

Michigan Vehicle Code Update

19th Annual Michigan Traffic Safety Summit March 25-27, 2014

**Sgt. Jill M. Bennett
Michigan State Police
Traffic Services Section**

Agenda

- Traffic law update
- Overview of FAQs
- Traffic Safety Listserv
- Wrap Up/Q&A

Traffic Law Update

Summary of 2011-2012 Session

- 148 Bills to amend the Michigan Vehicle Code introduced by the 96th Legislature
- 36 Public Acts
 - 14 House Bills
 - 22 Senate Bills
 - 13 in 2011
 - 23 2012
- No relevant Attorney General Opinions

2012 PA 498

- 2012 HB 5668
- Amends multiple sections of the Michigan Vehicle Code. Mostly 109 pages (House Concurred Bill) of cleanup language, but contains several sections dealing with driver improvement course providers and CMV cell phone prohibition
- Effective March 28, 2013, some subsections effective later
- Minimal effect on law enforcement

2012 PA 473

- 2012 HB 5936
- Amends MCL 257.312f
- Allows SOS to waive CMV driving skills test for some applicants with recent military CMV experience
- Effective March 28, 2013
- Could result in some less qualified applicants receiving CMV license

OWI Law

- 2012 PA 543
- Amends MCL 257.625
- Changes definition of “Operating While Intoxicated” to include intoxicating substances that do not fall into Public Health Code schedule
- Effective March 31, 2013
- Will allow for prosecution of intoxicated drivers that previously fell through the cracks

Summary of 2013-2014 Session

- 108 Bills to amend the Michigan Vehicle Code introduced by the 97th Legislature as of March 11
- 17 Public Acts so far...
 - 11 House Bills
 - 6 Senate Bills
 - 15 in 2013
 - 2 so far in 2014
- No relevant Attorney General Opinions

Kelsey's Law

- MCL 257.602c
- Effective date: March 28, 2013
- Prohibits use of a cell phone for Level 1 & II drivers
 - While operating a motor vehicle on a highway or street
 - May not initiate, answer, listen or engage in a verbal communication through the cell phone.

Kelsey's Law continued

- Exceptions- Reporting:
 - Traffic crash, medical emergency, serious road hazard
 - Personal safety in jeopardy
 - Criminal act against self or other
- Zero points; difficult to enforce without observing a separate violation due to inability to know operator level prior to traffic stop

Kelsey's Law continued

- Does not apply if using a voice-operated system integrated within the vehicle.
 - This is not a Blue-Tooth
- This law shall be known as, and may be cited as, “Kelsey's Law”.

2013 PA 23

- 2013 HB 4093
- Amends MCL 257.625, 625a, 625g, and 625m
- Extends .08 sunset from 10/1/2013 to 10/1/2018
- Effective May 9, 2013
- Temporarily prevents .08 per se BAC from reverting back to .10

2013 PA 27

- 2013 HB 4037
- Amends MCL 257.310
- Allows for the addition of a Veteran Status designation to operator or Chauffeur license
- Effective May 1, 2014

2013 PA 35

- 2013 SB 97
- Amends MCL 257.907
- Changes “shall” to “may” for waiving fines for violation of 710d and removed outdated language on old \$5 statutory assessment for traffic violations
- Effective August 20, 2013
- Allows courts to retain fines serial child restraint violators

2013 PA 36

- 2013 HB 4254
- Amends MCL 602b
- Adds School Bus to commercial vehicle texting ban and adds language prohibiting reaching for cell phone
- Effective May 21, 2013
- Minimal impact on law enforcement due to difficulty of enforcement and adjudication

2013 PA 82

- 2013 HB 4439
- Amends MCL 257.805
- Removes sunset and revises language related to application for Recreation Passport application
- Effective May 1, 2014
- Not likely to have any effect on law enforcement

2013 PA 177

- 2013 SB 390
- Amends MCL 257.312 and 312b
- Removes Autocycle from requirement to obtain a motorcycle endorsement
- Effective November 26, 2013
- Not likely to have any effect on law enforcement as Autocycles are seen less frequently than Bigfoot on Michigan roads. “

Autocycle” means an enclosed motorcycle that is equipped with safety belts, rollbar, windshield, wipers, steering wheel, and equipment otherwise required on a motorcycle, and which has not more than 3 wheels in contact with the roadway at any 1 time.



2013 PA 179

- 2013 HB 4633
- Amends MCL 257.224
- Removes outdated language regarding registration plate renewal and allows for possibility of digitally printed plates
- Registration plates shall not be renewed 10 years after the date that registration plate was first issued.
- Effective December 1, 2013
- Not likely to have any effect on law enforcement

2013 PA 218

- HB 4770
- Adds MCL 257.503
- Provides 30-day window to protect privacy and prevent solicitation based on information in a UD-10 crash report
- Effective January 1, 2014
- Not likely to have any effect on law enforcement

HB 4770 Continued

- For a first violation, a misdemeanor punishable by a fine of not more than \$30,000.00
- For a second or subsequent violation, a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$60,000.00 OR BOTH.

257.602b- Texting Ban

- Amended effective Oct. 28, 2013
 - Adds a subsection for commercial motor vehicles
 - Adds a ban for drivers of commercial motor vehicles to talk on a cell phone
 - However, a Federal regulation went into effect Jan. of 2012.
 - Already adopted into State Law under Act 181 of 1963- Motor Carrier Safety Act- 1/3/2012

Mopeds

- Two New Laws on Mopeds
 - 257.32b
 - 257.658

Moped Definition

- Amends 257.32b
- Effective December 21, 2012
- Changes the definition of a moped, removing the language about 2.0 brake horsepower or less, raises cc limit to 100.
 - Does not change 30 mph limit
- May give false impression that some scooter-style motorcycles become legal as mopeds
- May lead to an increase in traffic crashes involving mopeds

Moped

- 257.658
 - Effective March 28, 2013
 - Removes language that a moped shall not be used to carry more than 1 person at a time.
 - Now a moped may carry the number it was manufactured for
 - On a permanent and regular seat

Many specialty plates added

- Gold Star Family Member
- Boy Scouts of America
- Specialty military registration plate to motorcycles
- “Pure Michigan”
- Ducks Unlimited
- Breast & Cervical Cancer (March 14, 2014)
- Just be aware that you will see many different plates out there

2013 PA 231

- 2013 SB 169
- Amends MCL 257.35a, 36, 244, and 602b, as well as some title and heading language; Adds MCL 257.2b, 663, 665, 666, and 817
- Defines “Automated Motor Vehicle” and creates limited testing conditions
- Effective March 27, 2014
- Future potential impact on law enforcement as vehicles become approved for actual use by regular drivers

2014 PA 1

- 2013 HB 4866
- Amends MCL 257.648
- Allows bicyclists an additional method to signal a right-hand turn by extending the right hand outward
- Effective January 28, 2014
- Not likely to have any impact on law enforcement

2014 PA 26

- 2013 SB 463
- Amends MCL 257.225
- Defines “Historic Military Vehicle” and allows for operation without normal proper display of registration plate on front or rear of vehicle; plate present and displayed “upon demand” of a police officer
- Effective March 4, 2014
- May create unnecessary traffic stops to verify actual compliance with registration statutes

Explanation of GDL Levels

- Level 1 is what used to be called the Temporary Instruction Permit
 - Must have for a minimum of 6 months
- Level 2 is the license you may receive on your 16th birthday
 - Must remain at for at least 6 months

GDL Levels continued

- Level 3 may be received on your 17th Birthday
 - If received your Level 2 on 16th birthday & drove for one full year w/o a violation.
- SOS automatically issues the new license.
- Level 3 is automatically issued once the individual turns 18.
 - No longer held to the GDL Restrictions

Overview of GDL Restrictions

- 257.310e

- May not operate between 10 p.m. and 5 a.m.
- Exceptions: W/a parent or legal guardian (or licensed operator 21 and over designated by parent or guardian)
- In the course of employment (or going to and from employment).
- In the course of an authorized activity

Overview of GDL Restrictions cont'd.

- May not operate w/more than one passenger in the car under age 21
 - Exceptions: W/a parent or legal guardian (or licensed operator 21 and over designated by parent or guardian)
 - Passengers are members of immediate family

Overview of GDL Restrictions cont'd.

- In the course of employment (or going to and from employment).
- In the course of an authorized activity
- Definition of Authorized Activity:
 - A school or a school-sanctioned event or activity. This includes a public or private school, including a home school.

GDL Restrictions-Authorized Activity cont'd.

- A sporting event or activity, or extracurricular event or activity, that is not school-sanctioned but that is part of an official sports league or association.
- A class or program of vocational instruction offered by a college, community college, nonprofit association, etc.
- An event or activity sponsored by a religious organization

GDL Restrictions-Authorized Activity cont'd.

- Transporting an individual in need of immediate emergency care or personal protection to a health care professional, hospital, police station, domestic violence shelter, or public safety location.
- This law initially went into effect March 30, 2011
- This law was amended effective July 20, 2011
 - I've never seen a new law get changed so quickly
 - Due to many complaints of parents

Other Noteworthy Items

FAQs

- MSP's website has an FAQ page.
 - People may send in questions
 - I receive all of those emails directly
 - <http://www.michigan.gov/msp>
 - Click on FAQs
 - Click on Traffic Laws FAQs

Traffic Listserv

- I oversee the Traffic Safety Listserv
- I send out training announcements related to traffic safety
 - Datamaster, PBT, SFST, etc.
- I send out info on MVC law changes
- I send out info from SOS reference plates, titles, etc.
- To subscribe, email me @ bennettj14@michigan.gov

Other Items for Discussion

MVC Books & Excerpt Books

- Neither are available in a published format
- Cost prohibitive
- Full MVC is available online:
<http://www.michiganlegislature.org>
 - Click on “Public Act MCL Search”
 - In the “Public Act Number” box type 300
 - In the “Public Act Year” box type 1949

Other Pertinent Acts

- Act 181 of 1963
 - Motor Carrier Safety Act
- Act 451 of 1994
 - Natural Resources and Environmental Protection Act
 - ORV Laws, Snowmobile Laws, Hunting Laws

Alternative Vehicle Questions

- Conversion of golf carts and ORVs to “street legal”
- Other alternative vehicles
- Others issues pertaining to them

Q&A

- Any questions?
- Evaluations
- Thank you for your time

Contact Information

Sgt. Jill M. Bennett
MSP Training Division
Traffic Services Section
Traffic Safety Liaison Unit
(517) 636-0087
bennettj14@michigan.gov