

**BEGINNING
SCHOOL BUS DRIVER
CURRICULUM**

ADDENDUM

- **P.A. 187**
- **Act 300 (Michigan Motor Vehicle Code)**
- **Additional Resources**

Revised: 06/2011

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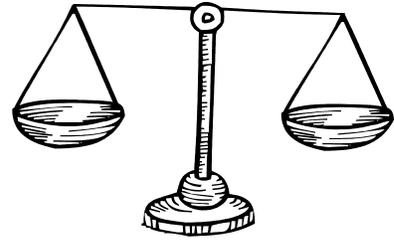
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THE PUPIL TRANSPORTATION ACT

Act 187 of 1990

AN ACT to regulate the equipment, maintenance, operation, and use of school buses; to prescribe the qualifications of school bus drivers; to prescribe the powers and duties of certain state and local governmental agencies; to create an advisory committee and to prescribe its powers and duties; and to prescribe remedies and penalties.

History: 1990, Act 187, Eff. Aug. 15, 1990;--Am. 2006, Act 107, Eff. Aug. 15, 2006.

The People of the State of Michigan enact:

257.1801 Short Title

Sec. 1. This act shall be known and may be cited as "the pupil transportation act".

History: 1990, Act 187, Eff. Aug. 15, 1990.

257.1805 Definitions; M to S.

Sec. 5.

- 1) "Motor bus" and "motor carrier of passengers" mean those terms as defined in section 3 of the motor bus transportation act, 1982 PA 432, MCL 474.103.
- 2) "Nonpublic school" means that term as defined in section 5 of the revised school code, 1976 PA 451, MCL 380.5.
- 3) "Public school" means that term as defined in section 5 of the revised school code, 1976 PA 451, MCL 380.5.
- 4) "Rule" means a rule promulgated pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.
- 5) "School" means either a public school or a nonpublic school, or both.

History: 1990, Act 187, Eff. Aug. 15, 1990;--Am. 2000, Act 49, Imd. Eff. Mar. 29, 2000;--Am. 2006, Act 107, Eff. Aug. 15, 2006.

257.1807 Definitions; S, T.

Sec. 7.

- 1) "School bus" means a motor vehicle with a manufacturer's rated seating capacity of 11 or more passengers, including the driver, used for the transportation of preprimary, primary, or secondary school pupils to or from school or school-related events or a multifunction school activity bus manufactured after September 2, 2003, as defined in 49 CFR 571.3, 49 CFR 571.108, and 49 CFR 571.131. School bus does not include a vehicle operated by a public transit agency or authority. A vehicle that is not a school bus is not subject to this act. For the purpose of this act, a parent, or legal guardian transporting his or her child or another child with written permission of the other child's parent or legal guardian on a school-related event is not subject to this act.

- 2) "Type I school bus" means a school bus with a gross vehicle weight rating of more than 10,000 pounds.
- 3) "Type II school bus" means a school bus with a gross vehicle weight rating of 10,000 pounds or less.

History: 1990, Act 187, Eff. Aug. 15, 1990;--Am. 1992, Act 227, Imd. Eff. Oct. 16, 1992;--Am. 2000, Act 49, Imd. Eff. Mar. 29, 2000;--Am. 2006, Act 107, Eff. Aug. 15, 2006.

257.1809 Pupil transportation; regulation; routes; vehicles and equipment; rules.

Sec. 9.

The state board of education shall regulate pupil transportation. The state board or its authorized representative may review, confirm, set aside, or amend the action, order, or decision of a school with reference to the routes over which pupils shall be transported, and the suitability and number of the vehicles and equipment for the transportation of pupils. The superintendent of public instruction shall promulgate rules as necessary to implement this act except that the department of state police, in cooperation with the superintendent of public instruction, may promulgate rules related to vehicle and equipment standards.

History: 1990, Act 187, Eff. Aug. 15, 1990;--Am. 2006, Act 107, Eff. Aug. 15, 2006.

257.1810 Transportation of pupils; federal motor vehicle safety standards; restrictions.

Sec. 10.

- 1) Each school bus owned or operated by a public or private nonpublic school, an agent of a school, a private business, or a unit of government for the transportation of pupils to or from school or school-related events shall meet or exceed the federal motor vehicle safety standards applicable to the construction and sale of that school bus and for all seating positions in that vehicle. A school or an agent of a school may transport pupils with disabilities in mobile seating devices in accordance with federal standards specifically applicable to such pupils, their wheelchairs, and related wheelchair securement and occupant protection systems.
- 2) A vehicle, other than a school bus, with a manufacturer's rated seating capacity of 11 or more passengers, including the driver, shall not be used to transport pupils to or from school or school-related events. This subsection does not apply to motor buses that are described in section 10a.

History: 1990, Act. 187, Eff. August 15, 1990;--Am. 1996, Act. 191, Imd. Eff. May 13, 1996;--Am. 2000, Act 49, Imd. Eff. Mar. 29, 2000;--Am. 2006, Act 107, Eff. Aug. 15, 2006.

257.1810a. Contract with motor carrier; authorization

Sec. 10a.

- 1) A school may contract with a licensed motor carrier of passengers for a motor bus to be used for occasional transportation of pupils to or from school-related events. A school shall not directly operate a motor bus for the use of pupil transportation to and from school or school-related events. A motor carrier certified by the state transportation department shall not use a motor bus to transport pupils to and from school.

- 2) Before the effective date of the amendatory act that amended this section, the department of education may authorize the use of a motor bus for the regular route transportation of pupils to or from school or home. The authorization shall be in writing and shall include conditions or restrictions that are necessary to safeguard the health, safety, and welfare of the pupils. Any authorization that is entered into before the effective date of the amendatory act that amended this subsection shall remain in effect for the time it is authorized.
- 3) A motor bus built to school bus specifications that complies with the applicable federal motor vehicle safety standards shall comply with the requirements of this act.

History: Add. 1990, Act 322, Imd. Eff. Dec. 20, 1990;--Am. 2000, Act 49, Imd. Eff. Mar. 29, 2000;--Am. 2006, Act 107, Eff. Aug. 15, 2006.

257.1811 Applicability of MCL 257.1811 to 257.1821; body width and height of type I and type II school buses; attachment of bus to chassis; use of spacers; bus floor; doors; steps; emergency exit; insulation; book racks prohibited; electrical system; secured items; radio speakers.

Sec. 11.

- 1) This section and sections 13 to 21 apply to both type I and type II school buses except where specifically provided otherwise.
- 2) A type I school bus shall have an outside body width of not more than 102 inches; an outside overall length of not more than 45 feet; and an inside height of not less than 72 inches, aisle floor surface to ceiling. A type II school bus shall have an outside body width of not more than 102 inches and an inside height of not less than 60 inches, aisle floor surface to ceiling.
- 3) A bus shall be attached firmly to the chassis. A spacer shall be inserted between the body and the frame at every point of contact so that shearing stresses are not put on rivet heads.
- 4) A bus floor shall be of metal at least equal in strength to 14-gauge steel and so constructed and maintained that exhaust gases cannot enter the bus. The floor, including wheelhousing, aisle, and stepwell, shall be covered and maintained with a slip-resistant surface. Floors shall be covered to the walls. All closures between the body and engine compartment shall be fitted with gaskets which effectively prevent gas from entering the body. The bus body floor, cross members, and skirts shall be completely undercoated. A transmission inspection plate, if any, need not have a slip-resistant surface but shall be firmly attached.
- 5) Sedan-type doors shall not be used on type I school buses. When a jackknife-type service door is used, it shall fold forward toward the front of the bus. If a split-type service door is used, it shall open outward. Sedan-type doors may be used on service entrances of type II buses. The steps of a service door entrance shall be covered with 3/16-inch molded ribbed rubber or other nonslip surface.
- 6) An emergency exit shall be provided as follows:
 - a. Type I school bus: the upper and lower portion of the central rear emergency door shall be equipped with approved safety glass. The door shall be hinged on the right side and the door handle located on the extreme left. Piano hinges shall not be used. The handle shall be in the

vertical position when latched. A locking device of any kind shall not be attached to, or made a part of, the emergency door unless the locking device meets all of the following criteria:

- i. The device is integrated in the ignition system
- ii. The device is tamper resistant
- iii. The device has an audible alarm system
- iv. The device has a audible alarm near the driver's seat that will sound when the door is locked and the ignition is on

b. Type II school bus: subdivision (a) applies to type II buses except that double rear emergency doors may be used. A double rear emergency door shall have a 3-point latch.

- 7) A bus body shall be lined with fiberglass or a comparable nonsettling, nonabsorbent insulation.
- 8) Book racks shall not be installed in a school bus.
- 9) The electrical system shall be 12 volt D.C. provided through an alternator with a minimum of 100 amp rating and a minimum battery storage capacity of 500 CCA with gasoline engine, or 900 CCA with diesel engine provided through 1 12-volt battery, 2 12-volt batteries, or 2 6-volt batteries. There shall not be an opening through the floor of the bus to service the battery.
- 10) All baggage, articles, equipment, or medical supplies not held by individual passengers shall be secured in a manner which assures unrestricted access to all exits by all occupants, does not restrict the driver's ability to operate the bus, and protects all occupants against injury resulting from falling or displacement of any baggage, article, or equipment. Oxygen cylinders secured to a wheelchair shall be considered to be in compliance with this subsection, provided they do not impede access to any exit.
- 11) Radio speakers shall be no closer to the driver than 3 seat positions behind the driver. This subsection does not apply to radio speakers for 2-way communication devices.

History: 1990, Act 187, Eff. Aug. 15, 1990;--Am. 2006, Act 107, Eff. Aug. 15, 2006.

257.1813 Air brake system.

Sec. 13.

- 1) A school bus that is equipped with an air brake system shall be equipped with an emergency stopping system designed and constructed to permit modulated control of brake application and release and to prevent release by the driver unless energy is available for reapplication. The air brake system shall be provided with an electrically heated moisture ejector on each air reservoir or shall be provided with an after cooler type air dryer with an electrically heated purge valve. The use of moisture ejectors together with an air dryer is optional. Each air reservoir in the system shall be equipped with a manual petcock valve on the bottom of the tank. If the automatic moisture ejection valve is equipped with a manual drain control or built-in petcock, a separate manual petcock is not required. The air reservoir tanks shall be mounted on the chassis frame with not less than 15 inches of clearance between the ground and the lowest part of the tank or tank component.

- 2) A school bus manufactured after July 15, 1982, that has a rated seating capacity of 60 or more passengers is not required to be equipped with an air brake system.
- 3) A school bus manufactured before July 7, 1981, may use an air dryer system.

History: 1990, Act 187, Eff. Aug. 15, 1990.

275.1815 Exterior lamps and signals on bus.

Sec. 15. The location, number, and color of all exterior lamps and signals on a school bus shall be in conformance with current United States department of transportation, federal motor vehicle safety regulations found in 49 CFR part 571 and in section 698 of the Michigan vehicle code, 1949 PA 300, MCL 257.698.

History: 1990, Act 187, eff. Aug. 15, 1990;--Am. 2004, Act 231, Imd. Eff. July 21, 2004.

257.1817 Signal lights; stoplights; flasher lamps; applicability to school buses manufactured before October 1, 1990; conformance with federal regulations.

Sec. 17.

- 1) This section applies to school buses manufactured before October 1, 1990 that have not been retrofitted to meet the requirements of section 19.
- 2) A school bus shall be equipped with signal lights mounted as high and widely spaced laterally as practicable that are capable of displaying to the front 2 overhead alternately flashing red lights located at the same level and to the rear 2 overhead alternately flashing red lights located at the same level. These lights shall have sufficient intensity to be visible from a distance of not less than 500 feet in normal sunlight.
- 3) Overhead alternately flashing stoplights shall be operated by a manually operated switch and detached from any other instrument on the bus. A flashing light shall not be connected to the brakes or the service door on school buses manufactured before October 1, 1990. A 3-inch black area shall be provided around flasher lamps front and rear. Lamps indicating alternating flashing light operation shall be visible to the driver when in a normal seated position.
- 4) Signal lights and stoplights under this section shall be in conformance with current United States department of transportation federal motor vehicle safety regulations found in 49 CFR part 571.

History: 1990, Act 187, Eff. Aug 15, 1990;--Am. 2000, Act 49, Imd. Eff. Mar. 29, 2000;--Am. 2004, Act 231, Imd. Eff. July 21, 2004.

257.1819 Red and amber signal lights; applicability to new school buses.

Sec. 19.

- 1) This section applies to new school buses manufactured on or after October 1, 1990, and to school buses manufactured before October 1, 1990, that are retrofitted to meet the requirements of this section.
- 2) A school bus shall be equipped with signal lights mounted as high and widely spaced laterally as practicable that are capable of displaying to the front 2

overhead alternately flashing red lights located at the same level and to the rear 2 overhead alternately flashing red lights located at the same level.

- 3) In addition to the 4 red lights described in subsection (2), 4 amber lights shall be installed near each red signal light, at the same level, but closer to the vertical center line of the bus. The system of red and amber signal lights shall be wired so that the amber lights are energized manually, and the red lights are automatically energized, with the amber lights being automatically de-energized, when the bus service door is opened.
- 4) The area around the lens of each overhead alternately flashing signal light and extending outward approximately 3 inches shall be painted black. In installations where there is no flat vertical portion of body immediately surrounding the entire lens of a light, a circular or square band of black approximately 3 inches wide, immediately below and to both sides of a lens, shall be painted on the body or roof area against which the signal light is seen from a distance of 500 feet along the axis of the vehicle. Visors or hoods with an appropriate black background to fit their shape and roofcap may also be used. These amber and red lights shall have sufficient intensity to be visible from a distance of not less than 500 feet in normal sunlight. Lights indicating alternately flashing light operation shall be visible to the driver when in a normal seated position.

History: 1990, Act 187, Eff. Aug. 15, 1990;--Am. 2000, Act 49, Imd. Eff. Mar. 29, 2000;--Am. 2004, Act 231, Imd. Eff. July 21, 2004

257.1821 Windshield wipers and washers, washer reservoir, and windshield.

Sec. 21. A school bus shall be equipped with windshield wipers, washers, a washer reservoir, and a windshield that meets the requirements of 49 CFR 571.103 and 571.104.

History: 1990, Act 187, Eff. Aug. 15, 1990;--Am. 2006, Act 107, Eff. Aug. 15, 2006

257.1823 Vision; mirrors; sun shades; applicability.

Sec. 23.

- 1) A school bus shall be equipped in a manner that the driver, in a normal seated position, either by direct vision or by use of an indirect vision mirror system, shall be able to observe objects on the roadway in front of and beside the vehicle located inside a continuously visible rectangular area. The school bus shall comply with the visibility and equipment requirements of 49 CFR 571.111.
- 2) The interior mirror shall be clear view, safety glass with a reflective surface that provides a clear and reasonably unobstructed view to the rear of the vehicle and complies with 49 CFR 571.111. It shall have rounded corners and padded edges.
- 3) Sun shades, if installed, shall be mounted so that the mounting brackets are not likely to cause injury in the event of an accident.

History: 1990, Act 187, Eff. Aug. 15, 1990;--Am. 1990, Act 322, Imd. Eff. Dec. 20, 1990; Am. 2006, Act 107, Eff. Aug. 15, 2006

257.1825 Fire extinguisher; first aid kit; fusees and reflectors.

Sec. 25.

- 1) A school bus shall be equipped with at least 1, 2A-10BC dry chemical fire extinguisher, or its equivalent, that has an aluminum, brass, or bronze valve. The extinguisher shall be mounted securely in an accessible place in the driver's compartment and shall be in satisfactory operating condition at all times.
- 2) A school bus shall be equipped with a first aid kit which shall be firmly mounted with a quick release bracket in an accessible location in the driver's compartment and which shall contain, at a minimum, all of the following:
 - a. Bandage compress (sterile gauze pads), 4-inch 2 packages
 - b. Bandage compress (sterile gauze pads), 2-inch 2 packages
 - c. Adhesive compress, 1-inch 2 packages
 - d. Triangular bandage with 2 safety pins, 40-inch 1 package
 - e. Roll gauze 1 package
 - f. Elastic bandage, 3-inch 1 package
- 3) A school bus shall be equipped with 3 bidirectional emergency reflective triangles which are properly cased and securely mounted and 3 red-burning fusees which are capable of burning not less than 15 minutes and which are properly cased and securely mounted in the driver's compartment. Fusees and reflectors shall comply with the standards set forth in this act and the rules promulgated pursuant to this act.

History: 1990, Act 187, Eff. Aug. 15, 1990; Am. 2006, Act 107, Eff. Aug. 15, 2006

257.1827 Safety glass; push-out window sash; definition.

Sec. 27.

- 1) A school bus shall be equipped with safety glass wherever glass is used in doors, windows, and windshields. Rigid safety plastic which meets the test requirements of American national standards institute standard Z26.1-1966 may be used on school buses in lieu of safety glass, except that front windshields shall be equipped with safety glass. School buses shall be fitted with at least 1 push-out window sash on each side of any school bus on which the plastic panes are installed.
- 2) As used in this section, "safety glass" means a product composed of glass, so manufactured, fabricated, or treated as substantially to prevent shattering and flying of the glass when struck or broken.

History: 1990, Act 187, Eff. Aug. 15, 1990;--Am. 2006, Act 107, Eff. Aug. 15, 2006

257.1828 Fuel tank or container; intake pipe; fuel lines.

Sec. 29. Any part of a fuel tank or container or intake pipe shall not be located within or above the passenger-carrying portion of a school bus unless securely sealed off from that portion by means of a substantial metal cover. Fuel lines shall not extend above the frame rails. The gasoline container including intake pipe, cap and vent on a school bus manufactured subsequent to December 31, 1964, shall be so designed that, in the event of overturn, the fuel will not be spilled at a rate in excess of 1 ounce per minute.

History: 1990, Act 187, Eff. Aug. 15, 1990;--Am. 2006, Act 107, Eff. Aug. 15, 2006

257.1831 Flashing, oscillating, or rotating light; location; color; use; conditions.

Sec. 31. A school bus may be equipped with a flashing, oscillating, or rotating light mounted on the roof of the bus approximately 6 feet from the rear of the vehicle which displays a white light to the front, side, and rear of the bus. If a school bus is equipped with such a light, there is no requirement that a driver use it. The light shall not be actuated by the driver unless 1 or more of the following conditions exist:

- a. Inclement weather such as fog, rain, or snow.
- b. When passengers are boarding or being discharged.
- c. From ½ hour after sunset until ½ hour before sunrise.
- d. Where conditions hinder the visibility of the school bus.

History: 1990, Act 187, Eff. Aug. 15, 1990; Am. 2006, Act. 107, Eff. Aug. 15, 2006

257.1833 Paint.

Sec. 33.

1) A school bus shall be painted as follows:

- a. The body, cowl, hood, and fenders shall be national school bus chrome yellow.
- b. The bumper, body trim, wheels, and lettering shall be black. The wheel rims shall be gray, black, white, or natural, as provided by the manufacturer.
- c. The wheel covers, if painted, shall be black.
- d. The grill, if not chrome, shall be national school bus chrome yellow.
- e. The mirrors, if painted, shall be black or yellow.
- f. The name of the school district or contractor shall be permanently affixed in black letters that are at least 6 inches high on the sides of the bus. The name of the school district or contractor shall be permanently affixed on the front and back of the bus in black letters.
- g. The words "school bus" shall be permanently affixed on the front and back of the bus between the overhead flashers in black letters that are at least 8 inches in height.
- h. The outside of a school bus shall not have any other lettering, symbol, marking, or advertising, except that animal pictures, cartoon figures, and similar insignia may be affixed to the bus in a temporary manner near the entrance door, but not closer than the second window, to assist in identifying the bus route. A unique identification number may be permanently affixed on the upper corners of the back, front, or sides of the bus. A contractor shall display a USDOT number when required and in the manner required by 49 CFR parts 390 to 399.
- i. Wording for school bus roof and door emergency exits, for inside and outside the bus, shall comply with the motor vehicle safety standards found in 49 CFR 571.217.
- j. The roof of a school bus may be white or yellow. However, no part of a school bus may be white below the drip rail above the side windows.

2) Except for a bus leased seasonally to transport agricultural workers to and from a field for agricultural operations, a bus, other than a school bus, shall

not be painted, in whole or in part, in the colors and design specified in subsection (1).

- 3) Subsection (1) does not apply to multifunction school activity buses.
- 4) This section does not apply to a motor carrier certified by the state transportation department using a motor bus for school-related event transportation.

History: 1990, Act 187, Eff. Aug. 15, 1990;--Am. 2001, Act 130, Imd. Eff. Oct. 15, 2001;--Am. 2006, Act 107, Eff. Aug. 15, 2006

257.1839 Inspections.

Sec. 39.

- 1) The department of state police shall inspect each school bus annually, and as the department of state police determines necessary where school bus defects have been found, to determine if the school bus meets the requirements of this act and the rules promulgated pursuant to this act. The department of state police may delegate the inspection of school buses to publicly employed inspectors if the inspection complies with this section.
- 2) Inspection of a school bus may be accomplished at any time, at any location, on or off a school site, and as frequently as the department of state police considers necessary to secure passenger safety. A school bus may be rejected by the inspecting state police official for further use in transportation of passengers if it does not meet the requirements of this act and the rules promulgated pursuant to this act. However, if a school bus is determined to be safe for operation even though in unsatisfactory condition, the official may determine that not more than 60 days shall be allowed to effect a specific repair.
- 3) A person, school, or school bus owner shall not operate or permit to be operated a school bus which has not been inspected under this section.
- 4) Any public or private entity that owns or uses a school bus for pupil transportation shall identify itself to the department of state police so an inspection can be scheduled. If an entity has had school buses inspected in the previous year, it is considered to have identified itself. If an entity stops pupil transportation in 1 year and restarts pupil transportation in a later year, it must identify itself to the department of state police as requiring inspection before restarting pupil transportation. An entity is considered to have identified itself by notifying a person of the department of state police responsible for conducting inspections under this act.
- 5) When an inspection is scheduled by the department of state police, an entity shall identify to the state police inspector all of the school buses that it intends to use for pupil transportation in that school year. Any school bus that is not submitted for inspection shall be rejected and have a red sticker affixed pursuant to section 41.
- 6) The department of state police may prohibit the placement and use of any device or equipment on a school bus that presents a safety hazard to the pupils, driver, or motorists during the loading, unloading, or transportation of pupils.

- 7) A school, before establishing a contract with a company for school bus services, shall require the company to verify in writing that the buses used by the contractor have been inspected by the department of state police and have passed that inspection. The school shall specify in a written contract that the contractor will not use any school buses that have not been inspected or have failed inspection, and that a violation of this provision of the contract will result in revocation of the contract. The contract shall specify that the contractor shall submit, in writing, the inspection results of its entire fleet of buses to the school within 30 days of the completion of the department of state police inspection. A school shall identify to the department of state police all of the contractors the school is using upon request.

History: 1990, Act 187, Eff. Aug. 15, 1990;--Am. 2006, Act 107, Eff. Aug. 15, 2006

257.1841 Rejection; red sticker; yellow sticker; reinspection; passing sticker.

Sec. 41.

- 1) A school bus may be rejected by the inspecting state official for use in transporting passengers if it does not meet the requirements of this act and the rules promulgated pursuant to this act.
- 2) A vehicle that is determined by a state police official to be unsafe for further operation as a school bus shall not be used. An unsafe vehicle shall have affixed to its windshield, by the state police official, a red sticker which shall read as follows: "This vehicle may not be driven. Utilization of this vehicle is in violation of law. {reverse side} Do not remove without State Police authorization." The sticker shall remain until the condition is corrected. A school bus may be transported to a maintenance facility for repair if the school bus driver provides written proof of destination to a state police official upon request.
- 3) A school bus that is considered to be in unsatisfactory condition, but that is safe for operation, shall have affixed to its windshield by the state police official a yellow sticker which shall read as follows: "This vehicle has equipment defects. {reverse side} Repairs and reinspection shall be obtained on or before _____. Do not remove without State Police authorization." If, upon reinspection, the vehicle defect has not been repaired, replaced, or corrected, the state police official shall remove the yellow sticker and affix a red sticker to the vehicle. Exceptions may be made when the necessary parts or equipment has been ordered but not received at the time of reinspection. Reinspection may take place within 60 days after the original inspection.
- 4) A school bus that is considered to be in satisfactory condition after inspection by a state police official shall have a Michigan vehicle inspection passing sticker affixed to its windshield. The owner of a school bus shall remove or destroy the pass sticker before selling the school bus. The display of a pass sticker on a vehicle other than a school bus is a state civil infraction. All stickers are the property of the department of state police.

History: 1990, Act 187, Eff. Aug. 15, 1990;--Am. 2006, Act 108, Eff. Aug. 15, 2006.

257.1843 Inspection of new school bus; acceptance of delivery.

Sec. 43. The department of state police shall inspect a new school bus before a school accepts delivery. The department of state police shall determine whether the new vehicle is acceptable for delivery. The department of state police may delegate the inspection of new school buses to publicly employed inspectors if the inspection complies with this subsection. A school shall not accept delivery of a new school bus unless the new vehicle has been inspected and passed by the department of state police under this subsection and title to the school bus has been obtained by the school in compliance with this act.

History: 1990, Act 187, Eff. Aug. 15, 1990;--Am. 2006, Act. 108, Eff. Aug. 15, 2006

257.1849 Age of driver; chauffeur's license, vehicle group designation, passenger vehicle endorsement, and school bus endorsement required; persons prohibited from operation of school bus; administration of commercial driver license skills test.

Sec. 49.

- 1) A person, whether or not licensed under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, who is 17 years of age or less shall not drive a school bus.
- 2) A person shall not operate a school bus unless that person possesses a valid chauffeur's license, the appropriate vehicle group designation, a passenger vehicle endorsement, and a school bus endorsement as required under section 312e of the Michigan vehicle code, 1949 PA 300, MCL 257.312e. A person with a commercial driver license shall not operate a school bus, and a school, school bus owner, or lessee shall not allow a person with a commercial driver license to operate a school bus, unless the operation is in compliance with the drug and alcohol testing regulations under 49 CFR parts 40 and 382.
- 3) A person shall not operate a school bus or a school administrator or a person or entity under contract with a school to provide pupil transportation services shall not knowingly permit a person to operate a school bus for the transportation of pupils to and from school or school-related events if that person has 7 or more penalty points for moving violations on his or her driving record under section 320a of the Michigan vehicle code, 1949 PA 300, MCL 257.320a, or if the person has a restricted license due to a conviction for a violation of section 625 of the Michigan vehicle code, 1949 PA 300, MCL 257.625.
- 4) A commercial driver license skills test shall be administered by a state authorized commercial driver license examiner to a school bus driver who has had 1 or more of the following:
 - a. Had his or her driver license or commercial driver license suspended, canceled, or denied under section 303 or 319 of the Michigan vehicle code, 1949 PA 300, MCL 257.303 and 257.319.
 - b. Has been disqualified from operating a commercial motor vehicle.
 - c. Has been convicted of any of the disqualifying offenses in 49 CFR 383.51(b) while operating a commercial motor vehicle or any offense in a noncommercial motor vehicle that would be a disqualifying condition under 49 CFR 383.51(b) if committed in a commercial motor vehicle.

- d. Has more than 1 conviction of any of the serious traffic violations defined in 49 CFR 383.5, while operating a commercial motor vehicle within the last 3 years.
- e. Has been convicted of any motor vehicle traffic violation that resulted in an accident while operating a commercial motor vehicle.
- f. Has been disqualified from operating a school bus under section 49(3).
- g. A driver who is required to take a test under this subsection shall not operate a school bus until the driver has passed the test. The commercial driver license skills test shall be conducted by an examiner not employed or under contract with the same agency or school of the driver being tested.

History: *Rendered Wednesday, November 1, 2006 Page 7 Michigan Compiled Laws Complete through PA 441 of 2006. 1990, Act 187, Eff. Aug. 15, 1990;--Am. 1994, Act 309, Eff. Mar. 30, 1995;--Am. 2006, Act 108, Eff. Aug. 15, 2006.*

257.1851. School bus safety education.

Sec. 51.

- 1) A driver of a school bus transporting passengers shall have in his or her possession a certificate stating that he or she has enrolled in the entry level school bus safety education course or has successfully completed a course in school bus safety education within the immediately preceding 2 years. The entry level course shall be available to the school bus driver within 90 days of enrollment. Except as otherwise provided in this subsection, enrollment certificates shall expire 10 days after the end of the entry level course in which the driver is enrolled. A second enrollment certificate shall not be issued. If a person completes the entry level school bus safety education course after June 30 of any given year and before completing the subsequent 6-hour continuing education course, the duration of the entry level certificate may be extended to the completion of the next available subsequent 6-hour continuing education course. The entry level course and subsequent 6-hour continuing education course shall be approved by the superintendent of public instruction and shall be provided by an approved educational agency. The certificate of successful completion of each course shall be prescribed by the superintendent of public instruction and successfully completed by an instructor of the course. Failure to successfully complete the entry level course or to complete the 6-hour continuing education course within 2 years after certification of successful completion of a prior course shall be reported by the instructional agency to the department of education and to the school which employs the driver. A driver who fails to successfully complete the entry level course within 90 days after enrollment or to meet the continuing education requirements shall not be permitted to drive a school bus transporting passengers.
- 2) The person or persons in charge of school bus operations at a school shall have at a minimum, successfully completed the beginning school bus driver training program in his or her first year serving as the person or persons in charge of the operation. The person or persons in charge of school bus operations at a school shall successfully complete 6 hours of supervisory continuing education every 2 years after the successful completion of the beginning school bus driver training program. The continuing education course or courses shall be approved by the superintendent of public instruction and shall be provided by an approved educational agency.

- 3) The cost of any course instruction and the base rate of compensation of the driver shall be reimbursed by the state on an equal basis for public and nonpublic schools as provided for by the department of education. Attendance by a person at an entry level course, a continuing education course, or an on-road driver skills test as required by this section or section 52 shall be considered compensable work time by the school and the person shall be paid at not less than their base rate as determined by their individual contract of employment or their contractual rate as negotiated between the school and the person's collective bargaining representative.
- 4) The legislature shall appropriate the funds necessary to implement this section.

History: 1990, Act 187, Eff. Aug. 15, 1990;--Am. 2006, Act 108, Eff. Aug. 15, 2006;--Am. 2010, Act 93, Imd. Eff. June 22, 2010

257.1853 Drivers of school buses; qualifications; records; background check; smoking; alcoholic liquor or controlled substance; third party reimbursement or certain benefits not required.

Sec. 53.

- 1) A driver of a school bus shall, at a minimum, meet the following qualifications:
 - a. The requirements of sections 49 and 51.
 - b. The requirements to ensure that a person is qualified to operate a school bus found in 49 CFR 391.41 to 391.49, including the appendices of each section, except that the requirement of 49 CFR 391(b)(3) does not apply if either of the following is true:
 - i. The driver of the school bus has been granted a waiver under section 3 of the motor carrier safety act of 1963, 1963 PA 181, MCL 480.13.
 - ii. The driver of the school bus is employed as a school bus driver on the effective date of the amendatory act that added this subdivision, diabetes is noted at the time of examination, and the requirements of subdivision (c) are met.
 - c. For a school bus driver with diabetes to be exempt from the requirements of 49 CFR 391.41 (b)(3) as provided in subdivision (b), in addition to the requirements in subdivision (b) all of the following requirements must apply;
 - i. The driver has been evaluated and treated for diabetes by a physician and has visited the physician at least 2 times in the year before the physician completes a survey as required by subparagraph (ii).
 - ii. The physician described in subparagraph (i) has completed a physician's information survey about the driver on the form prepared by the state board of education.
 - iii. The answers to the physician's information survey indicates that all of the following apply:
 - a) The driver knows what to do if he or she has a hypoglycemic reaction.
 - b) The driver can accurately describe the type, frequency, and peak action of his or her insulin or oral agent.
 - c) The driver understands the importance of spacing meals and snacks and of not misusing meals.

- d) The driver knows how to and, to the physician's knowledge, does follow his or her meal plan.
 - e) The physician has discussed with the driver the driver's history of hypoglycemic reactions.
 - f) The driver is able to recognize signs and symptoms of hypoglycemic in himself or herself.
 - g) The driver always carries an easily accessible source of sugar or simple carbohydrate.
- iv. The physician's information survey indicates that the driver has not had a hypoglycemic reaction severe enough to interfere with the ability to safely drive and control a school bus in the year before the physician completed the physician's survey. This subparagraph does not apply if the reaction occurred when therapy was initiated and the driver has learned how to manage therapy without incident.
 - v. The physician's information survey indicates that the driver has not been admitted to a hospital or been seen in an emergency department or urgent care facility for a severe hypoglycemic reaction in the year before the physician completed the physician's survey. This subparagraph does not apply if the reaction occurred when therapy was initiated and the driver has learned how to manage therapy without incident.
 - vi. The physician's information survey indicates that in the physician's professional opinion, the driver's diabetes is at least adequately controlled.
 - vii. If the driver is using insulin or other hypoglycemic agents, the driver has completed a driver's information survey on the form prepared by the state board of education.
 - viii. The driver remains under adequate medical supervision.
 - ix. The driver supplies supplemental physician's and driver's information surveys annually.
- d. An employer who has reason to believe that a driver is not physically qualified to drive may require a physical examination for that driver at more frequent intervals. If an employer requests a physical examination under this subdivision, the employer shall indicate in writing what physical impairment the driver is to be examined for and shall only be entitled to that portion of the examination results that pertain to that impairment. An examination requested by the employer under this subdivision shall be paid for by the employer.
 - e. A copy of the medical certificate for a driver shall be carried by that driver while he or she is operating a school bus.
- 2) A record of each employed school bus driver, including a copy of his or her medical certificate, department of education certification, driver license, certificate of road test application for employment, and any other information that relates to driver qualification or ability to safely drive a school bus, shall be maintained in the employer's administrative office.
 - 3) A school shall submit transportation safety related documents, such as driver qualification records, and vehicle maintenance records upon request for inspection and copying to motor carrier officers or vehicle inspectors of the department of state police.

- 4) Upon receipt of an application from a person for the position of school bus driver, a school shall request from the department of state police a background check to determine whether the person was convicted of any of the following offenses:
 - a. Criminal sexual conduct in any degree.
 - b. Assault with intent to commit criminal sexual conduct.
 - c. An attempt to commit criminal sexual conduct in any degree.
 - d. Felonious assault on a child, child abuse, or cruelty, torture, or indecent exposure involving a child.
 - e. A violation of section 145c of the Michigan penal code, 1931 PA 328, MCL 750.145c.
- 5) A person shall not smoke on a school bus.
- 6) A person shall not possess or consume alcoholic liquor or a controlled substance on a school bus.
- 7) This section does not require new or additional third party reimbursement or worker's compensation benefits for services rendered.

History: 1990, Act 187, Eff. Aug. 15, 1990;--Am. 2002, Act 647, Imd. Eff. Dec. 23, 2002;--Am. 2004, Act 131, Imd. Eff. June 3, 2004;--Am. 2006, Act. 108, Eff. Aug. 15, 2006;-- Am. 2010, Act 93, Imd. Eff. June 22, 2010

257.1855 Actuation of alternately flashing lights; procedures for receiving and discharging pupils from bus; crossing road; prohibited stops; instruction on proper school bus etiquette; reimbursement; "required to cross the highway or roadway" explained; visibility.

Sec. 55.

- 1) A school bus driver shall actuate alternately flashing lights only when the school bus is stopped or stopping on a highway or private road for the purpose of receiving or discharging pupils in the manner provided in this act. A school bus driver shall not actuate the alternately flashing lights when operating on a public highway or private road and transporting passengers primarily other than school pupils.
- 2) The driver of a school bus while operating upon the public highways or private roadways open to the public shall receive or discharge pupils from the bus in the following manner:
 - a. If pupils are required to cross the roadway, the driver of a school bus equipped with only the alternately flashing overhead red lights in accordance with section 17 shall activate the alternately flashing overhead red lights not less than 200 feet before the stop, stop the school bus on the roadway or private road to provide for the safety of the pupils being boarded or discharged, and continue to activate the alternately flashing overhead red lights while receiving or discharging pupils. The bus shall stop in the extreme right-hand lane when boarding or discharging pupils. Before resuming motion, the driver shall deactivate these lights and allow congested traffic to disperse where practicable. The deactivation of these lights is the signal for stopped traffic to proceed.

- b. If the pupils are required to cross the roadway, the driver of a school bus equipped with red and amber alternately flashing overhead lights in accordance with section 19 shall activate the alternately flashing overhead amber lights not less than 200 feet before the stop, stop the bus on the roadway or private road to provide for the safety of the pupils being boarded or discharged, deactivate the alternately flashing overhead amber lights, and activate the alternately flashing overhead red lights while receiving or discharging pupils. The bus shall stop in the extreme right-hand lane for the purpose of boarding or discharging pupils. Before resuming motion, the driver shall deactivate these lights and allow congested traffic to disperse where practicable. The deactivation of these lights is the signal for stopped traffic to proceed.
- c. If the pupils are not required to cross the roadway, the driver of a school bus equipped with only the alternately flashing overhead red lights in accordance with section 17 shall activate the alternately flashing overhead red lights not less than 200 feet before the stop, stop the bus as far off the roadway or private road as practicable to provide for the safety of the pupils being boarded or discharged, and continue to activate the alternately flashing overhead red lights while receiving or discharging pupils. Before resuming motion, the driver shall deactivate these lights and allow congested traffic to disperse where practicable. The deactivation of these lights is the signal for stopped traffic to proceed.
- d. If the pupils are not required to cross the roadway, the driver of a school bus equipped with red and amber alternately flashing overhead lights in accordance with section 19 shall activate the alternately flashing overhead amber lights not less than 200 feet before the stop, stop the bus as far off the roadway or private road as practicable to provide for the safety of the pupils being boarded or discharged, deactivate the alternately flashing overhead amber lights, and activate the alternately flashing overhead red lights while receiving or discharging pupils. Before resuming motion, the driver shall deactivate these lights and allow congested traffic to disperse where practicable. The deactivation of these lights is the signal for stopped traffic to proceed.
Rendered Wednesday, Nov. 1. 2006 Michigan Compiled Laws Complete through PA 441 of 2006.
- e. If the pupils are not required to cross the roadway and where the road has adequate width for the school bus to be pulled to the far right of or off the roadway or private road allowing traffic to flow and to provide for the safety of pupils being boarded or discharged, the driver shall activate the hazard warning lights before the stop and continue to display the lights until the process of receiving or discharging passengers has been completed if the lawful speed limit is 45 miles per hour or less. Before resuming motion, the driver shall deactivate these lights. The driver of a school bus shall only use this procedure at stops where the school administrator or person or entity under contract with a school to provide pupil transportation services has approved its use. If this hazard warning light option is not used, the driver shall use the appropriate procedure in subdivision (a), (b), (c), or (d) as if pupils were not required to cross the roadway.
- f. Except as provided in subdivision (e), if the pupils are not required to cross the roadway and where the school bus may be pulled off the roadway or

private road or where the road has adequate width for the school bus to be pulled off to the far right of the roadway or private road leaving the normal traffic flow unobstructed and to provide for the safety of pupils being boarded or discharged, the driver shall activate the hazard warning lights before the stop and continue to display the lights until the process of receiving or discharging passengers has been completed. Before resuming motion, the driver shall deactivate these lights. The driver of a school bus shall only use this procedure at stops where the school administrator or entity under contract with a school to provide pupil transportation services has approved its use. If this hazard warning light option is not used, the driver shall use the appropriate procedure in subdivision (a), (b), (c), or (d) as if pupils were not required to cross the roadway.

- g. The distance of not less than 200 feet required for light activation by this subsection shall be measured on the roadway or private road on which the stop is made for receiving or discharging pupils.
- 3) Pupils crossing the roadway upon being discharged from a school bus shall cross in front of the stopped school bus. If a school district authorizes its school bus drivers to signal pupils to cross in front of the stopped school bus, the signal shall be uniform throughout the school district.
- 4) The driver of a school bus shall not stop the bus for the purpose of receiving or discharging pupils in the following instances:
- a. Within 200 feet of a public or private roadway intersection unless the stop is approved by the school administrator or entity under contract with a school to provide pupil transportation services.
 - b. Upon a limited access highway or freeway, or upon any other highway or roadway that has been divided into 2 roadways by leaving an intervening space, a physical barrier, or clearly divided sections so constructed as to impede vehicular traffic if the pupils are required to cross the roadway.
 - c. Upon a roadway constructed or marked to permit 3 or more separate lanes of vehicular traffic in either direction if the pupils are required to cross the roadway.
- 5) The driver of a school bus when using the alternately flashing overhead red lights shall not stop the bus on any highway or roadway for the purpose of receiving or discharging pupils under the following conditions:
- a. If the lawful speed limit is more than 35 miles per hour and the stopped bus is not clearly and continuously visible to approaching vehicles on that highway or roadway for at least 400 feet. When the distance from the stopped bus to the end of the highway or roadway is less than 400 feet, clear and continuous visibility must be available from the bus to the end of the highway or roadway.
 - b. If the lawful speed limit is 35 miles per hour or less and the stopped bus is not clearly and continuously visible to approaching vehicles on that highway or roadway, for at least 200 feet. When the distance from the stopped bus to the end of the highway or roadway is less than 200 feet, clear and

continuous visibility must be available from the bus to the end of the highway or roadway.

- c. Within 50 feet of an intersection if the intersection is controlled by a traffic control signal.
- 6) A school may provide instruction on proper school bus etiquette which may include, but not be limited to, boarding and leaving the bus, evacuation of the bus in an emergency, and road crossing procedures and the correct hand signal in the district, if any. If a school uses school bus drivers for this instruction, the state board may reimburse the school for this training.
- 7) For the purpose of this section, "required to cross the highway or roadway" does not include crossing the roadway with the assistance of a traffic control signal, or with the assistance of a school crossing guard as defined in section 57b of the Michigan vehicle code, 1949, PA 300, MCL 257.57b, and applies only to the roadway on which the stop is being made.
- 8) For purposes of this section, a school bus is clearly and continuously visible if both of the following standards are satisfied:
 - a. Approaching traffic is able to see the front of a school bus extending from the roofline to and including the headlamps at the distances specified in subsection (5).
 - b. Approaching traffic is able to see the back of a school bus extending from the roofline to and including the tail lamps and stop lamps at the distances specified in subsection (5).

History: 1990, Act 187, Eff. Aug. 15, 1990;--Am. 1990, Act 322, Imd. Eff. Dec. 20, 1990;--Am. 1991, Act 184, Imd. Eff. Dec. 27, 1991;--Am. 2000, Act 49, Imd. Eff. Mar. 29, 2000;--Am. 2004, Act 231, Imd. Eff. July 21, 2004;--Am. 2006, Act 108, Eff. Aug. 15, 2006;--Am. 2006, Act 320, Imd. Eff. July 20, 2006.

257.1857 Railroad track grade crossings; requirements; "abandoned railroad track" defined; violation as civil infraction; fine; processing

Sec. 57.

- 1) Except as provided in subsections (2), (3), and (4), the driver of a school bus, before crossing a railroad track at grade, shall stop the vehicle within 50 feet but not less than 15 feet from the nearest rail, activate hazard warning lights, turn off all interior switches including fans, heaters, and radios, open the passenger door and driver-side window, and while stopped shall listen and look in both directions along the track for an approaching train and for signals indicating the approach of a train, and shall not proceed until the driver can do so safely. After stopping as required in this subsection, and upon proceeding when it is safe to do so, the driver of the vehicle shall cross only in a gear of the vehicle that does not require changing gears while traversing the crossing. The driver shall not shift gears while crossing the track of tracks.
- 2) A stop need not be made at a railroad track grade crossing where a uniformed police officer or a traffic-control signal directs traffic to proceed.

- 3) A stop need not be made at an abandoned railroad track grade crossing. As used in this subsection, "abandoned railroad track" means a railroad track which meets both of the following requirements:
 - a. The track has been completely paved over or removed.
 - b. All signs, signals, and other warning devices are removed.
- 4) A stop shall not be made at a railroad track grade crossing on a freeway or limited access highway where the crossing is protected by a clearly visible signal, crossing gate, or barrier at a time when the signal, crossing gate, or barrier is not activated.
- 5) A person who violates this section is responsible for a civil infraction and may be ordered to pay a civil fine of not more than \$100. A civil infraction under this subsection shall be processed in the same manner as a civil infraction under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

History: 1990, Act 187, Eff. Aug. 15, 1990;--Am. 1996, Act 170, Imd. Eff. Apr. 18, 1996;--Am. 2006, Act 108, Eff. Aug. 15, 2006.

257.1859 Persons eligible for transportation; applicability of subsection (1); limitation as to seating; violation as civil infraction; fine; processing.

Sec. 59.

- 1) A driver of a school bus shall not transport or permit to be transported on a school bus while transporting pupils to and from school a person other than pupils, persons enrolled in a school-sponsored preschool program authorized by state or federal statute, teachers or chaperons of the pupils or other persons authorized by the school for the protection of property or the health, safety, and welfare of the pupils or persons attending other school related functions, or both. This subsection shall not apply during the transportation of persons under section 65.
- 2) After the fourth Friday following Labor Day of each school year a school bus shall not be used to transport more than 100% of the number of persons for which the school bus has a rated seating capacity.
- 3) A person who violates or directs a violation of this section is responsible for a civil infraction and may be ordered to pay a civil fine of not more than \$100. A civil infraction under this subsection shall be processed in the same manner as a civil fraction under the Michigan vehicle code, Act 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws.

History: 1990, Act 187, Eff. Aug. 15, 1990;--Am. 1996, Act 170, Imd. Eff. Apr. 18, 1996.

257.1861 Speed limits; violation; penalty.

Sec. 61. A person operating a school bus shall not exceed the speed limits established for this type of vehicle under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923. A person who violates this section is subject to the penalty assessed for violation of section 627 of the Michigan vehicle code, 1949 PA 300, MCL 257.627.

History: 1990, Act 187, Eff. Aug. 15, 1990;--Am. 2006, Act 86, Imd. Eff. Apr. 3, 2006;--Am. 2006, Act 108, Eff. Aug. 15, 2006

257.1865 Use of school bus for transporting persons other than pupils; mileage, insurance, fees, and other costs; priority; purchase of additional school buses; checking and servicing school buses; definition; rights of school employees; collective bargaining agreements.

Sec. 65.

- 1) Pursuant to an agreement made under subsection (4), a school may permit the use of a school bus which is not otherwise being used for school purposes by an organization or group for purposes of transporting senior citizens or retired or disabled persons, or by a nonprofit organization for purposes of transporting its members to or from an activity, event, or outing, if the school determines that suitable or economically feasible public or private transportation is not available for this purpose. Mileage, insurance, and other costs may be paid by the group or organization or may be waived by the school.
- 2) A school may permit the use of a school bus for the purposes of transporting persons other than pupils to school-sponsored events. The school may collect a fee for transporting persons other than pupils to or from school-sponsored events to cover expenses for the trips involved. Insurance to indemnify the school, its officers, or employees against liability for damages arising out of the use of school buses shall be obtained before persons other than pupils are transported and fees charged. The pupils of the school shall be given first priority for any transportation furnished by the school.
- 3) A school shall not purchase additional school buses for the sole purpose of implementing this section.
- 4) A local unit of government, including a city, county, village, or township, may enter into an agreement with a school within its area for the use of school buses to transport senior citizens or retired or disabled persons, or members of a nonprofit organization, subject to the same terms and conditions provided in subsection (1) and subject to the terms and conditions in subsection (5).
- 5) A school may contract with a federal, state, or local unit of government or an authorized government subcontractor for the use of a school bus to transport persons, if all of the following conditions exist:
 - a. The school bus is not being used for school purposes.
 - b. The persons are to be transported to or from an activity which is sponsored or operated by the unit of government.
 - c. The school bus is not to be used for transporting freight, goods, or merchandise other than that which is carried on the laps of individual passengers.
 - d. A subcontractor of a unit of government has obtained written evidence of a contract with the governmental agency which shows that the subcontractor is authorized to expend funds for the transportation for which the use of a school bus is requested.
 - e. It is determined that other suitable or economical transportation is not available.
- 6) A school bus shall be returned in adequate time to be properly checked and serviced for its scheduled route assignment.

- 7) As used in this section, "nonprofit organization" means any 1 of the following:
- a. A corporation organized under the nonprofit corporation act, Act No. 162 of the Public Acts of 1982, being sections 450.2101 to 450.3192 of the Michigan Compiled Laws.
 - b. A corporation to which the nonprofit corporation act applies as provided in sections 121 and 123 of Act No. 162 of the Public Acts of 1982, being sections 450.2121 and 450.2123 of the Michigan Compiled Laws.
 - c. A group, society, organization, or association organized to carry out any lawful purpose not involving pecuniary profit or gain for its officers, trustees, or members.
- 8) Nothing in this section shall be construed to eliminate, modify or restrict any of the rights or collective bargaining agreements school employees have under Act No. 336 of the Public Acts of 1947, being sections 423.201 to 423.216 of the Michigan Compiled Laws.

History: 1990, Act 187, Eff. Aug. 15, 1990

257.1867 Contract for use of school bus by government; costs; insurance; stipulation; limitation.

Sec. 67.

- 1) In compliance with section 65(8), if a determination is made that economically feasible private transportation does not exist, a school may contract with a federal, state, or local unit of government, or a subcontractor of these units, for the use of a school bus to transport persons to or from an activity or function sponsored or operated by the unit of government. The government agency, or subcontractors of the governmental agency, shall pay the full costs incurred in the use of a school bus. A school bus may be contracted out only in compliance with the provisions of the school insurance policy and any joint stipulations of the school and the school bus drivers including, but not limited to, any collective bargaining agreements in force or if not collective bargaining agreement exists, agreement with the bargaining agent if it has been designated. A school shall not purchase additional school buses for the sole purpose of implementing this provision of law.
- 2) The provision of school buses for the purpose provided in subsection (1) shall not be made if bus service for pupils of the school would be compromised.

History: 1990, Act 187, Eff. Aug. 15, 1990;--Am. 2006, Act 108, Eff. Aug. 15, 2006

257.1869 Purchasing school buses; rehabilitation of school buses; costs; rules.

Sec. 69. The cost of purchasing school buses and the rehabilitation of school buses to extend the period of usefulness shall conform with the rules promulgated by the department of education to provide state aid to eligible school districts for the purchase of school buses and the cost of rehabilitation of school buses to extend the period of usefulness.

History: 1990, Act 187, Eff. Aug. 15, 1990;--Am. 2006, Act 108, Eff. Aug. 15, 2006

257.1870 Advisory committee; establishment; purpose; membership; duties.

Sec. 70.

- 1) The department of education shall establish an advisory committee to advise the department on issues and topics concerning school buses and school bus safety. The advisory committee shall consist of a member from each of the following departments or organizations:
 - a. The department.
 - b. The department of state police.
 - c. The state transportation department.
 - d. The department of state.
 - e. The Michigan association for pupil transportation.
 - f. The Michigan association of school business officials.
 - g. The Michigan association of school administrators.
 - h. The training agency association of Michigan.
 - i. A member representing nonpublic schools.
 - j. The Michigan education association.
 - k. The Michigan association of school boards.
 - l. Other organizations representing school bus drivers as the department considers appropriate.
 - m. Any other organizations or groups the department considers necessary.
- 2) The advisory committee shall include members representing bus drivers and supervisors in rural areas, suburban areas, and cities in the Lower and Upper Peninsula.
- 3) The advisory committee shall assist the department in the development of continuing education courses for school bus drivers and supervisors, any modifications to the introductory school bus safety course, the program to evaluate driving skills and on-road procedural performance skills of each school bus driver, and the minimum threshold for a required safety evaluation, which may include, but is not limited to, number of points on a driving record, operating impaired or under the influence of alcohol, at-fault accidents, or violations of safety procedures, for requiring drivers to take the on-road driver skills test.
- 4) The advisory committee shall assist the department in updating physical examination requirements as necessary to comply with changes in federal and state law or rules.

History: 1990, Act 187, Eff. Aug. 15, 1990; Am. 2006, Act 108, Eff. Aug. 15, 2006

257.1871 Instruction and training on new procedures.

Sec. 71. A school shall provide instruction and training for its drivers on any new procedures required by this act not more than 30 days after the effective date of this act.

History: 1990, Act 187, Eff. Aug. 15, 1990.

257.1873 Violation as civil infraction or felony; powers of motor carrier officers.

Sec. 73.

- 1) A person who violates this act is responsible for a state civil infraction and shall be assessed a fine of not more than \$500, unless that violation is by this act or other law of this state declared to be a felony or a civil infraction.

- 2) Motor carrier officers appointed by the director of the department of state police shall have all the powers conferred upon peace officers by the general laws of this state to enforce this act and the rules promulgated pursuant to this act.

History: 1990, Act 187, Eff. Aug. 15, 1990;--Am. 2006, Act 108, Eff. Aug. 15, 2006

257.1875 Effective date.

Sec. 75. This act shall take effect August 15, 1990.

History: 1990, Act 187, Eff. Aug. 15, 1990.

257.1877 Conditional effective date.

Sec. 77. This act shall not take effect unless all of the following bills of the 85th Legislature are enacted into law:

- a. Senate Bill No. 843.
- b. Senate Bill No. 844.

History: 1990, Act 187, Eff. Aug. 15, 1990.

Compiler's Note: Senate Bill No. 843, referred to in this Section, was filed with the Secretary of State July 20th, 1990, and became P.A. 1990, No. 188, Eff. Aug. 15, 1990. Senate Bill No. 844, also referred to in this section, was filed with the Secretary of State July 20th, 1990, and became P.A. 1990, No. 189, Eff. Aug. 15, 1990.



**MICHIGAN MOTOR VEHICLE CODE
Act 300 of 1949**

School Bus Related Laws

257.7a "Commercial motor vehicle" defined

Sec. 7a. "Commercial motor vehicle" means a motor vehicle designed to transport 16 or more passengers, including the driver; a motor vehicle, having a gross vehicle weight rating of 26,001 or more pounds; a motor vehicle with a gross combination weight rating of 26,001 pounds or more including a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or a motor vehicle carrying hazardous material and on which is required to be posted a placard as defined and required under 49 CFR parts 100 to 199. A commercial motor vehicle does not include a vehicle used exclusively to transport personal possessions or family members for nonbusiness purposes.

History: Add. 1988, Act 346, Imd. Eff. Oct. 25, 1988;--Am. 1989, Act 280, Imd. Eff. Dec. 26, 1989;--Am. 1991, Act 100, Eff. Jan. 1, 1993;--Am. 2002, Act 534, Eff. Oct. 1, 2002

257.18b "Gross combination weight rating" or "GCWR" and "gross vehicle weight rating" or "GVWR" defined.

Sec. 18b.

- 1) "Gross combination weight rating" or "GCWR" means the value specified by the manufacturer as the loaded weight of a combination vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load on that unit.
- 2) "Gross vehicle weight rating" or "GVWR" means the value specified by the manufacturer as the loaded weight of a single vehicle.

History: Add. 1988, Act 346, Imd. Eff. Oct. 25, 1988

257.20 "Highway or street" defined.

Sec. 20. "Highway or street" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

History: 1949, Act 300, Eff. Sept. 23, 1949

257.22 "Intersection" defined.

Sec. 22. "Intersection" means:

- a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of 2 highways which join one another at, or approximately at, right angles,

or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

- b) Where a highway includes 2 roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes 2 roadways 30 feet or more apart then every crossing of 2 roadways of such highways shall be regarded as a separate intersection.

History: 1949, Act 300, Eff. Sept. 23, 1949

257.44 "Private driveway" and "private road" defined.

Sec. 44.

- 1) "Private driveway" means any piece of privately owned and maintained property which is used for vehicular traffic, but is not open or normally used by the public.
- 2) "Private road" means a privately owned and maintained road, allowing access to more than 1 residence or place of business, which is normally open to the public and upon which persons other than the owners located thereon may also travel.

History: 1949, Act 300, Eff. Sept. 23, 1949;-- Am. 1974, Act 138, Imd. Eff. June 5, 1974

257.55 "Roadway" defined.

Sec. 55. "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel. In the event a highway includes 2 or more separate roadways, the term "roadway", as used herein, shall refer to any such roadway separately, but not to all such roadways collectively.

History: 1949, Act 300, Eff. Sept. 23, 1949

257.223 Registration certificate; carrying; display; violation as civil Infraction.

Sec. 223.

- 1) A registration certificate shall at all times be carried in the vehicle to which it refers or shall be carried by the person driving or in control of the vehicle, who shall display the registration certificate upon demand of a police officer.
- 2) A person who violates this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;--Am.1978, Act 510, Eff. Aug. 1, 1979;--Am. 2007, Act 143, Imd. Eff. Nov. 19, 2007

257.255 Valid registration plate required; exceptions; violation of subsection (1) as civil infraction or misdemeanor; penalty; nonpayment of apportioned fee under international registration plan as misdemeanor; penalty; impoundment; towing and storage costs; care of load in vehicle; impounded vehicle subject to lien; hearing; certification of unpaid judgment; foreclosure sale.

Sec. 255.

- 1) Except as otherwise provided in this chapter, a person shall not operate, nor shall an owner knowingly permit to be operated, upon any highway, a vehicle required to be registered under this act unless there is attached to and displayed on the vehicle, as required by this chapter, a valid registration plate issued for the vehicle by the department for the current registration year. A registration plate shall not be required upon any wrecked or disabled vehicle, or vehicle destined for repair or junking, which is being transported or drawn upon a highway by a wrecker or a registered motor vehicle.

- 2) Except as otherwise provided in this section, a person who violates subsection (1) is responsible for a civil infraction. However, if the vehicle is a commercial vehicle which is required to be registered according to the schedule of elected gross vehicle weights under section 801(1)(k), the person is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500, or both.

History: 1949, Act 300, Eff. Sept. 23, 1949;--Am. 1961, Act 26, Imd. Eff. May 11, 1961;--Am. 1962, Act 58, Eff. Mar. 28, 1963;--Am. 1963, Act 88, Eff. Sept. 6, 1963;--Am. 1984, Act 330, Imd. Eff. Dec. 26, 1984;--Am. 1987, Act 34, Eff. Aug. 26, 1987;--Am. 2003, Act 9, Eff. Sept. 1, 2003

257.312e Group commercial motor vehicle designation; tests; holder of unexpired operator's or chauffeur's license; qualifications and fees for vehicle group designation and endorsement; F vehicle endorsement; exceptions; former endorsements; requirement for certain endorsements to operate school bus; waiver of driving skills test; expiration; disposition of money collected under subsection (8); refund to county or municipality; compliance with MCL 257.303 and 257.319b; requirements for implementing and enforcing federal law.

Sec. 312e.

- 1) Except as otherwise provided in this section, a person, before operating a commercial motor vehicle, shall obtain the required vehicle group designation as follows:
- a. A person, before operating a combination of vehicles with a gross combination weight rating of 26,001 pounds or more including a towed vehicle with a gross vehicle weight rating of more than 10,000 pounds, shall procure a group A vehicle designation on his or her operator's or chauffeur's license. Unless an endorsement or the removal of restrictions is required, a person licensed to operate a group A vehicle may operate a group B or C vehicle without taking another test.
 - b. A person, before operating a vehicle having a gross vehicle weight rating of 26,001 pounds or more, shall procure a group B vehicle designation on his or her operator's or chauffeur's license. Unless an endorsement or the removal of restrictions is required, a person licensed to operate a group B vehicle may operate a group C vehicle without taking another test.
 - c. A person, before operating a single vehicle having a gross vehicle weight rating under 26,001 pounds or a vehicle having a gross vehicle weight rating under 26,001 pounds towing a trailer or other vehicle and carrying hazardous materials on which a placard is required under 49 CFR parts 100 to 199, or designed to transport 16 or more passengers including the driver, shall procure a group C vehicle designation and a hazardous material or passenger vehicle endorsement on his or her operator's or chauffeur's license.

- 2) An applicant for a vehicle group designation shall take knowledge and driving skills tests that comply with minimum federal standards prescribed in 49 CFR part 383 as required under this act.
- 3) The license shall be issued, suspended, revoked, canceled, or renewed in accordance with this act.
- 4) Except as provided in this subsection, all of the following apply:
 - a. If a person operates a group B passenger vehicle while taking his or her driving skills test for a P endorsement, he or she is restricted to operating only group B or C passenger vehicles under that P endorsement. If a person operates a group B school bus while taking his or her driving skills test for an S endorsement, he or she is restricted to operating only group B or C school buses under that S endorsement.
 - b. If a person operates a group C passenger vehicle while taking his or her driving skills test for a P endorsement, he or she is restricted to operating only group C passenger vehicles under that P endorsement. If a person operates a group C school bus while taking his or her driving skills test for an S endorsement, he or she is restricted to operating only group C school buses under that S endorsement.
 - c. A person who fails the air brake portion of the written or driving skills test provided under section 312f or who takes the driving skills test provided under that section in a commercial motor vehicle that is not equipped with air brakes shall not operate a commercial motor vehicle equipped with air brakes.
- 5) A person, before operating a commercial motor vehicle, shall obtain required vehicle endorsements as follows:
 - a. A person, before operating a commercial motor vehicle pulling double trailers, shall procure the appropriate vehicle group designation and a T vehicle endorsement under this act.
 - b. A person, before operating a commercial motor vehicle that is a tank vehicle, shall procure the appropriate vehicle group designation and an N vehicle endorsement under this act.
 - c. A person, before operating a commercial motor vehicle carrying hazardous materials on which a placard is required under 49 CFR parts 100 to 199, shall procure the appropriate vehicle group designation and an H vehicle endorsement under this act.
 - d. A person, before operating a commercial motor vehicle that is a tank vehicle carrying hazardous material, shall procure the appropriate vehicle group designation and both an N and H vehicle endorsement, which shall be designated by the code letter X on the person's operator's or chauffeur's license.
 - e. A person, before operating a vehicle that is designed to transport 16 or more passengers including the driver but is not a school bus shall procure the appropriate vehicle group designation and a P vehicle endorsement

under this act. An applicant for a P vehicle endorsement shall take the driving skills test in a vehicle designed to transport 16 or more passengers including the driver.

- f. A person who does not currently possess a P endorsement, before operating a school bus designed to transport 16 or more passengers, including the driving, shall procure the appropriate vehicle group designation, pass the knowledge tests for the P and S endorsements, and procure the P and S vehicle endorsements under this act. An applicant for an S vehicle endorsement shall take a driving skills test in a school bus designed to transport 16 or more passengers, including the driver, that represents the same type of vehicle that the applicant intends to operate as a school bus.
 - g. A person who currently possesses a P endorsement, before operating a school bus designed to transport 16 or more passengers, including the driver, shall procure the appropriate vehicle group designation, pass the knowledge test for an S endorsement, and procure an S vehicle endorsement under this act. An applicant for an S vehicle endorsement shall take a driving skills test in a school bus designed to transport 16 or more passengers, including the driver, that represents the same type of vehicle that the applicant intends to operate as a school bus.
- 6) Until September 30, 2005, the secretary of state may waive the driving skills test for an applicant for an S endorsement if the applicant certifies, and the secretary of state verifies, that during the 2-year period immediately prior to applying for the school bus endorsement the applicant met all of the following conditions:
- a. The applicant holds a valid driver license with a vehicle group designation and a P endorsement.
 - b. The applicant has not had an operator's, chauffeur's, or commercial motor vehicle driver license suspended, revoked, denied, or canceled.
 - c. The applicant has not been disqualified by the United States secretary of transportation from operating a commercial motor vehicle.
 - d. The applicant has not been convicted of any disqualifying offense listed in 49 CFR 383.51(b) while operating a commercial motor vehicle.
 - e. The applicant has not been convicted of any disqualifying offense listed in 49 CFR 383.51(b) while operating a noncommercial motor vehicle that would be a disqualifying offense under 49 CFR 383.51(b) if the applicant had committed the offense while operating a commercial motor vehicle.
 - f. The applicant has not had more than 1 conviction for a serious traffic violation as defined in 49 CFR 383.51 while operating any type of motor vehicle.
 - g. Except for parking violations, the applicant has not had any conviction for a violation of any state or local motor vehicle traffic control law involving a vehicle accident and has not been found at fault in a vehicle accident.

- h. The applicant has been regularly employed as a school bus driver for the past 2 years and has, for those 2 years, operated a school bus representing the type of school bus that the applicant intends to operate, and the applicant provides satisfactory evidence of that employment to the secretary of state.
- 7) An applicant for an endorsement shall take the knowledge and driving skills tests described and required under 49 CFR part 383.
 - 8) The holder of an expired operator's or chauffeur's license may be issued a vehicle group designation and endorsement valid for the remainder of the license upon meeting the qualifications of section 312f and payment of the original vehicle group designation fee of \$25 and an endorsement fee of \$5 per endorsement, and a corrected license fee of \$18. A person required to procure an F vehicle endorsement under subsection (10) shall pay an endorsement fee of \$5.
 - 9) Except as otherwise provided in subsections (10) and (11), this section does not apply to a driver or operator of a vehicle under all of the following conditions:
 - a. The vehicle is controlled and operated by a farmer or an employee or family member of the farmer.
 - b. The vehicle is used to transport agricultural products, farm machinery, farm supplies, or a combination of these items, to or from a farm.
 - c. The vehicle is not used in the operation of a common or contract motor carrier.
 - d. The vehicle is operated within 150 miles of the farm.
 - 10) A person, before driving or operating a combination of vehicles having a gross vehicle weight rating of 26,001 pounds or more on the power unit that is used as described in subsection (9)(a) to (d), shall obtain an F vehicle endorsement. The F vehicle endorsement shall be issued upon successful completion of a knowledge test only.
 - 11) A person, before driving or operating a single vehicle truck having a gross vehicle weight rating of 26,001 pounds or more or a combination of vehicles having a gross vehicle weight rating of 26,001 pounds or more on the power unit that is used as described in subsection (9)(a) to (d) for carrying hazardous materials on which a placard is required under 49 CFR parts 100 to 199, shall successfully complete both a knowledge test and a driving skills test. Upon successful completion of the knowledge test and driving skills test, the person shall be issued the appropriate vehicle group designation and any vehicle endorsement necessary under this act.
 - 12) This section does not apply to a police officer operating an authorized emergency vehicle or to a firefighter operating an authorized emergency vehicle who has met the driver training standards published under the fire fighters training council act of 1966, 1966 PA 291, MCL 29.361 to 29.377.
 - 13) This section does not apply to a person operating a vehicle used exclusively to transport personal possessions or family members for nonbusiness purposes.

- 14) The money collected under subsection (8) for a vehicle group designation or endorsement shall be deposited in the state treasury to the credit of the general fund. The secretary of state shall refund out of the fees collected to each county or municipality acting as an examining officer or examining bureau \$3 for each applicant examined for a first designation or endorsement to an operator's or chauffeur's license and \$1.50 for each renewal designation or endorsement to an operator's or chauffeur's license, whose application is not denied, on the condition that the money refunded shall be paid to the county or local treasurer and is appropriated to the county, municipality, or officer or bureau receiving that money for the purpose of carrying out this act.
- 15) Notwithstanding any other provision of this section, a person operating a vehicle described in subsections (9) and (10) is subject to the provisions of sections 303 and 319b.
- 16) This state shall comply with the requirements of the American association of motor vehicle administrators' AAMVANet, incorporated's "Commercial Driver License Information System (CDLIS) State Procedures Manual" that the secretary of state determines are required for implementing and enforcing federal law.

History: Add. 1978, Act 139, Eff. May 1, 1979;--Am. 1980, Act 1, Imd. Eff. Jan. 25, 1980;--Am. 1980, Act 123, Imd. Eff. May 21, 1980;--Am. 1980, Act 174, Imd. Eff. June 23, 1980;--Am. 1987, Act 232, Imd. Eff. Dec. 28, 1987;--Am. 1988, Act 346, Eff. Jan. 1, 1990;--Am. 1989, Act 280, Imd. Eff. Dec. 26, 1989;--Am. 1989, Act 299, Imd. Eff. Jan. 3, 1990;--Am. 1990, Act 67, Imd. Eff. Apr. 27, 1990;--Am. 1990, Act 181, Imd. Eff. July 18, 1990;--Am. 1991, Act 100, Eff. Jan. 1, 1993;--Am. 2000, Act 158, Imd. Eff. June 14, 2000;--Am. 2002, Act 534, Eff. Oct. 1, 2002;--Am. 2002, Act 652, Eff. Jan. 1, 2003;--Am. 2003, Act 152, Eff. Oct. 1, 2003;--Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004;--Am. 2006, Act 212, Imd. Eff. June 19, 2006;--Am. 2006, Act 298, Imd. Eff. July 20, 2006

257.319b Suspension or revocation of vehicle group designations on operator's or chauffeur's license; notice of conviction, bond forfeiture, civil infraction determination, violation of law, or refusal to submit to chemical test; period of suspension or revocation; denial, cancellation, or revocation of hazardous material endorsement; notice of security risk; applicability of conditions; definitions.

Sec. 319b.

- 1) The secretary of state shall immediately suspend or revoke, as applicable, all vehicle group designations on the operator's or chauffeur's license of a person upon receiving notice of a conviction, bond forfeiture, or civil infraction determination of the person, or notice that a court or administrative tribunal has found the person responsible, for a violation described in this subsection of a law of this state, a local ordinance substantially corresponding to a law of this state while the person was operating a commercial motor vehicle, or a law of another state substantially corresponding to a law of this state, or notice that the person has refused to submit to a chemical test of his or her blood, breath, or urine for the purpose of determining the amount of alcohol or presence of a controlled substance or both in the person's blood, breath, or urine while the person was operating a commercial motor vehicle as required by a law or local ordinance of this or another state. The period of suspension or revocation is as follows:

- a. Suspension for 60 days if the person is convicted of or found responsible for 1 of the following while operating a commercial motor vehicle:
 - i. Two serious traffic violations arising from separate incidents within 36 months.
 - ii. A violation of section 667, 668, 669, or 669a.
 - iii. A violation of motor carrier safety regulations 49 CFR 392.10 or 392.11, as adopted by section 1a of the motor carrier safety act of 1963, 1963 PA 181, MCL 257.1857.
 - iv. A violation of section 57 of the pupil transportation act, 1990 PA 187, MCL 257.1857.
 - v. A violation of motor carrier safety regulations 49 CFR 392.10 or 392.11 as adopted by section 31 of the motor bus transportation act, 1982 PA 432, MCL 474.131.
 - vi. A violation of motor carrier safety regulations 49 CFR 392.10 or 392.11 while operating a commercial motor vehicle other than a vehicle covered under subparagraph (iii), (iv), or (v).

- b. Suspension for 120 days if the person is convicted of or found responsible for 1 of the following arising from separate incidents within 36 months while operating a commercial motor vehicle:
 - i. Three serious traffic violations.
 - ii. Any combination of 2 violations described in subdivision (a)(ii).

- c. Suspension for 1 year if the person is convicted of or found responsible for 1 of the following:
 - i. A violation of section 625(1), (3), (4), (5), (6), (7), or (8), section 625m, or former section 625(1) or (2), or former section 625b, while operating a commercial motor vehicle.
 - ii. Leaving the scene of an accident involving a commercial or noncommercial motor vehicle operated by the person.
 - iii. Except for a felony described in 49 CFR 383.51(b)(9), a felony in which a commercial or noncommercial motor vehicle was used.
 - iv. A refusal of a peace officer's request to submit to a chemical test of his or her blood, breath, or urine to determine the amount of alcohol or presence of a controlled substance or both in his or her blood, breath, or urine while he or she was operating a commercial or noncommercial motor vehicle as required by a law or local ordinance of this state or another state.
 - v. Effective October 1, 2005, operating a commercial motor vehicle in violation of a suspension, revocation, denial, or cancellation that was imposed for previous violations committed while operating a commercial motor vehicle.
 - vi. Effective October 1, 2005, causing a fatality through the negligent or criminal operation of a commercial motor vehicle, including, but not limited to, the crimes of motor vehicle manslaughter, motor vehicle homicide, and negligent homicide.
 - vii. A 6-point violation as provided in section 320a while operating a commercial motor vehicle.
 - viii. Any combination of 3 violations described in subdivision (a)(ii) arising from separate incidents within 36 months while operating a commercial motor vehicle.

- d) Suspension for 3 years if the person is convicted of or found responsible for an offense enumerated in subdivision (c)(i) to (vii) in which a commercial motor vehicle was used if the vehicle was carrying hazardous material required to have a placard pursuant to 49 CFR parts 100 to 199.
 - e) Revocation for life, but with eligibility for reissue of a group vehicle designation after not less than 10 years and after approval by the secretary of state, if the person is convicted of or found responsible for 2 violations or a combination of any 2 violations arising from 2 or more separate incidents involving any of the following:
 - i. Section 625(1), (3), (4), (5), (6), (7), or (8), section 625m, or former section 625(1) or (2), or former section 625b, while operating a commercial or noncommercial motor vehicle.
 - ii. Leaving the scene of an accident involving a commercial or noncommercial motor vehicle operated by the licensee.
 - iii. Except for a felony described in 49 CFR 383.51(b)(9), a felony in which a commercial or noncommercial motor vehicle was used.
 - iv. A refusal of a request of a police officer to submit to a chemical test of his or her blood, breath, or urine for the purpose of determining the amount of alcohol or presence of a controlled substance or both in his or her blood while he or she was operating a commercial or noncommercial motor vehicle in this state or another state.
 - v. Effective October 1, 2005, operating a commercial motor vehicle in violation of a suspension, revocation, denial, or cancellation that was imposed for previous violations committed while operating a commercial motor vehicle.
 - vi. Effective October 1, 2005, causing a fatality through the negligent or criminal operation of a commercial motor vehicle, including, but not limited to, the crimes of motor vehicle manslaughter, motor vehicle homicide, and negligent homicide.
 - vii. Six-point violations as provided in section 320a while operating a commercial motor vehicle.
 - f) Revocation for life if a person is convicted of or found responsible for any of the following:
 - i. One violation of a felony in which a commercial motor vehicle was used and that involved the manufacture, distribution, or dispensing of a controlled substance or possession with intent to manufacture, distribute, or dispense a controlled substance.
 - ii. A conviction of any offense described in subdivision (c) or (d) after having been approved for the reissuance of a vehicle group designation under subdivision (e).
 - iii. A conviction of a violation of chapter LXXXIII-A of the Michigan penal code, 1931 PA 328, MCL 750.543a to 750.543z.
- 2) The secretary of state shall immediately deny, cancel, or revoke a hazardous material endorsement on the operator's or chauffeur's license of a person with a vehicle group designation upon receiving notice from a federal government agency that the person poses a security risk warranting denial, cancellation, or revocation under the uniting and strengthening America by providing appropriate tools required to intercept and obstruct terrorism (USA PATRIOT ACT) act of 2001, Public Law 107-56. The denial, cancellation, or revocation cannot be

appealed under section 322 or 323 and remains in effect until the secretary of state receives a federal government notice that the person does not pose a security risk in the transportation of hazardous materials.

- 3) The secretary of state shall immediately suspend all vehicle group designations on a person's operator's or chauffeur's license upon receiving notice of a conviction, bond forfeiture, or civil infraction determination of the person, or notice that a court or administrative tribunal has found the person responsible, for a violation of section 319d(4) or 319f, a local ordinance substantially corresponding to section 319d(4) or 319f, or a law or local ordinance of another state, the United States, Canada, Mexico, or a local jurisdiction of either of these countries substantially corresponding to section 319d(4) or 319f, while operating a commercial motor vehicle. The period of suspension or revocation is as follows:
 - a. Suspension for 90 days if the person is convicted of or found responsible for a violation of section 319d(4) or 319f while operating a commercial motor vehicle.
 - b. Suspension for 180 days if the person is convicted of or found responsible for a violation of section 319d(4) or 319f while operating a commercial motor vehicle that is either carrying hazardous material required to have a placard under 49 CFR parts 100 to 199 or designed to carry 16 or more passengers, including the driver.
 - c. Suspension for 1 year if the person is convicted of or found responsible for 2 violations, in any combination, of section 319d(4) or 319f while operating a commercial motor vehicle arising from 2 or more separate incidents during a 10-year period.
 - d. Suspension for 3 years if the person is convicted of or found responsible for 3 or more violations, in any combination, of section 319d(4) or 319f while operating a commercial motor vehicle arising from 3 or more separate incidents during a 10-year period.
 - e. Suspension for 3 years if the person is convicted of or found responsible for 2 or more violations, in any combination, of section 319d(4) or 319f while operating a commercial motor vehicle carrying hazardous material required to have a placard under 49 CFR parts 100 to 199, or designed to carry 16 or more passengers, including the driver, arising from 2 or more separate incidents during a 10-year period.
- 4) The secretary of state shall suspend or revoke, as applicable, any privilege to operate a commercial motor vehicle as directed by the federal government or its designee.
- 5) For the purpose of this section only, a bond forfeiture or a determination by a court of original jurisdiction or an authorized administrative tribunal that a person has violated the law is considered a conviction.
- 6) The secretary of state shall suspend or revoke a vehicle group designation under subsection (1) or deny, cancel, or revoke a hazardous material endorsement under subsection (2) notwithstanding a suspension, restriction, revocation, or denial of an operator's or chauffeur's license or vehicle group designation under

another section of this act or a court order issued under another section of this act or a local ordinance substantially corresponding to another section of this act.

- 7) A conviction, bond forfeiture, or civil infraction determination, or notice that a court or administrative tribunal has found a person responsible for a violation described in this subsection while the person was operating a noncommercial motor vehicle counts against the person who holds a license to operate a commercial motor vehicle the same as if the person had been operating a commercial motor vehicle at the time of the violation. For the purpose of this subsection, a noncommercial motor vehicle does not include a recreational vehicle used off-road. This subsection applies to the following state law violations or a local ordinance substantially corresponding to any of those violations or a law of another state or out-of-state jurisdiction substantially corresponding to any of those violations:
 - a. Operating a vehicle in violation of section 625.
 - b. Refusing to submit to a chemical test of his or her blood, breath, or urine for the purpose of determining the amount of alcohol or the presence of a controlled substance or both in the person's blood, breath, or urine as required by a law or local ordinance of this or another state.
 - c. Leaving the scene of an accident.
 - d. Using a vehicle to commit a felony.
- 8) When determining the applicability of conditions listed I this section, the secretary of state shall consider only violations that occurred after January 1, 1990.
- 9) When determining the applicability of conditions listed in subsection (1)(a) or (b), the secretary of state shall only count from incident date to incident date.
- 10) As used in this section:
 - a. "Felony in which a commercial motor vehicle was used" means a felony during the commission of which the person convicted operated a commercial motor vehicle and while the person was operating the vehicle 1 or more of the following circumstances existed:
 - i. The vehicle was used as an instrument of the felony.
 - ii. The vehicle was used to transport a victim of the felony.
 - iii. The vehicle was used to flee the scene of the felony.
 - iv. The vehicle was necessary for the commission of the felony.
 - b. "Serious traffic violation" means any of the following:
 - i. A traffic violation that occurs in connection with an accident in which a person died.
 - ii. Careless driving.
 - iii. Excessive speeding as defined in regulations promulgated under 49 USC 31301 to 31317.
 - iv. Improper lane use.
 - v. Following too closely.

- vi. Effective October 1, 2005, driving a commercial motor vehicle without obtaining any vehicle group designation on the person's license.
- vii. Effective October 1, 2005, driving a commercial motor vehicle without either having an operator's or chauffeur's license in the person's possession or providing proof to the court, not later than the date by which the person must appear in court or pay a fine for the violation, that the person held a valid vehicle group designation and endorsement on the date that the citation was issued.
- viii. Effective October 1, 2005, driving a commercial motor vehicle while in possession of an operator's or chauffeur's license that has a vehicle group designation but does not have the appropriate vehicle group designation or endorsement required for the specific vehicle group being operated or the passengers or type of cargo being transported.
- ix. Any other serious traffic violation as defined in 49 CFR 383.5 or as prescribed under this act.

History: Add. 1988, Act 346, Imd. Eff. Oct. 25, 1988;--Am. 1991, Act 93, Eff. Jan. 1, 1992;--Am. 1991, Act 100, Eff. Jan. 1, 1993;--Am. 1996, Act 404, Eff. Dec. 21, 1996;--Am. 1998, Act 356, Eff. Oct. 1, 1999;--Am. 2002, Act 259, Imd. Eff. May 1, 2002;--Am. 2002, Act 534, Eff. Oct. 1, 2002;--Am. 2004, Act 62, Imd. Eff. Apr. 13, 2004;--Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004;--Am. 2004, Act 495, Eff. Jan. 31, 2005;--Am. 2006, Act 298, Imd. Eff. July 20, 2006;--Am. 2008, Act 463, Eff. Oct. 31, 2010

257.319c Providing United States department of transportation with information pertaining to operator's or chauffeur's license with vehicle group designation; notification of motor vehicle administrator of other appropriate officer.

Sec. 319c.

- 1) The secretary of state shall provide the United States department of transportation with the following information pertaining to an operator's or chauffeur's license with a vehicle group designation:
 - a. A notice of the issuance of an operator's or chauffeur's license with a vehicle group designation within 10 days after the issuance of the license.
 - b. A notice of suspension, revocation, or denial of a license within 10 days after the suspension, revocation, or denial. If the licensee is a nonresident, a notice of the state which issued the suspension, revocation, or denial of the licensee shall also be provided.
- 2) Within 10 days after receiving a record of conviction, civil infraction determination, or forfeiture of bail in this state of a nonresident driver of a commercial motor vehicle for a violation under the motor vehicle laws of this state, other than a parking violation, the secretary of state shall notify the motor vehicle administrator or other appropriate officer in the state in which the person is licensed.

History: Add. 1988, Act 346, Imd. Eff. Oct. 25, 1988;--Am. 2002, Act 534, Eff. Oct. 1, 2002;--Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004

257.320a Recording data of conviction, civil infraction determination, or probate court disposition and number of points; interview; violation committed in another state.

Sec. 320a.

- 1) The secretary of state shall record the date of conviction, civil infraction determination, or probate court disposition, and the number of points for each, based on the following formula, except as otherwise provided in this section and section 629c.
 - a) Manslaughter, negligent homicide, or a felony resulting from the operation of a motor vehicle, ORV, or snowmobile. **6 points**
 - b) A violation of section 601b(2) or (3), 601c(1) or (2), or 653a(3) or (4), or 601d. **6 points**
 - c) A violation of section 625(1), (4), (5), (7), or (8), section 81134 or 82127(1) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81134 and 324.82127, or a law or ordinance substantially corresponding to section 625(1), (4), (5), (7), or (8), or section 81134 or 82127(1) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81134 and 324.82127. **6 points**
 - d) Failing to stop and disclose identity at the scene of an accident when required by law. **6 points**
 - e) Operating a motor vehicle in violation of section 626. **6 points**
 - f) Fleeing or eluding an officer. **6 points**
 - g) A violation of section 627(9) pertaining to speed in a work zone described in that section by exceeding the lawful maximum by more than 15 miles per hour. **5 points**
 - h) A violation of any law other than the law described in subdivision (g) or ordinance pertaining to speed by exceeding the lawful maximum by more than 15 miles per hour. **4 points**
 - i) A violation of section 625 (3) or (6), section 81135 or 82127(3) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81135 and 324.82127, or a law or ordinance substantially corresponding to section 625(3) or (6) or section 81135 or 82127(3) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81135 and 324.82127. **4 points**
 - j) A violation of section 626a or a law or ordinance substantially corresponding to section 626a. **4 points**
 - k) A violation of section 653a(2). **4 points**
 - l) A violation of section 627(9) pertaining to speed in a work zone described in that section by exceeding the lawful maximum by more than 10 but not more than 15 miles per hour. **4 points**
 - m) A moving violation resulting in an at-fault collision with another vehicle, a person, or any other object. **4 points**
 - n) A violation of any law other than the law described in subdivision (l) or ordinance pertaining to speed by exceeding the lawful maximum by more than 10 but not more than 15 miles per hour or careless driving in violation of section 626b or a law or ordinance substantially corresponding to section 626b. **3 points**
 - o) A violation of section 627(9) pertaining to speed in a work zone described in that section by exceeding the lawful maximum by 10 miles per hour or less. **3 points**

- p) A violation of any law other than the law described in subsection (o) or ordinance pertaining to speed by exceeding the lawful maximum by 10 miles per hour or less. **2 points**
 - q) Disobeying a traffic signal or stop sign, or improper passing. **3 points**
 - r) A violation of section 624a, 624b, or a law or ordinance substantially corresponding to section 624a or 624b. **2 points**
 - s) A violation of section 310e(4) or (6) or a law or ordinance substantially corresponding to section 310e(4) or (6) **2 points**
 - t) All other moving violations pertaining to the operation of motor vehicles reported under this section. **2 points**
 - u) A refusal by a person less than 21 years of age to submit to a preliminary breath test required by a peace officer under section 625a. **2 points**
- 2) Points shall not be entered for a violation of section 310e(14), 311, 602b, 625m, 658, 717, 719, 719a, or 723.
 - 3) Points shall not be entered for bond forfeitures.
 - 4) Points shall not be entered for overweight loads or for defective equipment.
 - 5) If more than 1 conviction, civil infraction determination, or probate court disposition results from the same incident, points shall be entered only for the violation that receives the highest number of points under this section.
 - 6) If a person has accumulated 9 points as provided in this section, the secretary of state may call the person in for an interview as to the person's driving ability and record after due notice as to time and place of the interview. If the person fails to appear as provided in this subsection, the secretary of state shall add 3 points to the person's record.
 - 7) If a person violates a speed restriction established by an executive order issued during a state of energy emergency as provided by 1982 PA 191, MCL 10.81 to 10.89, the secretary of state shall enter points for the violation pursuant to subsection (1).
 - 8) The secretary of state shall enter 6 points upon the record of a person whose license is suspended or denied pursuant to section 625f. However, if a conviction, civil infraction determination, or probate court disposition results from the same incident, additional points for that offense shall not be entered.
 - 9) If a Michigan driver commits a violation in another state that would be a civil infraction if committed in Michigan, and a conviction results solely because of the failure of the Michigan driver to appear in that state to contest the violation, upon receipt of the abstract of conviction by the secretary of state, the violation shall be noted on the driver's record, but no points shall be assessed against his or her driver's license.

History: Add. 1958, Act 180, Eff. Sept. 13, 1958;--Am. 1960, Act 82, Eff. Aug. 17, 1960;--Am. 1963, Act 34, Eff. Sept. 6, 1963;--Am. 1965, Act 41, Imd. Eff. May 25, 1965;--Am. 1965, Act 351, Imd. Eff. July 23, 1965;--Am. 1968, Act 332, Eff. Jan. 1, 1969;--Am. 1974, Act 28, Imd. Eff. Mar. 2, 1974;--Am. 1975, Act 24, Imd. Eff. Apr. 15, 1975;--Am. 1978, Act 510, Eff. Aug. 1, 1979;--Am. 1979, Act 66, Eff. Aug. 1, 1979;--Am. 1980, Act 25, Eff. Mar. 31, 1981;--Am. 1980, Act 518, Eff. Mar. 31, 1981;--Am. 1981, Act 72, Imd. Eff. June 30, 1981;--Am. 1981, Act 159, Eff. Mar. 31, 1981;--Am. 1982, Act 310, Eff. Mar. 30, 1983;--Am.

1982, Act 533, Eff. Mar. 30, 1983;--Am. 1987, Act 154, Eff. Dec. 1, 1987;--Am. 1991, Act 93, Eff. Jan. 1, 1992;--Am. 1991, Act 94, Eff. Jan. 1, 1993;--Am. 1994, Act 211, Eff. Nov. 1, 1994;--Am. 1996, Act 387, Eff. Apr. 1, 1997;--Am. 1996, Act 471, Eff. Apr. 1, 1997;--Am. 1996, Act 493, Eff. Apr. 1, 1997;--Am. 1998, Act 350, Eff. Oct. 1, 1999;--Am. 1999, Act 21, Eff. Oct. 1, 2000;--Am. 1999, Act 40, Imd. Eff. June 9, 1999;--Am. 2000, Act 460, Eff. Mar. 28, 2001;--Am. 2001, Act 103, Eff. Oct. 1, 2001;--Am. 2002, Act 149, Eff. July 1, 2002;--Am. 2003, Act 61, Eff. Sept. 30, 2003;--Am. 2003, Act 315, Eff. Apr. 8, 2004;--Am. 2004, Act 62, Imd. Eff. Apr. 13, 2004;--Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004;--Am. 2004, Act 495, Imd. Eff. Dec. 29, 2004;--Am. 2008, Act 463, Eff. Oct. 31, 2010;--Am. 2010, Act 58, Eff. July 2, 2010

257.602b Reading, typing, or sending text message on wireless 2-way communication device prohibited; exceptions; violation as civil infraction; fine; local ordinances superseded.

Sec. 602b.

- 1) Except as otherwise provided in this section, a person shall not read, manually type, or send a text message on a wireless 2-way communication device that is located in the person's hand or in the person's lap, including a wireless telephone used in a cellular telephone service or personal communication service, while operating a motor vehicle that is moving on a highway or street in this state. As used in this subsection, a wireless 2-way communication device does not include a global positioning or navigation system that is affixed to the motor vehicle.
- 2) Subsection (1) does not apply to an individual who is using a device described in subsection (1) to do any of the following:
 - a. Report a traffic accident, medical emergency, or serious road hazard.
 - b. Report a situation in which the person believes his or her personal safety is in jeopardy.
 - c. Report or avert the perpetration or potential perpetration of a criminal act against the individual or another person.
 - d. Carry out official duties as a police officer, law enforcement official, member of a paid or volunteer fire department, or operator of an emergency vehicle.
- 3) An individual who violates this section is responsible for a civil infraction and shall be ordered to pay a civil fine as follows:
 - a. For a first violation, \$100.00.
 - b. For a second or subsequent violation, \$200.00.
- 4) This section supersedes all local ordinances regulating the use of a communications device while operating a motor vehicle in motion on a highway or street, except that a unit of local government may adopt an ordinance or enforce an existing ordinance substantially corresponding to this section.

History: Add. 2010, Act 60, Eff. July 1, 2010

257.612 Traffic control signals; location; red arrow and yellow arrow indications; colors; traffic control signal at place other than intersection; stopping at sign, marking, or signal; violation of subsection (1) or (2) as civil infraction; approaching person using wheelchair or device to aid walking; violation of subsection (4) as misdemeanor; location of sign prohibiting turn on red signal; additional sign.

Sec. 612.

- 1) When traffic is controlled by traffic control signals, not less than 1 signal shall be located over the traveled portion of the roadway so as to give vehicle operators a clear indication of the right-of-way assignment from their normal positions approaching the intersection. The vehicle signals shall exhibit different colored lights successively, 1 at a time, or with arrows. Red arrow and yellow arrow indications have the same meaning as the corresponding circular indications, except that they apply only to vehicle operators intending to make the movement indicated by the arrow. The following colors shall be used, and the terms and lights shall indicate and apply to vehicle operators as follows:
 - a) If the signal exhibits a green indication, vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at that place prohibits either turn. Vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians and bicyclists lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.
 - b) If the signal exhibits a steady yellow indication, vehicular traffic facing the signal shall stop before entering the nearest crosswalk at the intersection or at a limit line when marked, but if the stop cannot be made in safety, a vehicle may be driven cautiously through the intersection.
 - c) If the signal exhibits a steady red indication, the following apply:
 - i. Vehicular traffic facing a steady red signal alone shall stop before entering the crosswalk on the near side of the intersection or at a limit line when marked or, if there is no crosswalk or limit line, before entering the intersection and shall remain standing until a green indication is shown, except as provided in subparagraph (ii).
 - ii. Vehicular traffic facing a steady red signal, after stopping before entering the crosswalk on the near side of the intersection or at a limit line when marked or, if there is no crosswalk or limit line, before entering the intersection, may make a right turn from a 1-way or 2-way street into a 2-way street or into a 1-way street carrying traffic in the direction of the right turn or may make a left turn from a 1-way or 2-way street into a 1-way roadway carrying traffic in the direction of the left turn, unless prohibited by sign, signal, marking, light, or other traffic control device. The vehicular traffic shall yield the right of way to pedestrians

and bicyclists lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

- d) If the signal exhibits a steady green arrow indication, vehicular traffic facing the green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by the arrow or other movement permitted by other indications shown at the same time. The vehicular traffic shall yield the right-of-way to pedestrians and bicyclists lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
- 2) If a traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section apply except for those provisions that by their nature cannot apply. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of a sign or marking, the stop shall be made at the signal.
- 3) A person who violates subsection (1) or (2) is responsible for a civil infraction.
- 4) A vehicle operator who approaches a person using a wheelchair or a device to aid the person to walk at a crosswalk or any other pedestrian crossing shall take necessary precautions to avoid accident or injury to the person using the wheelchair or device. A person who violates this subsection is guilty of a misdemeanor.
- 5) A sign prohibiting a turn on a red signal as provided in subsection (1)(c)(ii) shall be located above or adjacent to the traffic control signal or as close as possible to the point where the turn is made, or at both locations, so that 1 or more of the signs are visible to a vehicle operator intending to turn, at the point where the turn is made. An additional sign may be used at the far side of the intersection in the direct line of vision of the turning vehicle operator.

History: 1949, Act 300, Eff. Sept. 23, 1949;--Am. 1955, Act 245, Eff. Oct. 14, 1955;--Am. 1964, Act 222, Eff. Aug. 28, 1964;--Am. 1966, Act 237, Eff. Mar. 10, 1967;--Am. 1975, Act 287, Eff. Mar. 31, 1976;--Am. 1978, Act 510, Eff. Aug. 1, 1979;--Am. 1988, Act 105, Eff. July 31, 1988;--Am. 1990, Act 33, Eff. Apr. 1, 1991;--Am. 2006, Act 339, Imd. Eff. Aug. 15, 2006

257.617 Accident resulting in serious impairment of body function or death; stopping required; reporting to police agency or officer; violation as felony; penalty.

Sec. 617.

- 1) The driver of a vehicle who knows or who has reason to believe that he or she has been involved in an accident upon public or private property that is open to travel by the public shall immediately stop his or her vehicle at the scene of the accident and shall remain there until the requirements of section 619 are fulfilled or immediately report the accident to the nearest or most convenient police agency or officer to fulfill the requirements of section 619(a) and (b) if there is a reasonable and honest belief that remaining at the scene will result in further harm. The stop shall be made without obstructing traffic more than is necessary.
- 2) Except as provided in subsection (3), if the individual violates subsection (1) and the accident results in serious impairment of a body function or death, the

individual is guilty of a felony punishable by imprisonment for not more than 5 years or by a fine of not more than \$5,000, or both.

- 3) If the individual violates subsection (1) following an accident caused by that individual and the accident results in the death of another individual, the individual is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than \$10,000, or both.

History: 1949, Act 300, Eff. Sept. 23, 1949;--Am. 1951, Act 270, Eff. Sept. 28, 1951;--Am. 1956, Act 22, Eff. Aug. 11, 1956;--Am. 1958, Act 35, Eff. Sept. 13, 1958;--Am. 1975, Act 170, Eff. Mar. 31, 1976;--Am. 1989, Act 267, Eff. Mar. 29, 1990;-- Am. 2001, Act 159, Eff. Feb. 1, 2002;--Am. 2005, Act 3, Imd. Eff. Apr. 1, 2005

257.617a Accident; personal injury; reporting to police agency or officer; stopping required; penalty; suspension of license.

Sec. 617a.

- 1) The driver of a vehicle who knows or who has reason to believe that he has been involved in an accident upon public or private property that is open to travel by the public shall immediately stop his or her vehicle at the scene of the accident and shall remain there until the requirements of section 619 are fulfilled or immediately report the accident to the nearest or most convenient police agency or officer to fulfill the requirements of section 619(a) and (b) if there is a reasonable and honest belief that remaining at the scene will result in further harm. The stop shall be made without obstructing traffic more than is necessary.
- 2) If an individual violates subsection (1) and the accident results in injury to any individual, the individual is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000, or both.
- 3) The secretary of state shall suspend the operator's or chauffeur's license of an individual convicted of violating this section as provided in section 319.

History: Add. 1975, Act 170, Eff. Mar. 31, 1976;--Am. 2005, Act 3, Imd. Eff. Apr. 1, 2005

257.618 Accidents; damage to vehicles; stopping required; reporting to police agency or officer; penalty.

Sec. 618.

- 1) The driver of a vehicle who knows or who has reason to believe that he has been involved in an accident upon public or private property that is open to travel by the public shall immediately stop his or her vehicle at the scene of the accident and shall remain there until the requirements of section 619 are fulfilled or immediately report the accident to the nearest or most convenient police agency or officer to fulfill the requirements of section 619(a) and (b) if there is a reasonable and honest belief that remaining at the scene will result in further harm. The stop shall be made without obstructing traffic more than is necessary.
- 2) If an individual violates the requirements of subsection (1) and the accident results in damage to a vehicle operated by or attended by any individual, the

individual is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$1,000, or both.

History: 1949, Act 300, Eff. Sept. 23, 1949;--Am. 1958, Act 35, Eff. Sept. 13, 1958;--Am. 2005, Act 3, Imd. Eff. Apr. 1, 2005

257.619 Accidents; duties of driver.

Sec. 619. The driver of a vehicle who knows or who has reason to believe that he or she has been involved in an accident with an individual or with another vehicle that is operated or attended by another individual shall do all of the following:

- a. Give his or her name and address, and the registration number of the vehicle he or she is operating, including the name and address of the owner, to a police officer, the individual struck, or the driver or occupants of the vehicle with which he or she has collided.
- b. Exhibit his or her operator's or chauffeur's license to a police officer, individual struck, or the driver or occupants of the vehicle with which he or she has collided.
- c. Render to any individual injured in the accident reasonable assistance in securing medical aid or arrange for or provide transportation to any injured individual.

History: 1949, Act 300, Eff. Sept. 23, 1949;--Am. 1958, Act 35, Eff. Sept. 13, 1958;--Am. 1999, Act 73, Eff. Oct. 1, 1999;--Am. 2005, Act 3, Imd. Eff. Apr. 1, 2005

257.620 Accidents; attended or unattended vehicle; stopping; report.

Sec. 620. The driver of any vehicle which collides upon either public or private property with any vehicle which is attended or unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the driver and owner of the vehicle striking the vehicle or, if such owner cannot be located, shall forthwith report it to the nearest or most convenient police officer.

History: 1949, Act 300, Eff. Sept. 23, 1949;--Am. 1967, Act 71, Eff. Nov. 2, 1967

257.621 Accidents; fixtures on or adjacent to highway, notification of owner, exhibition of driver's license; reports.

Sec. 621.

- a. The driver of any vehicle involved in an accident resulting only in damage to fixtures legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such accident and of his name and address and of the registration number of the vehicle he is driving and shall upon request exhibit his operator's or chauffeur's license and, if such owner cannot be found, shall forthwith report such accident to the nearest or most convenient police officer.
- b. The officer receiving such report or his commanding officer shall forward each individual report to the director of state police on forms prescribed by him which shall be completed in full by the investigating officer. The director of state police

shall analyze each report relative to the cause of the reported accident and shall prepare for public use the information compiled from the reports.

History: 1949, Act 300, Eff. Sept. 23, 1949;--Am. 1966, Act 171, Eff. Mar. 10, 1967;--Am. 1967, Act 3, Imd. Eff. Mar. 9, 1967

257.625a Arrest without warrant; circumstances; preliminary chemical breath analysis; operator ordered out-of-service; refusal of commercial motor vehicle operator to submit to breath analysis as misdemeanor; provisions applicable to chemical tests and analysis; evidence; availability of test results; admissibility of refusal to submit to chemical test.

Sec. 625a.

- 1) A peace officer may arrest a person without a warrant under either of the following circumstances:
 - a. The peace officer has reasonable cause to believe the person was, at the time of an accident in this state, the operator of a vehicle involved in the accident and was operating the vehicle in violation of section 625 or a local ordinance substantially corresponding to section 625.
 - b. The person is found in the driver's seat of a vehicle parked or stopped on a highway or street within this state if any part of the vehicle intrudes into the roadway and the police officer has reasonable cause to believe the person was operating the vehicle in violation of section 625 or a local ordinance substantially corresponding to section 625.
- 2) A peace officer who has reasonable cause to believe that a person was operating a vehicle upon a public highway or other place open to the public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state and that the person by the consumption of alcoholic liquor may have affected his or her ability to operate a vehicle, or reasonable cause to believe that a person was operating a commercial motor vehicle within the state while the person's blood, breath, or urine contained any measurable amount of alcohol or while the person had any detectable presence of alcoholic liquor, or reasonable cause to believe that a person who is less than 21 years of age was operating a vehicle upon a public highway or other place open to the public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state while the person had any bodily alcohol content as that term is defined in section 625(6), may require the person to submit to a preliminary chemical breath analysis. The following provisions apply with respect to a preliminary chemical breath analysis administered under this subsection:
 - a. A peace officer may arrest a person based in whole or in part upon the results of a preliminary chemical breath analysis.
 - b. The results of a preliminary chemical breath analysis are admissible in a criminal prosecution...
 - c. A person who submits to a preliminary chemical breath analysis...

- d. Except as provided in subsection (5), a person who refuses to submit to a preliminary chemical breath analysis...
- 3) A peace officer shall use the results of a preliminary chemical breath analysis conducted pursuant to this section to determine whether to order a person out-of-service under section 319d. A peace officer shall order out-of-service as required under section 319d a person who was operating a commercial motor vehicle and refuses to submit to a preliminary chemical breath analysis as provided in this section. This section does not limit use of other competent evidence by the peace officer to determine whether to order a person out-of-service under section 319d.
 - 4) A person who was operating a commercial motor vehicle and who is requested to submit to a preliminary chemical breath analysis under this section shall be advised that refusing a peace officer's request to take a test described in this section is a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100, or both, and will result in the issuance of a 24-hour out-of-service order.
 - 5) A person who was operating a commercial motor vehicle and who refuses to submit to a preliminary chemical breath analysis upon a peace officer's lawful request is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100, or both.

History: Add. 1960, Act 148, Eff. Aug. 17, 1960;--Am. 1964, Act 104, Eff. Aug. 28, 1964;--Am. 1967, Act 253, Eff. Nov. 2, 1967;--Am. 1971, Act 154, Eff. Mar. 30, 1972;--Am. 1978, Act 572, Eff. Mar. 30, 1979;--Am. 1980, Act 515, Eff. Apr. 1, 1981;--Am. 1982, Act 310, Eff. Mar. 30, 1983;--Am. 1991, Act 95, Eff. Jan. 1, 1992;--Am. 1991, Act 100, Eff. Jan. 1, 1993;--Am. 1993, Act 229, Imd. Eff. Nov. 5, 1993;--Am. 1994, Act 211, Eff. Nov. 1, 1994;--Am. 1994, Act 450, Eff. May 1, 1995;--Am. 1996, Act 491, Eff. Apr. 1, 1997;--Am. 1998, Act 351, Eff. Oct. 1, 1999;--Am. 2003, Act 61, Eff. Sept. 30, 2003

257.625m Operation of commercial motor vehicle by person with certain alcohol content; arrest without warrant; violation as misdemeanor; sentence; "prior conviction" defined.

Sec. 625m.

- 1) A person, whether licensed or not, who has an alcohol content of 0.04 grams or more but less than 0.08 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, or, beginning October 1, 2013, an alcohol content of 0.04 grams or more but less than 0.10 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, shall not operate a commercial motor vehicle within this state.
- 2) A peace officer may arrest a person without a warrant under either of the following circumstances:
 - a. The peace officer has reasonable cause to believe that the person was, at the time of an accident, the driver of a commercial motor vehicle involved in the accident and was operating the vehicle in violation of this section or a local ordinance substantially corresponding to this section.
 - b. The person is found in the driver's seat of a commercial motor vehicle parked or stopped on a highway or street within this state if any part of

the vehicle intrudes into the roadway and the peace officer has reasonable cause to believe the person was operating the vehicle in violation of this section or a local ordinance substantially corresponding to this section.

History: Add. 1991, Act 94, Eff. Jan. 1, 1993;--Am. 1994, Act 450, Eff. May 1, 1995;--Am. 1996, Act 491, Eff. Apr. 1, 1997;--Am. 1998, Act 347, Eff. Oct. 1, 1999;--Am. 2000, Act 460, Eff. Mar. 28, 2001;--Am. 2003, Act 61, Eff. Sept. 30, 2003;--Am. 2008, Act 463, Eff. Oct. 31, 2010

257.627 Speed limitations.

Sec. 627.

- 1) A person operating a vehicle on a highway shall operate that vehicle at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface, and width of the highway and of any other condition than existing. A person shall not operate a vehicle upon a highway at a speed greater than that which will permit a stop within the assured, clear distance ahead.
- 6) Except as otherwise provided in this subsection, a person operating a truck with a gross weight of 10,000 pounds or more, a truck-tractor, a truck-tractor with a semi-trailer or trailer, or a combination of these vehicles shall not exceed a speed of 55 miles per hour on highways, streets, or freeways and shall not exceed a speed of 35 miles per hour during the period when reduced loadings are being enforced in accordance with this chapter. However, a person operating a school bus, a truck, a truck-tractor, or a truck-tractor with a semi-trailer or trailer described in this subsection shall not exceed a speed of 60 miles per hour on a freeway if the maximum speed limit on that freeway is 70 miles per hour.
- 7) Except as otherwise provided in subsection (6), a person operating a school bus shall not exceed the speed of 55 miles per hour.
- 14) A person who violates this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;--Am. 1957, Act 190, Eff. Sept. 27, 1957;--Am. 1959, Act 76, Eff. Mar. 19, 1960;--Am. 1962, Act 120, Eff. Mar. 28, 1963;--Am. 1966, Act 223, Imd. Eff. July 11, 1966;--Am. 1974, Act 28, Imd. Eff. Mar. 2, 1974;--Am. 1976, Act 190, Imd. Eff. July 8, 1976;--Am. 1978, Act 510, Eff. Aug. 1, 1979;--Am. 1986, Act 92, Eff. June 5, 1986;--Am. 1988, Act 460, Imd. Eff. Dec. 27, 1988;--Am. 1990, Act 165, Imd. Eff. July 2, 1990;--Am. 2003, Act 315, Eff. Apr. 8, 2004;--Am. 2004, Act 62, Imd. Eff. Apr. 13, 2004;--Am. 2006, Act 19, Eff. Nov. 9, 2006;--Am. 2006, Act 85, Eff. Nov. 9, 2006

257.634 Driving on right half of roadway; exceptions; driving on roadway having 2 or more lanes for travel in 1 direction; traveling on freeway having 3 or more lanes for travel in same direction; ordinance regulating same subject matter prohibited; violation as civil infraction.

Sec. 634.

- 1) Upon each roadway of sufficient width, the driver of a vehicle shall drive the vehicle upon the right half of the roadway, except as follows:

- a. When overtaking and passing another vehicle proceeding in the same direction under the rules governing that movement.
 - b. When the right half of a roadway is closed to traffic while under construction or repair or when an obstruction exists making it necessary to drive to the left of the center of the highway. A driver who is driving on the left half of a roadway under this subdivision shall yield the right-of-way to an oncoming vehicle traveling in the proper direction upon the unobstructed portion of the roadway.
 - c. When a vehicle operated by a state agency or a local authority or an agent of a state agency or local authority is engaged in work on the roadway.
 - d. Upon a roadway divided into 3 marked lanes for traffic under the rules applicable on the roadway.
- 2) Upon a roadway having 2 or more lanes for travel in 1 direction, the driver of a vehicle shall drive the vehicle in the extreme right-hand lane available for travel except as otherwise provided in this section. However, the driver of a vehicle may drive the vehicle in any lane lawfully available to traffic moving in the same direction of travel when the lanes are occupied by vehicles moving in substantially continuous lanes of traffic and in any left-hand lane lawfully available to traffic moving in the same direction of travel for a reasonable distance before making a left turn.
 - 3) This section shall not be construed to prohibit a vehicle traveling in the appropriate direction from traveling in any lane of a freeway having 3 or more lanes for travel in the same direction. However, a city, a village, township, or county may not enact an ordinance which regulates the same subject matter as any provision of this subsection. The driver of a truck with a gross weight of more than 10,000 pounds, a truck tractor, or a combination of a vehicle and trailer or semitrailer shall drive the vehicle or combination of vehicles only in either of the 2 lanes farthest to the right, except for a reasonable distance when making a left turn or where a special hazard exists that requires the use of an alternative lane for safety reasons.
 - 4) A person who violates this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;--Am. 1968, Act 260, Eff. Nov. 15, 1968;--Am. 1976, Act 170, Imd. Eff. June 23, 1976;--Am. 1978, Act 510, Eff. Aug. 1, 1979;--Am. 1988, Act 346, Eff. Jan. 1, 1989

257.636 Overtaking and passing of vehicles proceeding in same direction; limitations, exceptions, and special rules; violation as civil infraction.

Sec. 636.

- 1) The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules stated in sections 637 to 643a:

- a. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe distance to the left of that vehicle, and when safely clear of the overtaken vehicle shall take up a position as near the right-hand edge of the main traveled portion of the highway as is practicable.
- b. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his or her vehicle until completely passed by the overtaking vehicle.

2) A person who violates this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;--Am. 1978, Act 510, Eff. Aug. 1, 1979;--Am. 1979, Act 66, Eff. Aug. 1, 1979

257.637 Overtaking and passing on right of another vehicle; conditions; violation as civil infraction.

Sec. 637.

1) The driver of a vehicle may overtake and pass upon the right of another vehicle only if 1 or more of the following conditions exist:

- a. When the vehicle overtaken is making or about to make a left turn.
- b. Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for 2 or more lines of moving vehicles in each direction and when the vehicles are moving in substantially continuous lanes of traffic.
- c. Upon a 1-way street, or upon a roadway on which traffic is restricted to 1 direction of movement, where the roadway is free from obstructions and of sufficient width for 2 or more lines of moving vehicles and when the vehicles are moving in substantially continuous lanes of traffic.

2) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting the overtaking and passing in safety. The driver of a vehicle shall not overtake and pass another vehicle upon the right by driving off the pavement or main-traveled portion of the roadway.

3) A person who violates this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;--Am. 1978, Act 510, Eff. Aug. 1, 1979;--Am. 1979, Act 66, Eff. Aug.1, 1979

257.638 Overtaking and passing on left of another vehicle; violation as civil infraction.

Sec. 638.

1) A vehicle shall not be driven to the left side of the center of a 2-lane highway or in the center lane of a 3-lane highway in overtaking and passing another vehicle proceeding in the same direction unless the left side or center lane is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit

the overtaking and passing to be completely made without interfering with the safe operation of a vehicle approaching from the opposite direction or the vehicle overtaken.

2) A person who violates this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;--Am. 1978, Act 510, Eff. Aug. 1, 1979

257.639 Driving to left side of roadway; limitations; violation as civil infraction.

Sec. 639.

1) A vehicle shall not be driven to the left side of the roadway under the following conditions:

- a. When approaching the crest of a grade or upon a curve in the highway where the driver's view is obstructed within a distance as to create a hazard in the event another vehicle might approach from the opposite direction.
- b. When the view is obstructed upon approaching within 100 feet of a bridge, viaduct, or tunnel.

2) The limitations of subsection (1) shall not apply upon a 1-way roadway.

3) A person who violates this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;--Am. 1978, Act 510, Eff. Aug. 1, 1979

257.640 No-passing zones; determination; signs or markings; traffic control devices; violation as civil infraction.

Sec. 640.

1) The state highway commission and county road commissions shall determine those portions of a highway under their jurisdiction where overtaking and passing or driving to the left of the roadway would be especially hazardous, and by appropriate signs or markings on the roadway shall indicate the beginning and end of those zones in a manner enabling an ordinary observant driver of a vehicle to observe the directions and obey them. A sign shall be placed to the left of the highway on those portions of a highway where additional notice is considered necessary.

2) The no-passing zones provided for by this section shall be based upon a traffic survey and engineering study. Traffic-control devices installed pursuant to this section shall conform to the state manual and specifications as provided for by section 608.

3) A person who fails to obey the traffic-control devices installed pursuant to this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;--Am. 1959, Act 230, Eff. Mar. 19, 1960;--Am. 1965, Act 275, Imd. Eff. July 21, 1965;--Am. 1970, Act 120, Imd. Eff. July 23, 1970;--Am. 1971, Act 224, Imd. Eff. Dec. 30, 1971;--Am. 1978, Act 510, Eff. Aug. 1, 1979

257.643 Distance between vehicles; violation as civil infraction.

Sec. 643.

- 1) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of the vehicles and the traffic upon, and the condition of, the highway.
- 2) A person shall not operate a motor vehicle with a gross weight, loaded or unloaded, in excess of 5,000 pounds outside the corporate limits of a city or village, within 500 feet of a like vehicle described in this subsection, moving in the same direction, except when overtaking and passing the vehicle.
- 3) A distance of not less than 500 feet shall be maintained between 2 or more driven vehicles being delivered from 1 place to another.
- 4) A person who violates this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;--Am. 1978, Act 510, Eff. Aug. 1, 1979

257.649 Right-of-way; rules; violation as civil infraction.

Sec. 649.

- 1) The driver of a vehicle approaching an intersection shall yield the right of way to a vehicle which has entered the intersection from a different highway.
- 2) When 2 vehicles enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right.
- 3) The right of way rules declared in subsections (1) and (2) are modified at through highways and otherwise as stated in this chapter
- 4) The driver of a vehicle approaching a yield sign, in obedience to the sign, shall slow down to a speed reasonable for the existing conditions and shall yield the right of way to a vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time the driver would be moving across or within the intersection. However, if required for safety to stop, the driver shall stop before entering the crosswalk on the near side of the intersection or, if there is not a crosswalk, at a clearly marked stop line; but if there is not a crosswalk or a clearly marked stop line, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.
- 5) The driver of a vehicle traveling at an unlawful speed shall forfeit a right of way which the driver might otherwise have under this section.
- 6) Except when directed to proceed by a police officer, the driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection, or if there is not a crosswalk shall stop at a clearly marked stop line; or if there is not a crosswalk or a clearly marked stop line, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

After having stopped, the driver shall yield the right of way to a vehicle which has entered the intersection from another highway or which is approaching so closely on the highway as to constitute an immediate hazard during the time when the driver would be moving across or within the intersection.

- 7) When a vehicle approaches the intersection of a highway from an intersecting highway or street which is intended to be, and is constructed as, a merging highway or street, and is plainly marked at the intersection with appropriate merge signs, the vehicle shall yield right of way to a vehicle so close as to constitute an immediate hazard on the highway about to be entered and shall adjust its speed so as to enable it to merge safely with the through traffic.
- 8) A person who violates this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;--Am. 1955, Act 165, Imd. Eff. June 13, 1955;--Am. 1959, Act 234, Eff. Mar. 19, 1960;--Am. 1966, Act 237, Eff. Mar. 10, 1967;--Am. 1978, Act 510, Eff. Aug. 1, 1979

257.650 Right-of-way; turning left at intersection; violation as civil infraction.

Sec. 650.

- 1) The driver of a vehicle within an intersection intending to turn to the left shall yield the right of way to a vehicle approaching from the opposite direction which is within the intersection or so close to the intersection as to constitute an immediate hazard; but the driver, having so yielded and having given a signal when and as required by this chapter, may make the left turn and the drivers of all other vehicles approaching the intersection from the opposite direction shall yield the right of way to the vehicle making the left turn. At an intersection at which a traffic signal is located, a driver intending to make a left turn shall permit vehicles bound straight through in the opposite direction which are waiting a go signal to pass through the intersection before making the turn.
- 2) A person who violates this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;--Am. 1978, Act 510, Eff. Aug. 1, 1979

257.653 Immediate approach of authorized emergency vehicle; duty of driver of another vehicle; duty of streetcar operator; violation as civil infraction.

Sec. 653.

- 1) Upon the immediate approach of an authorized emergency vehicle equipped with not less than 1 lighted flashing, rotating, or oscillating lamp exhibiting a red or blue light visible under normal atmospheric condition from a distance of 500 feet to the front of the vehicle and when the driver is giving audible signal by siren, exhaust whistle, or bell:
 - a. The driver of another vehicle shall yield the right of way and shall immediately drive to a position parallel to and as close as possible to the right-hand edge or curb of the roadway, clear of an intersection, and shall

stop and remain in that position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

- b. The operator of a streetcar shall immediately stop the car, clear of an intersection, and shall keep it in that position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.
- 2) This section does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of persons using the highway.
 - 3) A person who violates this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;--Am. 1951, Act 270, Eff. Sept. 28, 1951;--Am. 1964, Act 7, Imd. Eff. Mar. 20, 1964;--Am. 1978, Act 510, Eff. Aug. 1, 1979

257.653a Stationary emergency vehicle giving visual signal; duty of approaching vehicle to exhibit due care and caution; violation; penalty.

Sec. 653a.

- 1) Upon approaching and passing a stationary authorized emergency vehicle that is giving a visual signal by means of flashing, rotating, or oscillating red, blue, or white lights as permitted by section 698, the driver of an approaching vehicle shall exhibit due care and caution, as required under the following:
 - a. On any public roadway with at least 2 adjacent lanes proceeding in the same direction of the stationary authorized emergency vehicle, the driver of the approaching vehicle shall proceed with caution and yield the right-of-way by moving into a lane at least 1 moving lane or 2 vehicle widths apart from the stationary authorized emergency vehicle, unless directed otherwise by a police officer. If movement to an adjacent lane or 2 vehicle widths apart is not possible due to weather, road conditions, or the immediate presence of vehicular or pedestrian traffic in parallel moving lanes, the driver of the approaching vehicle shall proceed as required in subdivision (b).
 - b. On any public roadway that does not have at least 2 adjacent lanes proceeding in the same direction as the stationary authorized emergency vehicle, or if the movement by the driver of the vehicle into an adjacent lane or 2 vehicle widths apart is not possible as described in subdivision (a), the approaching vehicle shall reduce and maintain a safe speed for weather, road conditions, and vehicular or pedestrian traffic and proceed with due care and caution, or as directed by a police officer.
- 2) Except as provided in subsections (3) and (4), a person who violates this section is guilty of a misdemeanor punishable by a fine of not more than \$500 or imprisonment for not more than 90 days, or both.
- 3) A person who violates this section and causes injury to a police officer, firefighter, or other emergency response personnel in the immediate area of the stationary authorized emergency vehicle is guilty of a felony punishable by a fine of not more than \$1,000 or imprisonment for not more than 2 years, or both.

- 4) A person who violates this section and causes death to a police officer, firefighter, or other emergency response personnel in the immediate area of the stationary authorized emergency vehicle is guilty of a felony punishable by a fine of not more than \$7,500 or by imprisonment for not more than 15 years, or both.

History: Add. 2000, Act 458, Eff. Mar. 28, 2001

257.654 Vehicles forming part of funeral procession; right-of-way; flags; passing through funeral procession with vehicle as civil infraction.

Sec. 654.

- 1) A motor vehicle forming part of a funeral procession, when going to a place of burial, shall have the right of way over all other vehicles except fire apparatus, ambulances, and police patrol vehicles at a street or highway intersection within this state if the vehicle in the funeral procession displays a flag which shall be fluorescent orange in color, and upon which shall be printed, stamped, or stained a black cross, the star of David, or the crescent and star. The lead vehicle and the last vehicle in the funeral procession may carry an additional flag. The flags shall not contain a name embossed or printed on the flag, except the word "funeral."
- 2) A person passing through a funeral procession of motor vehicles, designated pursuant to subsection (1), with a vehicle of any kind, is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;--Am. 1952, Act 9, Eff. Sept. 18, 1952;--Am. 1960, Act 105, Eff. Aug. 17, 1960;--Am. 1975, Act 49, Imd. Eff. May 20, 1975;--Am. 1978, Act 510, Eff. Aug. 1, 1979;--Am. 1979, Act 148, Eff. Jan. 1, 1980

257.667 Stopping at railroad grade crossing; driving through, around, or under crossing gate or barrier; violation as civil infraction.

Sec. 667.

- 1) When a person driving a vehicle approaches a railroad grade crossing under any of the following circumstances, the driver shall stop the vehicle not more than 50 feet but not less than 15 feet from the nearest rail of the railroad, and shall not proceed until the driver can do so safely:
 - a. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train.
 - b. A crossing gate is lowered or a flagman gives or continues to give a signal of the approach or passage of a railroad train.
 - c. A railroad train approaching within approximately 1,500 feet of the highway crossing gives a signal audible from that distance, and the train by reason of its speed or nearness to the crossing is an immediate hazard.

- d. An approaching railroad train is plainly visible and is in hazardous proximity to the crossing.
- 2) A person shall not drive a vehicle through, around, or under a crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is being opened or closed or against the direction of a police officer.
- 3) A person who violates this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;--Am. 1966, Act 237, Eff. Mar. 10, 1967;--Am. 1978, Act 510, Eff. Aug. 1, 1979;--Am. 2002, Act 534, Eff. Oct. 1, 2002

257.669 Certain vehicles to stop at railroad track grade crossing; driver to listen and look in both directions; shifting gears prohibited; exceptions; violation as civil infraction.

Sec. 669.

- 1) Except as provided in sections (2), (3), and (4), the driver of a motor vehicle transporting 16 or more passengers including the driver, a motor vehicle carrying passengers for hire, or a motor vehicle that is required to be marked or placarded under 49 CFR parts 100 to 180 before crossing a railroad track at grade, shall activate the vehicle hazard warning lights and stop the vehicle within 50 feet but not less than 15 feet from the nearest rail. While stopped, the driver shall listen and look in both directions along the track for an approaching train and for signals indicating the approach of a train, and shall not proceed until the driver can do so safely. After stopping as required in this subsection, and upon proceeding when it is safe to do so, the driver of the vehicle shall cross only in a gear of the vehicle that does not require changing gears while traversing the crossing. The driver shall not shift gears while crossing the track or tracks.
- 2) A stop need not be made at a railroad track grade crossing where a police officer or a traffic-control signal directs traffic to proceed.
- 3) A stop need not be made at an abandoned railroad track grade crossing. As used in this subsection, "abandoned railroad track" means a railroad track which meets all of the following requirements:
 - a. The track has been abandoned pursuant to federal law.
 - b. The track has been covered or removed.
 - c. All signs, signals, and other warning devices are removed.
- 4) A stop shall not be made at an industrial or spur line railroad grade crossing marked with a sign reading "exempt". Exempt signs may be erected only by or with the consent of the state transportation department after notice to and an opportunity to be heard by all railroads operating over that industrial or spur line.
- 5) A person who violates this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;--Am. 1965, Act 235, Imd. Eff. July 21, 1965;--Am. 1967, Act 99, Eff. Sept. 1, 1967;--Am. 1978, Act 510, Eff. Aug. 1, 1979;--Am. 1978, Act 612, Imd. Eff. Jan. 6, 1979;--Am. 1988, Act 383, Eff. Apr. 1, 1989;--Am. 1990, Act 188, Eff.

Aug. 15, 1990;--Am. 1995, Act 248, Imd. Eff. Dec. 27, 1995;--Am. 2002, Act 534, Eff. Oct. 1, 2002

257.669a Federal motor carrier safety regulations; adoption; transportation of persons and property over railroad-highway grade crossings.

Sec. 669a.

- 1) This state adopts motor carrier safety regulations 49 CFR 392.10 and 392.11 on file with the office of the secretary of state, to provide for the safe transportation of persons and property over railroad-highway grade crossings with the intent of following the policies and procedures of the United States department of transportation's federal motor carrier safety administration as they relate to title 49 of the code of federal regulations. For purposes of this subsection, "commercial motor vehicle" means that term as defined in section 7a.
- 2) The driver of a commercial motor vehicle shall comply with a lawful order or direction of a police officer guiding, directing, controlling, or regulating traffic at a railroad-highway grade crossing.
- 3) The driver of a commercial motor vehicle shall not cross a railroad-highway grade crossing unless the vehicle has sufficient undercarriage clearance.
- 4) The driver of a commercial motor vehicle shall not cross a railroad-highway grade crossing unless the vehicle can be driven completely through the crossing without stopping.
- 5) A person who violates this section is responsible for a civil infraction.

History: Add. 2002, Act 534, Eff. Oct. 1, 2002

257.682 Stopping for school bus displaying flashing red lights; exception; violation as civil infraction; meeting stopped school bus on divided highway; evidence; community service.

Sec. 682.

- 1) The driver of a vehicle overtaking or meeting a school bus which has stopped and is displaying 2 alternately flashing red lights located at the same level shall bring the vehicle to a full stop not less than 20 feet from the school bus and shall not proceed until the school bus resumes motion or the visual signals are no longer actuated. At an intersection where traffic is controlled by an officer or a traffic stop-and-go signal a vehicle need not be brought to a full stop before passing a stopped school bus, but may proceed past the school bus at a speed not greater than is reasonable and proper but not greater than 10 miles an hour and with due caution for the safety of passengers being received or discharged from the school bus. The driver of a vehicle who fails to stop for a school bus as required by this subsection, who passes a school bus in violation of this subsection, or who fails to stop for a school bus in violation of an ordinance that complies with this subsection, is responsible for a civil infraction.
- 2) The driver of a vehicle upon a highway which has been divided into 2 roadways by leaving an intervening space, or by a physical barrier, or clearly indicated

dividing sections so constructed as to impede vehicular traffic, need not stop upon meeting a school bus which has stopped across the dividing space, barrier, or section.

- 3) In a proceeding for a violation of subsection (1), proof that the particular vehicle described in the citation was in violation of subsection (1), together with proof that the defendant named in the citation was, at the time of the violation, the registered owner of the vehicle, shall constitute in evidence a presumption that the registered owner of the vehicle was the driver of the vehicle at the time of the violation.
- 4) In addition to the civil fine and costs provided for a civil infraction under section 907, the judge, district court referee, or district court magistrate may order a person who violates this section to perform not to exceed 100 hours of community service at a school.

History: 1949, Act 300, Eff. Sept. 23, 1949;--Am. 1956, Act 48, Eff. Aug. 11, 1956;--Am. 1957, Act 284, Eff. Sept. 27, 1957;--Am. 1958, Act 160, Eff. Sept. 13, 1958;--Am. 1962, Act 92, Eff. Mar. 28, 1963;--Am. 1963, Act 149, Eff. Sept. 6, 1963;--Am. 1969, Act 240, Eff. Mar. 20, 1970;--Am. 1978, Act 510, Eff. Aug. 1, 1979;--Am. 1979, Act 66, Eff. Aug. 1, 1979;--Am. 1982, Act 65, Imd. Eff. Apr. 8, 1982;--Am. 1990, Act 188, Eff. Aug. 15, 1990

257.683. Driving or moving vehicle in unsafe condition; condition and adjustment of parts and equipment; stopping and inspecting vehicle; citation; training requirements as motor carrier enforcement officer; additional parts and accessories; exceptions; violation as civil infraction.

Sec. 683.

- 1) A person shall not drive or move or the owner shall not cause or knowingly permit to be driven or moved on a highway a vehicle or combination of vehicles that is in such an unsafe condition as to endanger a person, or that does not contain those parts or is not at all times equipped with lamps and other equipment in proper condition and adjustment as required in sections 683 to 711, or that is equipped in a manner in violation of sections 683 to 711. A person shall not do an act forbidden or fail to perform an act required under sections 683 to 711.
- 2) A police officer on reasonable grounds shown may stop a motor vehicle and inspect the motor vehicle, and if a defect in equipment is found, the officer may issue the driver a citation for a violation of a provision of sections 683 to 711.
- 3) In order to be classified as a motor carrier enforcement officer, a police officer must have training equal to the minimum training requirements, including any annual training updates, established by the department of state police for an officer of the motor carrier division of the department of state police. A police officer who has received training equal to these minimum training requirements before the effective date of this section is considered a motor carrier enforcement officer for purposes of this act.
- 4) Sections 683 to 711 shall not prohibit the use of additional parts and accessories on a vehicle that are not inconsistent with those sections.

- 5) The provisions of sections 683 to 711 with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors, except as specifically provided in sections 683 to 711.
- 6) Except as otherwise provided in section 698 or 707d, a person who violates a provision of sections 683 to 711 with respect to equipment on vehicles is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;--Am. 1978, Act 510, Eff. Aug. 1, 1979;--Am. 1979, Act 66, Eff. Aug. 1, 1979;--Am. 2000, Act 97, Imd. Eff. May 15, 2000;--Am. 2005, Act 179, Imd. Eff. Oct. 20, 2005

257.698a Vehicular traffic hazard; front and rear warning lamps.

Sec. 698a. Any vehicle may be equipped with lamps which may be used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing, and when so equipped may display such warning in addition to any other warning signals required by this act. The lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable, and shall display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights, or any shade of color between amber and red. These warning lights shall be visible from a distance of not less than 500 feet under normal atmospheric conditions at night.

History: Add. 1962, Act 166, Eff. Mar. 28, 1963

257.710e Safety belt required; driver or passenger to which section inapplicable; transporting child 4 years of age but less than 16 years of age; enforcement of section; violation as evidence of negligence; reduction of recovery for damages; violation as civil infraction; reports of police harassment; effect of primary enforcement; report of findings; intent; assessment of points prohibited.

Sec. 710e.

- 1) This section does not apply to an operator or passenger of any of the following:
 - a. A motor vehicle manufactured before January 1, 1965.
 - b. A bus.
 - c. A motorcycle.
 - d. A moped.
 - e. A motor vehicle if the operator or passenger possesses a written verification from a physician that the operator or passenger is unable to wear a safety belt for physical or medical reasons.
 - f. A motor vehicle that is not required to be equipped with safety belts under federal law.
 - g. A commercial or United States postal service vehicle that makes frequent stops for the purpose of pickup or delivery of goods or services.
 - h. A motor vehicle operated by a rural carrier of the United States postal service while serving his or her rural postal route.

- 2) This section shall not apply to a passenger of a school bus.
- 3) Each operator and front seat passenger of a motor vehicle operated on a street or highway in this state shall wear a properly adjusted and fastened safety belt except as follows:
 - a. A child who is less than 4 years of age shall be protected as required in section 710d.
 - b. A child who is 4 years of age or older but less than 8 years of age and who is less than 4 feet 9 inches in height shall be properly secured in a child restraint system in accordance with the child restraint manufacturer's and vehicle manufacturer's instructions and the standards prescribed in 49 CFR 571.213.
- 4) If there are more passengers than safety belts available for use, and all safety belts in the motor vehicle are being utilized in compliance with this section, the operator of the motor vehicle is in compliance with this section.
- 5) Except as otherwise provided in subsection (3)(b), each operator of a motor vehicle transporting a child 4 years of age or older but less than 16 years of age in a motor vehicle shall secure the child in a properly adjusted and fastened seat belt and seated as required under this section. If the motor vehicle is transporting more children than there are safety belts available for use, all safety belts available in the motor vehicle are being utilized in compliance with this section, and the operator and all front seat passengers comply with subsection (3), the operator of a motor vehicle transporting a child 8 years of age or older but less than 16 years of age for which there is not an available safety belt in compliance with this subsection if that child is seated in other than the front seat of the motor vehicle. However, if that motor vehicle is a pickup truck without an extended cab or jump seats, and all safety belts in the front seat are being used, the operator may transport the child in the front seat without a safety belt.
- 6) If after December 31, 2005 the office of highway safety planning certifies that there has been less than 80% compliance with the safety belt requirements of this section during the preceding year, enforcement of this section by state or local law enforcement agencies shall be accomplished only as a secondary action when an operator of a motor vehicle has been detained for a suspected violation of another section of this act.
- 7) Failure to wear a safety belt in violation of this section may be considered evidence of negligence and may reduce the recovery for damages arising out of the ownership, maintenance, or operation of a motor vehicle. However, that negligence shall not reduce the recovery for damages by more than 5%.
- 8) A person who violates this section is responsible for a civil infraction.
- 9) A law enforcement agency shall conduct an investigation for all reports of police harassment that result from the enforcement of this section.
- 10) The secretary of state shall engage an independent organization to conduct a 3-year study to determine the effect that the primary enforcement of this

section has on the number of incidents of police harassment of motor vehicle operators. The organization that conducts the study shall submit a report to the legislature not later than June 30, 2001 and an annual report not later than June 30 each year thereafter.

- 11) The secretary of state shall promote compliance with the safety belt requirements of this section at the branch offices and through any print or visual media determined appropriate by the secretary of state.
- 12) It is the intent of the legislature that the enforcement of this section be conducted in a manner calculated to save lives and not in a manner that results in the harassment of the citizens of this state.
- 13) Points shall not be assessed under section 320a for a violation of this section.

History: Add. 1985, Act 1, Eff. July 1, 1985;--Am. 1989, Act 3, Imd. Eff. Apr. 6, 1989;--Am. 1990, Act 90, Eff. Mar. 28, 1991;--Am. 1991, Act 25, Imd. Eff. May 20, 1991;--Am. 1999, Act 29, Eff. Mar. 10, 2000;--Am. 2008, Act 43, Eff. July 1, 2008

257.715a Inspection of certain school buses, buses, or other motor vehicles with seating capacity of 12 or more; delegation of inspection; rules.

Sec. 715a.

- 1) A school bus, bus, or other motor vehicle with a manufacturers rated seating capacity of 12 or more which is owned, leased or used by a nonpublic school, religious organization, nonprofit youth organization, nonprofit rehabilitation facility, or senior citizen center for the transportation of passengers shall not be operated on a highway unless the vehicle has been inspected as provided in this section.
- 2) The department of state police shall inspect each school bus, bus, or other motor vehicle with a manufacturers rated seating capacity of 12 or more, which is owned, leased or used by a nonpublic school, religious organization, nonprofit youth organization, nonprofit rehabilitation facility, or senior citizen center for the transportation of passengers, annually, and more frequently if defects are found in the organization's vehicles, to determine if the vehicles meet the specifications of the department of state police. The department of state police may delegate the inspection of vehicles under this section to publicly employed inspectors if the inspections comply with this section.
- 3) The department of state police shall promulgate rules for safety equipment for a school bus, bus, or other motor vehicle regulated under this section pursuant to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws.

History: Add. 1978, Act 547, Imd. Eff. Dec. 22, 1978;--Am. 1984, Act 269, Imd. Eff. Dec. 18, 1984

257.907 Civil infraction not crime; payment of civil fine and costs; program of treatment, education, or rehabilitation; sanctions; schedule of civil fines, costs, and assessments; recommended range of civil fines and costs; certification of repair of defective equipment; collection of civil fines or costs; noncompliance with order or judgment; additional assessment; waiver of fines, costs, and assessments.

Sec. 907.

- 1) A violation of this act, or a local ordinance substantially corresponding to a provision of this act, that is designated a civil infraction shall not be considered a lesser included offense of a criminal offense.
- 2) If a person is determined pursuant to sections 741 to 750 to be responsible or responsible "with explanation" for a civil infraction under this act or a local ordinance substantially corresponding to a provision of this act, the judge or district court magistrate may order the person to pay a civil fine of not more than \$100 and costs as provided in subsection (4). However, if the civil infraction was a moving violation that resulted in an at-fault collision with another vehicle, a person, or any other object, the civil fine ordered under this section shall be increased by \$25 but the total civil fine shall not exceed \$100. However, for a violation of section 602b, the person shall be ordered to pay costs as provided in subsection (4) and a civil fine of \$100 for a first offense and \$200 for a second or subsequent offense. For a violation of section 674(1)(s) or a local ordinance substantially corresponding to section 674(1)(s), the person shall be ordered to pay costs as provided in subsection (4) and a civil fine of not less than \$100 or more than \$250. For a violation of section 328, the civil fine ordered under this subsection shall be not more than \$50. For a violation of section 710d, the civil fine ordered under this subsection shall not exceed \$10. For a violation of section 710e, the civil fine and court costs ordered under this subsection shall be \$25. For a violation of section 682 or a local ordinance substantially corresponding to section 682, the person shall be ordered to pay costs as provided in subsection (4) and a civil fine of not less than \$100 or more than \$500. For a violation of section 240, the civil fine ordered under this subsection shall be \$15. For a violation of section 252a(1), the civil fine ordered under this subsection shall be \$50. For a violation of section 676a(3), the civil fine ordered under this section shall be not more than \$10. For a violation of section 319f(1), the civil fine ordered under this section shall be not less than \$1,100 or more than \$2,750. For a violation of section 319g(1)(a), the civil fine ordered under this section shall be not more than \$10,000. For a violation of section 319g(1)(b), the civil fine ordered under this section shall be not less than \$2,750 or more than \$11,000. Permission may be granted for payment of a civil fine and costs to be made within a specified period of time or in specified installments, but unless permission is included in the order or judgment, the civil fine and costs shall be payable immediately.
- 3) Except as provided in this subsection, if a person is determined to be responsible or responsible "with explanation" for a civil infraction under this act or a local ordinance substantially corresponding to a provision of this act while driving a commercial motor vehicle, he or she shall be ordered to pay costs as provided in subsection (4) and a civil fine of not more than \$250. If a person is determined to be responsible or responsible "with explanation" for a civil infraction under section 319g or a local ordinance substantially corresponding to

section 319g, that person shall be ordered to pay costs as provided in subsection (4) and a civil fine of not more than \$10,000.

- 4) If a civil fine is ordered to be paid under subsection (2) or (3), the judge or district court magistrate shall summarily tax and determine the costs of the action, which are not be limited to the costs taxable in ordinary civil actions, and may include all expenses, direct and indirect, to which the plaintiff has been put in connection with the civil infraction, up to the entry of judgment. Costs shall not be ordered in excess of \$100. A civil fine ordered under subsection (2) or (3) shall not be waived unless costs ordered under this subsection are waived. Except as otherwise provided by law, costs shall be payable to the general fund of the plaintiff.
- 5) In addition to a civil fine and costs ordered under subsection (2) or (3) and subsection (4) and the justice system assessment ordered under subsection (14), the judge or district court magistrate may order the person to attend and complete a program of treatment, education, or rehabilitation.
- 6) A district court magistrate shall impose the sanctions permitted under subsections (2), (3), and (5) only to the extent expressly authorized by the chief judge or only judge of the district court district.
- 7) Each district of the district court and each municipal court may establish a schedule of civil fines, costs, and assessments to be imposed for civil infractions which occur within the respective district or city. If a schedule is established, it shall be prominently posted and readily available for public inspection. A schedule need not include all violations that are designated by law or ordinance as civil infractions. A schedule may exclude cases on the basis of a defendant's prior record of civil infractions or traffic offenses, or a combination of civil infractions and traffic offenses.
- 8) The state court administrator shall annually publish and distribute to each district and court a recommended range of civil fines and costs for first-time civil infractions. This recommendation is not binding upon the courts having jurisdiction over civil infractions but is intended to act as a normative guide for judges and district court magistrates and a basis for public evaluation of disparities in the imposition of civil fines and costs throughout the state.
- 9) If a person has received a civil infraction citation for defective safety equipment on a vehicle under section 683, the court shall waive a civil fine, costs, and assessments upon receipt of certification by a law enforcement agency that repair of the defective equipment was made before the appearance date on the citation.
- 10) A default in the payment of a civil fine or costs ordered under subsection (2), (3), or (4) or a justice system assessment ordered under subsection (14), or an installment of the fine, costs, or assessment, may be collected by a means authorized for the enforcement of a judgment under chapter 40 of the revised judicature act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, or under chapter 60 of the revised judicature act of 1961, 1961 PA 236, MCL 600.6001 to 600.6098.
- 11) If a person fails to comply with an order or judgment issued pursuant to this section within the time prescribed by the court, the driver's license of that

person shall be suspended pursuant to section 321a until full compliance with that order or judgment occurs. In addition to this suspension, the court may also proceed under section 908.

- 12) The court shall waive any civil fine, cost, or assessment against a person who received a civil infraction citation for a violation of section 710d if the person, before the appearance date on the citation, supplies the court with evidence of acquisition, purchase, or rental of a child seating system meeting the requirements of section 710d.
- 13) Until October 1, 2003, in addition to any civil fines and costs ordered to be paid under this section, the judge or district court magistrate shall levy an assessment of \$5 for each civil infraction determination, except for a parking violation or a violation for which the total fine and costs imposed are \$10 or less. An assessment paid before October 1, 2003 shall be transmitted by the clerk of the court to the state treasurer to be deposited into the Michigan justice training fund. An assessment ordered before October 1, 2003 but collected on or after October 1, 2003 shall be transmitted by the clerk of the court to the state treasurer for deposit in the justice system fund created in section 181 of the revised judiciary act of 1961, 1961 PA 236, MCL 600.181. An assessment levied under this subsection is not a civil fine for purposes of section 909.
- 14) Effective October 1, 2003, in addition to any civil fines or costs ordered to be paid under this section, the judge or district court magistrate shall order the defendant to pay a justice system assessment of \$40 for each civil infraction determination, except for a parking violation or a violation for which the total fine and costs imposed are \$10 or less. Upon payment of the assessment, the clerk of the court shall transmit the assessment collected to the state treasury to be deposited into the justice system fund created in section 181 of the revised judiciary act of 1961, 1961 PA 236, MCL 600.181. An assessment levied under this subsection is not a civil fine for purposes of section 909.
- 15) If a person has received a citation for a violation of section 223, the court shall waive any civil fine, costs, and assessment, upon receipt of certification by a law enforcement agency that the person, before the appearance date on the citation, produced a valid registration certificate that was valid on the date the violation of section 223 occurred.
- 16) If a person has received a citation for a violation of section 328(1) for failing to produce a certificate of insurance pursuant to section 328 (2), the court may waive the fee described in section 328(3)(c) and shall waive any fine, costs, and any other fee or assessment otherwise authorized under this act upon receipt of verification by the court that the person, before the appearance date on the citation, produced valid proof of insurance that was in effect at the time the violation of section 328(1) occurred. Insurance obtained subsequent to the time of the violation does not make the person eligible for a waiver under this subsection.
- 17) As used in this section, "moving violation" means an act or omission prohibited under this act or a local ordinance substantially corresponding to this act that involves the operation of a motor vehicle and for which a fine may be assessed.

History: Add. 1978, Act 510, Eff. Aug. 1, 1979;--Am. 1980, Act 459, Imd. Eff. Jan. 15, 1981;--Am. 1981, Act 117, Eff. Mar. 31, 1982;--Am. 1982, Act 51, Eff. Mar. 30, 1983;--Am.

1982, Act 301, Imd. Eff. Oct. 12, 1982;--Am. 1984, Act 30, Eff. Apr. 28, 1984;--Am. 1984, Act 364, Eff. Mar. 29, 1985;--Am. 1985, Act 1, Eff. July 1, 1985;--Am. 1988, Act 346, Eff. Jan. 1, 1989;--Am. 1989, Act 89, Eff. Sept. 19, 1989;--Am. 1995, Act 287, Imd. Eff. Jan. 9, 1996;--Am. 1998, Act 103, Eff. Aug. 15, 1998;--Am. 2001, Act 214, Imd. Eff. Dec. 27, 2001;--Am. 2002, Act 534, Eff. Oct. 1, 2002;--Am. 2003, Act 34, Eff. Oct. 1, 2003;--Am. 2003, Act 73, Eff. Oct. 1, 2003;--Am. 2004, Act 52, Eff. May 1, 2004;--Am. 2004, Act 62, Eff. May 3, 2004;--Am. 2004, Act 493, Eff. Oct. 1, 2005;--Am. 2005, Act 1, Imd. Eff. Mar. 24, 2005;--Am. 2006, Act 298, Imd. Eff. July 20, 2006;--Am. 2008, Act 463, Eff. Oct. 31, 2010;--Am. 2010, Act 59, Eff. July 1, 2010

Additional Resources

Michigan Department of Education

- Advisory Practices and Guidelines
- Forms and Publications
- Laws Related to Pupil Transportation
- Publications

Michigan Legislature

Michigan Department of State Police

NHTSA (National Highway Traffic Safety Association)