

**STATE OF MICHIGAN
101ST LEGISLATURE
REGULAR SESSION OF 2022**

Introduced by Senators Horn, Zorn, MacDonald, Bullock, LaSata, Chang, Lauwers, Ananich,
VanderWall, Schmidt and Geiss

ENROLLED SENATE BILL No. 706

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, 642, and 665 (MCL 257.2b, 257.642, and 257.665), sections 2b and 665 as amended by 2016 PA 332 and section 642 as amended by 2012 PA 498, and by adding sections 665c, 665d, 665e, and 666a.

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.

(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) “Automated vehicle roadway” means a segment of a roadway that has been designated by the state transportation department for an automated vehicle roadway system.

(5) “Automated vehicle roadway lane” means any lane or ramp on an automated vehicle roadway designated for the exclusive use of motor vehicles by the state transportation department as described under section 665c.

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

(7) “Automated vehicle roadway system provider” means an entity that designs, installs, constructs, operates, or maintains an automated vehicle roadway system.

(8) “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.

(9) “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.

(10) “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.

(11) “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.

(12) “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) Has manufactured automated motor vehicles in the United States that are certified to comply with all applicable federal motor vehicle safety standards.

(b) 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) 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.

(13) “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.

(14) “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.

(15) “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.

(16) “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. 642. (1) When a roadway has been divided into 2 or more clearly marked lanes for traffic, the following rules in addition to all other rules that are consistent with this act apply:

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

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

(c) Official traffic control devices may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and operators of vehicles shall obey the directions of the traffic-control device.

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

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

(a) Authorized emergency vehicles.

(b) Law enforcement vehicles.

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

(3) When a segment of roadway has been designated as an automated vehicle roadway or a lane or ramp of an automated vehicle roadway as an automated vehicle roadway lane under section 665c, both of the following must apply:

(a) If a user fee is required under section 665c(1)(c), the user fee is paid.

(b) The motor vehicle or automated motor vehicle complies with any applicable requirements of section 665c(2).

(4) The requirements of subsection (3) apply in addition to other existing rules or regulations governing the use of an automated vehicle roadway or automated vehicle roadway lane that are not inconsistent with subsection (3).

(5) A person who violates this section is responsible for a civil infraction and may be fined as provided in section 907.

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 must 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 is considered the driver or operator of a vehicle for purposes of determining conformance to any applicable traffic or motor vehicle laws and is deemed to satisfy electronically all physical acts required by a driver or operator of the vehicle. An automated vehicle roadway system provider is not an operator of a vehicle.

(6) 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 is allowed to operate the platoon.

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

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

(b) The lead vehicle in a platoon is not 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. 665c. (1) The state transportation department may do all of the following:

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

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

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

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

(2) If the state transportation department designates a segment of roadway as an automated vehicle roadway under subsection (1)(a) or a lane or ramp of an automated vehicle roadway as an automated vehicle roadway lane under subsection (1)(b), any of the following may apply:

(a) The roadway, lane, or ramp may be subject to requirements established by the state transportation department as a condition for use.

(b) The roadway, lane, or ramp may be reserved for the exclusive use of motor vehicles as determined by the state transportation department.

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

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

Sec. 665e. Within 1 year after the effective date of the amendatory act that added this section, the state transportation department shall submit a report to the transportation committee of the house of representatives and the transportation and infrastructure committee of the senate that includes an update on the progress of developing automated vehicle roadways or automated vehicle roadway lanes including, but not limited to, discussions on the exclusive and mixed-use of the automated vehicle roadway or automated vehicle roadway lane. The report required under this section must be submitted annually for 2 years after the initial report required under this section is submitted.

Sec. 666a. (1) An operator of a motor vehicle or automated motor vehicle shall not operate a motor vehicle or automated motor vehicle on an automated vehicle roadway or automated vehicle roadway lane without complying with section 642(3). A person that violates this subsection is responsible for a civil infraction and may be fined as provided in section 907.

(2) A sworn statement of an authorized agent of the state transportation department or a police officer from the department of state police, based upon the inspection of data produced by the automated vehicle roadway system, is prima facie evidence of the facts attested to in the sworn statement. Any data indicating a violation of subsection (1) must be available for inspection in any proceeding for a violation of subsection (1). Data of noncompliance with subsection (1) that contain personal identification information must be destroyed within 90 days after final disposition of the matter. Any data that does not indicate a violation of subsection (1) that contain personal identification information must be destroyed within 10 days of collection.

(3) Evidence obtained pursuant to subsection (2) that the operator of a motor vehicle or automated motor vehicle violated subsection (1), together with proof that the individual was at the time of the violation the registered owner of the motor vehicle or automated motor vehicle, creates a rebuttable presumption that the registered owner of the motor vehicle or automated motor vehicle is the person that did not comply with subsection (1). For purposes of this subsection, the owner of a leased or rental motor vehicle or automated motor vehicle shall provide the name and address of the person to whom the vehicle was leased or rented at the time of the noncompliance. The presumption under this subsection is rebutted if either of the following applies:

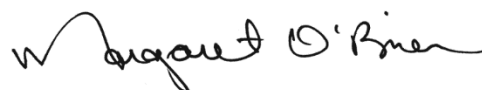
(a) The registered owner of the motor vehicle or automated motor vehicle files an affidavit with the clerk of the court that states that he or she was not the operator of the motor vehicle or automated motor vehicle at the time of the violation and provides reasonable proof to accompany the affidavit.

(b) A certified copy of a police report showing that the motor vehicle or automated motor vehicle had been reported to the police as stolen before the time of the violation is presented before the appearance date on the citation.

(4) Notwithstanding section 742, a citation for a violation of subsection (1) may be executed by mailing a copy of the citation by first-class mail to the address of the owner of the motor vehicle or automated motor vehicle as shown on the records of the secretary of state. If the summoned individual fails to appear on the date of return set out in the citation previously mailed by first-class mail pursuant to this subsection, a copy of the citation must be sent by certified mail, with return receipt requested. If the summoned individual fails to appear on either of the dates of return set out in the copies of the citation mailed pursuant to this subsection, the citation must be executed in the manner provided by law for personal service.

(5) The automated vehicle roadway system shall not produce data for any purpose other than the operation of the automated vehicle roadway system or noncompliance with subsection (1).

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved _____

Governor