an area designated for the  
7 parking of vehicles, in this state.

8 (2) ~~A~~ **EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (5)**, A person  
9 may transport or possess alcoholic liquor in a container that is  
10 open or uncapped or upon which the seal is broken within the  
11 passenger area of a vehicle upon a highway or other place open to  
12 the general public or generally accessible to motor vehicles,  
13 including an area designated for the parking of vehicles in this  
14 state, if the vehicle does not have a trunk or compartment separate  
15 from the passenger area, and the container is in a locked glove  
16 compartment, behind the last upright seat, or in an area not  
17 normally occupied by the operator or a passenger.

18 (3) A person who violates this section is guilty of a  
19 misdemeanor. As part of the sentence, the person may be ordered to  
20 perform community service and undergo substance abuse screening and  
21 assessment at his or her own expense as described in section 703(1)  
22 of the Michigan liquor control code of 1998, 1998 PA 58, MCL  
23 436.1703. A court shall not accept a plea of guilty or nolo  
24 contendere for a violation of this section from a person charged  
25 solely with a violation of section 625(6).

26 (4) This section does not apply to a passenger in a chartered  
27 vehicle authorized to operate by the state transportation

1 department.

2 (5) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, UNLESS  
3 PROHIBITED BY LOCAL ORDINANCE, SUBSECTIONS (1) AND (2) DO NOT APPLY  
4 TO A PASSENGER IN A COMMERCIAL QUADRICYCLE. A PASSENGER IN A  
5 COMMERCIAL QUADRICYCLE SHALL NOT TRANSPORT OR POSSESS ALCOHOLIC  
6 LIQUOR OTHER THAN BEER OR WINE.

7 (6) ~~(5)~~As used in this section:

8 (a) "Glove compartment" means a recess with a hinged and  
9 locking door in the dashboard of a motor vehicle.

10 (b) "Passenger area" means the area designed to seat the  
11 operator and passengers of a motor vehicle while it is in operation  
12 and any area that is readily accessible to the operator or a  
13 passenger while in his or her seating position, including the glove  
14 compartment.

15 SEC. 625P. (1) A PERSON, WHETHER LICENSED OR NOT, WHO HAS AN  
16 ALCOHOL CONTENT OF GREATER THAN 0.00 GRAMS PER 100 MILLILITERS OF  
17 BLOOD, PER 210 LITERS OF BREATH, OR PER 67 MILLILITERS OF URINE  
18 SHALL NOT OPERATE A COMMERCIAL QUADRICYCLE WITHIN THIS STATE.

19 (2) A PERSON WHO IS CONVICTED OF A VIOLATION OF THIS SECTION  
20 OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO THIS SECTION IS  
21 GUILTY OF A MISDEMEANOR PUNISHABLE BY 1 OF THE FOLLOWING:

22 (A) IF THE PERSON HAS AN ALCOHOL CONTENT OF AT LEAST 0.04  
23 GRAMS PER 100 MILLILITERS OF BLOOD, PER 210 LITERS OF BREATH, OR  
24 PER 67 MILLILITERS OF URINE, IMPRISONMENT FOR NOT MORE THAN 93 DAYS  
25 OR A FINE OF NOT MORE THAN \$300.00, OR BOTH, TOGETHER WITH COSTS OF  
26 THE PROSECUTION.

27 (B) IF THE PERSON HAS AN ALCOHOL CONTENT OF GREATER THAN 0.00

1 GRAMS, BUT LESS THAN 0.04 GRAMS, PER 100 MILLILITERS OF BLOOD, PER  
2 210 LITERS OF BREATH, OR PER 67 MILLILITERS OF URINE, A FINE OF NOT  
3 MORE THAN \$300.00, TOGETHER WITH COSTS OF THE PROSECUTION.

4 Sec. 657. Each person riding a bicycle, electric personal  
5 assistive mobility device, or moped or operating a low-speed  
6 vehicle **OR COMMERCIAL QUADRICYCLE** upon a roadway has all of the  
7 rights and is subject to all of the duties applicable to the driver  
8 of a vehicle ~~by~~**UNDER** this chapter, except ~~as to~~**FOR** special  
9 regulations in this article and except ~~as to~~**FOR** the provisions of  
10 this chapter ~~which~~**THAT** by their nature do not have  
11 application.**APPLY.**

12 Sec. 660. (1) A person operating an electric personal  
13 assistive mobility device, low-speed vehicle, or moped upon a  
14 roadway shall ride as near to the right side of the roadway as  
15 practicable ~~, exercising~~**AND SHALL EXERCISE** due care when passing a  
16 standing vehicle or one proceeding in the same direction. A  
17 motorcycle is entitled to full use of a lane, and a motor vehicle  
18 shall not be driven in such a manner as to deprive a motorcycle of  
19 the full use of a lane. This subsection does not apply to  
20 motorcycles operated 2 abreast in a single lane.

21 (2) A person riding an electric personal assistive mobility  
22 device, motorcycle, or moped upon a roadway shall not ride more  
23 than 2 abreast except on a path or part of a roadway set aside for  
24 the exclusive use of those vehicles.

25 (3) Where a usable and designated path for bicycles is  
26 provided adjacent to a highway or street, a person operating an  
27 electric personal assistive mobility device may, by local

1 ordinance, be required to use that path.

2 (4) A person operating a motorcycle, moped, low-speed vehicle,  
3 or electric personal assistive mobility device shall not pass  
4 between lines of traffic, but may pass on the left of traffic  
5 moving in his or her direction in the case of a 2-way street or on  
6 the left or right of traffic in the case of a 1-way street, in an  
7 unoccupied lane.

8 (5) A person operating an electric personal assistive mobility  
9 device on a sidewalk constructed for the use of pedestrians shall  
10 yield the right-of-way to a pedestrian and shall give an audible  
11 signal before overtaking and passing the pedestrian.

12 (6) A moped, ~~or~~ low-speed vehicle, **OR COMMERCIAL QUADRICYCLE**  
13 shall not be operated on a sidewalk constructed for the use of  
14 pedestrians.

15 (7) A low-speed vehicle **OR COMMERCIAL QUADRICYCLE** shall be  
16 operated at a speed of not ~~to exceed~~ **MORE THAN** 25 miles per hour  
17 and shall not be operated on a highway or street with a speed limit  
18 of more than 35 miles per hour except for the purpose of crossing  
19 that highway or street. The state transportation department may  
20 prohibit the operation of a low-speed vehicle **OR COMMERCIAL**  
21 **QUADRICYCLE** on any highway or street under its jurisdiction if it  
22 determines that the prohibition is necessary in the interest of  
23 public safety.

24 (8) This section does not apply to a police officer in the  
25 performance of his or her official duties.

26 (9) An electric personal assistive mobility device shall be  
27 operated at a speed **OF** not ~~to exceed~~ **MORE THAN** 15 miles per hour

1 and shall not be operated on a highway or street with a speed limit  
2 of more than 25 miles per hour except to cross that highway or  
3 street.

4 (10) The governing body of a county, a city, a village, an  
5 entity created under the urban cooperation act of 1967, 1967 (Ex  
6 Sess) PA 7, MCL 124.501 to 124.512, or a township may, by  
7 ordinance, which is based on the health, safety, and welfare of the  
8 citizens, regulate the operation of electric personal assistive  
9 mobility devices **OR COMMERCIAL QUADRICYCLES** on sidewalks, highways  
10 or streets, or crosswalks. Except as otherwise provided in this  
11 subsection, a governing body of a county, city, village, entity  
12 created under the urban cooperation act of 1967, 1967 (Ex Sess) PA  
13 7, MCL 124.501 to 124.512, or township may prohibit the operation  
14 of electric personal assistive mobility devices **OR COMMERCIAL**  
15 **QUADRICYCLES** in an area open to pedestrian traffic adjacent to a  
16 waterfront or on a trail under ~~their~~**ITS** jurisdiction or in a  
17 downtown or central business district. Signs indicating the  
18 regulation shall be conspicuously posted in the area where the use  
19 of an electric personal assistive mobility device **OR COMMERCIAL**  
20 **QUADRICYCLE** is regulated.

21 (11) Operation of an electric personal assistive mobility  
22 device is prohibited in a special charter city and a state park  
23 under the jurisdiction of the Mackinac Island state park  
24 commission.

25 (12) Operation of an electric personal assistive mobility  
26 device may be prohibited in a historic district.

27 (13) The department of natural resources may by order regulate

1 the use of electric personal assistive mobility devices on all  
2 lands under its control.

3 Sec. 662. (1) A bicycle, ~~or an~~ electric personal assistive  
4 mobility device, **OR COMMERCIAL QUADRICYCLE** being operated on a  
5 roadway between 1/2 hour after sunset and 1/2 hour before sunrise  
6 shall be equipped with a lamp on the front ~~which shall emit~~ **THAT**  
7 **EMITS** a white light visible from a distance of at least 500 feet to  
8 the front and with a red reflector on the rear ~~which~~ **THAT** shall be  
9 visible from all distances from 100 feet to 600 feet to the rear  
10 when directly in front of lawful lower beams of head lamps on a  
11 motor vehicle. A lamp emitting a red light visible from a distance  
12 of 500 feet to the rear may be used in addition to the red  
13 reflector.

14 (2) A bicycle shall be equipped with a brake ~~which will enable~~  
15 **THAT ENABLES** the operator to make the braked wheels skid on dry,  
16 level, clean pavement.

17 (3) An electric personal assistive mobility device **OR**  
18 **COMMERCIAL QUADRICYCLE** shall enable the operator to bring it to a  
19 controlled stop.

20 (4) A person shall not sell, offer for sale, or deliver for  
21 sale in this state a bicycle or a pedal for use on a bicycle,  
22 either of which was manufactured after January 1, 1976, unless it  
23 is equipped with a type of reflex reflector located on the front  
24 and rear surfaces of the pedal. The reflector elements may be  
25 either integral with the construction of the pedal or mechanically  
26 attached, but shall be sufficiently recessed from the edge of the  
27 pedal, or of the reflector housing, to prevent contact of the

1 reflector element with a flat surface placed in contact with the  
2 edge of the pedal. The pedal reflectors shall be visible from the  
3 front and rear of the bicycle during the nighttime from a distance  
4 of 200 feet when directly exposed to the lower beam head lamps of a  
5 motor vehicle.

6 (5) A person shall not sell, offer for sale, or deliver for  
7 sale in this state a bicycle manufactured after January 1, 1976 or  
8 an electric personal assistive mobility device unless it is  
9 equipped with either tires ~~which~~**THAT** have reflective sidewalls or  
10 with wide-angle prismatic spoke reflectors. If the bicycle or the  
11 electric personal assistive mobility device is manufactured with  
12 reflective sidewalls, the reflective portion of the sidewall shall  
13 form a continuous circle on the sidewall, and may not be removed  
14 from the tire without removal of tire material. If the bicycle is  
15 equipped with wide-angle prismatic spoke reflectors, the reflectors  
16 of the front wheel shall be essentially colorless or amber, and the  
17 reflectors on the rear wheel shall be essentially colorless or red.  
18 Reflective sidewalls or spoke reflectors shall cause the bicycle to  
19 be visible from all distances from 100 feet to 600 feet when viewed  
20 under lawful low beam motor vehicle head lamps under normal  
21 atmospheric conditions.

22 (6) A person who violates subsection (1) or (2) is responsible  
23 for a civil infraction.

24 Sec. 901. (1) ~~It~~**EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION**  
25 **(3), IT** is a misdemeanor for a person to violate this act, unless  
26 that violation is by this act or other law of this state declared  
27 to be a felony or a civil infraction.



1 (2) Unless another penalty is provided in this act or by the  
2 laws of this state, a person convicted of a misdemeanor for the  
3 violation of this act shall be punished by a fine of not more than  
4 \$100.00, or by imprisonment for not more than 90 days, or both.

5 (3) **EXCEPT AS OTHERWISE PROVIDED IN THIS ACT, A VIOLATION OF**  
6 **THIS ACT BY THE OWNER OF A COMMERCIAL QUADRICYCLE ARISING OUT OF**  
7 **THE OWNERSHIP OR OPERATION OF THE COMMERCIAL QUADRICYCLE IS A CIVIL**  
8 **INFRACTION.**

9 Sec. 907. (1) A violation of this act, or a local ordinance  
10 substantially corresponding to a provision of this act, that is  
11 designated a civil infraction shall not be considered a lesser  
12 included offense of a criminal offense.

13 (2) If a person is determined under sections 741 to 750 to be  
14 responsible or responsible "with explanation" for a civil  
15 infraction under this act or a local ordinance substantially  
16 corresponding to a provision of this act, the judge or district  
17 court magistrate may order the person to pay a civil fine of not  
18 more than \$100.00 and costs as provided in subsection (4). However,  
19 beginning October 31, 2010, if the civil infraction was a moving  
20 violation that resulted in an at-fault collision with another  
21 vehicle, a person, or any other object, the civil fine ordered  
22 under this section shall be increased by \$25.00 but the total civil  
23 fine shall not exceed \$100.00. However, for a violation of section  
24 602b, the person shall be ordered to pay costs as provided in  
25 subsection (4) and a civil fine of \$100.00 for a first offense and  
26 \$200.00 for a second or subsequent offense. For a violation of  
27 section 674(1)(s) or a local ordinance substantially corresponding

1 to section 674(1)(s), the person shall be ordered to pay costs as  
2 provided in subsection (4) and a civil fine of not less than  
3 \$100.00 or more than \$250.00. For a violation of section 328, the  
4 civil fine ordered under this subsection shall be not more than  
5 \$50.00. For a violation of section 710d, the civil fine ordered  
6 under this subsection shall not exceed \$10.00. For a violation of  
7 section 710e, the civil fine and court costs ordered under this  
8 subsection shall be \$25.00. For a violation of section 682 or a  
9 local ordinance substantially corresponding to section 682, the  
10 person shall be ordered to pay costs as provided in subsection (4)  
11 and a civil fine of not less than \$100.00 or more than \$500.00. For  
12 a violation of section 240, the civil fine ordered under this  
13 subsection shall be \$15.00. For a violation of section 252a(1), the  
14 civil fine ordered under this subsection shall be \$50.00. For a  
15 violation of section 676a(3), the civil fine ordered under this  
16 section shall be not more than \$10.00. For a first violation of  
17 section 319f(1), the civil fine ordered under this section shall be  
18 not less than \$2,500.00 or more than \$2,750.00; for a second or  
19 subsequent violation, the civil fine shall be not less than  
20 \$5,000.00 or more than \$5,500.00. For a violation of section  
21 319g(1)(a), the civil fine ordered under this section shall be not  
22 more than \$10,000.00. For a violation of section 319g(1)(g), the  
23 civil fine ordered under this section shall be not less than  
24 \$2,750.00 or more than \$25,000.00. Permission may be granted for  
25 payment of a civil fine and costs to be made within a specified  
26 period of time or in specified installments, but unless permission  
27 is included in the order or judgment, the civil fine and costs

1 ~~shall be~~ **ARE** payable immediately.

2 (3) Except as provided in this subsection, if a person is  
3 determined to be responsible or responsible "with explanation" for  
4 a civil infraction under this act or a local ordinance  
5 substantially corresponding to a provision of this act while  
6 driving a commercial motor vehicle, he or she shall be ordered to  
7 pay costs as provided in subsection (4) and a civil fine of not  
8 more than \$250.00.

9 (4) If a civil fine is ordered under subsection (2) or (3),  
10 the judge or district court magistrate shall summarily tax and  
11 determine the costs of the action, which are not limited to the  
12 costs taxable in ordinary civil actions, and may include all  
13 expenses, direct and indirect, to which the plaintiff has been put  
14 in connection with the civil infraction, up to the entry of  
15 judgment. Costs shall not be ordered in excess of \$100.00. A civil  
16 fine ordered under subsection (2) or (3) shall not be waived unless  
17 costs ordered under this subsection are waived. Except as otherwise  
18 provided by law, costs are payable to the general fund of the  
19 plaintiff.

20 (5) In addition to a civil fine and costs ordered under  
21 subsection (2) or (3) and subsection (4) and the justice system  
22 assessment ordered under subsection (13), the judge or district  
23 court magistrate may order the person to attend and complete a  
24 program of treatment, education, or rehabilitation.

25 (6) A district court magistrate shall impose the sanctions  
26 permitted under subsections (2), (3), and (5) only to the extent  
27 expressly authorized by the chief judge or only judge of the

1 district court district.

2 (7) Each district of the district court and each municipal  
3 court may establish a schedule of civil fines, costs, and  
4 assessments to be imposed for civil infractions that occur within  
5 the respective district or city. If a schedule is established, it  
6 shall be prominently posted and readily available for public  
7 inspection. A schedule need not include all violations that are  
8 designated by law or ordinance as civil infractions. A schedule may  
9 exclude cases on the basis of a defendant's prior record of civil  
10 infractions or traffic offenses, or a combination of civil  
11 infractions and traffic offenses.

12 (8) The state court administrator shall annually publish and  
13 distribute to each district and court a recommended range of civil  
14 fines and costs for first-time civil infractions. This  
15 recommendation is not binding upon the courts having jurisdiction  
16 over civil infractions but is intended to act as a normative guide  
17 for judges and district court magistrates and a basis for public  
18 evaluation of disparities in the imposition of civil fines and  
19 costs throughout the state.

20 (9) If a person has received a civil infraction citation for  
21 defective safety equipment on a vehicle under section 683, the  
22 court shall waive a civil fine, costs, and assessments upon receipt  
23 of certification by a law enforcement agency that repair of the  
24 defective equipment was made before the appearance date on the  
25 citation.

26 (10) A default in the payment of a civil fine or costs ordered  
27 under subsection (2), (3), or (4) or a justice system assessment

1 ordered under subsection (13), or an installment of the fine,  
2 costs, or assessment, may be collected by a means authorized for  
3 the enforcement of a judgment under chapter 40 of the revised  
4 judicature act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, or  
5 under chapter 60 of the revised judicature act of 1961, 1961 PA  
6 236, MCL 600.6001 to 600.6098.

7 (11) If a person fails to comply with an order or judgment  
8 issued under this section within the time prescribed by the court,  
9 the driver's license of that person shall be suspended under  
10 section 321a until full compliance with that order or judgment  
11 occurs. In addition to this suspension, the court may also proceed  
12 under section 908.

13 (12) The court may waive any civil fine, cost, or assessment  
14 against a person who received a civil infraction citation for a  
15 violation of section 710d if the person, before the appearance date  
16 on the citation, supplies the court with evidence of acquisition,  
17 purchase, or rental of a child seating system meeting the  
18 requirements of section 710d.

19 (13) In addition to any civil fines or costs ordered to be  
20 paid under this section, the judge or district court magistrate  
21 shall order the defendant to pay a justice system assessment of  
22 \$40.00 for each civil infraction determination, except for a  
23 parking violation or a violation for which the total fine and costs  
24 imposed are \$10.00 or less. Upon payment of the assessment, the  
25 clerk of the court shall transmit the assessment collected to the  
26 state treasury to be deposited into the justice system fund created  
27 in section 181 of the revised judicature act of 1961, 1961 PA 236,

1 MCL 600.181. An assessment levied under this subsection is not a  
2 civil fine for purposes of section 909.

3 (14) If a person has received a citation for a violation of  
4 section 223, the court shall waive any civil fine, costs, and  
5 assessment, upon receipt of certification by a law enforcement  
6 agency that the person, before the appearance date on the citation,  
7 produced a valid registration certificate that was valid on the  
8 date the violation of section 223 occurred.

9 (15) If a person has received a citation for a violation of  
10 section 328(1) for failing to produce a certificate of insurance  
11 under section 328(2), the court may waive the fee described in  
12 section 328(3)(c) and shall waive any fine, costs, and any other  
13 fee or assessment otherwise authorized under this act upon receipt  
14 of verification by the court that the person, before the appearance  
15 date on the citation, produced valid proof of insurance that was in  
16 effect at the time the violation of section 328(1) occurred.  
17 Insurance obtained subsequent to the time of the violation does not  
18 make the person eligible for a waiver under this subsection.

19 **(16) IF A PERSON IS DETERMINED TO BE RESPONSIBLE OR**  
20 **RESPONSIBLE "WITH EXPLANATION" FOR A CIVIL INFRACTION UNDER THIS**  
21 **ACT OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO A PROVISION**  
22 **OF THIS ACT AND THE CIVIL INFRACTION ARISES OUT OF THE OWNERSHIP OR**  
23 **OPERATION OF A COMMERCIAL QUADRICYCLE, HE OR SHE SHALL BE ORDERED**  
24 **TO PAY COSTS AS PROVIDED IN SUBSECTION (4) AND A CIVIL FINE OF NOT**  
25 **MORE THAN \$500.00.**

26 (17) ~~(16)~~ As used in this section, "moving violation" means an  
27 act or omission prohibited under this act or a local ordinance

1 substantially corresponding to this act that involves the operation  
2 of a motor vehicle and for which a fine may be assessed.

3 Enacting section 1. This amendatory act does not take effect  
4 unless Senate Bill No. \_\_\_\_ or House Bill No. 5408 (request no.  
5 04436'13) of the 97th Legislature is enacted into law.