

SENATE BILL NO. 706

October 27, 2021, Introduced by Senators HORN, ZORN, MACDONALD, BULLOCK, LASATA, CHANG, LAUWERS, ANANICH, VANDERWALL and SCHMIDT and referred to the Committee on Economic and Small Business Development.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 2b, 642, 665, and 665a (MCL 257.2b, 257.642, 257.665, and 257.665a), sections 2b and 665 as amended and section 665a as added by 2016 PA 332 and section 642 as amended by 2012 PA 498, and by adding sections 665c, 665d, and 666a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2b. (1) "Automated driving system" means hardware and
2 software that are collectively capable of performing all aspects of

1 the dynamic driving task for a vehicle on a part-time or full-time
2 basis without any supervision by a human operator. ~~As used in this~~
3 ~~subsection, "dynamic driving task" means all of the following, but~~
4 ~~does not include strategic aspects of a driving task, including,~~
5 ~~but not limited to, determining destinations or waypoints:~~

6 ~~(a) Operational aspects, including, but not limited to,~~
7 ~~steering, braking, accelerating, and monitoring the vehicle and the~~
8 ~~roadway.~~

9 ~~(b) Tactical aspects, including, but not limited to,~~
10 ~~responding to events, determining when to change lanes, turning,~~
11 ~~using signals, and other related actions.~~

12 (2) "Automated motor vehicle" means a motor vehicle on which
13 an automated driving system has been installed, either by a
14 manufacturer of automated driving systems or an upfitter that
15 enables the motor vehicle to be operated without any control or
16 monitoring by a human operator. Automated motor vehicle does not
17 include a motor vehicle enabled with 1 or more active safety
18 systems or operator assistance systems, including, but not limited
19 to, a system to provide electronic blind spot assistance, crash
20 avoidance, emergency braking, parking assistance, adaptive cruise
21 control, lane-keeping assistance, lane departure warning, or
22 traffic jam and queuing assistance, unless 1 or more of these
23 technologies alone or in combination with other systems enable the
24 vehicle on which any active safety systems or operator assistance
25 systems are installed to operate without any control or monitoring
26 by an operator.

27 (3) "Automated technology" means technology installed on a
28 motor vehicle that has the capability to assist, make decisions
29 for, or replace a human operator.

1 (4) "Automated vehicle roadway" means a segment of a roadway
2 that has been designated by the state transportation department for
3 an automated vehicle roadway system.

4 (5) "Automated vehicle roadway lane" means any lane or ramp on
5 an automated vehicle roadway designated for the exclusive use of
6 motor vehicles operating while communicating with an automated
7 vehicle roadway system.

8 (6) "Automated vehicle roadway system" means a hardware and
9 software system that is capable of facilitating the deployment and
10 operation of an automated motor vehicle or a vehicle equipped with
11 varying levels of automated technology while traveling through a
12 segment of roadway that has been designated for such a system by
13 the state transportation department.

14 (7) "Automated vehicle roadway system provider" means an
15 entity that designs, installs, constructs, operates, or maintains
16 an automated vehicle roadway system.

17 (8) ~~(4)~~"Automatic crash notification technology" means a
18 vehicle service that integrates wireless communications and vehicle
19 location technology to determine the need for or to facilitate
20 emergency medical response in the event of a vehicle crash.

21 (9) "Dynamic driving task" means all of the following, but
22 does not include strategic aspects of a driving task, including,
23 but not limited to, determining destinations or waypoints:

24 (a) Operational aspects, including, but not limited to,
25 steering, braking, accelerating, and monitoring the vehicle and the
26 roadway.

27 (b) Tactical aspects, including, but not limited to,
28 responding to events, determining when to change lanes, turning,
29 using signals, and other related actions.

1 (10) ~~(5)~~—"Manufacturer of automated driving systems" means a
2 manufacturer or subcomponent system producer recognized by the
3 secretary of state that develops or produces automated driving
4 systems or automated vehicles.

5 (11) **"Minimal risk condition" means the ability of an**
6 **automated motor vehicle, upon experiencing a failure of its**
7 **automated driving system that renders the automated motor vehicle**
8 **unable to perform the dynamic driving task, to bring the vehicle to**
9 **a stop in a reasonably safe location for the vehicle and any human**
10 **operator.**

11 (12) ~~(6)~~—"Mobility research center" means a nonprofit entity
12 that has the ability to receive and accept from any federal, state,
13 or municipal agency, foundation, public or private agency, entity,
14 or individual a grant, contribution, or loan for or in aid of the
15 planning, construction, operation, upgrade, or financing of a
16 facility for testing advanced transportation systems, including,
17 but not limited to, connected or automated technology or automated
18 motor vehicles to increase mobility options.

19 (13) ~~(7)~~—"Motor vehicle manufacturer" means a person that has
20 manufactured and distributed motor vehicles in the United States
21 that are certified to comply with all applicable federal motor
22 vehicle safety standards and that has submitted appropriate
23 manufacturer identification information to the National Highway
24 Traffic Safety Administration as provided in 49 CFR part 566. As
25 used in this section, section 665a, and section 665b only, motor
26 vehicle manufacturer also includes a person that satisfies all of
27 the following:

28 (a) ~~The person has~~ **Has** manufactured automated motor vehicles
29 in the United States that are certified to comply with all

1 applicable federal motor vehicle safety standards.

2 (b) ~~The person has~~ **Has** operated automated motor vehicles using
3 a test driver and with an automated driving system engaged on
4 public roads in the United States for at least 1,000,000 miles.

5 (c) ~~The person has~~ **Has** obtained an instrument of insurance,
6 surety bond, or proof of self-insurance in the amount of at least
7 \$10,000,000.00, and has provided evidence of that insurance, surety
8 bond, or self-insurance to the department in a form and manner
9 required by the department.

10 (14) ~~(8)~~—"On-demand automated motor vehicle network" means a
11 digital network or software application used to connect passengers
12 to automated motor vehicles, not including commercial motor
13 vehicles, in participating fleets for transportation between points
14 chosen by passengers, for transportation between locations chosen
15 by the passenger when the automated motor vehicle is operated by
16 the automated driving system.

17 (15) ~~(9)~~—"Participating fleet" means any of the following:

18 (a) Vehicles that are equipped with automated driving systems
19 that are operating on the public roads and highways of this state
20 in a SAVE project as provided in section 665b.

21 (b) Vehicles that are supplied or controlled by a motor
22 vehicle manufacturer, and that are equipped with automated driving
23 systems that are operating on the public roads and highways of this
24 state in an on-demand automated motor vehicle network.

25 (16) ~~(10)~~—"SAVE project" means an initiative that authorizes
26 eligible motor vehicle manufacturers to make available to the
27 public on-demand automated motor vehicle networks as provided in
28 section 665b.

29 (17) ~~(11)~~—"Upfitter" means a person that modifies a motor

1 vehicle after it was manufactured by installing an automated
2 driving system in that motor vehicle to convert it to an automated
3 motor vehicle. Upfitter includes a subcomponent system producer
4 recognized by the secretary of state that develops or produces
5 automated driving systems.

6 Sec. 642. (1) When a roadway has been divided into 2 or more
7 clearly marked lanes for traffic, the following rules in addition
8 to all ~~others~~**other rules that are** consistent with this act apply:

9 (a) A vehicle ~~shall~~**must** be driven as nearly as practicable
10 entirely within a single lane and ~~shall~~**must** not be moved from the
11 lane until the operator has first ascertained that the movement can
12 be made with safety. ~~Upon~~**On** a roadway with 4 or more lanes that
13 provides for 2-way movement of traffic, a vehicle ~~shall~~**must** be
14 operated within the extreme right-hand lane except when overtaking
15 and passing, but ~~shall~~**must** not cross the center line of the
16 roadway except where making a left turn.

17 (b) ~~Upon~~**On** a roadway that is divided into 3 lanes and
18 provides for 2-way movement of traffic, a vehicle ~~shall~~**must** not be
19 operated in the center lane except when overtaking and passing
20 another vehicle traveling in the same direction, when the center
21 lane is clear of traffic within a safe distance, or in preparation
22 for a left turn, or where the center lane is at the time allocated
23 exclusively to traffic moving in the same direction the vehicle is
24 proceeding and the allocation is designated by official traffic
25 control devices.

26 (c) Official traffic control devices may be erected directing
27 specified traffic to use a designated lane or designating those
28 lanes to be used by traffic moving in a particular direction
29 regardless of the center of the roadway and operators of vehicles

1 shall obey the directions of the traffic-control device.

2 (d) Official traffic-control devices may be installed
3 prohibiting the changing of lanes on sections of roadway, and
4 operators of vehicles shall obey the directions of the traffic-
5 control devices.

6 (2) When any lane has been designated as an HOV lane under
7 section 1 of 1951 PA 51, MCL 247.651, and has been appropriately
8 marked with signs and pavement markings, the lane ~~shall~~**must** be
9 reserved during the periods indicated for the exclusive use of
10 buses and HOVs. The restrictions imposed on HOV lanes do not apply
11 to any of the following:

12 (a) Authorized emergency vehicles.

13 (b) Law enforcement vehicles.

14 (c) Transit buses operated by a regional transit authority
15 created under the regional transit authority act, **2012 PA 387, MCL**
16 **124.541 to 124.558.**

17 (3) **When a segment of roadway has been designated as an**
18 **automated vehicle roadway or a lane or ramp as an automated vehicle**
19 **roadway lane under section 665c, any of the following may apply:**

20 (a) **The roadway, lane, or ramp may be subject to certain**
21 **safety and technological requirements established by the state**
22 **transportation department as a condition for use.**

23 (b) **The roadway, lane or ramp may be reserved for the**
24 **exclusive use of motor vehicles operating while communicating with**
25 **an automated vehicle roadway system.**

26 (4) ~~(3)~~**A person who violates this section is responsible for**
27 **a civil infraction and may be fined as provided in section 907.**

28 Sec. 665. (1) Before beginning research or testing on a
29 highway or street in this state of an automated motor vehicle,

1 technology that allows a motor vehicle to operate without a human
2 operator, or any automated driving system installed in a motor
3 vehicle under this section, the manufacturer of automated driving
4 systems or upfitter performing that research or testing shall
5 submit proof satisfactory to the secretary of state that the
6 vehicle is insured under chapter 31 of the insurance code of 1956,
7 1956 PA 218, MCL 500.3101 to 500.3179.

8 (2) A manufacturer of automated driving systems or upfitter
9 shall ensure that all of the following circumstances exist when
10 researching or testing the operation, including operation without a
11 human operator, of an automated motor vehicle or any automated
12 technology or automated driving system installed in a motor vehicle
13 upon a highway or street:

14 (a) The vehicle is operated only by an employee, contractor,
15 or other person designated or otherwise authorized by that
16 manufacturer of automated driving systems or upfitter. This
17 subdivision does not apply to a university researcher or an
18 employee of the state transportation department or the department
19 described in subsection (3).

20 (b) An individual described in subdivision (a) has the ability
21 to monitor the vehicle's performance while it is being operated on
22 a highway or street in this state and, if necessary, promptly take
23 control of the vehicle's movements. If the individual does not, or
24 is unable to, take control of the vehicle, the vehicle ~~shall~~**must**
25 be capable of achieving a minimal risk condition.

26 (c) The individual operating the vehicle under subdivision (a)
27 and the individual who is monitoring the vehicle for purposes of
28 subdivision (b) may lawfully operate a motor vehicle in the United
29 States.

1 (3) A university researcher or an employee of the state
2 transportation department or the department who is engaged in
3 research or testing of automated motor vehicles may operate an
4 automated motor vehicle if the operation is in compliance with
5 subsection (2).

6 (4) An automated motor vehicle may be operated on a street or
7 highway in this state.

8 (5) When engaged, an automated driving system allowing for
9 operation without a human operator ~~shall be~~ **is** considered the
10 driver or operator of a vehicle for purposes of determining
11 conformance to any applicable traffic or motor vehicle laws and
12 ~~shall be~~ **is** deemed to satisfy electronically all physical acts
13 required by a driver or operator of the vehicle. **An automated**
14 **vehicle roadway system provider is not an operator of a vehicle.**

15 ~~(6) The Michigan council on future mobility is created within~~
16 ~~the state transportation department. The council shall provide to~~
17 ~~the governor, legislature, department, state transportation~~
18 ~~department, department of insurance and financial services,~~
19 ~~department of technology, management, and budget, and department of~~
20 ~~state police recommendations for changes in state policy to ensure~~
21 ~~that this state continues to be the world leader in autonomous,~~
22 ~~driverless, and connected vehicle technology. The council created~~
23 ~~under this subsection shall consist of all of the following~~
24 ~~members, who shall serve without compensation:~~

25 ~~(a) Eleven individuals appointed by the governor who represent~~
26 ~~the interests of local government or are business, policy,~~
27 ~~research, or technological leaders in future mobility. The~~
28 ~~individuals appointed under this subdivision shall be voting~~
29 ~~members.~~

1 ~~(b) One individual appointed by the governor who is~~
2 ~~representative of insurance interests. The individual appointed~~
3 ~~under this subdivision shall be a voting member.~~

4 ~~(c) Two state senators appointed by the senate majority leader~~
5 ~~to serve as nonvoting ex officio members. One of the senators~~
6 ~~appointed under this subdivision shall be a member of the majority~~
7 ~~party, and 1 of the senators appointed under this subdivision shall~~
8 ~~be a member of the minority party.~~

9 ~~(d) Two state representatives appointed by the speaker of the~~
10 ~~house of representatives to serve as nonvoting ex officio members.~~
11 ~~One of the representatives appointed under this subdivision shall~~
12 ~~be a member of the majority party, and 1 of the representatives~~
13 ~~appointed under this subdivision shall be a member of the minority~~
14 ~~party.~~

15 ~~(e) The secretary of state or his or her designee. The~~
16 ~~individual appointed under this subdivision shall be a voting~~
17 ~~member.~~

18 ~~(f) The director of the state transportation department or his~~
19 ~~or her designee. The individual appointed under this subdivision~~
20 ~~shall be a voting member.~~

21 ~~(g) The director of the department of state police or his or~~
22 ~~her designee. The individual appointed under this subdivision shall~~
23 ~~be a voting member.~~

24 ~~(h) The director of the department of insurance and financial~~
25 ~~services or his or her designee. The individual appointed under~~
26 ~~this subdivision shall be a voting member.~~

27 ~~(i) The director of the department of technology, management,~~
28 ~~and budget or his or her designee. The individual appointed under~~
29 ~~this subdivision shall be a voting member.~~

1 ~~(7) The governor shall designate 1 or more of the members of~~
2 ~~the commission to serve as chairperson of the commission who shall~~
3 ~~serve at the governor's pleasure.~~

4 ~~(8) The council created under subsection (6) shall submit~~
5 ~~recommendations for statewide policy changes and updates no later~~
6 ~~than March 31, 2017 and shall continue to make recommendations~~
7 ~~annually thereafter, or more frequently in the commission's~~
8 ~~discretion.~~

9 **(6) (9)**—A person may operate a platoon on a street or highway
10 of this state if the person files a plan for general platoon
11 operations with the department of state police and the state
12 transportation department before starting platoon operations. If
13 the plan is not rejected by either the department of state police
14 or the state transportation department within 30 days after receipt
15 of the plan, the person ~~shall be~~ **is** allowed to operate the platoon.

16 **(7) (10)**—All of the following apply to a platoon:

17 (a) Vehicles in a platoon ~~shall~~ **are** not ~~be~~ considered a
18 combination of vehicles for purposes of this act.

19 (b) The lead vehicle in a platoon ~~shall~~ **is** not ~~be~~ considered
20 to draw the other vehicles.

21 (c) If the platoon includes a commercial motor vehicle, an
22 appropriately endorsed driver who holds a valid commercial driver
23 license shall be present behind the wheel of each commercial motor
24 vehicle in the platoon, **if the commercial motor vehicle is not**
25 **operated on an automated vehicle roadway.**

26 Sec. 665a. ~~A~~ **An automated vehicle roadway system provider or a**
27 manufacturer of automated driving technology, an automated driving
28 system, or a motor vehicle is immune from liability that arises out
29 of any modification made to **an automated vehicle roadway system, a**

1 motor vehicle, an automated motor vehicle, an automated driving
2 system, or automated driving technology by another person without
3 the manufacturer's **or automated vehicle roadway system provider's**
4 consent, as provided in section 2949b of the revised judicature act
5 of 1961, 1961 PA 236, MCL 600.2949b. Nothing in this section
6 supersedes or otherwise affects the contractual obligations, if
7 any, between a motor vehicle manufacturer and a manufacturer of
8 automated driving systems, ~~or~~ a manufacturer of automated driving
9 technology, **or an automated vehicle roadway system provider.**

10 **Sec. 665c. (1) The state transportation department may do all**
11 **of the following:**

12 (a) Designate a segment of a roadway under its jurisdiction as
13 an automated vehicle roadway.

14 (b) Designate a lane or ramp of an automated vehicle roadway
15 as an automated vehicle roadway lane.

16 (c) Require a user fee for the use of an automated vehicle
17 roadway or automated vehicle roadway lane.

18 (d) Enter into an agreement with an automated vehicle roadway
19 system provider for the design, construction, manufacture,
20 operation, maintenance, or management of an automated vehicle
21 roadway system for a designated automated vehicle roadway or
22 automated vehicle roadway lane. As part of an agreement entered
23 pursuant to this subdivision, the state transportation department
24 may include provisions authorizing the automated vehicle roadway
25 system provider to establish and collect user fees for the use of
26 the automated vehicle roadway or automated vehicle roadway lane. An
27 automated vehicle roadway system provider may use the fees
28 collected pursuant to this subdivision to properly design,
29 construct, manage, operate, or maintain its automated vehicle

1 roadway system.

2 (2) This section supersedes all local ordinances that regulate
3 automated vehicle roadway systems, automated vehicle roadways,
4 automated vehicle roadway lanes, or automated vehicle roadway
5 system providers, except that a local unit of government may adopt
6 an ordinance or enforce an existing ordinance that does not
7 conflict with this section.

8 Sec. 665d. The Michigan council on future mobility and
9 electrification created under Executive Reorganization Order No.
10 2020-1, MCL 257.929, may conduct or contract with a third-party
11 vendor to conduct a study that analyzes the impact that the
12 development, construction, or implementation of an automated
13 vehicle roadway, automated vehicle roadway system, or related
14 infrastructure will have on labor and employment in areas within
15 this state where an automated vehicle roadway, automated vehicle
16 roadway system, or related infrastructure is developed,
17 constructed, or implemented.

18 Sec. 666a. (1) An automated vehicle roadway system provider
19 may install and use an unmanned traffic monitoring device on, over,
20 under, or along an automated vehicle roadway for which the
21 automated vehicle roadway system provider has entered into an
22 agreement with the state transportation department under section
23 665c.

24 (2) Beginning 31 days after the installation of an unmanned
25 traffic monitoring device on, over, under, or along an automated
26 vehicle roadway described in subsection (1), a person is
27 responsible for a civil infraction as provided in section 642(4) if
28 the person violates section 642(3) based on the evidence obtained
29 from the unmanned traffic monitoring device. However, for the first

1 30 days after the installation of the unmanned traffic monitoring
2 device, a person shall be issued a written warning only.

3 (3) Notwithstanding any provision of law to the contrary, a
4 sworn statement of an authorized agent of the state transportation
5 department, based upon the inspection of photographs,
6 microphotographs, videotape, or other recorded images or data
7 produced by an unmanned traffic monitoring device, is prima facie
8 evidence of the facts contained in the sworn statement. Any
9 photographs, microphotographs, videotape, or other recorded images
10 or data indicating a violation must be available for inspection in
11 any proceeding for a violation of section 642(3). Photographs,
12 microphotographs, videotape, or recorded images or data of a
13 violation that contain personal identification information must be
14 destroyed within 90 days after final disposition of the citation.

15 (4) In a proceeding for a violation of section 642(3)
16 established by an unmanned traffic monitoring device under this
17 section, prima facie evidence that the vehicle described in the
18 citation issued was operated in violation of section 642(3),
19 together with proof that the defendant was at the time of the
20 violation the registered owner of the vehicle, is a rebuttable
21 presumption that the registered owner of the vehicle was the person
22 who committed the violation. For purposes of this subsection, the
23 owner of a leased or rental vehicle shall provide the name and
24 address of the person to whom the vehicle was leased or rented at
25 the time of the violation. The presumption under this subsection is
26 rebutted if any of the following apply:

27 (a) The registered owner of the vehicle files an affidavit
28 with the clerk of the court that he or she was not the operator of
29 the vehicle at the time of the violation.

1 (b) The registered owner of the vehicle testifies in court,
2 under oath, that he or she was not the operator of the vehicle at
3 the time of the violation.

4 (c) A certified copy of a police report showing that the
5 vehicle had been reported to the police as stolen before the time
6 of the violation of this section is presented before the appearance
7 date on the citation.

8 (5) Notwithstanding section 742, a citation for a violation of
9 section 642(3) based on evidence obtained from an unmanned traffic
10 monitoring device may be executed by mailing a copy of the citation
11 by first-class mail to the address of the owner of the vehicle as
12 shown on the records of the secretary of state. If the summoned
13 person fails to appear on the date of return set out in the
14 citation previously mailed by first-class mail pursuant to this
15 subsection, a copy of the citation must be sent by certified mail,
16 with return receipt requested. If the summoned person fails to
17 appear on either of the dates of return set out in the copies of
18 the citation mailed pursuant to this subsection, the citation must
19 be executed in the manner provided by law for personal service. The
20 court may issue a warrant for the arrest of a person who fails to
21 appear within the time limit established on the citation if a sworn
22 complaint is filed with the court for that purpose.