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Senate Bill 538 (as introduced 6-15-21)
Sponsor: Senator Dan Lauwers
Committee: Transportation and Infrastructure

Date Completed: 3-2-22

CONTENT

The bill would amend the Michigan Vehicle Code to do the following:

- **Specify that an automated delivery device would not be a vehicle under the Code.**
- **Specify that the bill's provisions would occupy the whole field of regulation of automated delivery devices in the State and would prohibit a local authority from adopting, enacting, or enforcing a local law governing the devices.**
- **Allow a local authority to opt out of having automated delivery devices operate within the local authority if the election were made within 90 days after the bill's effective date.**
- **Specify that a city with a population of at least 500,000 could regulate the zones by which automated delivery devices could operate through ordinance within 90 days of the bill's effective date.**
- **Specify that a person operating an automated delivery device on a sidewalk, crosswalk, or other place open to the general public or accessible to pedestrian traffic would have all the rights and be subject to all the duties applicable to a pedestrian, except for special regulations and inapplicable provisions.**
- **Require a person operating an automated delivery device to maintain an insurance policy on each drive that included general liability of at least \$100,000.**
- **Require an official police report involving an automated delivery device to be submitted to the governing body of the municipality in which the report was recorded.**
- **Allow an automated delivery device to be operated on a sidewalk or other place accessible to pedestrian traffic at a maximum speed of 10 miles per hour.**
- **Prohibit an automated delivery device from transporting hazardous materials or from operating in a special charter city or a State park.**
- **Specify that an automated delivery device could only be operated between the hours of 8:00am and 8:00pm.**
- **Require an automated delivery device to be equipped with a lamp, be able to come rapidly to a controlled stop, and be labeled with certain information related to the operator.**

Definitions

"Automated delivery device" would mean a self-propelled device that meets all the following requirements:

- Is used to transport goods or perform services.
- Does not transport a human operator or passenger.

- Is not more than 32 inches wide.
- Weighs less than 1,000 pounds.
- Has a maximum attainable speed of 25 miles per hour or less.
- Uses and automated driving system.

Under the Code, "motor vehicle" means every vehicle that is self-propelled, but for purposes of the Code, the term does not include industrial equipment, a power-driven mobility device, an electric patrol vehicle, among other things. The bill specifies that the term would not include an automated delivery device.

The Code defines "operate" or "operating" as one or more of the following:

- Being in actual physical control of a vehicle.
- Causing an automated motor vehicle to move under its own power in automotive mode upon a highway or street regardless of whether the person is physically present in that vehicle at that time.

Under the bill, "operate" or "operating" would mean one or more of the following:

- Being in actual physical control of a vehicle.
- Causing an automated motor vehicle or automated delivery device to move under its own power in automatic mode regardless of whether the person is physically present in that automated motor vehicle or with that automated delivery device at that time.

The bill also specifies that to cause an automated delivery device to move under its own power in automatic mode would include engaging the device for that purpose. "Operate" or "operating" would not include requesting a delivery or service provided by an automated delivery device or dispatching an automated delivery device.

"Operator" means a person, other than a chauffeur, who either operates a motor vehicle upon a highway or street or operates an automated motor vehicle upon a highway or street. Under the bill, the term would include a person, other than a chauffeur, who operates an automated delivery device on a sidewalk or other area open to pedestrians.

Local Opt-Out

Under the Code, Chapter VI (Obedience to and Effect of Traffic Laws) and Chapter VIII (Penalties) apply uniformly throughout the State and in all of its political subdivisions and municipalities. Chapter VI specifies that certain impositions related to fines and penalties not in accordance with the Code are void and how proceeds of a civil fine imposed by a local authority must be appropriated, among other things. Under the bill, except as provided below, its provisions would occupy the whole field of regulation of an automated delivery device in the State and a local authority could not adopt, enact, or enforce a local law governing automated delivery devices.

The bill specifies that a local authority could opt out of having automated delivery devices operate within the local authority if the election were made not more than 90 days after the bill's effective date. A local authority that elected to opt out would have to notify MDOT of the election. The Department would have to maintain a list of local authorities that had elected to opt out and would have to post the list on a public facing website.

Notwithstanding any other provisions of the Code, a city that had a population of at least 500,000 as determined by the most recent decennial census could regulate the zones by which automated delivery devices could operate through ordinance within 90 days after the

bill's enactment. The city would have to submit any ordinance to MDOT and MDOT would have to post it on a public facing website.

Operating an Automated Delivery Device

Under the Code, a person operating an electric personal assistive mobility device, low-speed vehicle, electric skateboard, or moped upon a roadway must ride as near to the right side of the roadway as practicable and exercise due care when passing a standing vehicle or one proceeding in the same direction. A person operating an electric personal assistive mobility device or electric skateboard on a sidewalk constructed for the use of pedestrians must yield the right-of-way to a pedestrian and give an audible signal before overtaking and passing the pedestrian. In addition, operation of an electric personal assistive mobility device or electric skateboard is prohibited in a special charter city and a State park under the jurisdiction of the Mackinac Island State Park Commission. The bill specifies that these provisions would apply to a person operating, or the operation of, an automated delivery device.

Under the bill, except as otherwise provided by the Code, an automated delivery device could be operated on a sidewalk or other place accessible to pedestrian traffic at a speed of not more than 10 miles per hour. An automated delivery device would have to be capable of achieving a minimal risk condition, which could be achieved by the device's automated driving system having the ability to navigate around obstacles to an unobstructed path or the operator of the device could promptly take remote control of the device. The bill also would prohibit an automated delivery device from transporting hazardous materials regulated under Federal law and required to be placarded under Federal regulations.

The bill would require an automated delivery device to meet all the following requirements:

- Be equipped with a lamp that emitted a white light visible from 500 feet to the front and a lamp that emitted a red light visible from 500 feet to the rear.
- Be able to come rapidly to a controlled stop.
- Be labeled in three-inch type with the operator's name, address, and telephone number, and a unique number assigned by the operator.

The bill specifies that a person who violated the provision above would be responsible for a civil infraction.

The bill also would require an automated delivery device to be operated only between the hours of 8:00 AM and 8:00 PM and prohibit the operation of an automated delivery device on a trail.

Under the bill, a person who operated an automated delivery device would have to maintain an insurance policy on each device that included general liability coverage of at least \$100,000 for damages arising from the operation of the device. The bill also would require an official police report that involved an automated delivery device to be submitted to the governing body of the municipality in which the report was recorded.

Operation on a Sidewalk & Pedestrian Rights

The bill would specify that a person operating an automated delivery device on a sidewalk, crosswalk, or other place open to the general public or accessible to pedestrian traffic would have all the rights and be subject to all the duties applicable to a pedestrian under Chapter VI, except for special regulations in the Code and except for the provisions of Chapter VI that by their nature would not apply.

Under the bill, when traffic was not controlled by traffic signals or traffic signals were not in operation, the driver of a vehicle would have to stop and yield the right-of-way to a pedestrian within a crosswalk when the pedestrian was on the half of the roadway on which the vehicle was traveling or when the pedestrian was approaching so closely from the opposite half of the roadway as to be in danger. The pedestrian could not suddenly leave a curb or other place of safety and walk or run into the path of a vehicle that was so close that it was impossible for the driver to stop and yield to that pedestrian. A person who violated this provision would be responsible for a civil infraction.

Under the bill, when a vehicle was stopped at a crosswalk to permit a pedestrian to cross the roadway, the driver of another vehicle approaching from the rear could not overtake or pass the stopped vehicle.

Currently, the Code requires a bicycle to be equipped with a brake that enables the operator to make the braked wheels skid on dry, level, clean pavement. The bill would delete this provision, and instead, require a bicycle, electric personal assistive mobility device, electric skateboard, or commercial quadricycle to enable the operator to come rapidly to a controlled stop.

Under the Code, when a vehicle approaches the intersection of a highway from an intersecting highway or street that is intended to be, and is plainly constructed as, a merging highway or street, and is plainly marked at the intersection with appropriate merge signs, the vehicle must yield the right-of-way to a vehicle so close as to constitute an immediate hazard on the highway about to be entered and adjust its speed so as to enable it to merge safely with the through traffic. The bill specifies that the *driver* of the vehicle would have to yield as described above.

MCL 257.33 et al.

Legislative Analyst: Tyler VanHuyse

FISCAL IMPACT

The bill could result in additional revenue for local libraries. Although it is unknown how many citations would be issued for violation of the right-of-way provisions as proposed in Section 612a of the bill, any additional revenue from imposed fines would go to local libraries.

Fiscal Analyst: Joe Carrasco

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.