

# HOUSE BILL No. 4738

June 19, 2019, Introduced by Reps. Peterson, Cynthia Johnson, Brenda Carter, Garza, Yancey, Byrd, Lasinski, Kuppa, Elder, Sowerby, Chirkun, Sneller, Cherry, Neeley, Gay-Dagnogo, Hood, LaGrand, Pagan, Manoogian, Camilleri, Anthony, Garrett, Clemente, Tyrone Carter, Coleman, Tate, Whitsett, Hertel, Brixie, Hammoud, Bolden, Haadsma and Jones and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending section 649 (MCL 257.649), as amended by 2018 PA 109,  
and by adding sections 612a and 613e.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           **SEC. 612A. (1) WHEN TRAFFIC IS NOT CONTROLLED BY TRAFFIC**  
2           **SIGNALS OR TRAFFIC SIGNALS ARE NOT IN OPERATION, THE DRIVER OF A**  
3           **VEHICLE SHALL STOP AND YIELD THE RIGHT-OF-WAY TO A PEDESTRIAN**  
4           **WITHIN A CROSSWALK WHEN THE PEDESTRIAN IS ON THE HALF OF THE**  
5           **ROADWAY ON WHICH THE VEHICLE IS TRAVELING OR WHEN THE PEDESTRIAN IS**  
6           **APPROACHING SO CLOSELY FROM THE OPPOSITE HALF OF THE ROADWAY AS TO**  
7           **BE IN DANGER. A PEDESTRIAN SHALL NOT SUDDENLY LEAVE A CURB OR OTHER**  
8           **PLACE OF SAFETY AND WALK OR RUN INTO THE PATH OF A VEHICLE THAT IS**  
9           **SO CLOSE THAT IT IS IMPOSSIBLE FOR THE DRIVER TO STOP AND YIELD TO**  
10          **THAT PEDESTRIAN.**

1           (2) A PERSON WHO VIOLATES SUBSECTION (1) IS RESPONSIBLE FOR A  
2 CIVIL INFRACTION.

3           SEC. 613E. (1) A PEDESTRIAN SHALL NOT CROSS A ROADWAY OTHER  
4 THAN BY THE SHORTEST ROUTE TO THE OPPOSITE CURB, EXCEPT WHEN  
5 CROSSING WITHIN A CROSSWALK.

6           (2) A PEDESTRIAN WHO CROSSES A ROADWAY AT A POINT OTHER THAN  
7 WITHIN A CROSSWALK SHALL YIELD THE RIGHT-OF-WAY TO ALL VEHICLES ON  
8 THE ROADWAY.

9           (3) ALL OF THE FOLLOWING RULES ARE RESCINDED:

10          (A) R 28.1707 OF THE MICHIGAN ADMINISTRATIVE CODE.

11          (B) R 28.1709 OF THE MICHIGAN ADMINISTRATIVE CODE.

12          (C) R 28.1710 OF THE MICHIGAN ADMINISTRATIVE CODE.

13          (4) A PERSON WHO VIOLATES SUBSECTION (1) OR (2) IS RESPONSIBLE  
14 FOR A CIVIL INFRACTION.

15          Sec. 649. (1) The driver of a vehicle approaching an  
16 intersection shall yield the ~~right of way~~ **RIGHT-OF-WAY** to a vehicle  
17 that has entered the intersection from a different highway.

18          (2) When 2 vehicles enter an intersection from different  
19 highways at approximately the same time, the driver of the vehicle  
20 on the left shall yield the ~~right of way~~ **RIGHT-OF-WAY** to the  
21 vehicle on the right.

22          (3) The ~~right of way~~ **RIGHT-OF-WAY** rules in subsections (1) and  
23 (2) are modified at through highways and otherwise as provided in  
24 subsection (4) and in this chapter.

25          (4) The driver of a vehicle approaching an intersection that  
26 is controlled by a traffic control signal shall do all of the  
27 following, if the signal facing the driver exhibits no colored

1 lights or colored lighted arrows, exhibits a combination of colored  
2 lights or colored lighted arrows that fails to clearly indicate the  
3 assignment of ~~right of way~~, **RIGHT-OF-WAY**, or the signals are  
4 otherwise malfunctioning:

5 (a) Stop at a clearly marked stop line, or, if there is no  
6 clearly marked stop line, stop before entering the crosswalk on the  
7 near side of the intersection, or, if there is no crosswalk, stop  
8 before entering the intersection.

9 (b) Yield the ~~right of way~~ **RIGHT-OF-WAY** to all vehicles in the  
10 intersection or approaching on an intersecting road, if those  
11 vehicles will constitute an immediate hazard during the time the  
12 driver is moving across or within the intersection.

13 (c) Exercise ordinary care while proceeding through the  
14 intersection.

15 (5) Subsection (4) does not apply to either of the following:

16 (a) An intersection that is controlled by a traffic control  
17 signal that is flashing yellow unless certain events occur,  
18 including, but not limited to, activation by an emergency vehicle.

19 (b) A traffic control signal that is located in a school zone  
20 and is flashing yellow only during prescribed periods of time.

21 (6) The driver of a vehicle approaching a yield sign, in  
22 obedience to the sign, shall slow down to a speed reasonable for  
23 the existing conditions and shall yield the ~~right of way~~ **RIGHT-OF-**  
24 **WAY** to a vehicle in the intersection or approaching on another  
25 highway so closely as to constitute an immediate hazard during the  
26 time the driver would be moving across or within the intersection.  
27 However, if required for safety to stop, the driver shall stop

1 before entering the crosswalk on the near side of the intersection  
2 or, if there is not a crosswalk, at a clearly marked stop line; but  
3 if there is not a crosswalk or a clearly marked stop line, then at  
4 the point nearest the intersecting roadway where the driver has a  
5 view of approaching traffic on the intersecting roadway.

6 (7) The driver of a vehicle traveling at an unlawful speed  
7 forfeits a ~~right of way~~ **RIGHT-OF-WAY** that the driver might  
8 otherwise have under this section.

9 (8) Except when directed to proceed by a police officer, the  
10 driver of a vehicle approaching a stop intersection indicated by a  
11 stop sign shall stop before entering the crosswalk on the near side  
12 of the intersection, or if there is not a crosswalk shall stop at a  
13 clearly marked stop line; or if there is not a crosswalk or a  
14 clearly marked stop line, then at the point nearest the  
15 intersecting roadway where the driver has a view of approaching  
16 traffic on the intersecting roadway. After having stopped, the  
17 driver shall yield the ~~right of way~~ **RIGHT-OF-WAY** to a vehicle that  
18 has entered the intersection from another highway or that is  
19 approaching so closely on the highway as to constitute an immediate  
20 hazard during the time when the driver would be moving across or  
21 within the intersection.

22 (9) When a vehicle approaches the intersection of a highway  
23 from an intersecting highway or street that is intended to be, and  
24 is constructed as, a merging highway or street, and is plainly  
25 marked at the intersection with appropriate merge signs, the  
26 vehicle shall yield ~~right of way~~ **RIGHT-OF-WAY** to a vehicle so close  
27 as to constitute an immediate hazard on the highway about to be

1 entered and shall adjust its speed so as to enable it to merge  
2 safely with the through traffic.

3           **(10) WHEN A VEHICLE IS STOPPED AT A CROSSWALK TO PERMIT A**  
4 **PEDESTRIAN TO CROSS THE ROADWAY, THE DRIVER OF ANOTHER VEHICLE**  
5 **APPROACHING FROM THE REAR SHALL NOT OVERTAKE OR PASS THE STOPPED**  
6 **VEHICLE.**

7           **(11)** ~~(10)~~—A person who violates this section is responsible  
8 for a civil infraction.

9           Enacting section 1. This amendatory act takes effect 90 days  
10 after the date it is enacted into law.