

Act No. 332
Public Acts of 2016
Approved by the Governor
December 9, 2016
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**STATE OF MICHIGAN
98TH LEGISLATURE
REGULAR SESSION OF 2016**

Introduced by Senators Kowall, Jones, Stamas, Brandenburg, Warren, Hertel, Colbeck, Schmidt, Marleau, Horn, Ananich, Proos, Bieda, Knollenberg, Booher, Casperson, Emmons, Gregory, Hansen, Hood, Hopgood, Hune, Johnson, Knezek, MacGregor, Meekhof, Nofs, O'Brien, Pavlov, Robertson, Schuitmaker, Shirkey, Young and Zorn

ENROLLED SENATE BILL No. 995

AN ACT to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to 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, the manufacturers of certain devices, the manufacturers of automated technology, upfitters, owners, and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to regulate and certify the manufacturers of certain devices; to provide for approval and certification of installers and servicers of certain devices; 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," by amending sections 2b, 204a, 602b, 643, 643a, and 665 (MCL 257.2b, 257.204a, 257.602b, 257.643, 257.643a, and 257.665), sections 2b and 665 as added and section 602 as amended by 2013 PA 231 and section 204a as amended by 2004 PA 362, and by adding sections 40c, 606b, and 665a; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

Sec. 2b. (1) "Automated driving system" means hardware and software that are collectively capable of performing all aspects of the dynamic driving task for a vehicle on a part-time or full-time basis without any supervision by a human operator. As used in this subsection, "dynamic driving task" means all of the following, but does not include strategic aspects of a driving task, including, but not limited to, determining destinations or waypoints:

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

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

(2) “Automated motor vehicle” means a motor vehicle on which an automated driving system has been installed, either by a manufacturer of automated driving systems or an upfitter that enables the motor vehicle to be operated without any control or monitoring by a human operator. Automated motor vehicle 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-keeping assistance, lane departure warning, or traffic jam and queuing assistance, unless 1 or more of these technologies alone or in combination with other systems enable the vehicle on which any active safety systems or operator assistance systems are installed to operate without any control or monitoring by an operator.

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

(4) “Automatic crash notification technology” means a vehicle service that integrates wireless communications and vehicle location technology to determine the need for or to facilitate emergency medical response in the event of a vehicle crash.

(5) “Manufacturer of automated driving systems” means a manufacturer or subcomponent system producer recognized by the secretary of state that develops or produces automated driving systems or automated vehicles.

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

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

(a) The person has manufactured automated motor vehicles in the United States that are certified to comply with all applicable federal motor vehicle safety standards.

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

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

(8) “On-demand automated motor vehicle network” means a digital network or software application used to connect passengers to automated motor vehicles, not including commercial motor vehicles, in participating fleets for transportation between points chosen by passengers, for transportation between locations chosen by the passenger when the automated motor vehicle is operated by the automated driving system.

(9) “Participating fleet” means any of the following:

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

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

(10) “SAVE project” means an initiative that authorizes eligible motor vehicle manufacturers to make available to the public on-demand automated motor vehicle networks as provided in section 665b.

(11) “Upfitter” means a person that modifies a motor vehicle after it was manufactured by installing an automated driving system in that motor vehicle to convert it to an automated motor vehicle. Upfitter includes a subcomponent system producer recognized by the secretary of state that develops or produces automated driving systems.

Sec. 40c. “Platoon” means a group of individual motor vehicles that are traveling in a unified manner at electronically coordinated speeds.

Sec. 204a. (1) The secretary of state shall create and maintain a computerized central file that provides an individual historical driving record for a natural person with respect to all of the following:

(a) A license issued to the person under chapter III.

(b) A conviction, civil infraction determination, or other licensing action that is entered against the person for a violation of this act or a local ordinance substantially corresponding to a provision of this act, or that is reported to the secretary of state by another jurisdiction.

(c) A failure of the person, including a nonresident, to comply with a suspension issued pursuant to section 321a.

(d) A cancellation, denial, revocation, suspension, or restriction of the person's operating privilege, a failure to pay a department of state driver responsibility fee, or other licensing action regarding that person, under this act or that is reported to the secretary of state by another jurisdiction. This subdivision also applies to nonresidents.

(e) An accident in which the person is involved.

(f) A conviction of the person for an offense described in section 319e.

(g) Any driving record requested and received by the secretary of state under section 307.

(h) Any notice given by the secretary of state and the information provided in that notice under section 317(3) or (4).

(i) Any other information received by the secretary of state regarding the person that is required to be maintained as part of the person's driving record as provided by law.

(2) A secretary of state certified computer-generated or paper copy of an order, record, or paper maintained in the computerized central file of the secretary of state is admissible in evidence in the same manner as the original and is prima facie proof of the contents of and the facts stated in the original.

(3) An order, record, or paper generated by the computerized central file of the secretary of state may be certified electronically by the generating computer. The certification shall be a certification of the order, record, or paper as it appeared on a specific date.

(4) A court or the office of the clerk of a court of this state which is electronically connected by a terminal device to the computerized central file of the secretary of state may receive into and use as evidence in any case the computer-generated certified information obtained by the terminal device from the file. A duly authorized employee of a court of record of this state may order a record for an individual from a secretary of state computer terminal device located in, and under the control of, the court, and certify in writing that the document was produced from the terminal and that the document was not altered in any way.

(5) After receiving a request for information contained in records maintained under this section, the secretary of state shall provide the information, in a form prescribed by the secretary of state, to any of the following:

(a) Another state.

(b) The United States secretary of transportation.

(c) The person who is the subject of the record.

(d) A motor carrier employer or prospective motor carrier employer, but only if the person who is the subject of the record is first notified of the request as prescribed by the secretary of state.

(e) An authorized agent of a person or entity listed in subdivisions (a) to (d).

Sec. 602b. (1) Except as otherwise provided in this section, a person shall not read, manually type, or send a text message on a wireless 2-way communication device that is located in the person's hand or in the person's lap, including a wireless telephone used in cellular telephone service or personal communication service, while operating a motor vehicle that is moving on a highway or street in this state. As used in this subsection, a wireless 2-way communication device does not include a global positioning or navigation system that is affixed to the motor vehicle. This subsection does not apply to a person operating a commercial vehicle.

(2) Except as otherwise provided in this section, a person shall not read, manually type, or send a text message on a wireless 2-way communication device that is located in the person's hand or in the person's lap, including a wireless telephone used in cellular telephone service or personal communication service, while operating a commercial motor vehicle or a school bus on a highway or street in this state. As used in this subsection, a wireless 2-way communication device does not include a global positioning or navigation system that is affixed to the commercial motor vehicle or school bus.

(3) Except as otherwise provided in this section, a person shall not use a hand-held mobile telephone to conduct a voice communication while operating a commercial motor vehicle or a school bus on a highway, including while temporarily stationary due to traffic, a traffic control device, or other momentary delays. This subsection does not apply if the operator of the commercial vehicle or school bus has moved the vehicle to the side of, or off, a highway and has stopped in a location where the vehicle can safely remain stationary. As used in this subsection, "mobile telephone" does not include a 2-way radio service or citizens band radio service. As used in this subsection, "use a hand-held mobile telephone" means 1 or more of the following:

(a) Using at least 1 hand to hold a mobile telephone to conduct a voice communication.

(b) Dialing or answering a mobile telephone by pressing more than a single button.

(c) Reaching for a mobile telephone in a manner that requires a driver to maneuver so that he or she is no longer in a seated driving position, restrained by a seat belt that is installed as required by 49 CFR 393.93 and adjusted in accordance with the vehicle manufacturer's instructions.

(4) Subsections (1), (2), and (3) do not apply to an individual who is using a device described in subsection (1) or (3) to do any of the following:

(a) Report a traffic accident, medical emergency, or serious road hazard.

(b) Report a situation in which the person believes his or her personal safety is in jeopardy.

(c) Report or avert the perpetration or potential perpetration of a criminal act against the individual or another person.

(d) Carry out official duties as a police officer, law enforcement official, member of a paid or volunteer fire department, or operator of an emergency vehicle.

(e) Operate or program the operation of an automated motor vehicle while testing or operating the automated motor vehicle without a human operator.

(5) Subsection (1) does not apply to a person using an on-demand automated motor vehicle network.

(6) An individual who violates this section is responsible for a civil infraction and shall be ordered to pay a civil fine as follows:

(a) For a first violation, \$100.00.

(b) For a second or subsequent violation, \$200.00.

(7) This section supersedes all local ordinances regulating the use of a communications device while operating a motor vehicle in motion on a highway or street, except that a unit of local government may adopt an ordinance or enforce an existing ordinance substantially corresponding to this section.

Sec. 606b. (1) As provided in this act, an on-demand automated motor vehicle network may be operated on a highway, road, or street in this state.

(2) A local unit of government shall not impose a local fee, registration, franchise, or regulation upon an on-demand automated motor vehicle network. This subsection does not apply after December 31, 2022. Nothing in this section limits local authority, or state authority over roads and rights-of-way, with respect to communications networks or facilities.

Sec. 643. (1) The operator of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of the vehicles and the traffic upon and the condition of the highway.

(2) Except as provided in subsection (4), a person shall not operate a motor vehicle with a gross weight, loaded or unloaded, in excess of 5,000 pounds outside the corporate limits of a city or village, within 500 feet of a like vehicle described in this subsection, moving in the same direction, except when overtaking and passing the vehicle.

(3) Except as provided in subsection (4), a distance of not less than 500 feet shall be maintained between 2 or more driven vehicles being delivered from 1 place to another.

(4) Subsections (2) and (3) do not apply to a vehicle in a platoon.

(5) A person who violates this section is responsible for a civil infraction.

Sec. 643a. (1) The operator of a truck or truck tractor, when traveling upon a highway outside of a business or residence district, when conditions permit, shall leave sufficient space between the vehicle and another truck or truck tractor so that an overtaking vehicle may enter and occupy the space without danger. This subsection does not prevent the operator of a truck or truck tractor from overtaking and passing another truck, truck tractor, or other vehicle in a lawful manner.

(2) When traveling upon a highway, the operator of a truck or truck tractor that is in a platoon shall allow reasonable access for other vehicles to afford those vehicles safe movement among lanes to exit or enter the highway.

(3) A person who violates this section is responsible for a civil infraction.

Sec. 665. (1) Before beginning research or testing on a highway or street in this state of an automated motor vehicle, technology that allows a motor vehicle to operate without a human operator, or any automated driving system installed in a motor vehicle under this section, the manufacturer of automated driving systems or upfitter performing that research or 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.

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

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

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

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

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

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

(5) When engaged, an automated driving system allowing for operation without a human operator shall be considered the driver or operator of a vehicle for purposes of determining conformance to any applicable traffic or motor vehicle laws and shall be deemed to satisfy electronically all physical acts required by a driver or operator of the vehicle.

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

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

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

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

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

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

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

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

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

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

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

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

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

(10) All of the following apply to a platoon:

(a) Vehicles in a platoon shall not be considered a combination of vehicles for purposes of this act.

(b) The lead vehicle in a platoon shall not be considered to draw the other vehicles.

(c) If the platoon includes a commercial motor vehicle, an appropriately endorsed driver who holds a valid commercial driver license shall be present behind the wheel of each commercial motor vehicle in the platoon.

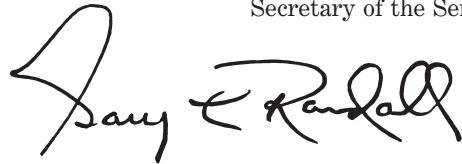
Sec. 665a. A manufacturer of automated driving technology, an automated driving system, or a motor vehicle is immune from liability that arises out of any modification made to a motor vehicle, an automated motor vehicle, an automated driving system, or automated driving technology by another person without the manufacturer's consent, as provided in section 2949b of the revised judicature act of 1961, 1961 PA 236, MCL 600.2949b. Nothing in this section supersedes or otherwise affects the contractual obligations, if any, between a motor vehicle manufacturer and a manufacturer of automated driving systems or a manufacturer of automated driving technology.

Enacting section 1. Section 663 of the Michigan vehicle code, 1949 PA 300, MCL 257.663, is repealed.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved

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Governor