

SENATE BILL NO. 538

June 15, 2021, Introduced by Senator LAUWERS and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 33, 35a, 36, 605, 649, 657, 660, and 662 (MCL 257.33, 257.35a, 257.36, 257.605, 257.649, 257.657, 257.660, and 257.662), section 33 as amended by 2018 PA 391, sections 35a and 36 as amended by 2013 PA 231, section 605 as amended by 2011 PA 159, section 649 as amended by 2018 PA 109, sections 657 and 662 as amended by 2018 PA 204, and section 660 as amended by 2018 PA 394, and by adding sections 2c, 612a, and 657b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2c. "Automated delivery device" means a self-propelled

1 device that meets all of the following requirements:

- 2 (a) Is used to transport goods or perform services.
- 3 (b) Does not transport a human operator or passenger.
- 4 (c) Is not more than 32 inches wide.
- 5 (d) Weighs less than 1,000 pounds.
- 6 (e) Has a maximum attainable speed of 25 miles per hour or
- 7 less.
- 8 (f) Uses an automated driving system.

9 Sec. 33. "Motor vehicle" means every vehicle that is self-

10 propelled, but for purposes of chapter 4, ~~IV~~, motor vehicle does

11 not include industrial equipment such as a forklift, a front-end

12 loader, or other construction equipment that is not subject to

13 registration under this act. Motor vehicle does not include a

14 power-driven mobility device when that power-driven mobility device

15 is being used by an individual with a mobility disability. Motor

16 vehicle does not include an electric patrol vehicle being operated

17 in compliance with the electric patrol vehicle act, 1997 PA 55, MCL

18 257.1571 to 257.1577. Motor vehicle does not include an electric

19 personal assistive mobility device. Motor vehicle does not include

20 an electric carriage. Motor vehicle does not include a commercial

21 quadricycle. Motor vehicle does not include an electric bicycle.

22 Motor vehicle does not include an electric skateboard. **Motor**

23 **vehicle does not include an automated delivery device.**

24 Sec. 35a. (1) "Operate" or "operating" means 1 or more of the

25 following:

26 (a) Being in actual physical control of a vehicle. This

27 subdivision applies regardless of whether ~~or not~~ the person is

28 licensed under this act as an operator or chauffeur.

29 (b) Causing an automated motor vehicle **or automated delivery**

1 **device** to move under its own power in automatic mode ~~upon a highway~~
 2 ~~or street~~ regardless of whether the person is physically present in
 3 that automated motor vehicle **or with that automated delivery device**
 4 at that time. This subdivision applies regardless of whether the
 5 person is licensed under this act as an operator or chauffeur. As
 6 used in this subdivision, "causing an automated motor vehicle **or**
 7 **automated delivery device** to move under its own power in automatic
 8 mode" includes engaging the automated technology of that automated
 9 motor vehicle **or automated delivery device** for that purpose.

10 (2) "Operate" or "operating" does not include either of the
 11 following:

12 (a) Requesting a delivery or service provided by an automated
 13 delivery device.

14 (b) Dispatching an automated delivery device.

15 Sec. 36. "Operator" means a person, other than a chauffeur,
 16 who does ~~either any~~ of the following:

17 (a) Operates a motor vehicle upon a highway or street.

18 (b) Operates an automated motor vehicle upon a highway or
 19 street.

20 (c) Operates an automated delivery device on a sidewalk or
 21 other area open to pedestrians.

22 Sec. 605. (1) This chapter and chapter VIII apply uniformly
 23 throughout this state and in all political subdivisions and
 24 municipalities in the state. A local authority shall not adopt,
 25 enact, or enforce a local law that provides lesser penalties or
 26 that is otherwise in conflict with this chapter or chapter VIII.

27 (2) A local law or portion of a local law that imposes a
 28 criminal penalty for an act or omission that is a civil infraction
 29 under this act, or that imposes a criminal penalty or civil

1 sanction in excess of that prescribed in this act, is in conflict
2 with this act and is void to the extent of the conflict.

3 (3) Except for a case in which the citation is dismissed
4 ~~pursuant to~~**under** subsection (4), proceeds of a civil fine imposed
5 by a local authority for violation of a local law regulating the
6 operation of a commercial motor vehicle and substantially
7 corresponding to a provision of this act ~~shall~~**must** be paid to the
8 county treasurer and allocated as follows:

9 (a) Seventy percent to the local unit of government in which
10 the citation is issued.

11 (b) Thirty percent for library purposes as provided by law.

12 (4) The owner or operator of a commercial motor vehicle ~~shall~~
13 **must** not be issued more than 1 citation for each violation of a
14 code or ordinance regulating the operation of a commercial motor
15 vehicle and substantially corresponding to a provision of sections
16 683 to 725a ~~of the Michigan vehicle code, 1949 PA 300, MCL 257.683~~
17 ~~to 257.725a,~~ within a 24-hour period. If the owner or operator of a
18 commercial motor vehicle is issued a citation for an equipment
19 violation pursuant to section 683 that does not result in the
20 vehicle being placed out of service, the court shall dismiss the
21 citation if the owner or operator of that commercial motor vehicle
22 provides written proof to the court within 14 days after the
23 citation is issued showing that the defective equipment indicated
24 in the citation has been repaired.

25 (5) **Except as otherwise provided in subsections (6) and (7),**
26 **this act occupies the whole field of regulation of automated**
27 **delivery devices in this state and a local authority shall not**
28 **adopt, enact, or enforce a local law governing automated delivery**
29 **devices.**

1 (6) A local authority may opt out of having automated delivery
2 devices operate within the local authority if the election to opt
3 out is made not more than 90 days after the effective date of the
4 amendatory act that added this subsection. A local authority that
5 elects to opt out under this subsection shall notify the state
6 transportation department of the election to opt out. The state
7 transportation department shall maintain a list of local
8 authorities that have elected to opt out under this subsection and
9 shall post that list on a public facing website.

10 (7) Notwithstanding any other provision of this act, a city
11 that has a population of not less than 500,000 as determined by the
12 most recent federal decennial census may regulate the zones in
13 which automated delivery devices may operate through ordinance
14 within 90 days of enactment of the bill. The city shall submit any
15 ordinance under this subsection to the state transportation
16 department and the state transportation department shall post it on
17 a public facing website.

18 (8) ~~(5)~~As used in this section, "local law" includes a local
19 charter provision, ordinance, rule, or regulation.

20 Sec. 612a. (1) When traffic is not controlled by traffic
21 signals or traffic signals are not in operation, the driver of a
22 vehicle shall stop and yield the right-of-way to a pedestrian
23 within a crosswalk when the pedestrian is on the half of the
24 roadway on which the vehicle is traveling or when the pedestrian is
25 approaching so closely from the opposite half of the roadway as to
26 be in danger. A pedestrian shall not suddenly leave a curb or other
27 place of safety and walk or run into the path of a vehicle that is
28 so close that it is impossible for the driver to stop and yield to
29 that pedestrian.

1 (2) **A person who violates subsection (1) is responsible for a**
2 **civil infraction.**

3 Sec. 649. (1) The driver of a vehicle approaching an
4 intersection shall yield the ~~right-of-way~~ **right-of-way** to a vehicle
5 that has entered the intersection from a different highway.

6 (2) When 2 vehicles enter an intersection from different
7 highways at approximately the same time, the driver of the vehicle
8 on the left shall yield the ~~right-of-way~~ **right-of-way** to the
9 vehicle on the right.

10 (3) The ~~right-of-way~~ **right-of-way** rules in subsections (1) and
11 (2) are modified at through highways and otherwise as provided in
12 subsection (4) and in this chapter.

13 (4) The driver of a vehicle approaching an intersection that
14 is controlled by a traffic control signal shall do all of the
15 following, if the signal facing the driver exhibits no colored
16 lights or colored lighted arrows, exhibits a combination of colored
17 lights or colored lighted arrows that fails to clearly indicate the
18 assignment of ~~right-of-way~~, **right-of-way**, or the signals are
19 otherwise malfunctioning:

20 (a) Stop at a clearly marked stop line, or, if there is no
21 clearly marked stop line, stop before entering the crosswalk on the
22 near side of the intersection, or, if there is no crosswalk, stop
23 before entering the intersection.

24 (b) Yield the ~~right-of-way~~ **right-of-way** to all vehicles in the
25 intersection or approaching on an intersecting road, if those
26 vehicles will constitute an immediate hazard during the time the
27 driver is moving across or within the intersection.

28 (c) Exercise ordinary care while proceeding through the
29 intersection.

1 (5) Subsection (4) does not apply to either of the following:

2 (a) An intersection that is controlled by a traffic control
3 signal that is flashing yellow unless certain events occur,
4 including, but not limited to, activation by an emergency vehicle.

5 (b) A traffic control signal that is located in a school zone
6 and is flashing yellow only during prescribed periods of time.

7 (6) The driver of a vehicle approaching a yield sign, in
8 obedience to the sign, shall slow down to a speed reasonable for
9 the existing conditions and shall yield the ~~right-of-way~~**right-of-**
10 **way** to a vehicle in the intersection or approaching on another
11 highway so closely as to constitute an immediate hazard during the
12 time the driver would be moving across or within the intersection.
13 However, if required for safety to stop, the driver shall stop
14 before entering the crosswalk on the near side of the intersection
15 or, if there is not a crosswalk, at a clearly marked stop line; but
16 if there is not a crosswalk or a clearly marked stop line, then at
17 the point nearest the intersecting roadway where the driver has a
18 view of approaching traffic on the intersecting roadway.

19 (7) The driver of a vehicle traveling at an unlawful speed
20 forfeits a ~~right-of-way~~**right-of-way** that the driver might
21 otherwise have under this section.

22 (8) Except when directed to proceed by a police officer, the
23 driver of a vehicle approaching a stop intersection indicated by a
24 stop sign shall stop before entering the crosswalk on the near side
25 of the intersection, or if there is not a crosswalk shall stop at a
26 clearly marked stop line; or if there is not a crosswalk or a
27 clearly marked stop line, then at the point nearest the
28 intersecting roadway where the driver has a view of approaching
29 traffic on the intersecting roadway. After having stopped, the

1 driver shall yield the ~~right-of-way~~**right-of-way** to a vehicle that
2 has entered the intersection from another highway or that is
3 approaching so closely on the highway as to constitute an immediate
4 hazard during the time when the driver would be moving across or
5 within the intersection.

6 (9) When a vehicle approaches the intersection of a highway
7 from an intersecting highway or street that is intended to be, and
8 is constructed as, a merging highway or street, and is plainly
9 marked at the intersection with appropriate merge signs, the **driver**
10 **of a** vehicle shall yield ~~right-of-way~~**the right-of-way** to a vehicle
11 so close as to constitute an immediate hazard on the highway about
12 to be entered and ~~shall adjust its~~**the vehicle's** speed so as to
13 enable it to merge safely with the through traffic.

14 (10) **When a vehicle is stopped at a crosswalk to permit a**
15 **pedestrian to cross the roadway, the driver of another vehicle**
16 **approaching from the rear shall not overtake or pass the stopped**
17 **vehicle.**

18 (11) ~~(10)~~A person who violates this section is responsible
19 for a civil infraction.

20 Sec. 657. (1) Each person riding a bicycle, electric bicycle,
21 electric personal assistive mobility device, electric skateboard,
22 or moped or operating a low-speed vehicle or commercial quadricycle
23 upon a roadway has all of the rights and is subject to all of the
24 duties applicable to the ~~driver~~**operator** of a vehicle under this
25 chapter, except for special regulations in this article and except
26 for the provisions of this chapter that by their nature do not
27 apply.

28 (2) **A person operating an automated delivery device on a**
29 **sidewalk, crosswalk, or other place open to the general public or**

1 accessible to pedestrian traffic has all of the rights and is
2 subject to all of the duties applicable to a pedestrian under this
3 chapter, except for special regulations in this article and except
4 for the provisions of this chapter that by their nature do not
5 apply.

6 Sec. 657b. (1) A person that operates an automated delivery
7 device shall maintain an insurance policy on each device that
8 includes general liability coverage of not less than \$100,000.00
9 for damages arising from the operation of the device.

10 (2) If an official police report involves an automated
11 delivery device, that police report must be submitted to the
12 governing body of the municipality in which the police report was
13 recorded.

14 Sec. 660. (1) A person operating an **automated delivery device**,
15 electric personal assistive mobility device, low-speed vehicle,
16 electric skateboard, or moped upon a roadway shall ~~ride~~**operate** as
17 near to the right side of the roadway as practicable and shall
18 exercise due care when passing a standing vehicle or one proceeding
19 in the same direction. A motorcycle is entitled to full use of a
20 lane, and a motor vehicle ~~shall~~**must** not be driven in such a manner
21 as to deprive a motorcycle of the full use of a lane. This
22 subsection does not apply to motorcycles operated 2 abreast in a
23 single lane.

24 (2) A person ~~riding~~**operating** an electric personal assistive
25 mobility device, motorcycle, electric skateboard, or moped upon a
26 roadway shall not ~~ride~~**operate** more than 2 abreast except on a path
27 or part of a roadway set aside for the exclusive use of those
28 vehicles.

29 (3) Where a usable and designated path for bicycles is

1 provided adjacent to a highway or street, a person operating an
2 electric personal assistive mobility device, or electric skateboard
3 may, by local ordinance, be required to use that path.

4 (4) A person operating a motorcycle, moped, low-speed vehicle,
5 electric personal assistive mobility device, or electric skateboard
6 shall not pass between lines of traffic, but may pass on the left
7 of traffic moving in his or her direction in the case of a 2-way
8 street or on the left or right of traffic in the case of a 1-way
9 street, in an unoccupied lane.

10 (5) A person operating an **automated delivery device**, electric
11 personal assistive mobility device, or electric skateboard on a
12 sidewalk constructed for the use of pedestrians shall yield the
13 right-of-way to a pedestrian and shall give an audible signal
14 before overtaking and passing the pedestrian.

15 (6) A moped, low-speed vehicle, or commercial quadricycle
16 ~~shall~~**must** not be operated on a sidewalk constructed for the use of
17 pedestrians.

18 (7) A low-speed vehicle or commercial quadricycle ~~shall~~**must**
19 be operated at a speed of not more than 25 miles per hour. A low-
20 speed vehicle ~~shall~~**must** not be operated on a highway or street
21 with a speed limit of more than 35 miles per hour except for the
22 purpose of crossing that highway or street. A commercial
23 quadricycle ~~shall~~**must** not be operated on a highway or street with
24 a speed limit of more than 45 miles per hour except for the purpose
25 of crossing that highway or street. An individual shall not operate
26 a commercial quadricycle that is equipped with a motor unless he or
27 she has a valid operator's license issued under this act. The state
28 transportation department may prohibit the operation of a low-speed
29 vehicle or commercial quadricycle on any highway or street under

1 its jurisdiction if it determines that the prohibition is necessary
2 in the interest of public safety.

3 (8) This section does not apply to a police officer in the
4 performance of his or her official duties.

5 (9) An electric personal assistive mobility device ~~shall~~**must**
6 be operated at a speed of not more than 15 miles per hour and ~~shall~~
7 **must** not be operated on a highway or street with a speed limit of
8 more than 25 miles per hour except to cross that highway or street.

9 (10) An electric skateboard ~~shall~~**must** be operated at a speed
10 of not more than 25 miles per hour. An electric skateboard that
11 does not have handlebars ~~shall~~**must** not be operated on a highway or
12 street with a speed limit of more than 25 miles per hour except to
13 cross that highway or street, and an electric skateboard equipped
14 with handlebars ~~shall~~**must** not be operated on a highway or street
15 with a speed limit of more than 45 miles per hour except to cross
16 that highway or street.

17 (11) **Except as otherwise provided in this act, an automated**
18 **delivery device may be operated on a sidewalk or other place**
19 **accessible to pedestrian traffic at a speed of not more than 10**
20 **miles per hour.**

21 (12) An automated delivery device must be capable of achieving
22 a minimal risk condition, which may be achieved by 1 or more of the
23 following:

24 (a) The device's automated driving system can navigate around
25 obstacles to an unobstructed path.

26 (b) The operator of the device can promptly take remote
27 control of the device.

28 (13) An automated delivery device must not transport hazardous
29 materials regulated under 49 USC 5103 and required to be placarded

1 **under 49 CFR 172.500 to 172.560.**

2 **(14)** ~~(11)~~—The governing body of a county, a city, a village,
 3 an entity created under the urban cooperation act of 1967, 1967 (Ex
 4 Sess) PA 7, MCL 124.501 to 124.512, or a township may, by ordinance
 5 based on the health, safety, and welfare of the citizens, regulate
 6 the operation of electric personal assistive mobility devices,
 7 electric skateboards, or commercial quadricycles on sidewalks,
 8 highways or streets, or crosswalks. Except as otherwise provided in
 9 this subsection, a governing body of a county, city, village,
 10 entity created under the urban cooperation act of 1967, 1967 (Ex
 11 Sess) PA 7, MCL 124.501 to 124.512, or township may prohibit the
 12 operation of electric personal assistive mobility devices, electric
 13 skateboards, or commercial quadricycles in an area open to
 14 pedestrian traffic adjacent to a waterfront or on a trail under its
 15 jurisdiction or in a downtown or central business district. Signs
 16 indicating the regulation ~~shall~~**must** be conspicuously posted in the
 17 area where the use of an electric personal assistive mobility
 18 device, electric skateboard, or commercial quadricycle is
 19 regulated.

20 **(15)** ~~(12)~~—Operation of an **automated delivery device**, electric
 21 personal assistive mobility device, or electric skateboard is
 22 prohibited in a special charter city and a state park under the
 23 jurisdiction of the Mackinac Island State Park commission.

24 **(16)** ~~(13)~~—Operation of an electric personal assistive mobility
 25 device or electric skateboard may be prohibited in a historic
 26 district.

27 **(17)** ~~(14)~~—The department of natural resources may by order
 28 regulate the use of electric personal assistive mobility devices or
 29 electric skateboards on all lands under its control.

1 **(18) An automated delivery device must only be operated**
2 **between the hours of 8:00 a.m. and 8:00 p.m.**

3 **(19) An automated delivery device must not be operated on a**
4 **trail.**

5 Sec. 662. (1) A bicycle, electric personal assistive mobility
6 device, electric skateboard, or commercial quadricycle being
7 operated on a roadway between 1/2 hour after sunset and 1/2 hour
8 before sunrise ~~shall~~**must** be equipped with a lamp on the front that
9 emits a white light visible from a distance of at least 500 feet to
10 the front and with a red reflector on the rear that ~~shall be~~**is**
11 visible from all distances from 100 feet to 600 feet to the rear
12 when directly in front of lawful lower beams of head lamps on a
13 motor vehicle. A lamp emitting a red light visible from a distance
14 of 500 feet to the rear may be used in addition to the red
15 reflector.

16 (2) A bicycle, ~~shall be equipped with a brake that enables the~~
17 ~~operator to make the braked wheels skid on dry, level, clean~~
18 ~~pavement.~~

19 ~~(3) An electric personal assistive mobility device, electric~~
20 ~~skateboard, or commercial quadricycle shall~~**must** enable the
21 operator to ~~bring it~~**come rapidly** to a controlled stop.

22 **(3) An automated delivery device must meet all of the**
23 **following requirements:**

24 (a) **Be equipped with a lamp that emits a white light visible**
25 **from 500 feet to the front and a lamp that emits a red light**
26 **visible from 500 feet to the rear.**

27 (b) **Be able to come rapidly to a controlled stop.**

28 (c) **Be labeled in 3-inch type with the operator's name,**
29 **address, and telephone number, and a unique number assigned by the**

1 **operator.**

2 (4) A person shall not sell, offer for sale, or deliver for
3 sale in this state a bicycle or a pedal for use on a bicycle,
4 either of which was manufactured after January 1, 1976, unless it
5 is equipped with a type of reflex reflector located on the front
6 and rear surfaces of the pedal. The reflector elements may be
7 either integral with the construction of the pedal or mechanically
8 attached, but ~~shall~~**must** be sufficiently recessed from the edge of
9 the pedal, or of the reflector housing, to prevent contact of the
10 reflector element with a flat surface placed in contact with the
11 edge of the pedal. The pedal reflectors ~~shall~~**must** be visible from
12 the front and rear of the bicycle during the nighttime from a
13 distance of 200 feet when directly exposed to the lower beam head
14 lamps of a motor vehicle.

15 (5) A person shall not sell, offer for sale, or deliver for
16 sale in this state a bicycle manufactured after January 1, 1976 or
17 an electric personal assistive mobility device unless it is
18 equipped with either tires that have reflective sidewalls or with
19 wide-angle prismatic spoke reflectors. If the bicycle or the
20 electric personal assistive mobility device is manufactured with
21 reflective sidewalls, the reflective portion of the sidewall ~~shall~~
22 **must** form a continuous circle on the sidewall, and may not be
23 removed from the tire without removal of tire material. If the
24 bicycle is equipped with wide-angle prismatic spoke reflectors, the
25 reflectors of the front wheel ~~shall~~**must** be essentially colorless
26 or amber, and the reflectors on the rear wheel ~~shall~~**must** be
27 essentially colorless or red. Reflective sidewalls or spoke
28 reflectors ~~shall~~**must** cause the bicycle to be visible from all
29 distances from 100 feet to 600 feet when viewed under lawful low

- 1 beam motor vehicle head lamps under normal atmospheric conditions.
- 2 (6) A person who violates subsection (1), ~~or~~ (2), **or (3)** is
- 3 responsible for a civil infraction.