

City of AuGres

AuGres, Michigan 48703

CITY OF AUGRES ORDINANCE NO. 7

An ordinance to adopt by reference the Uniform Traffic Code for Michigan cities, townships and villages.

The City of AuGres ordains:

Sec. 1 CODE ADOPTED

The Uniform Traffic Code for cities, Townships and villages promulgated by the Director of State Police and published in the 1979 edition of the Michigan Administrative Code and amendments as published in the Quarterly Supplement No. 5 to the 1979 edition of the Michigan Administrative Code, in accordance with Public Act 62 of 1956, State of Michigan, is hereby adopted by reference as in this ordinance modified.

Sec. 2 REFERENCES IN CODE

References in the Uniform Traffic Code for Michigan Cities, Townships and Villages to "Governmental Unit" shall mean the City of AuGres

Sec. 3 NOTICE TO BE PUBLISHED

The City Clerk shall publish this ordinance in the manner required by law and shall at the same time publish a supplementary notice setting forth the purpose of the said Uniform Traffic Code and of the fact that a complete copy of the Code is available at the office of the Clerk for inspection by the public at all times.

Sec. 4 CONFLICTING ORDINANCES REPEALED

All other ordinances inconsistent with the provisions of the Uniform Traffic Code are, to the extent of such inconsistency, hereby repealed.

Sec. 5 WHEN EFFECTIVE

The Uniform Traffic Code will be in effect in this governmental unit 30 days after the passage of this adopting ordinance.

Adopted: August 6, 1981

Dorothy Hill
Dorothy Hill, City Clerk

Dorothy Hill

City Clerk, City of AuGres

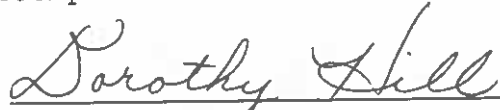
NOTICE OF ADOPTION OF UNIFORM TRAFFIC CODE

Notice is hereby given that pursuant to the provisions of Act 62 of the Public Acts of 1956, State of Michigan, the Uniform Traffic Code and Amendments thereto for Cities, Townships and Villages was adopted by reference by the Council of the City of AuGres on the 3rd day of August, 1978.

The purpose of such Code is to regulate the operation of vehicles, to provide for the regulation and use of streets, highways and alleys and other public and semi-public places within the City of AuGres and to provide penalties for the violation of said Code.

Complete copies of the Uniform Traffic Code and Amendments thereto are available at the office of the City Clerk for inspection by and distribution to the public at all times.

No further or additional publication of the Uniform Traffic Code is required or contemplated.


Dorothy Hill

, Clerk

DATED: August 3 , 1978.

City of Au Gres

Au Gres, Michigan 48703

December 7, 1978

An ordinance to adopt by reference an amendment to the Uniform Traffic Code for Michigan Cities, Townships, and Villages.

The City of Au Gres ordains:

Section 5.10

That, the speed limit will be Thirty-Five (35) miles per hour on South Main Street, commencing at U.S. 23, thence Southerly to the Au Gres City Limits.

EFFECTIVE DATE

The effective date of this amendment to the Uniform Traffic Code will be December 27, 1978.

Adopted: December 7, 1978.....Page 134 Minute Book

Dorothy Hill Clerk
Dorothy Hill

Edward Tarnosky Mayor
Edward Tarnosky

DEPARTMENT OF STATE POLICE

TRAFFIC SERVICES DIVISION

UNIFORM TRAFFIC CODE FOR CITIES, TOWNSHIPS, AND VILLAGES

EMERGENCY RULES

Rec'd 7/30/79
Ordinance #7

Filed with the Secretary of State on
These rules take effect upon filing with the Secretary of State

(By authority conferred on the department of state police by section 1 of Act No. 62 of the Public Acts of 1956, as amended, and section 48 of Act No. 306 of the Public Acts of 1969, as amended, being §§257.951 and 24.248 of the Michigan Compiled Laws)

R 28.1001, R 28.1101, R 28.1104, R 28.1108, R 28.1110, R 28.1114, R 28.1115, R 28.1117d, R 28.1136b, R 28.1208, R 28.1306, R 28.1318, R 28.1410, R 28.1414, R 28.1414a, R 28.1414b, R 28.1415, R 28.1415a, R 28.1415b, R 28.1415c, R 28.1415d, R 28.1416b, R 28.1422, R 28.1426, R 28.1428a, R 28.1444, R 28.1454, R 28.1455, R 28.1455a, R 28.1456, R 28.1457, R 28.1462, R 28.1462a, R 28.1463, R 28.1463a, R 28.1464 to R 28.1470, R 28.1474 to R 28.1477, R 28.1478, R 28.1478a, R 28.1479, R 28.1481, R 28.1485, R 28.1487, R 28.1488, R 28.1490, R 28.1492, R 28.1601, R 28.1602, R 28.1608, R 28.1610, R 28.1611, R 28.1613, R 28.1616, R 28.1620, R 28.1623, R 28.1624 to R 28.1627, R 28.1708, R 28.1810, R 28.1903, R 28.2023, R 28.2034, R 28.2039, and R 28.2074 of the Michigan Administrative Code, appearing on pages 309, 322, 324, 329 to 331, 333, 335 to 337, and 341 of the 1957 Annual Supplement to the Code, page 1376 of the 1960 Annual Supplement to the Code, pages 4620 to 4623, 4625, 4626, 4628, 4631 to 4633, 4635, and 4637 to 4639 of the 1968 Annual Supplement to the Code, pages 5348 and 5349 of the 1970-71 Annual Supplements to the Code, pages 8380 to 8384, 8386, 8387, 8389 to 8398, and 8401 to 8403 of the 1976 Annual Supplement to the Code, and pages 5 and 6 of Quarterly Supplement No. 94 to the Code, are amended, and R 28.1110a to R 28.1110i, R 28.1415e, R 28.1415f, R 28.1455b, R 28.1487a, R 28.1604a, R 28.1703a, and R 28.2060 are added, to read as hereinafter set forth.

R 28.1111, R 28.1477a, R 28.1482 to R 28.1484, and R 28.1486 of the Michigan Administrative Code, appearing on page 332 of the 1957 Annual Supplement to the Code, pages 4621 and 4633 of the 1968 Annual Supplement to the Code, and page 8395 of the 1976 Annual Supplement to the Code, are rescinded.

FINDING OF EMERGENCY

Public Act 514 of 1978 amends the title and section 1 of Act No. 62 of the Public Acts of 1956, which authorized the Uniform Traffic Code for Cities, Townships and Villages (R 28.1001 - R 28.2075). This amendment requires the Director of State Police to specify whether a person who violates a particular provision of the Uniform Traffic Code is guilty of a misdemeanor or is responsible for a civil infraction. This action has resulted in major changes to the Uniform Traffic Code.

In the process of updating these rules, the Department of State Police has included recent pertinent legislation which has become effective since the 1976 edition of the Uniform Traffic Code.

7/17/79

CHAPTER 1 - WORDS AND PHRASES DEFINED

R 28.1001. Sec. 1.1. Words and phrases.

The following words and phrases when used in this ordinance shall, for the purpose of this ordinance, have the meanings respectively ascribed to them in this chapter. Whenever any word or phrase used herein is not defined herein but is defined in Act No. 300 of the Public Acts of 1949, as amended, being § 257.1 et seq. of the Michigan Compiled Laws, the definition therein shall be deemed to apply to the words and phrases used herein.

Sec. 1.000. Act.

"Act" means Act No. 300 of the Public Acts of 1949, as amended.

Sec. 1.001. Alley.

"Alley" means a minor thoroughfare, opened to public use, for the purpose of ingress and egress to service adjacent buildings.

Sec. 1.001a. Ambulance.

"Ambulance" means a privately or publicly owned motor vehicle for highway use which is specially designed or constructed and equipped, which is intended to be used for, and is maintained or operated for, the transportation of persons who are sick, injured, wounded, or otherwise incapacitated or helpless, including dual purpose police patrol cars and funeral coaches or hearses, and which is equipped according to section 7 of Act No. 258 of the Public Acts of 1968, as amended, being § 257.1207 of the Michigan Compiled Laws.

Sec. 1.002. Authorized emergency vehicle.

"Authorized emergency vehicle" means vehicles of the fire department, police vehicles, ambulances, privately owned motor vehicles of volunteer or paid firemen, or privately owned motor vehicles of volunteer ambulance drivers or licensed ambulance drivers or attendants as are authorized by the department of state police.

Sec. 1.003. Bicycle.

"Bicycle" means a device propelled by human power upon which a person may ride, having either 2 or 3 wheels in a tandem or tricycle arrangement, all of which are over 14 inches in diameter.

Sec. 1.003a. Bicycle path.

"Bicycle path" means a portion of a street or highway which is separated from the roadway by an open, unpaved space or by a barrier and which is established for the use of persons riding bicycles.

Sec. 1.003b. Bicycle lane.

"Bicycle lane" means a portion of a street or highway which is adjacent to the roadway and which is established for the use of persons riding bicycles.

Sec. 1.007a. Controlled substance.

"Controlled substance" means a controlled substance as defined by Act No. 196 of the Public Acts of 1971, as amended, being § 335.301 et seq. of the Michigan Compiled Laws.

Sec. 1.008. Crosswalk.

"Crosswalk" means either of the following:

(1) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable highway.

(2) Any portion of a highway, at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Sec. 1.009. Curb loading zone.

"Curb loading zone" means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

Sec. 1.009a. Department.

"Department" means department of state.

Sec. 1.010. Driver.

"Driver" means every person who drives, or is in actual physical control of, a vehicle.

Sec. 1.010a. Explosives.

"Explosives" means any chemical compound or mechanical mixture that is commonly used for or intended to be used for, producing an explosion and which contains any oxidizing and combustible units or other ingredients in those proportions, quantities, or packing that an ignition by fire, friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructible effects on contiguous objects or of destroying life or limb.

Sec. 1.010b. Farm tractor.

"Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

Sec. 1.010c. Flammable liquid.

"Flammable liquid" means any liquid that has a flash point of 70 degrees Fahrenheit or less, as determined by a tagliabue or equivalent closed-cup test device.

have no legal right of access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway.

Sec. 1.016. Motorcycle.

"Motorcycle" means every motor vehicle having a saddle or seat for the use of the rider and designed to travel on not more than 3 wheels in contact with the ground, but excludes tractors.

Sec. 1.016a. Moped.

"Moped" means a 2- or 3- wheeled vehicle with operable pedals which is equipped with a motor that does not exceed 50 cubic centimeters piston displacement, produces 1.5 brake horsepower or less, and cannot propel the vehicle at a speed of more than 25 miles per hour on a level surface.

Sec. 1.017. Motor vehicle.

"Motor vehicle" means every vehicle that is self-propelled and every vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

Sec. 1.018. Official time standard.

"Official time standard" means whenever certain hours are named herein they shall mean standard time or daylight-saving time as may be in current use in this governmental unit.

Sec. 1.018a. Operator, operating.

"Operator" or "operating" means a person who drives or is in actual physical control of a vehicle regardless of whether or not the person is licensed under this act as an operator or a chauffeur.

Sec. 1.019. Parking.

"Parking" means standing a vehicle, whether occupied or not, upon a highway when not loading or unloading, except when making necessary repairs.

Sec. 1.020. Parking meter zone.

"Parking meter zone" means an area adjacent to a parking meter set aside for the exclusive use of vehicles upon the deposit of a coin of United States currency in the parking meter as specified thereon.

Sec. 1.021. Passenger curb loading zone.

"Passenger curb loading zone" means a place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

Sec. 1.022. Pedestrian.

"Pedestrian" means a person afoot.

Sec. 1.031a. School bus.

"School bus" means every motor vehicle, except station wagons, with a manufacturer's rated seating capacity of 8 or more children, owned by a public, private, or governmental agency, and operated for the transportation of children to or from school. The term also means every motor vehicle, except station wagons, that is privately owned and operated for compensation for the transportation of children to or from school. The term does not include buses operated by a municipally owned transportation system or by a common passenger carrier certificated by the public service commission.

Sec. 1.031b. School crossing.

"School crossing" means a crosswalk designated by the department of transportation, a county road commission, or a local authority as a place to be used by school children for crossing a street or highway.

Sec. 1.031c. School-crossing guard.

"School-crossing guard" means a person 18 years of age or older authorized to supervise children using a school crossing as provided in section 613c of the act.

Sec. 1.031d. Semitrailer.

"Semitrailer" means every vehicle, with or without motive power, other than a pole-trailer, designed for carrying persons or property, designed for being drawn by a motor vehicle, and so constructed that some part of its weight and that of its load rests upon, or is carried by, another vehicle.

Sec. 1.032. Sidewalk.

"Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

Sec. 1.033. Stand or standing.

"Stand" or "standing" means the halting of a vehicle, whether occupied or not, other than for the purpose of, and while actually engaged in, receiving or discharging passengers.

Sec. 1.034. Stop.

"Stop", when required, means complete cessation from movement.

Sec. 1.035. Stop or stopping.

"Stop" or "stopping", when prohibited, means any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

Sec. 1.043a. Trailer.

"Trailer" means every vehicle, with or without motive power, other than a pole-trailer, designed for carrying property or persons, designed for being drawn by a motor vehicle, and so constructed that no part of its weight rests upon the towing vehicle.

Sec. 1.043b. Trailer coach.

"Trailer coach" means every vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes and drawn by another vehicle.

Sec. 1.044. Vehicle.

"Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices exclusively moved by human power or used exclusively upon stationary rails or tracks and excepting a mobile home as defined in section 2 of Act No. 419 of the Public Acts of 1976, as amended, being § 125.1102 of the Michigan Compiled Laws.

and sections 617 and 619 and subdivisions 1, 2, and 3 of section 727 of the act, the arresting officer shall prepare, as soon as possible and as completely as possible, an original and 3 copies of a written citation to appear in court containing the name and address of such person, the offense charged, and the time and place when and where such person shall appear in court. The officer shall inform the offender of the violation and shall give the third copy of the citation to the alleged offender. If such arrested person so demands, rather than being given a citation, the arrested person shall be taken before a magistrate or probate court having jurisdiction.

(2) The time specified in the citation to appear shall be within a reasonable time after the arrest, unless the person arrested shall demand an earlier hearing.

(3) The place specified in the citation to appear shall be before a magistrate having jurisdiction over the alleged offense charged in the citation.

(4) Appearance may be made in person, by representation, or by mail. When appearance is made by representation or mail, the magistrate may accept the plea of guilty or not guilty for purpose of arraignment, with the same effect as though the person personally appeared before him. The magistrate, by giving 5 days' notice of the date of appearance, may require appearance in person at the time and place designated in the citation.

R 28.1110a. Sec. 2.10a. Civil infraction; plaintiff; jurisdiction; time and place of appearance; minors.

(1) A civil infraction action is a civil action in which the defendant is alleged to be responsible for a civil infraction. A civil infraction action is commenced upon the issuance and service of a citation as provided in section 2.10b of these rules. The plaintiff in a civil infraction action shall be either the state if the alleged civil infraction is a violation of these rules, or shall be a political subdivision if the alleged civil infraction is a violation of a local ordinance of that subdivision which substantially corresponds to a provision of these rules.

(2) The following courts shall have jurisdiction over civil infraction actions:

- (a) The district court.
- (b) The recorder's court of the city of Detroit, traffic and ordinance division.
- (c) Any municipal court.

(3) The time specified in the citation for appearance shall be within a reasonable time after the citation is issued pursuant to section 742 of the act.

(4) The place specified in the citation for appearance shall be the court listed in subsection (2) which has territorial jurisdiction of the place where the civil infraction occurred. Venue in the district court shall be governed by section 8312 of Act No. 236 of the Public Acts of 1961, as amended, being § 600.8312 of the Michigan Compiled Laws.

(8) As used in subsection (6):

- (a) "Parking violation notice" means a notice, other than a citation, directing a person to appear at a parking violations bureau in the city, village, or township in which, or of the college or university for which, the notice is issued and to pay the fine and costs, if any, prescribed by ordinance for the parking or standing of a motor vehicle in violation of the ordinance.
- (b) "Parking violations bureau" means a parking violations bureau established pursuant to section 8395 of Act No. 236 of the Public Acts of 1961, as amended, being § 600.8395 of the Michigan Compiled Laws, the violation bureau established within the traffic and ordinance division of the recorder's court of the city of Detroit, or a comparable parking violations bureau established in a city or village served by a municipal court or established pursuant to law by the governing board of a state university or college.

R 28.1110c. Sec. 2.10c. Civil infraction; citation; contents.

(1) A citation issued pursuant to section 2.10b of these rules shall contain all of the following information:

- (a) The name of the state or political subdivision acting as plaintiff.
- (b) The name and address of the person to whom the citation is issued.
- (c) Each civil infraction alleged.
- (d) The place where the person shall appear in court.
- (e) The telephone number of the court.
- (f) The time period during which the appearance shall be made.
- (g) Additional information required by this rule.

(2) The citation shall contain a notice in boldface type that the person, within the time period specified for appearance, may do any of the following:

- (a) Admit responsibility for the civil infraction in person, by representation, or by mail.
- (b) Admit responsibility for the civil infraction "with explanation" in person, by representation, or by mail.
- (c) Deny responsibility for the civil infraction by doing either of the following:
 - (i) Appearing in person for an informal hearing before a district court magistrate, a referee of the recorder's court of the city of Detroit, traffic and ordinance division, or a judge without the opportunity of being represented by an attorney.
 - (ii) Appearing in court for a formal hearing before a judge with the opportunity of being represented by an attorney.

(3) The citation shall contain a notice in boldface type that if the person desires to admit responsibility "with explanation" other than by mail or desires to have an informal hearing or a formal hearing, the person shall apply to the court in person, by mail, or by telephone, within the time specified for appearance, and obtain a scheduled date and time to appear for a hearing.

time to appear for an informal or formal hearing. The court shall schedule an informal hearing, unless the person expressly requests a formal hearing. If the person expressly requests a formal hearing, the court shall schedule a formal hearing. If a hearing is scheduled by telephone, the court shall mail the defendant a confirming notice of that hearing by regular mail to the address appearing on the citation or to an address which may be furnished by the defendant. An informal hearing shall be conducted pursuant to section 2.10f and a formal hearing shall be conducted pursuant to section 2.10g.

R 28.1110f. Sec. 2.10f. Informal and formal hearings, witnesses.

(1) An informal hearing shall be conducted by a district court magistrate when authorized by the judge or judges of the district court district, by a referee of the recorder's court of the city of Detroit, traffic and ordinance division, or by a judge of a court listed in section 2.10a(2). A referee or district court magistrate may administer oaths, examine witnesses, and make findings of fact and conclusions of law at an informal hearing. The judge, referee, or district court magistrate shall conduct the informal hearing in an informal manner so as to do substantial justice according to the rules of substantive law but shall not be bound by the statutory provisions or rules of practice, procedure, pleading, or evidence, except provisions relating to privileged communications. There shall not be a jury at an informal hearing. A verbatim record of an informal hearing shall not be required.

(2) At an informal hearing the person cited may not be represented by an attorney nor may the plaintiff be represented by the prosecuting attorney or attorney for a political subdivision.

(3) Notice of a scheduled informal hearing shall be given to the citing police agency, which agency may subpoena witnesses for the plaintiff. The defendant may also subpoena witnesses. Witness fees need not be paid in advance to a witness.

(4) If the judge, referee, or district court magistrate determines by a preponderance of the evidence that the person cited is responsible for a civil infraction, the judge, referee, or magistrate shall enter an order against the person as provided in section 907 of the act. Otherwise, a judgment shall be entered for the defendant, but the defendant shall not be entitled to costs of the action.

(5) The plaintiff and defendant shall be entitled to appeal an adverse judgment entered at an informal hearing. An appeal from a municipal judge shall be a trial de novo in the form of a scheduled formal hearing as follows:

(a) The appeal from a judge of the district court or recorder's court of the city of Detroit, traffic and ordinance division, shall be heard by a different judge of the district or of the traffic and ordinance division.

(b) The appeal from a district court magistrate shall be heard by a judge of the district.

(2) In place of the officer's taking of the license under subsection (1) or before appearance in court, the person stopped may recognize to the officer or to the court for his or her appearance by leaving with the officer or court a guaranteed appearance certificate or a sum of money not to exceed \$100.00.

(3) If a magistrate is available for an immediate appearance, upon demand of the person stopped, the officer immediately shall take the non-resident driver before the magistrate to answer to the civil infraction alleged. Upon entry of an admission of responsibility for the civil infraction, with or without explanation, or upon completion of an informal hearing, the defendant's license shall be returned if judgment is entered for the defendant, if any adverse judgment entered against the defendant is satisfied, or if the defendant leaves with the court a guaranteed appearance certificate or a sum of money not to exceed \$100.00 as security for payment of any fines or costs ordered. If the nonresident defendant requests a formal hearing, the hearing shall be scheduled as provided in section 2.10g of these rules, but the defendant's license shall be retained by the court until final resolution of the matter, unless the defendant leaves with the court the guaranteed appearance certificate or deposit as provided in subsection (2) as security for appearance at the scheduled formal hearing.

(4) The officer receiving a guaranteed appearance certificate or deposit under subsection (2) shall give a receipt to the person stopped for the guaranteed appearance certificate or the money deposited, together with the written citation required under subsection (1).

(5) The officer taking a certificate or deposit shall, within 48 hours after the taking, excluding Sundays, legal holidays, and Saturdays when court is closed, deliver the certificate or deposit to the court named in the citation, together with a report of the facts relating to the citation. Failure to make a report and deliver the deposit shall be embezzlement of public money.

(6) If the person who posts a certificate or deposit fails to appear as required in the citation or for a scheduled formal hearing, the court having jurisdiction and venue over the civil infraction shall enter a default judgment against the person, and the guaranteed appearance certificate or deposit shall be forfeited and applied to any civil fine or costs ordered pursuant to section 907 of the act.

(7) For purposes of this section, "guaranteed appearance certificate" means a card or certificate containing a printed statement that a surety company authorized to do business in this state guarantees the appearance of the person whose signature appears on the card or certificate, and that the company, if the person fails to appear in court at the time of a scheduled informal or formal hearing or to pay any fine or costs imposed pursuant to section 907 of the act, will pay any fine, costs, or bond forfeiture imposed on the person in a total amount not to exceed \$200.00.

R 28.1111. Rescinded.

R 28.1114. Sec. 2.14. Citations to drivers in accidents.

A police officer may issue a citation to a person who is a driver of a motor vehicle involved in an accident when, based upon personal investigation, the officer has reasonable and probable grounds to believe that

(2) A person who violates the directions of the traffic-control devices is guilty of a civil infraction.

CHAPTER 4 - TRAFFIC CONTROL DEVICES

R 28.1306. Sec. 4.6. Traffic-control signal placement and legend.

Whenever traffic is controlled by traffic-control signals, at least 1 signal shall be located over the traveled portion of the roadway to give drivers 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. The following colors shall be used and the terms and lights shall indicate and apply to drivers of vehicles as follows:

(a) Green indication.

- (i) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(b) Steady yellow indication.

- (i) Vehicular traffic facing the signal stop before entering the nearest crosswalk at the intersection or at a limit line, when marked, but if such stop cannot be made in safety, a vehicle may be driven cautiously through the intersection.

(c) Steady red indication.

- (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 none, then before entering the intersection, and shall remain standing until a green indication is shown, except as provided in subparagraph b.
- (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 none, then 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 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 lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(d) Arrow indications.

- (i) Green arrow (steady): Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement

CHAPTER 5 - RIGHTS AND DUTIES OF DRIVERS AND OTHERS

R 28.1410. Sec. 5.10. Business and residence districts and parks; designated work areas; decrease in prima facie speed limits.

(1) Subject to the provisions of section 5.9 and except in those instances where a different speed is lawfully established and posted, it shall be prima facie lawful for the driver of a vehicle to drive the same at a speed not exceeding 25 miles an hour on all streets in business and residence districts and parks, but in any case when such speed would be unsafe it shall not be lawful.

(2) A person who operates a vehicle on the highway shall not exceed a speed of 45 miles per hour when entering and passing through a designated work area where a normal lane or part of the lane of traffic has been closed due to highway construction, maintenance, or surveying activities. The department of transportation, county road commission, or local authority shall identify a designated work area with traffic control devices which are in conformance with the Michigan manual of uniform traffic control devices on streets and highways under its jurisdiction. A person shall not exceed the foregoing speed limitation or those established pursuant to section 628 or 629 of the act.

(3) Local authorities are authorized to decrease the prima facie speed limits to not less than 15 miles an hour on each street or highway under their jurisdiction which is adjacent to a city owned park or playground. A decrease in the prima facie speed limits shall be binding when adequate signs are duly posted giving notice of the reduced speeds.

R 28.1414. Sec. 5.14. Reckless driving.

A person who drives any vehicle upon a highway or a frozen public lake, stream, pond or other place open to the general public, including any area designated for the parking of motor vehicles, in willful or wanton disregard for the safety of persons or property, is guilty of reckless driving, which, upon conviction, is punishable as a misdemeanor.

R 28.1414a. Sec. 5.14a. Careless driving.

Any person who operates a vehicle upon a highway or a frozen public lake, stream, pond or other place open to the general public, including any area designated for the parking of vehicles, in a careless or negligent manner likely to endanger any person or property, but without wantonness or recklessness, shall be punished, upon conviction, by a fine of not more than \$100.00.

R 28.1414b. Sec. 5.14b. Drag races prohibited.

(1) A person shall not operate a vehicle upon any highway or any other place open to the general public, including any area designated for the parking of motor vehicles, in a speed or acceleration contest or for the purpose of making a speed record, whether from a standing start or otherwise, over a measured or unmeasured distance, or in a drag race as defined in subsection (2).

place of employment, in the course of employment, to and from an alcohol training program ordered by the court, or in accordance with a combination of those restrictions. The court shall not order the secretary of state to issue a restricted chauffeur's license which permits a person to drive a truck or truck tractor, including trailers, which hauls a hazardous material.

(5) The court, before accepting a plea of guilty under this section, shall advise the accused of the statutory consequences possible as the result of a plea of guilty in respect to suspension of an operator's or chauffeur's license, the penalty imposed for violation of this section, and the limitation on the right of appeal.

(6) The operator's or chauffeur's license of a person found guilty of violating this section or a local ordinance substantially corresponding to this section shall be surrendered to the court in which the conviction shall be had, and that court shall immediately forward the surrendered license and a certificate of conviction to the secretary of state. The certificate of conviction shall indicate the sentence imposed pursuant to subsections (3) and (4). Upon receipt of, and pursuant to, the certificate of conviction, the secretary of state shall suspend the person's license and, where applicable, issue to the person a restricted license stating the limited driving privileges indicated on the certificate. If the license is not forwarded, an explanation of the reason it is absent shall be attached. If the conviction is appealed to circuit court, that court may, ex parte, order the secretary of state to rescind the suspension or restricted license issued pursuant to this section.

R 28.1415a. Sec. 5.15a. Criminal prosecutions for driving under influence of intoxicating liquor; tests; admissibility; presumption; liability for withdrawing blood; refusal to take test; other evidence; option to demand breath test only.

(1) In a criminal prosecution for driving a vehicle while under the influence of intoxicating liquor, or in a criminal prosecution arising from death or injury of another, including homicide pursuant to sections 316, 317, 321, 324, or 325 of Act No. 328 of the Public Acts of 1931, as amended, being § 750.316, 750.317, 750.321, 750.324, and 750.325 of the Michigan Compiled Laws, and assault pursuant to sections 81 to 89 of Act No. 328 of the Public Acts of 1931, as amended, being § 750.81 to 750.89 of the Michigan Compiled Laws, or for any other felony committed with an automobile, while the driver is under the influence of intoxicating liquor, the amount of alcohol in the driver's blood at the time alleged as shown by chemical analysis of the person's blood, urine, breath, or saliva, shall be admissible into evidence and shall give rise to the following presumptions. If a test is given, the results of the test shall be made available to the person charged or the person's attorney upon written request to the prosecution, with a copy of the request filed with the court, and the prosecution shall furnish the report not less than 2 days before the day of the trial and shall be offered as evidence by the prosecution in a criminal proceeding; failure to fully comply with the request shall bar the admission of the results into evidence by the prosecution:

intoxicating liquor or a controlled substance, or a combination thereof, the person has visibly impaired his ability to operate the vehicle. Where a person is charged with violating section 5.15 finding of guilt is permissible under this section.

(2) A person convicted of a violation of this section may be imprisoned for not more than 90 days or fined not more than \$100.00, or both, together with costs of the prosecution. On a second and subsequent conviction under this section or a local ordinance substantially corresponding thereto, the person may be imprisoned for not more than 1 year or fined not more than \$1,000.00, or both. The secretary of state, within 10 days after the receipt of a properly prepared abstract, shall record 4 points for each conviction under this section.

Sec. 5.15c. Implied consent.

(1) A person who operates a vehicle upon the public highways of this state is deemed to have given consent to chemical tests of his blood, breath, urine, or other bodily substances for the purpose of determining the alcoholic content of his blood, if he is arrested for driving a vehicle while under the influence of intoxicating liquor, or while his ability to operate a vehicle has been impaired due to the consumption of intoxicating liquor. Any person who is afflicted with hemophilia, diabetes or any condition requiring the use of an anticoagulant under the direction of a physician shall not be deemed to have given consent to the withdrawal of blood.

(2) The tests shall be administered at the request of a law enforcement officer having reasonable grounds to believe the person was driving a vehicle upon the public highways of this state while under the influence of intoxicating liquor.

R 28.1415d. Sec. 5.15d. Right to refuse chemical tests.

A person under arrest shall be advised of his right to refuse to submit to chemical tests; and if he refuses the request of a law enforcement officer to submit to chemical tests, no test shall be given. A sworn statement shall be forwarded to the department by the law enforcement officer stating that he had reasonable grounds to believe that the person had been driving a motor vehicle on the public highways of the state while under the influence of intoxicating liquor or that he had been driving a vehicle while his ability to operate a vehicle had been impaired due to the consumption of intoxicating liquor and that the person had refused to submit to the test upon the request of the law enforcement officer and had been advised of the consequences of such refusal. The form of the statement shall be prescribed and furnished by the department of state.

R 28.1415e. Sec. 5.15e. Mail notice.

(1) Upon receipt of the sworn statement, the department shall immediately notify the person in writing, mailed to his last known address, that the sworn statement has been received and that within 14 days of the date of the notice he may request a hearing as provided in section 322 of the act.

limited to those issues enumerated in subsection (2).

(4) When it has been finally determined that a nonresident's privilege to operate a vehicle in this state has been suspended or revoked, the department shall give notice in writing of the action taken to the motor vehicle administrator of the state in which the nonresident has his residence and of any state in which the nonresident has a license to operate a motor vehicle.

R 28.1416b. Sec. 5.16b. Consumption of alcoholic liquor on highways or on property open to public.

(1) Alcoholic liquor shall not be consumed on a highway, street, or alley, or on any public or private property which is open to the general public and is not licensed to sell alcoholic liquor for consumption on the premises.

(2) A person shall not transport or possess alcoholic liquor in a container which is open or uncapped, or on which the seal is broken, within the passenger compartment of a vehicle that is on the streets or highways of this governmental unit. If the vehicle does not have a trunk or compartment separate from the passenger compartment, a container which is open or uncapped, or on which the seal is broken, shall be encased or enclosed. This section shall not apply to a chartered passenger vehicle licensed by the Michigan public service commission. The violation of this section is punishable as a misdemeanor, upon conviction.

R 28.1422. Sec. 5.22. Left of center operation; prohibition.

(1) A vehicle shall not be driven to the left side of the roadway at any time 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 such distance as to create a hazard in the event another vehicle approaches from the opposite direction.
- (b) When the view is obstructed upon approaching within 100 feet of any bridge, viaduct, or tunnel.

(2) The foregoing limitations set forth in subsection (1) (a) and (b) do not apply when a vehicle is driven upon a 1-way roadway.

R 28.1426. Sec. 5.26. Driving on roadways laned for traffic.

When a roadway is divided into 2 or more clearly marked lanes for traffic, the following rules, in addition to all other rules consistent herewith, apply:

(a) A vehicle shall be driven, as nearly as practicable, entirely within a single lane and shall not be moved from the lane until the driver has first made sure that the movement can be made with safety. On a roadway with 4 or more lanes, which provides for 2-way movement of traffic, a vehicle shall be driven within the extreme right-hand lane except when overtaking and passing, but shall not cross the center line of the roadway except when making a left turn.

R 28.1455. Sec. 5.55. Deposit of litter on streets.

(1) A person shall not, without the consent of the public authority having supervision of a street, deposit, place, dump, throw or leave, or cause or permit the dumping, depositing, placing, throwing, or leaving, of any destructive or injurious material, of any rubbish, refuse, waste material, garbage, offal, paper, glass, cans, bottles, trash, or debris upon any street.

(2) A person who throws or drops or permits to be thrown or dropped upon a street any of the material or matter listed in subsection (1) shall immediately remove it or cause it to be removed. The violation of this section is punishable as a misdemeanor.

R 28.1455a. Sec. 5.55a. Throwing objects at or into paths of vehicles.

A person shall not knowingly cause any litter or any objects to fall or to be thrown into the path of or to hit a vehicle traveling upon a street. The violation of this section is punishable by a fine of not more than \$500.00 or not more than 1 year in county jail, or both.

R 28.1455b. Sec. 5.55b. Vision obstruction; deposit of snow, ice, or slush.

(1) As used in this section:

- (a) "Person" shall not include the state or a political subdivision of the state or an employee of the state or a political subdivision of the state operating within the scope of his duties.
- (b) "Safety vision" means an unobstructed line of sight enabling a driver to travel upon, enter, or exit a roadway in a safe manner.

(2) A person shall not remove, or cause to be removed, snow, ice, or slush onto or across a roadway or the shoulder of the roadway in a manner which obstructs the safety vision of the driver of a motor vehicle other than off-road vehicles.

(3) A person shall not deposit, or cause to be deposited, snow, ice, or slush onto or across a roadway or the shoulder of the roadway in a manner which obstructs the safety vision of the driver of a motor vehicle.

(4) A person shall not deposit, or cause to be deposited, snow, ice, or slush on any roadway or highway.

R 28.1456. Sec. 5.56. Wrecked or damaged vehicles.

A person removing a wrecked or damaged vehicle from a street shall remove any glass or other injurious substance dropped upon the street from the vehicle. The violation of this section is punishable as a misdemeanor.

R 28.1457. Sec. 5.57. Spilling loads on streets prohibited.

A vehicle shall not be driven or moved on any street unless the vehicle is constructed or loaded to prevent its contents from dropping, shifting, leaking, or otherwise escaping therefrom. The violation of this section is punishable as a misdemeanor.

license of the person is suspended, revoked, or denied, or of the conviction of a person for violation of the motor vehicle laws of this state while the license of the person is suspended, revoked, or denied, shall immediately extend the period of the first suspension or revocation for an additional like period, or if no period has been determined, then for not less than 30 days, but not more than 1 year.

(5) Before the plea of the person is accepted under this section, the arresting officer shall check with the department to determine the record and status of the person according to the department files and so inform the court. The violation of this section is punishable as a misdemeanor.

R 28.1463. Sec. 5.63. Possession and display of license.

Every driver shall have his operator's or chauffeur's license in his immediate possession at all times when driving a motor vehicle, and shall display the same upon demand of any police officer. The violation of this section is punishable as a misdemeanor.

R 28.1463a. Sec. 5.63a. License restrictions.

A person shall not drive a motor vehicle in violation of the restrictions imposed on his license by the secretary of state. The violation of this section is punishable as a misdemeanor.

R 28.1464. Sec. 5.64. Unlawful use of license.

It is unlawful for any person to display or cause or permit to be displayed or to have in possession any operator's or chauffeur's license knowing the same to be fictitious or to have been cancelled, revoked, suspended, or altered. The violation of this section is punishable as a misdemeanor.

R 28.1465. Sec. 5.65. Lending or permitting.

It is unlawful for any person to lend to or knowingly permit use of, by one not entitled thereto, any operator's or chauffeur's license issued to the person so lending or permitting the use thereof. The violation of this section is punishable as a misdemeanor.

R 28.1466. Sec. 5.66. Unlawful display or representation.

It is unlawful for any person to display or to represent as one's own any operator's or chauffeur's license not issued to the person so displaying the same. The violation of this section is punishable as a misdemeanor.

R 28.1467. Sec. 5.67. Instruction permit.

It is unlawful for an operator holding an instruction permit to operate a motor vehicle unless accompanied by a licensed operator or chauffeur who is actually occupying a seat beside the driver. The violation of this section is punishable as a misdemeanor.

R 28.1468. Sec. 5.68. Unlicensed driver; owner's permission.

A person shall not knowingly authorize or permit a motor vehicle

it may be turned on only when the vehicle is in reverse gear. When unlighted, the backing lights shall be covered or otherwise arranged so as not to reflect objectionable glare in the eyes of drivers of vehicles approaching from the rear.

(4) Lamps or reflectors on a vehicle other than those expressly required or permitted by the provisions of this chapter shall, if visible from the front, display or reflect a white or amber light; if visible from either side, display or reflect an amber or red light; and if visible from the rear, display or reflect a red light, except as otherwise provided by law. The use or possession of flashing, oscillating, or rotating red, blue, or amber lights is prohibited except under the following circumstances:

- (a) Publicly owned police vehicles shall be equipped with flashing, rotating, or oscillating red or blue lights, for use in the performance of police duties.
- (b) Publicly owned fire vehicles and ambulances available for public use or for use of the United States, the state or any unit thereof whether publicly or privately owned, shall be equipped with flashing, rotating, or oscillating red lights and used as required for safety.
- (c) School buses shall be equipped with flashing red lights which shall be actuated by the driver only when the school bus is stopped or stopping on a highway in accordance with section 682 of the act.
- (d) When authorized by the department of state police, private motor vehicles owned by volunteer or paid firemen, volunteer ambulance drivers, or licensed ambulance drivers or attendants may be equipped with flashing, rotating, or oscillating red lights for use when responding to an emergency call if when in use the flashing, rotating, or oscillating red lights are mounted on the roof section of the vehicle, either as a permanent installation or by means of suction cups or magnets, and are clearly visible in a 360 degree arc from a distance of 500 feet when in use. A person operating lights under this subsection, at any time other than when responding to an emergency call, is guilty of a misdemeanor.
- (e) Flashing, rotating, or oscillating amber lights, placed in such a position as to be visible throughout an arc of 360 degrees, shall be used by state, county, or municipal vehicles engaged in the removal of ice, snow, or other material from the highway and in other operations designed to control ice and snow.
- (f) Vehicles used to perform public utility services, automobile service cars and wreckers, vehicles engaged in authorized highway repair or maintenance, vehicles of peace officers, vehicles operated by rural letter carriers, vehicles utilized for snow removal, and farm tractors may be equipped with flashing, rotating, or oscillating amber lights. However, wreckers may be equipped with flashing, rotating, or oscillating red lights, which shall be activated only when a wrecker is engaged in removing or assisting vehicles at the scene of a traffic accident or disablement. The flashing, rotating, or oscillating amber lights shall not be activated except in those circumstances that the warning produced by the light is required for public safety.

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.

R 28.1477. Sec. 5.77. Slow moving vehicle reflective devices.

When operated on the highway, a vehicle which has a maximum potential speed of 25 miles an hour, an implement of husbandry, a farm tractor, or special mobile equipment shall be identified with a reflective device as follows:

(a) An equilateral triangle in shape, not less than 16 inches wide at the base and not less than 14 inches in height, with a dark red border, not less than 1 3/4 inches wide, of highly reflective beaded material.

(b) A center triangle, not less than 12 1/4 inches on each side, of yellow-orange fluorescent material.

(c) The device shall be mounted on the rear of the vehicle, broad base down, not less than 3 feet nor more than 5 feet above the ground and as near the center of the vehicle as possible. The use of this reflective device is restricted to use on slow-moving vehicles specified in this section, and use of such reflective device on any other type of vehicle or stationary object on the highway is prohibited.

R 28.1477a. Rescinded.

R 28.1478. Sec. 5.78. Turn signals.

A person shall not sell or offer for sale or operate on any street any vehicle manufactured or assembled after January 1, 1955, except those exempted from certificate of title requirements under the provisions of the act, unless it is equipped with mechanical or electrical turn signals meeting the requirements of the act. This section does not apply to a motorcycle or a moped.

R 28.1478a. Sec. 5.78a. Stop lamps.

A person shall not sell or offer for sale or operate on the highways any vehicles manufactured or assembled after January 1, 1965, except those exempted from certificate of title requirements under the provisions of the act, unless it is equipped with 2 rear stop lamps, except on a motorcycle or a moped, meeting the requirements of the act. A motorcycle or moped shall have 1 rear stop lamp.

R 28.1479. Sec. 5.79. Brakes.

(1) The requirements for brake equipment are as follows:

(a) A motor vehicle, other than a motorcycle or moped, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold the vehicle, including 2 separate means of applying the brakes, each of which means shall be effective to apply the brakes to not less than 2 wheels. If

(2) A motor vehicle or combination of motor-drawn vehicles shall be capable at all times and under all conditions of loading, of being stopped on a dry, smooth, level road free from loose material within the distances specified below, or shall be capable of being decelerated at a sustained rate corresponding to these distances upon initial application of the service (foot) brake:

	Feet to stop from 20 miles per hour	Deceleration in feet per second per second
Vehicles or combination of vehicles having brakes on all wheels	30	14
Vehicles or combination of vehicles not having brakes on all wheels ...	40	10.7

(3) All brakes shall be maintained in good working order and shall be adjusted to operate as equally as practicable with respect to the wheels on the opposite side of the vehicle.

R 28. 1481. Sec. 5.81. Windshield; obstructions; cleaning device; wipers; additional equipment.

(1) A person shall not drive a motor vehicle with a sign, poster, or other nontransparent material upon the front windshield, sidewings or side, or rear windows of the vehicle which obstructs the driver's clear view of the highway or an intersecting highway. A person shall not drive a motor vehicle with a dangling ornament or other suspended object, which in any way obstructs the vision of the driver of the vehicle, except as authorized by law.

(2) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle. A vehicle licensed as an historical vehicle is exempt from this subsection if the vehicle was not originally equipped with such a device.

(3) Every windshield wiper upon a motor vehicle shall be maintained in good working order.

(4) On and after October 1, 1955, a licensed commercial vehicle shall not be operated on the highways at any time between December 15 and March 15, both dates inclusive, unless it is equipped with a hot air windshield defroster or an electrically heated windshield, or other means capable of keeping the windshield heated and maintained in operable condition at all times.

(5) A licensed motor vehicle that is manufactured after January 1, 1956, shall not be operated on the highways unless it is equipped with a windshield washer, maintained in operable condition at all times and capable of cleaning the windshield so that the driver has a clear view of the highway or an intersecting highway.

R 28.1482.--R 28.1484. Rescinded.

- (d) Has a marking "not for highway use," "for racing purposes only," "for farm use only," or "unsafe for highway use".
- (e) Has been regrooved or recut below the original tread design depth except in the case of special purpose designed tires having extra undertread rubber provided for this purpose and identified as those tires.

R 28.1486. Rescinded.

R 28.1487. Sec. 5.87. Mirrors.

A person shall not drive on a highway a motor vehicle which is so constructed or loaded as to prevent the driver from obtaining a view of the highway to the rear by looking backward from the driver's position, unless the vehicle is equipped with a mirror located to reflect to the driver a view of the highway to the rear of the vehicle. In addition, all motor vehicles shall be equipped with an outside rearview mirror on the driver's side which shall be positioned to give the driver a rearviewing angle from the driver's side of the vehicle, except a motor vehicle licensed as an historic vehicle if the vehicle was not originally equipped with an outside rearview mirror. Rearview mirrors may be positioned on the helmet or visor worn by the operator of a motorcycle if the helmet is securely attached to the head of the operator. Every commercial vehicle of 1/2-ton capacity or more, operating upon the public highways of this state, shall be equipped with 2 mirrors, 1 on each side, adjusted so that the operator has a clear view of the highway behind the commercial vehicle. The outside mirrors shall not be considered to be a part of the vehicle for the purpose of determining the maximum width under section 717 of the act.

R 28.1487a. Sec. 5.87a. Bumper height.

(1) A person shall not operate a passenger vehicle on a public highway or street of this state unless the vehicle is equipped with a bumper of other energy absorption system with an analogous function.

(2) A person shall not modify a passenger vehicle or operate upon a public highway or street of this state a passenger vehicle, except a 4 wheel drive vehicle, which has been modified if the resultant operational altitude of a bumper of the vehicle is less than 14 inches or greater than 22 inches, as measured from the ground to a load-bearing member of the horizontal bumper bar. The suspension system of a passenger vehicle shall not be modified to defeat safe operation of the system.

(3) A vehicle shall not be modified to cause the vehicle body or chassis to come in contact with the ground or expose the fuel tank to damage from collision or cause the wheels to come in contact with the body under normal operation and that no part of the original suspension system be disconnected to defeat the safe operation of the suspension system: provided, that nothing contained in this section shall prevent the installation of heavy duty equipment, including shock absorbers and overload springs; and provided further, that nothing contained in this section shall prevent a person from operating a motor vehicle on a public highway with normal wear of the suspension system if normal wear does not affect the control of the vehicle.

(4) A dealer shall not sell a used or secondhand motor vehicle, as defined by section 78 of the act, for use upon a street or highway which is not in compliance with the act.

exercising due care when passing a standing vehicle or one proceeding in the same direction.

(2) A person operating a moped, a motorcycle, or a bicycle shall not pass between lines of traffic, but may pass on the left of traffic moving in his direction in the case of a 2-way street, or on the left or right of traffic in the case of a 1-way street, in an unoccupied lane.

R 28.1611. Sec. 6.11. Riding 2 abreast; exceptions.

Every person operating a bicycle, motorcycle, or moped upon a roadway shall not ride more than 2 abreast except on paths or parts of roadways set aside for the exclusive use of such vehicles.

R 28. 1613. Sec. 6.13. Clinging to other vehicles.

A person riding upon any bicycle, motorcycle, moped, coasters, roller skates, sled, or toy vehicle shall not attach the same or himself to any vehicle upon a roadway.

R 28.1616. Sec. 6.16. Carrying articles; height of handlebars.

(1) A person operating a bicycle, motorcycle, or moped shall not carry a package, bundle, or article which prevents the driver from keeping both hands on the handlebars of the vehicle.

(2) A person shall not operate on a street or highway of this governmental unit a motorcycle or moped equipped with handlebars that are higher than 15 inches from the lowest point of the undepressed saddle to the highest point of the handlegrip of the operator.

R 28.1620. Sec. 6.20. Bicycle; lights, red reflector.

Every bicycle when in use at night time shall be equipped with a lamp on the front which shall emit a white light visible from a distance of not less than 500 feet to the front and with a red reflector on the rear which shall be visible from all distances from 100 feet to 600 feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

R 28.1623. Sec. 6.23. Protective helmet required.

A person operating or riding on a motorcycle on a public thoroughfare shall wear on his head a protective helmet of a type approved by the department of state police.

R 28.1624. Sec. 6.24. Dealers; leasing motorcycles or mopeds to unlicensed operators.

A dealer shall not rent, lease, or furnish a motorcycle or moped to a person for use on the streets and highways who is not licensed to operate a motorcycle or moped by this state, if a resident, or by the state of which he is a resident, if a nonresident.

CHAPTER 7 - PEDESTRIANS' RIGHTS AND DUTIES

R 28.1703a. Sec. 7.3a. Limited access highway.

Pedestrians prohibited as provided in the act.

R 28.1708. Sec. 7.8. Emergency vehicles.

A pedestrian shall yield right-of-way to an authorized emergency vehicle under the conditions prescribed in section 5.1 of these rules.

CHAPTER 9 - MISCELLANEOUS

R 28.1903. Sec. 9.3. Penalties.

(1) Unless another penalty is expressly provided by the ordinances of this governmental unit, every person convicted of a violation of any provision of this ordinance shall be punished by a fine of not more than \$100.00 or by imprisonment for not more than 90 days or by both such fine and imprisonment.

(2) A violation of this ordinance or rules substantially corresponding to the act, which is designated a civil infraction, is not a crime and shall not be punishable by imprisonment or a penal fine. A civil infraction shall not be considered a lesser included offense of any criminal offense.

- (c) In an area on which public hunting is permitted during the season open to the taking of deer with firearms from 7 a.m. to 11 a.m. and from 2 p.m. to 5 p.m., except during an emergency, for law enforcement purposes, to go to and from a permanent residence or a hunting camp otherwise inaccessible by a conventional wheeled vehicle or for the conduct of necessary work functions involving land and timber survey, communication and transmission line patrol and timber harvest operations, or on the person's own property or property under the person's control or as an invited guest.
- (d) While transporting thereon a bow unless unstrung or a firearm unless securely encased or equipped with, and made inoperative by, a manufactured keylocked trigger-housing mechanism.
- (e) On or across a cemetery or burial ground.
- (f) Within 100 feet of a slide, ski, or skating area. A snowmobile may enter such an area for the purpose of servicing the area or for medical emergencies.
- (g) On a railroad or railroad right-of-way, except railroad, public utility, or law enforcement personnel while in the performance of their duties.

R 28.2060. Sec. 10.60. Selling or offering for sale.

A person shall not sell or offer to sell in this state a snowmobile manufactured after July 1, 1978, unless it meets the minimum safety standards for snowmobile product certification of the snowmobile safety and certification committee's November 23, 1976, volume 3, safety standards for snowmobiles for product certification, including detailed standard supplement and test specifications and procedures, covering machine sound levels, seats, controls, brake systems, fuel systems, shields and guards, electrical systems and lighting, reflectors, handgrips, and general hazard requirements. Proof of compliance with the requirements of this section shall be in the form of certification by a qualified independent testing company which is not affiliated with the manufacturer and is approved by the department of natural resources.

R 28.2074. Sec. 10.74. Violation as misdemeanor.

(1) A person who violates a provision of this chapter is guilty of a misdemeanor.

(2) When the judge of a juvenile court determines that a person who is less than 16 years of age has violated the act, the judge shall immediately report the determination to the department of natural resources. The director of the department of natural resources, upon receiving a notice of a determination pursuant to this subsection, may suspend the certificate without a hearing.