SENATE BILL No. 169

February 7, 2013, Introduced by Senators KOWALL, CASPERSON, BRANDENBURG, HANSEN, MOOLENAAR, EMMONS, WARREN, BIEDA, MEEKHOF, WALKER, RICHARDVILLE, HOOD and YOUNG and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code,
by amending the title, a division heading, and section 244 (MCL 257.244), the title as amended by 2010 PA 10 and section 244 as amended by 2008 PA 539, and by adding sections 2b, 663, 664, 665, 666, and 817.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

1 An act to provide for the registration, titling, sale,
2 transfer, and regulation of certain vehicles operated upon the
3 public highways of this state or any other place open to the
4 general public or generally accessible to motor vehicles and
5 distressed vehicles; to provide for the licensing of dealers; to
6 provide for the examination, licensing, and control of operators
and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of Manufacturers, owners, and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.

SEC. 2B. (1) "AUTOMATED TECHNOLOGY" MEANS TECHNOLOGY INSTALLED ON A MOTOR VEHICLE THAT HAS THE CAPABILITY TO OPERATE THE VEHICLE ON WHICH THE TECHNOLOGY IS INSTALLED WITHOUT DIRECT ACTIVE CONTROL OR MONITORING BY A HUMAN OPERATOR. AUTOMATED TECHNOLOGY DOES NOT INCLUDE A MOTOR VEHICLE ENABLED WITH 1 OR MORE ACTIVE SAFETY SYSTEMS OR OPERATOR ASSISTANCE SYSTEMS, INCLUDING, BUT NOT LIMITED TO, A SYSTEM TO PROVIDE ELECTRONIC BLIND SPOT ASSISTANCE, CRASH AVOIDANCE, EMERGENCY BRAKING, PARKING ASSISTANCE, ADAPTIVE CRUISE CONTROL, LANE KEEP ASSISTANCE, LANE DEPARTURE WARNING, OR TRAFFIC JAM AND QUEUING ASSISTANCE, UNLESS 1 OR MORE OF THESE LISTED
SYSTEMS, ALONE OR IN COMBINATION WITH OTHER SYSTEMS, ENABLE THE
VEHICLE ON WHICH THE TECHNOLOGY IS INSTALLED TO OPERATE WITHOUT
ACTIVE CONTROL OR MONITORING BY A HUMAN OPERATOR.

(2) "AUTOMATED VEHICLE" MEANS A MOTOR VEHICLE EQUIPPED WITH
AUTOMATED TECHNOLOGY.

(3) "AUTOMATIC MODE" MEANS THE OPERATION OF AN AUTOMATED
VEHICLE BY AUTOMATED TECHNOLOGY.

(4) "UPFITTER" MEANS A PERSON WHO MODIFIES A MOTOR VEHICLE
AFTER IT WAS MANUFACTURED BY INSTALLING AUTOMATED TECHNOLOGY IN
THAT MOTOR VEHICLE TO CONVERT IT TO AN AUTOMATED VEHICLE.

Sec. 244. (1) A manufacturer owning a vehicle of a type
otherwise required to be registered under this act may operate or
move the vehicle upon a street or highway primarily for the
purposes of transporting or testing or in connection with a golf
tournament or a public civic event, if the vehicle displays, in the
manner prescribed in section 225, 1 special plate approved by the
secretary of state.

(2) A producer of a vehicle subcomponent system essential to
the operation of the vehicle or the safety of an occupant may
operate or move a motor vehicle, INCLUDING AN AUTOMATED VEHICLE,
upon a street or highway solely to transport or test the
subcomponent system if the motor vehicle displays, in the manner
prescribed in section 225, 1 special plate approved by the
secretary of state. To be eligible for the special plate, the
subcomponent system producer must be either a recognized
subcomponent system producer or must be a subcomponent system
producer under contract with a vehicle manufacturer. THE SECRETARY
OF STATE MAY DETERMINE THAT AN UPFITTER IS A RECOGNIZED
SUBCOMPONENT PRODUCER FOR PURPOSES OF TESTING AN AUTOMATED VEHICLE
UNDER THIS SUBSECTION AND SECTION 664.

(3) A dealer owning a vehicle of a type otherwise required to
be registered under this act may operate or move the vehicle upon a
street or highway without registering the vehicle if the vehicle
displays, in the manner prescribed in section 225, 1 special plate
issued to the owner by the secretary of state. As used in this
subsection, "dealer" includes an employee, servant, or agent of the
dealer.

(4) Solely to deliver the vehicle, a transporter may operate
or move a vehicle of a type otherwise required to be registered
under this act upon a street or highway if the vehicle displays, in
the manner prescribed in section 225, a special plate issued to the
transporter under this chapter.

(5) A licensee shall not use a special plate described in this
section on service cars or wreckers operated as an adjunct of a
licensee's business. A manufacturer, transporter, or dealer making
or permitting any unauthorized use of a special plate under this
chapter forfeits the right to use special plates and the secretary
of state, after notice and a hearing, may suspend or cancel the
right to use special plates and require that the special plates be
surrendered to or repossessed by the state.

(6) A transporter shall furnish a sufficient surety bond or
policy of insurance as protection for public liability and property
damage as may be required by the secretary of state.

(7) The secretary of state shall determine the number of
plates a manufacturer, dealer, or transporter reasonably needs in his or her business.

(8) If a vehicle that is required to be registered under this act is leased or sold, the vendee or lessee is permitted to operate the vehicle upon a street or highway for not more than 72 hours after taking possession if the vehicle has a dealer plate attached as provided in this section. The application for registration shall be made in the name of the vendee or lessee before the vehicle is used. The dealer and the vendee or lessee are jointly responsible for the return of the dealer plate to the dealer within 72 hours, and the failure of the vendee or lessee to return or the vendor or lessor to use due diligence to procure the dealer plate is a misdemeanor, and in addition the license of the dealer may be revoked. While using a dealer's plate, a vendee or lessee shall have in his or her possession proof that clearly indicates the date of sale or lease of the motor vehicle.

(9) A vehicle owned by a dealer and bearing the dealer's plate may be driven upon a street or highway for demonstration purposes by a prospective buyer or lessee for a period of 72 hours.

(10) The secretary of state may issue a registration plate upon application and payment of the proper fee to an individual, partnership, corporation, or association that in the ordinary course of business has occasion to legally pick up or deliver a commercial motor vehicle being driven to a facility to undergo aftermarket modification, or to repair or service a vehicle, or to persons defined as watercraft dealers under part 801 of the natural resources and environmental protection act, 1994 PA 451, MCL
324.80101 to 324.80199, or to the owner of a marina for the purpose of delivering a vessel or trailer to a purchaser, to transport a vessel between a body of water and a place of storage, to transport a vessel or trailer to and from a boat show or exposition, to repair, service, or store a vessel or trailer, or to return a vessel or trailer to the customer after repair, service, or storage. A registration plate issued under this subsection shall be used to move the vehicle or trailer.

SEC. 663. A PERSON SHALL NOT OPERATE ANY VEHICLE ON THE HIGHWAYS OR STREETS OF THIS STATE IN AUTOMATIC MODE EXCEPT AS OTHERWISE PROVIDED IN SECTION 664.

SEC. 664. (1) SUBJECT TO SUBSECTIONS (2) AND (4), AN AUTOMATED VEHICLE MAY BE OPERATED ON THE HIGHWAYS OR STREETS OF THIS STATE BY EMPLOYEES, CONTRACTORS, OR OTHER PERSONS DESIGNATED BY MANUFACTURERS OF AUTOMATED TECHNOLOGY FOR THE PURPOSE OF TESTING THE TECHNOLOGY. UNLESS THE AUTOMATED VEHICLE IS BEING TESTED OR DEMONSTRATED ON A CLOSED COURSE, A HUMAN OPERATOR SHALL BE PRESENT IN THE AUTOMATED VEHICLE SO THAT HE OR SHE HAS THE ABILITY TO MONITOR THE VEHICLE'S PERFORMANCE AND, IF NECESSARY, INTERVENE. THE HUMAN OPERATOR SHALL POSSESS A VALID OPERATOR'S OR CHAUFFEUR'S LICENSE.

(2) ONLY A PERSON WHO POSSESS A VALID OPERATOR'S OR CHAUFFEUR'S LICENSE MAY OPERATE AN AUTOMATED VEHICLE IN AUTOMATIC MODE ON A HIGHWAY OR STREET OF THIS STATE FOR TESTING PURPOSES UNDER THIS SECTION.

(3) A PERSON IS CONSIDERED TO BE THE OPERATOR OF AN AUTOMATED VEHICLE.
VEHICLE OPERATING IN AUTOMATIC MODE WHEN THE PERSON CAUSES THE
AUTOMATED VEHICLE'S AUTOMATED TECHNOLOGY TO ENGAGE, REGARDLESS OF
WHETHER THE PERSON IS PHYSICALLY PRESENT IN THAT VEHICLE WHILE IT
IS OPERATING IN AUTOMATIC MODE.

(4) BEFORE BEGINNING TESTING OF AUTOMATED VEHICLES UNDER THIS
SECTION, THE ENTITY PERFORMING THAT TESTING SHALL SUBMIT PROOF
SATISFACTORY TO THE SECRETARY OF STATE THAT THE VEHICLE IS INSURED
UNDER CHAPTER 31 OF THE INSURANCE CODE OF 1956, 1956 PA 218, MCL
500.3101 TO 500.3179.

(5) NO LATER THAN FEBRUARY 1, 2014, THE STATE TRANSPORTATION
DEPARTMENT IN CONJUNCTION WITH THE SECRETARY OF STATE SHALL SUBMIT
A REPORT TO THE SENATE STANDING COMMITTEES ON TRANSPORTATION AND
ECONOMIC DEVELOPMENT AND TO THE HOUSE OF REPRESENTATIVES STANDING
COMMITTEES ON TRANSPORTATION AND COMMERCE RECOMMENDING ANY
ADDITIONAL LEGISLATIVE OR REGULATORY ACTION THAT MAY BE NECESSARY
FOR THE CONTINUED SAFE TESTING AND OPERATION OF AUTOMATED VEHICLES.

SEC. 665. (1) ALL OF THE FOLLOWING REQUIREMENTS APPLY TO AN
AUTOMATED VEHICLE REGISTERED UNDER THIS ACT:

(A) IT SHALL MEET FEDERAL STANDARDS AND REGULATIONS FOR A
MOTOR VEHICLE.

(B) IT SHALL HAVE A MEANS TO ENGAGE AND DISENGAGE THE
AUTOMATED TECHNOLOGY THAT IS EASILY ACCESSIBLE TO THE OPERATOR.

(C) IT SHALL HAVE A MEANS TO VISUALLY INDICATE WHEN THE
VEHICLE IS OPERATING IN AUTOMATED MODE.

(D) IT SHALL HAVE A MEANS TO ALERT ITS OPERATOR IF AN
AUTOMATED TECHNOLOGY FAILURE AFFECTING ITS ABILITY TO SAFELY
OPERATE IN AUTOMATED MODE IS DETECTED WHILE IT IS OPERATING IN
AUTOMATED MODE IN ORDER TO INDICATE TO ITS OPERATOR TO TAKE CONTROL
OF THE VEHICLE.

(E) IT SHALL BE CAPABLE OF BEING OPERATED IN COMPLIANCE WITH
APPLICABLE TRAFFIC AND MOTOR VEHICLE LAWS OF THIS STATE.

(2) IF FEDERAL REGULATIONS PROMULGATED BY THE NATIONAL HIGHWAY
TRAFFIC SAFETY ADMINISTRATION ARE IN CONFLICT WITH THIS SECTION,
THE FEDERAL REGULATIONS SUPERSEDE THE PROVISIONS OF THIS SECTION.

SEC. 666. (1) A PERSON WHO VIOLATES SECTION 663 IS GUILTY OF A
MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR
A FINE OF NOT MORE THAN $100.00, OR BOTH.

(2) A PERSON WHO VIOLATES SECTION 664(1) OR (4) OR SECTION
665(1) IS RESPONSIBLE FOR A CIVIL INFRACTION AND MAY BE FINED AS
PROVIDED IN SECTION 907.

SEC. 817. THE MANUFACTURER OF A VEHICLE IS NOT CIVILLY LIABLE
FOR DAMAGES RESULTING FROM THE CONVERSION OF THAT VEHICLE INTO AN
AUTOMATED VEHICLE BY ANOTHER PERSON OR BY THE INSTALLATION OF
EQUIPMENT BY ANOTHER PERSON TO CONVERT IT INTO AN AUTOMATED
VEHICLE, UNLESS THE DEFECT ALLEGED WAS PRESENT IN THE VEHICLE WHEN
IT WAS MANUFACTURED.