

# Legislative Analysis

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## MOBILITY DEVICES: CLARIFY DEFINITIONS

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<http://www.house.mi.gov/hfa>

**House Bill 5374 as reported from committee**  
**Sponsor: Rep. Martin Howrylak**  
**Committee: Transportation and Infrastructure**  
**Complete to 3-9-18**

Analysis available at  
<http://www.legislature.mi.gov>

### SUMMARY:

House Bill 5374 would amend the Michigan Vehicle Code to revise the definition of motor vehicle to specify that the term “motor vehicle” does not include a power-driven mobility device being used by an individual with a mobility disability.

The bill would also revise the definition of “pedestrian” to include an individual with a mobility disability who is using a power-driven mobility device.

The term “power-driven mobility device” would be defined to mean a wheelchair or other mobility device powered by a battery, fuel, or other engine and designed to be used by an individual with a mobility disability for the purpose of locomotion.

MCL 257.33 and 257.39 and proposed MCL 257.43c

### BRIEF DISCUSSION:

According to the bill’s sponsor, HB 5374 would provide clarity in the Vehicle Code as to allowing power-driven mobility devices (e.g., electric wheelchairs) to be operated on sidewalks. The federal Americans with Disabilities Act explicitly authorizes that use, but the Vehicle Code does not, and the Code’s provisions on the question are not clear. The bill proposes a technical clarification to current law, specifically bringing the Code’s provisions into alignment with the federal act, and not a change to the substance of the law.

### FISCAL IMPACT:

The bill would have no direct fiscal impact on the state or on local governments,

### POSITIONS:

The AARP indicated support for the bill. (2-27-18)

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