



# MICHIGAN STATE POLICE LEGAL UPDATE

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## CRIMINAL LAW AND PROCEDURE MANUAL

The fourth edition of *Michigan Criminal Law and Procedure: A Manual for Michigan Police Officers* is now available for purchase in print and eBook formats.

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## VEHICLE CODE

***The Michigan Vehicle Code amended to require drivers to reduce speed by at least 10 mph below the speed limit when approaching certain stationary vehicles with flashing, rotating, or oscillating lights proceeding in the same direction.***

### Stationary Authorized Emergency Vehicles

Public Act 349 of 2018 amended [MCL 257.653a](#) to require a driver approaching and passing a stationary "authorized emergency vehicle," as defined under [MCL 257.2](#), giving a visual signal with flashing, rotating, or oscillating lights to reduce his or her speed by at least 10 mph below the posted speed limit when on a roadway with at least two adjacent lanes proceeding in the same direction as that stationary vehicle.

In addition, the driver is required to proceed with caution and yield the right-of-way by moving to a lane that is at least one moving lane or two vehicle widths apart from the stationary authorized emergency vehicle, unless directed otherwise by a police officer. [MCL 257.653a\(1\)\(a\)](#).

If yielding the right-of-way as described in [MCL 257.653a\(1\)\(a\)](#) is not possible due to weather, road conditions, or the immediate presence of vehicles or pedestrians in parallel moving lanes, or if the driver is on a public roadway that does not have at least two adjacent lanes proceeding in the same direction as the stationary authorized emergency vehicle, the driver is required to proceed with due care and caution and shall reduce his or her speed by at least 10 mph below the posted speed limit, or follow the direction of a police officer. [MCL 257.653a\(1\)\(b\)](#).

A driver on a highway divided into two roadways by an intervening space, physical barrier, or clearly indicated dividing section constructed to impede vehicular traffic is not required to proceed with caution, reduce speed, or yield the right-of-way for an authorized emergency vehicle stopped across the space, barrier, or section. [MCL 257.653a\(5\)](#).

Under [MCL 257.653a\(2\)](#), a violation of [MCL 257.653a](#) is currently punishable as a 90-day misdemeanor, unless the violation causes injury or death to emergency response personnel as described under [MCL 257.653a\(3\)](#) or (4), in which case the violation is punishable as a felony. However, [MCL 257.653a\(2\)](#), as amended, states that beginning 60 days after the effective date of PA 349 (i.e., beginning April 14, 2019), a violation of [MCL 257.653a](#), other than a violation described under [MCL 257.653a\(3\)](#) or (4), is a civil infraction.

### Certain Other Stationary Vehicles

Public Act 349 of 2018 also amended [MCL 257.653b](#) to require a driver approaching and passing a stationary "solid waste collection vehicle," "utility service vehicle," or "road maintenance vehicle," as those terms are defined under [MCL 257.653b\(3\)](#), giving a visual signal with flashing, rotating, or oscillating lights to follow the same rules as a driver approaching and passing a stationary authorized emergency vehicle under [MCL 257.653a](#), as amended.

A violation of [MCL 257.653b](#) is punishable as a 90-day misdemeanor under [MCL 257.901](#) because the violation is not expressly prescribed as a felony or civil infraction. Unlike [MCL 257.653a](#), [MCL 257.653b](#) does not include provisions making a violation causing injury or death to personnel in the immediate area of the stationary vehicle punishable as a felony.