

SUBSTITUTE FOR
HOUSE BILL NO. 4641

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 6 and 7 (MCL 257.6 and 257.7), section 6 as
amended by 2002 PA 534, and by adding sections 12c, 40c, 43b, 76a,
76b, 76c, and 518a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6. (1) Except as otherwise provided in subsection (3),
2 "chauffeur" means any of the following:

3 (a) A person who operates a motor vehicle as a motor ~~common~~
4 ~~carrier of property or a motor contract carrier of property as~~
5 ~~defined in section 1(f) and (h) of~~ **UNDER** the motor carrier act,
6 1933 PA 254, MCL 475.1 **TO 479.42**, or a motor carrier of passengers
7 as defined in section 3 of the motor bus transportation act, 1982
8 PA 432, MCL 474.103.

9 (b) A person who is employed for the principal purpose of

1 operating a motor vehicle with a GVWR of 10,000 pounds or more.

2 (c) A person who operates a bus or school bus.

3 (d) A person who operates a taxi.

4 (e) A person who operates a limousine as defined by section 3
5 of the limousine transportation act, 1990 PA 271, MCL 257.1903.

6 (2) For purposes of subsection (1)(b), a person shall be
7 considered to be employed for the principal purpose of operating a
8 motor vehicle when the person's employment customarily involves the
9 necessary use of a motor vehicle for hire or for transporting
10 passengers for hire, or for transporting for gain or hire any
11 merchandise for display, sale, or delivery.

12 (3) "Chauffeur" does not include any of the following:

13 (a) A farmer or an employee of a farmer operating a vehicle
14 exclusively in connection with the farming operations of the
15 farmer.

16 (b) A fire fighter or a member of a fire department operating
17 an ambulance.

18 (c) Emergency medical services personnel operating an
19 ambulance. As used in this subdivision, "emergency medical services
20 personnel" means that term as defined in section 20904 of the
21 public health code, 1978 PA 368, MCL 333.20904.

22 (d) State transportation department employees whose work
23 consists of operating vehicles with a gross vehicle weight rating
24 of 10,000 pounds or more for the purpose of transporting highway
25 and bridge maintenance materials and supplies for all aspects of
26 state trunkline maintenance, including winter maintenance and
27 facilities maintenance.

(e) County road commission employees and other employees of local units of government who do not drive their own vehicles and whose work consists of hauling road building materials and supplies for the road commission or for other municipal purposes.

(f) A person operating a motor vehicle for a volunteer program who only receives reimbursement for the costs of operating the motor vehicle.

(g) A person who operates a motor home for personal pleasure.

(h) A parent or parent's designee for the purpose of transporting pupils to or from school and school related events.

(I) A TRANSPORTATION NETWORK COMPANY DRIVER.

Sec. 7. "Commercial vehicle" includes all motor vehicles used for the transportation of passengers for hire, or constructed or used for transportation of goods, wares, or merchandise, ~~and/or~~ **AND** all motor vehicles designed and used for drawing other vehicles ~~and~~ **THAT ARE** not ~~so~~ constructed as to carry ~~any~~ **A** load ~~thereon~~ **either** independently or any part of the weight of a vehicle or load ~~so~~ **BEING** drawn. **COMMERCIAL VEHICLE DOES NOT INCLUDE A PERSONAL VEHICLE OPERATED BY A TRANSPORTATION NETWORK COMPANY DRIVER.**

SEC. 12C. "DIGITAL NETWORK" MEANS THAT TERM AS DEFINED IN SECTION 3 OF THE TRANSPORTATION NETWORK COMPANY ACT.

SEC. 40C. "PERSONAL VEHICLE" MEANS THAT TERM AS DEFINED IN SECTION 3 OF THE TRANSPORTATION NETWORK COMPANY ACT.

SEC. 43B. "PREARRANGED RIDE" MEANS THAT TERM AS DEFINED IN SECTION 3 OF THE TRANSPORTATION NETWORK COMPANY ACT.

SEC. 76A. "TRANSPORTATION NETWORK COMPANY" MEANS THAT TERM AS DEFINED IN SECTION 3 OF THE TRANSPORTATION NETWORK COMPANY ACT.

1 SEC. 76B. "TRANSPORTATION NETWORK COMPANY DRIVER" MEANS THAT
2 TERM AS DEFINED IN SECTION 3 OF THE TRANSPORTATION NETWORK COMPANY
3 ACT.

4 SEC. 76C. "TRANSPORTATION NETWORK COMPANY RIDER" MEANS THAT
5 TERM AS DEFINED IN SECTION 3 OF THE TRANSPORTATION NETWORK COMPANY
6 ACT.

7 SEC. 518A. (1) ALL OF THE FOLLOWING TYPES OF AUTOMOBILE
8 INSURANCE SATISFY THE FINANCIAL RESPONSIBILITY REQUIREMENTS OF THIS
9 CHAPTER:

10 (A) DURING THE TIME THAT A TRANSPORTATION NETWORK COMPANY
11 DRIVER IS LOGGED ON TO THE TRANSPORTATION NETWORK COMPANY'S DIGITAL
12 NETWORK AND IS AVAILABLE TO RECEIVE TRANSPORTATION REQUESTS BUT IS
13 NOT ENGAGED IN A PREARRANGED RIDE, ALL OF THE FOLLOWING TYPES OF
14 AUTOMOBILE INSURANCE:

15 (i) RESIDUAL THIRD PARTY AUTOMOBILE LIABILITY INSURANCE AS
16 REQUIRED UNDER CHAPTER 31 OF THE INSURANCE CODE OF 1956, 1956 PA
17 218, MCL 500.3101 TO 500.3179, IN THE AMOUNT OF AT LEAST \$50,000.00
18 PER PERSON FOR DEATH OR BODILY INJURY, \$100,000.00 PER INCIDENT FOR
19 DEATH OR BODILY INJURY, AND \$25,000.00 FOR PROPERTY DAMAGE.

20 (ii) PERSONAL PROTECTION INSURANCE AND PROPERTY PROTECTION
21 INSURANCE IN THE AMOUNTS AND OF THE TYPES OF COVERAGE REQUIRED BY
22 CHAPTER 31 OF THE INSURANCE CODE OF 1956, 1956 PA 218, MCL 500.3101
23 TO 500.3179.

24 (B) DURING THE TIME THAT A TRANSPORTATION NETWORK COMPANY
25 DRIVER IS ENGAGED IN A PREARRANGED RIDE, ALL OF THE FOLLOWING TYPES
26 OF AUTOMOBILE INSURANCE:

27 (i) RESIDUAL THIRD PARTY AUTOMOBILE LIABILITY INSURANCE WITH A

1 MINIMUM COMBINED SINGLE LIMIT OF \$1,000,000.00 FOR ALL BODILY
2 INJURY OR PROPERTY DAMAGE.

3 (ii) PERSONAL PROTECTION INSURANCE AND PROPERTY PROTECTION
4 INSURANCE IN THE AMOUNTS AND OF THE TYPES OF COVERAGE REQUIRED BY
5 CHAPTER 31 OF THE INSURANCE CODE OF 1956, 1956 PA 218, MCL 500.3101
6 TO 500.3179.

7 (2) THIS SECTION ONLY APPLIES TO AUTOMOBILE INSURANCE OBTAINED
8 BY A TRANSPORTATION NETWORK COMPANY DRIVER OR A TRANSPORTATION
9 NETWORK COMPANY.

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

12 Enacting section 2. This amendatory act does not take effect
13 unless House Bill No. 4637 of the 98th Legislature is enacted into
14 law.