

SENATE BILL No. 995

May 25, 2016, Introduced by Senators KOWALL, JONES, STAMAS, BRANDENBURG, WARREN, HERTEL, COLBECK, SCHMIDT, MARLEAU, HORN and ANANICH and referred to the Committee on Economic Development and International Investment.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 2b, 602b, 643, 643a, and 665 (MCL 257.2b, 257.602b, 257.643, 257.643a, and 257.665), sections 2b and 665 as added and section 602b as amended by 2013 PA 231, and by adding sections 40c, 606b, and 665a; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2b. (1) "AUTOMATED DRIVING SYSTEM" MEANS HARDWARE AND
2 SOFTWARE THAT ARE COLLECTIVELY CAPABLE OF PERFORMING ALL ASPECTS OF
3 THE DYNAMIC DRIVING TASK FOR A VEHICLE ON A PART-TIME OR FULL-TIME
4 BASIS WITHOUT ANY SUPERVISION BY A HUMAN OPERATOR. AS USED IN THIS
5 SUBSECTION, "DYNAMIC DRIVING TASK" MEANS ALL OF THE FOLLOWING, BUT
6 DOES NOT INCLUDE STRATEGIC ASPECTS OF A DRIVING TASK, INCLUDING,

1 BUT NOT LIMITED TO, DETERMINING DESTINATIONS OR WAYPOINTS:

2 (A) OPERATIONAL ASPECTS, INCLUDING, BUT NOT LIMITED TO,
3 STEERING, BRAKING, ACCELERATING, AND MONITORING THE VEHICLE AND THE
4 ROADWAY.

5 (B) TACTICAL ASPECTS, INCLUDING, BUT NOT LIMITED TO,
6 RESPONDING TO EVENTS, DETERMINING WHEN TO CHANGE LANES, TURNING,
7 USING SIGNALS, AND OTHER RELATED ACTIONS.

8 (2) ~~(1)~~—"Automated motor vehicle" means a motor vehicle on
9 which **AN** automated ~~technology~~ **DRIVING SYSTEM** has been installed,
10 either by a manufacturer of automated ~~technology~~ **DRIVING SYSTEMS** or
11 an upfitter that enables the motor vehicle to be operated without
12 any control or monitoring by a human operator. Automated motor
13 vehicle does not include a motor vehicle enabled with 1 or more
14 active safety systems or operator assistance systems, including,
15 but not limited to, a system to provide electronic blind spot
16 assistance, crash avoidance, emergency braking, parking assistance,
17 adaptive cruise control, lane-keeping assistance, lane departure
18 warning, or traffic jam and queuing assistance, unless 1 or more of
19 these technologies alone or in combination with other systems
20 enable the vehicle on which the technology is installed to operate
21 without any control or monitoring by an operator.

22 (3) ~~(2)~~—"Automated technology" means technology installed on a
23 motor vehicle that has the capability to assist, make decisions
24 for, or replace ~~an~~ **A HUMAN** operator.

25 ~~(3) "Automatic mode" means the mode of operating an automated~~
26 ~~motor vehicle when automated technology is engaged to enable the~~
27 ~~motor vehicle to operate without any control or monitoring by an~~

1 operator.

2 (4) "AUTOMATIC CRASH NOTIFICATION TECHNOLOGY" MEANS A VEHICLE
3 SERVICE THAT INTEGRATES WIRELESS COMMUNICATIONS AND VEHICLE
4 LOCATION TECHNOLOGY TO DETERMINE THE NEED FOR OR TO FACILITATE
5 EMERGENCY MEDICAL RESPONSE IN THE EVENT OF A VEHICLE CRASH.

6 (5) ~~(4)~~—"Manufacturer of automated ~~technology~~"—DRIVING
7 SYSTEMS" means a manufacturer or subcomponent system producer
8 recognized by the secretary of state that develops or produces
9 automated ~~technology~~—DRIVING SYSTEMS or automated vehicles.

10 (6) "MOTOR VEHICLE MANUFACTURER" MEANS A PERSON THAT HAS
11 MANUFACTURED AND DISTRIBUTED MOTOR VEHICLES IN THE UNITED STATES
12 THAT ARE CERTIFIED TO COMPLY WITH ALL APPLICABLE FEDERAL MOTOR
13 VEHICLE SAFETY STANDARDS AND THAT HAS SUBMITTED APPROPRIATE
14 MANUFACTURER IDENTIFICATION INFORMATION TO THE NATIONAL HIGHWAY
15 TRAFFIC SAFETY ADMINISTRATION AS PROVIDED IN 49 CFR PART 566.

16 (7) "ON-DEMAND AUTOMATED MOTOR VEHICLE NETWORK" MEANS A
17 DIGITAL NETWORK OR SOFTWARE APPLICATION USED TO CONNECT PASSENGERS
18 TO AUTOMATED MOTOR VEHICLES, NOT INCLUDING COMMERCIAL MOTOR
19 VEHICLES EQUIPPED WITH AUTOMATED DRIVING SYSTEMS IN PARTICIPATING
20 FLEETS FOR TRANSPORTATION BETWEEN POINTS CHOSEN BY PASSENGERS, FOR
21 TRANSPORTATION BETWEEN LOCATIONS CHOSEN BY THE PASSENGER WHEN THE
22 AUTOMATED MOTOR VEHICLE IS OPERATED WITHOUT ANY CONTROL OR
23 MONITORING BY A HUMAN OPERATOR.

24 (8) "PARTICIPATING FLEET" MEANS VEHICLES THAT ARE EQUIPPED
25 WITH AUTOMATED DRIVING SYSTEMS THAT ARE OPERATING ON THE PUBLIC
26 ROADS AND HIGHWAYS OF THIS STATE IN A SAVE PROJECT AS PROVIDED IN
27 SECTION 665A.

1 (9) "SAVE PROJECT" MEANS AN INITIATIVE THAT AUTHORIZES
2 ELIGIBLE MOTOR VEHICLE MANUFACTURERS TO MAKE AVAILABLE TO THE
3 PUBLIC ON-DEMAND AUTOMATED VEHICLE NETWORKS AS PROVIDED IN SECTION
4 665A.

5 (10) ~~(5)~~"Upfitter" means a person that modifies a motor
6 vehicle after it was manufactured by installing **AN** automated
7 ~~technology~~**DRIVING SYSTEM** in that motor vehicle to convert it to an
8 automated **MOTOR** vehicle. Upfitter includes a subcomponent system
9 producer recognized by the secretary of state that develops or
10 produces automated ~~technology~~**DRIVING SYSTEMS**.

11 **SEC. 40C. "PLATOON" MEANS A GROUP OF INDIVIDUAL MOTOR VEHICLES**
12 **THAT ARE TRAVELING IN A UNIFIED MANNER AT ELECTRONICALLY**
13 **COORDINATED SPEEDS.**

14 Sec. 602b. (1) Except as otherwise provided in this section, a
15 person shall not read, manually type, or send a text message on a
16 wireless 2-way communication device that is located in the person's
17 hand or in the person's lap, including a wireless telephone used in
18 cellular telephone service or personal communication service, while
19 operating a motor vehicle that is moving on a highway or street in
20 this state. As used in this subsection, a wireless 2-way
21 communication device does not include a global positioning or
22 navigation system that is affixed to the motor vehicle. ~~Beginning~~
23 ~~October 28, 2013, this~~**THIS** subsection does not apply to a person
24 operating a commercial vehicle.

25 (2) Except as otherwise provided in this section, a person
26 shall not read, manually type, or send a text message on a wireless
27 2-way communication device that is located in the person's hand or

1 in the person's lap, including a wireless telephone used in
2 cellular telephone service or personal communication service, while
3 operating a commercial motor vehicle or a school bus on a highway
4 or street in this state. As used in this subsection, a wireless 2-
5 way communication device does not include a global positioning or
6 navigation system that is affixed to the commercial motor vehicle
7 or school bus. ~~This subsection applies beginning October 28, 2013.~~

8 (3) Except as otherwise provided in this section, a person
9 shall not use a hand-held mobile telephone to conduct a voice
10 communication while operating a commercial motor vehicle or a
11 school bus on a highway, including while temporarily stationary due
12 to traffic, a traffic control device, or other momentary delays.
13 This subsection does not apply if the operator of the commercial
14 vehicle or school bus has moved the vehicle to the side of, or off,
15 a highway and has stopped in a location where the vehicle can
16 safely remain stationary. As used in this subsection, "mobile
17 telephone" does not include a 2-way radio service or citizens band
18 radio service. ~~This subsection applies beginning October 28, 2013.~~
19 As used in this subsection, "use a hand-held mobile telephone"
20 means 1 or more of the following:

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

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

25 (c) Reaching for a mobile telephone in a manner that requires
26 a driver to maneuver so that he or she is no longer in a seated
27 driving position, restrained by a seat belt that is installed as

1 required by 49 CFR 393.93 and adjusted in accordance with the
2 vehicle manufacturer's instructions.

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

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

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

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

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

15 (e) Operate or program the operation of an automated motor
16 vehicle while testing **OR OPERATING** the automated motor vehicle ~~in~~
17 ~~compliance with section 665, if that automated motor vehicle~~
18 ~~displays a special plate issued under section 224(3) in the manner~~
19 ~~required under section 225.~~ **WITHOUT A HUMAN OPERATOR.**

20 (5) **SUBSECTION (1) DOES NOT APPLY TO A PERSON USING AN ON-**
21 **DEMAND AUTOMATED MOTOR VEHICLE NETWORK.**

22 (6) ~~(5)~~ An individual who violates this section is responsible
23 for a civil infraction and shall be ordered to pay a civil fine as
24 follows:

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

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

27 (7) ~~(6)~~ This section supersedes all local ordinances

1 regulating the use of a communications device while operating a
2 motor vehicle in motion on a highway or street, except that a unit
3 of local government may adopt an ordinance or enforce an existing
4 ordinance substantially corresponding to this section.

5 **SEC. 606B. (1) AS PROVIDED BY IN SECTION 665A, AN ON-DEMAND**
6 **AUTOMATED MOTOR VEHICLE NETWORK MAY BE OPERATED ON A HIGHWAY, ROAD,**
7 **OR STREET IN THIS STATE.**

8 **(2) A LOCAL UNIT OF GOVERNMENT SHALL NOT IMPOSE A LOCAL FEE,**
9 **REGISTRATION, FRANCHISE, OR REGULATION UPON AN ON-DEMAND AUTOMATED**
10 **MOTOR VEHICLE NETWORK. THIS SUBSECTION DOES NOT APPLY AFTER**
11 **DECEMBER 31, 2022.**

12 Sec. 643. (1) The ~~driver~~**OPERATOR** of a motor vehicle shall not
13 follow another vehicle more closely than is reasonable and prudent,
14 having due regard for the speed of the vehicles and the traffic
15 upon ~~,~~and the condition of ~~,~~the highway.

16 **(2) A-EXCEPT AS PROVIDED IN SUBSECTION (4), A** person shall not
17 operate a motor vehicle with a gross weight, loaded or unloaded, in
18 excess of 5,000 pounds outside the corporate limits of a city or
19 village, within 500 feet of a like vehicle described in this
20 subsection, moving in the same direction, except when overtaking
21 and passing the vehicle.

22 **(3) A-EXCEPT AS PROVIDED IN SUBSECTION (4), A** distance of not
23 less than 500 feet shall be maintained between 2 or more driven
24 vehicles being delivered from 1 place to another.

25 **(4) SUBSECTIONS (2) AND (3) DO NOT APPLY TO A VEHICLE IN A**
26 **PLATOON.**

27 **(5) ~~(4)~~-A** person who violates this section is responsible for

1 a civil infraction.

2 Sec. 643a. (1) The ~~driver~~**OPERATOR** of a truck or truck
3 tractor, when traveling upon a highway outside of a business or
4 residence district, when conditions permit, shall leave sufficient
5 space between the vehicle and another truck or truck tractor so
6 that an overtaking vehicle may enter and occupy the space without
7 danger. ~~, except that this shall~~**THIS SUBSECTION DOES** not prevent
8 the ~~driver~~**OPERATOR** of a truck or truck tractor from overtaking and
9 passing another truck, truck tractor, or other vehicle in a lawful
10 manner.

11 **(2) WHEN TRAVELING UPON A HIGHWAY, THE OPERATOR OF A TRUCK OR**
12 **TRUCK TRACTOR THAT IS IN A PLATOON SHALL ALLOW REASONABLE ACCESS**
13 **FOR OTHER VEHICLES TO AFFORD THOSE VEHICLES SAFE MOVEMENT AMONG**
14 **LANES TO EXIT OR ENTER THE HIGHWAY.**

15 **(3) ~~(2)~~**A person who violates this section is responsible for
16 a civil infraction.

17 Sec. 665. (1) Before beginning research or testing of an
18 automated motor vehicle, **TECHNOLOGY THAT ALLOWS A MOTOR VEHICLE TO**
19 **OPERATE WITHOUT A HUMAN OPERATOR**, or any automated ~~technology~~
20 **DRIVING SYSTEM** installed in a motor vehicle under this section, the
21 manufacturer of automated ~~technology~~**DRIVING SYSTEMS OR UPFITTER**
22 performing that research or testing shall submit proof satisfactory
23 to the secretary of state that the vehicle is insured under chapter
24 31 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 to
25 500.3179.

26 **(2) A manufacturer of automated ~~technology~~DRIVING SYSTEMS OR**
27 **UPFITTER** shall ensure that all of the following circumstances exist

1 when researching or testing the operation, **INCLUDING OPERATION**
2 **WITHOUT A HUMAN OPERATOR**, of an automated motor vehicle or any
3 automated technology **OR AUTOMATED DRIVING SYSTEM** installed in a
4 motor vehicle upon a highway or street:

5 (a) The vehicle is operated only by an employee, contractor,
6 or other person designated or otherwise authorized by that
7 manufacturer of automated ~~technology~~. **DRIVING SYSTEMS OR UPFITTER.**

8 (b) An individual ~~is present in the vehicle while it is being~~
9 ~~operated on a highway or street of this state and that individual~~
10 **DESCRIBED IN SUBDIVISION (A)** has the ability to monitor the
11 vehicle's performance **WHILE IT IS BEING OPERATED ON A HIGHWAY OR**
12 **STREET IN THIS STATE** and, if necessary, immediately take control of
13 the vehicle's movements. **IF THE INDIVIDUAL DOES NOT, OR IS UNABLE**
14 **TO, TAKE CONTROL OF THE VEHICLE, THE VEHICLE SHALL BE CAPABLE OF**
15 **ACHIEVING A MINIMAL RISK CONDITION.**

16 (c) The individual operating the vehicle under subdivision (a)
17 and the individual who is ~~present in~~ **MONITORING** the vehicle for
18 purposes of subdivision (b) are licensed to operate a motor vehicle
19 in the United States.

20 ~~—— (3) No later than February 1, 2016, the state transportation~~
21 ~~department in consultation with the secretary of state and experts~~
22 ~~from various sizes of automobile manufacturing and automated~~
23 ~~technology manufacturing industries shall submit a report to the~~
24 ~~senate standing committees on transportation and economic~~
25 ~~development and to the house of representatives standing committees~~
26 ~~on transportation and commerce recommending any additional~~
27 ~~legislative or regulatory action that may be necessary for the~~

1 ~~continued safe testing of automated motor vehicles and automated~~
2 ~~technology installed in motor vehicles.~~

3 (3) A UNIVERSITY RESEARCHER OR AN EMPLOYEE OF THE STATE
4 TRANSPORTATION DEPARTMENT OR THE DEPARTMENT WHO IS ENGAGED IN
5 RESEARCH OR TESTING OF AUTOMATED MOTOR VEHICLES MAY OPERATE AN
6 AUTOMATED MOTOR VEHICLE IF THE OPERATION IS IN COMPLIANCE WITH
7 SUBSECTION (2).

8 (4) AN AUTOMATED MOTOR VEHICLE MAY BE OPERATED ON A STREET OR
9 HIGHWAY IN THIS STATE.

10 (5) WHEN ENGAGED, AN AUTOMATED DRIVING SYSTEM ALLOWING FOR
11 OPERATION WITHOUT A HUMAN OPERATOR SHALL BE CONSIDERED THE OPERATOR
12 OF A VEHICLE FOR PURPOSES OF THIS ACT.

13 (6) THE MICHIGAN COUNCIL ON FUTURE MOBILITY IS CREATED WITHIN
14 THE STATE TRANSPORTATION DEPARTMENT. THE COUNCIL SHALL PROVIDE TO
15 THE GOVERNOR, LEGISLATURE, DEPARTMENT, STATE TRANSPORTATION
16 DEPARTMENT, AND DEPARTMENT OF STATE POLICE RECOMMENDATIONS FOR
17 CHANGES IN STATE POLICY TO ENSURE THAT THIS STATE CONTINUES TO BE
18 THE WORLD LEADER IN AUTONOMOUS, DRIVERLESS, AND CONNECTED VEHICLE
19 TECHNOLOGY. THE COUNCIL CREATED UNDER THIS SUBSECTION SHALL CONSIST
20 OF THE ALL OF THE FOLLOWING MEMBERS, WHO SHALL SERVE WITHOUT
21 COMPENSATION:

22 (A) ELEVEN INDIVIDUALS APPOINTED BY THE GOVERNOR WHO ARE
23 REPRESENTATIVE OF BUSINESS, POLICY, RESEARCH, AND TECHNOLOGICAL
24 LEADERS IN FUTURE MOBILITY. THE INDIVIDUALS APPOINTED UNDER THIS
25 SUBDIVISION SHALL BE VOTING MEMBERS.

26 (B) TWO STATE SENATORS APPOINTED BY THE SENATE MAJORITY LEADER
27 TO SERVE AS NONVOTING EX OFFICIO MEMBERS. ONE OF THE SENATORS

1 APPOINTED UNDER THIS SUBDIVISION SHALL BE A MEMBER OF THE MAJORITY
2 PARTY, AND 1 OF THE SENATORS APPOINTED UNDER THIS SUBDIVISION SHALL
3 BE A MEMBER OF THE MINORITY PARTY.

4 (C) TWO STATE REPRESENTATIVES APPOINTED BY THE SPEAKER OF THE
5 HOUSE OF REPRESENTATIVES TO SERVE AS NONVOTING EX OFFICIO MEMBERS.
6 ONE OF THE REPRESENTATIVES APPOINTED UNDER THIS SUBDIVISION SHALL
7 BE A MEMBER OF THE MAJORITY PARTY, AND 1 OF THE REPRESENTATIVES
8 APPOINTED UNDER THIS SUBDIVISION SHALL BE A MEMBER OF THE MINORITY
9 PARTY.

10 (D) THE SECRETARY OF STATE OR HIS OR HER DESIGNEE.

11 (E) THE DIRECTOR OF THE STATE TRANSPORTATION DEPARTMENT OR HIS
12 OR HER DESIGNEE.

13 (F) THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE OR HIS OR
14 HER DESIGNEE.

15 (7) THE GOVERNOR SHALL DESIGNATE 1 OR MORE OF THE MEMBERS OF
16 THE COMMISSION TO SERVE AS CHAIRPERSON OF THE COMMISSION WHO SHALL
17 SERVE AT THE GOVERNOR'S PLEASURE.

18 (8) THE COUNCIL CREATED UNDER SUBSECTION (6) SHALL SUBMIT
19 RECOMMENDATIONS FOR STATEWIDE POLICY CHANGES AND UPDATES NO LATER
20 THAN MARCH 31, 2017 AND SHALL CONTINUE TO MAKE RECOMMENDATIONS
21 ANNUALLY THEREAFTER, OR MORE FREQUENTLY IN THE COMMISSION'S
22 DISCRETION.

23 (9) A PERSON MAY OPERATE A PLATOON ON A STREET OR HIGHWAY OF
24 THIS STATE IF THE PERSON FILES A PLAN FOR GENERAL PLATOON
25 OPERATIONS WITH THE DEPARTMENT OF STATE POLICE AND THE STATE
26 TRANSPORTATION DEPARTMENT BEFORE STARTING PLATOON OPERATIONS. IF
27 THE PLAN IS NOT REJECTED BY EITHER THE DEPARTMENT OF STATE POLICE

1 OR THE STATE TRANSPORTATION DEPARTMENT WITHIN 30 DAYS AFTER RECEIPT
2 OF THE PLAN, THE PERSON SHALL BE ALLOWED TO OPERATE THE PLATOON.

3 (10) ALL OF THE FOLLOWING APPLY TO A PLATOON:

4 (A) VEHICLES IN A PLATOON SHALL NOT BE CONSIDERED A
5 COMBINATION OF VEHICLES FOR PURPOSES OF THIS ACT.

6 (B) THE LEAD VEHICLE IN A PLATOON SHALL NOT BE CONSIDERED TO
7 DRAW THE OTHER VEHICLES.

8 (C) IF THE PLATOON INCLUDES A COMMERCIAL MOTOR VEHICLE, AN
9 APPROPRIATELY ENDORSED DRIVER WHO HOLDS A VALID COMMERCIAL DRIVER
10 LICENSE SHALL BE PRESENT BEHIND THE WHEEL OF EACH COMMERCIAL MOTOR
11 VEHICLE IN THE PLATOON.

12 SEC. 665A. A MANUFACTURER OF AUTOMATED TECHNOLOGY IS IMMUNE
13 FROM CIVIL LIABILITY FOR DAMAGES THAT ARISE OUT OF ANY MODIFICATION
14 MADE TO A MOTOR VEHICLE, AN AUTOMATED MOTOR VEHICLE, AN AUTOMATED
15 DRIVING SYSTEM, OR AUTOMATED TECHNOLOGY BY ANOTHER PERSON WITHOUT
16 THE MANUFACTURER OF AUTOMATED TECHNOLOGY'S CONSENT, AS PROVIDED IN
17 SECTION 2949B OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236,
18 MCL 600.2949B.

19 Enacting section 1. Section 663 of the Michigan vehicle code,
20 1949 PA 300, MCL 257.663, is repealed.