

**HOUSE SUBSTITUTE FOR
SENATE BILL NO. 477**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 653a and 653b (MCL 257.653a and 257.653b),
section 653a as added by 2000 PA 458 and section 653b as added by
2008 PA 464.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 653a. (1) Upon approaching and passing a stationary
2 authorized emergency vehicle that is giving a visual signal by
3 means of flashing, rotating, or oscillating red, blue, ~~or~~ white, **OR**
4 **AMBER** lights as permitted by section 698, the driver of an
5 approaching vehicle shall exhibit due care and caution, as required
6 under the following:

7 (a) On any public roadway with at least 2 adjacent lanes
8 proceeding in the same direction of the stationary authorized

1 emergency vehicle, the driver of the approaching vehicle shall
2 proceed with caution, **REDUCE HIS OR HER SPEED BY 10 MILES PER HOUR,**
3 and yield the right-of-way by moving into a lane at least 1 moving
4 lane or 2 vehicle widths apart from the stationary authorized
5 emergency vehicle, unless directed otherwise by a police officer.
6 If movement to an adjacent lane or 2 vehicle widths apart is not
7 possible due to weather, road conditions, or the immediate presence
8 of vehicular or pedestrian traffic in parallel moving lanes, the
9 driver of the approaching vehicle shall proceed as required in
10 subdivision (b).

11 (b) On any public roadway that does not have at least 2
12 adjacent lanes proceeding in the same direction as the stationary
13 authorized emergency vehicle, or if the movement by the driver of
14 the vehicle into an adjacent lane or 2 vehicle widths apart is not
15 possible as described in subdivision (a), the approaching vehicle
16 shall ~~reduce and maintain a safe speed for weather, road~~
17 ~~conditions, and vehicular or pedestrian traffic and~~ proceed with
18 due care and caution **AND REDUCE HIS OR HER SPEED BY 10 MILES PER**
19 **HOUR,** or as directed by a police officer.

20 (2) Except as provided in subsections (3) and (4), a person
21 who violates this section is guilty of a misdemeanor punishable by
22 a fine of not more than \$500.00 or imprisonment for not more than
23 90 days, or both.

24 (3) A person who violates this section and causes injury to a
25 police officer, firefighter, or other emergency response personnel
26 in the immediate area of the stationary authorized emergency
27 vehicle is guilty of a felony punishable by a fine of not more than

1 \$1,000.00 or imprisonment for not more than 2 years, or both.

2 (4) A person who violates this section and causes death to a
3 police officer, firefighter, or other emergency response personnel
4 in the immediate area of the stationary authorized emergency
5 vehicle is guilty of a felony punishable by a fine of not more than
6 \$7,500.00 or by imprisonment for not more than 15 years, or both.

7 (5) **THE OPERATOR OF A VEHICLE UPON A HIGHWAY THAT HAS**
8 **BEEN DIVIDED INTO 2 ROADWAYS BY LEAVING AN INTERVENING SPACE, OR BY**
9 **A PHYSICAL BARRIER OR CLEARLY INDICATED DIVIDING SECTIONS SO**
10 **CONSTRUCTED AS TO IMPEDE VEHICULAR TRAFFIC, IS NOT REQUIRED TO**
11 **PROCEED WITH CAUTION, REDUCE HIS OR HER SPEED, OR YIELD THE RIGHT-**
12 **OF-WAY FOR AN AUTHORIZED EMERGENCY VEHICLE THAT IS STOPPED ACROSS**
13 **THE DIVIDING SPACE, BARRIER, OR SECTION.**

14 Sec. 653b. (1) Upon approaching and passing a stationary solid
15 waste collection vehicle, a utility service vehicle, or a road
16 maintenance vehicle that is giving a visual signal by means of
17 flashing, rotating, or oscillating amber lights as permitted by
18 section 698, the driver of an approaching vehicle shall
19 ~~reduce to and maintain a safe speed for weather, road conditions,~~
20 ~~and vehicular or pedestrian traffic and~~ **EXHIBIT DUE CARE AND**
21 **CAUTION, AS REQUIRED UNDER THE FOLLOWING:**

22 (A) **ON ANY PUBLIC ROADWAY WITH AT LEAST 2 ADJACENT LANES**
23 **PROCEEDING IN THE SAME DIRECTION OF THE STATIONARY SOLID WASTE**
24 **COLLECTION VEHICLE, UTILITY SERVICE VEHICLE, OR ROAD MAINTENANCE**
25 **VEHICLE, THE DRIVER OF THE APPROACHING VEHICLE SHALL PROCEED WITH**
26 **CAUTION, REDUCE HIS OR HER SPEED BY 10 MILES PER HOUR, AND YIELD**
27 **THE RIGHT-OF-WAY BY MOVING INTO A LANE AT LEAST 1 MOVING LANE OR 2**

1 VEHICLE WIDTHS APART FROM THE STATIONARY SOLID WASTE COLLECTION
2 VEHICLE, UTILITY SERVICE VEHICLE, OR ROAD MAINTENANCE VEHICLE,
3 UNLESS DIRECTED OTHERWISE BY A POLICE OFFICER. IF MOVEMENT TO AN
4 ADJACENT LANE OR 2 VEHICLE WIDTHS APART IS NOT POSSIBLE DUE TO
5 WEATHER, ROAD CONDITIONS, OR THE IMMEDIATE PRESENCE OF VEHICULAR OR
6 PEDESTRIAN TRAFFIC IN PARALLEL MOVING LANES, THE DRIVER OF THE
7 APPROACHING VEHICLE SHALL PROCEED AS REQUIRED IN SUBDIVISION (B).

8 (B) ON ANY PUBLIC ROADWAY THAT DOES NOT HAVE AT LEAST 2
9 ADJACENT LANES PROCEEDING IN THE SAME DIRECTION AS THE STATIONARY
10 SOLID WASTE COLLECTION VEHICLE, UTILITY SERVICE VEHICLE, OR ROAD
11 MAINTENANCE VEHICLE, OR IF THE MOVEMENT BY THE DRIVER OF THE
12 VEHICLE INTO AN ADJACENT LANE OR 2 VEHICLE WIDTHS APART IS NOT
13 POSSIBLE AS DESCRIBED IN SUBDIVISION (A), THE APPROACHING VEHICLE
14 SHALL proceed with due care and caution AND REDUCE HIS OR HER SPEED
15 BY 10 MILES PER HOUR.

16 (2) THE OPERATOR OF A VEHICLE UPON A HIGHWAY THAT HAS
17 BEEN DIVIDED INTO 2 ROADWAYS BY LEAVING AN INTERVENING SPACE, OR BY
18 A PHYSICAL BARRIER OR CLEARLY INDICATED DIVIDING SECTIONS SO
19 CONSTRUCTED AS TO IMPEDE VEHICULAR TRAFFIC, IS NOT REQUIRED TO
20 PROCEED WITH CAUTION, REDUCE HIS OR HER SPEED, OR YIELD THE RIGHT-
21 OF-WAY FOR A STATIONARY SOLID WASTE COLLECTION VEHICLE, UTILITY
22 SERVICE VEHICLE, OR ROAD MAINTENANCE VEHICLE THAT IS STOPPED ACROSS
23 THE DIVIDING SPACE, BARRIER, OR SECTION.

24 (3) ~~(2)~~—As used in this section:

25 (a) "Road maintenance authority" means any of the following:

26 (i) The state department of transportation.

27 (ii) A local authority.

1 (iii) An entity operating under contract with the state
2 department of transportation or a local authority to provide road
3 construction or road maintenance services.

4 (b) "Road maintenance vehicle" means a vehicle owned or
5 operated by a road maintenance authority.

6 (c) "Solid waste" means that term as defined in section 11506
7 of the natural resources and environmental protection act, 1994 PA
8 451, MCL 324.11506.

9 (d) "Solid waste collection vehicle" means a solid waste
10 transporting unit that is used for the curbside collection of
11 municipal solid waste.

12 (e) "Solid waste hauler" means that term as defined in section
13 11506 of the natural resources and environmental protection act,
14 1994 PA 451, MCL 324.11506.

15 (f) "Solid waste transporting unit" means that term as defined
16 in section 11506 of the natural resources and environmental
17 protection act, 1994 PA 451, MCL 324.11506.

18 (g) "Utility provider" means an entity that does any of the
19 following and that is regulated as a utility under the laws of this
20 state or of the United States:

21 (i) Generates or distributes electrical power to the public.

22 (ii) Generates or distributes natural gas to the public.

23 (iii) Provides sewage collection services to the public.

24 (iv) Provides water distribution services to the public.

25 (v) Provides telephone services to the public.

26 (vi) Provides cable or video services to the public.

27 (h) "Utility service vehicle" means a vehicle owned or

1 operated by a utility provider.

2 Enacting section 1. This amendatory act takes effect 90 days

3 after the date it is enacted into law.