

HOUSE BILL No. 5381

January 10, 2018, Introduced by Rep. Schor and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 698 (MCL 257.698), as amended by 2017 PA 37.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

4 (2) A motor vehicle may be equipped with not more than 1
5 running board courtesy lamp on each side that ~~shall emit~~ a white or
6 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 **SO** that the light may be turned on only if the vehicle

1 is in reverse gear. The backing lights when unlighted shall be
2 covered or otherwise arranged so as not to reflect objectionable
3 glare in the eyes of an operator of a vehicle approaching from the
4 rear.

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

14 (5) The use or possession of flashing, oscillating, or
15 rotating lights of any color is prohibited except as otherwise
16 provided by law, or under the 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, this state, or any unit of this
22 state, whether publicly or privately owned, shall be equipped with
23 flashing, rotating, or oscillating red lights and used as required
24 for safety.

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

1 rotating, or oscillating red lights are clearly visible in a 360-
2 degree arc from a distance of 500 feet when in use. A person
3 operating lights under this subdivision at any time other than when
4 responding to an emergency call is guilty of a misdemeanor.

5 (d) Flashing, rotating, or oscillating amber or green lights,
6 placed in a position as to be visible throughout an arc of 360
7 degrees, shall be used by a state, county, or municipal vehicle
8 engaged in the removal of ice, snow, or other material from the
9 highway and in other operations designed to control ice and snow,
10 or engaged in other ~~non-winter~~ **NONWINTER** operations. This
11 subdivision does not prohibit the use of a flashing, rotating, or
12 oscillating green light by a fire service.

13 (e) A vehicle used for the cleanup of spills or a necessary
14 emergency response action taken pursuant to state or federal law or
15 a vehicle operated by an employee of the department of natural
16 resources or the department of environmental quality that responds
17 to a spill, emergency response action, complaint, or compliance
18 activity may be equipped with flashing, rotating, or oscillating
19 amber or green lights. The lights described in this subdivision
20 shall not be activated unless the vehicle is at the scene of a
21 spill, emergency response action, complaint, or compliance
22 activity. This subdivision does not prohibit the use of a flashing,
23 rotating, or oscillating green light by a fire service.

24 (f) A vehicle to perform public utility service, a vehicle
25 owned or leased by and licensed as a business for use in the
26 collection and hauling of refuse, an automobile service car or
27 wrecker, a vehicle engaged in authorized highway repair or

1 maintenance, a vehicle of a peace officer, a vehicle operated by a
2 rural letter carrier or a person under contract to deliver
3 newspapers or other publications by motor route, a vehicle utilized
4 for snow or ice removal under section 682c, a private security
5 guard vehicle as authorized in subsection (7), a motor vehicle
6 while engaged in escorting or transporting an oversize load that
7 has been issued a permit by the state transportation department or
8 a local authority with respect to highways under its jurisdiction,
9 a vehicle owned by the national guard or a United States military
10 vehicle while traveling under the appropriate recognized military
11 authority, a motor vehicle while towing an implement of husbandry,
12 or an implement of husbandry may be equipped with flashing,
13 rotating, or oscillating amber lights. However, a wrecker may be
14 equipped with flashing, rotating, or oscillating red lights that
15 shall be activated only when the wrecker is engaged in removing or
16 assisting a vehicle at the scene of a traffic accident or
17 disablement, **AND A VEHICLE ENGAGED IN AUTHORIZED HIGHWAY REPAIR OR**
18 **MAINTENANCE MAY BE EQUIPPED WITH FLASHING, ROTATING, OR OSCILLATING**
19 **GREEN LIGHTS.** The flashing, rotating, or oscillating amber lights
20 shall not be activated except when the warning produced by the
21 lights is required for public safety. **AS USED IN THIS SUBDIVISION,**
22 **"VEHICLE ENGAGED IN AUTHORIZED HIGHWAY REPAIR OR MAINTENANCE"**
23 **INCLUDES, BUT IS NOT LIMITED TO, A PUBLICLY OR PRIVATELY OWNED**
24 **VEHICLE THAT IS USED IN PERFORMING CONSTRUCTION, MAINTENANCE,**
25 **SURVEYING, OR UTILITY WORK AS PART OF A ROAD MAINTENANCE, REPAIR,**
26 **OR CONSTRUCTION PROJECT INCLUDING SETTING UP, MAINTAINING, OR**
27 **TAKING DOWN A WORK ZONE.**

1 (g) A vehicle engaged in leading or escorting a funeral
2 procession or any vehicle that is part of a funeral procession may
3 be equipped with flashing, rotating, or oscillating purple or amber
4 lights that shall not be activated except during a funeral
5 procession.

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

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

16 (j) A public transit vehicle may be equipped with a flashing,
17 oscillating, or rotating light mounted on the roof of the vehicle
18 approximately 6 feet from the rear of the vehicle that displays a
19 white light to the front, side, and rear of the vehicle, which
20 light may be actuated by the driver for use only in inclement
21 weather such as fog, rain, or snow, when boarding or discharging
22 passengers, from 1/2 hour before sunset until 1/2 hour after
23 sunrise, or when conditions hinder the visibility of the public
24 transit vehicle. As used in this subdivision, "public transit
25 vehicle" means a motor vehicle, other than a station wagon or
26 passenger van, with a gross vehicle weight rating of more than
27 10,000 pounds.

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

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

1 (c), (i), or (j), or to exercise the privileges described in
2 section 603. A person who operates an authorized emergency vehicle
3 in violation of the terms of an authorization is guilty of a
4 misdemeanor punishable by imprisonment for not more than 90 days or
5 a fine of not more than \$100.00, or both.

6 (7) A private motor vehicle of a security guard agency or
7 alarm company licensed under the private security business and
8 security alarm act, 1968 PA 330, MCL 338.1051 to 338.1092, may
9 display flashing, rotating, or oscillating amber lights. The
10 flashing, rotating, or oscillating amber lights shall not be
11 activated on a public highway when a vehicle is in motion.

12 (8) This section does not prohibit, restrict, or limit the use
13 of lights authorized or required under sections 697, 697a, and
14 698a.

15 (9) A person who operates a vehicle in violation of subsection
16 (1), (2), (3), or (4) is responsible for a civil infraction.

17 Enacting section 1. This amendatory act takes effect 90 days
18 after the date it is enacted into law.