

SENATE BILL NO. 892

April 28, 2020, 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 the title and sections 35a, 36, 53, 69, 79, 612, and 679a (MCL 257.35a, 257.36, 257.53, 257.69, 257.79, 257.612, and 257.679a), the title as amended by 2016 PA 32, sections 35a and 36 as amended by 2013 PA 231, section 79 as amended by 1992 PA 134, and section 612 as amended by 2014 PA 386, and by adding section 40d and chapter VIA.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

TITLE

1 An act to provide for the registration, titling, sale,
2 transfer, and regulation of certain vehicles operated upon the
3 public highways of this state or any other place open to the
4 general public or generally accessible to motor vehicles and
5 distressed vehicles; to provide for the licensing of dealers; to
6 provide for the examination, licensing, and control of operators
7 and chauffeurs; to provide for the giving of proof of financial
8 responsibility and security by owners and operators of vehicles; to
9 provide for the imposition, levy, and collection of specific taxes
10 on vehicles, and the levy and collection of sales and use taxes,
11 license fees, and permit fees; to provide for the regulation and
12 use of streets and highways; **to provide for the regulation and use**
13 **of personal delivery devices in pedestrian areas and on highways**
14 **and streets;** to create certain funds; to provide penalties and
15 sanctions for a violation of this act; to provide for civil
16 liability of manufacturers, the manufacturers of certain devices,
17 the manufacturers of automated technology, upfitters, owners,
18 **operators of personal delivery devices,** and operators of vehicles
19 and service of process on residents and nonresidents; to regulate
20 the introduction and use of certain evidence; to regulate and
21 certify the manufacturers of certain devices; to provide for
22 approval and certification of installers and servicers of certain
23 devices; to provide for the levy of certain assessments; to provide
24 for the enforcement of this act; to provide for the creation of and
25 to prescribe the powers and duties of certain state and local
26 agencies; to impose liability upon the state or local agencies; to
27 provide appropriations for certain purposes; to repeal all other
28 acts or parts of acts inconsistent with this act or contrary to
29 this act; and to repeal certain parts of this act on a specific

1 date.

2 Sec. 35a. "Operate" or "operating" means 1 or more of the
3 following:

4 (a) Being in actual physical control of a vehicle. This
5 subdivision applies regardless of whether or not the person is
6 licensed under this act as an operator or chauffeur.

7 (b) Causing an automated motor vehicle to move under its own
8 power in automatic mode upon a highway or street regardless of
9 whether the person is physically present in that automated motor
10 vehicle at that time. This subdivision applies regardless of
11 whether the person is licensed under this act as an operator or
12 chauffeur. As used in this subdivision, "causing an automated motor
13 vehicle to move under its own power in automatic mode" includes
14 engaging the automated technology of that automated motor vehicle
15 for that purpose.

16 (c) **Causing a personal delivery device to move under its own**
17 **power in automatic mode in a pedestrian area or on a highway or**
18 **street regardless of whether the person is physically present with**
19 **that personal delivery device at that time. This subdivision**
20 **applies regardless of whether the person is licensed under this act**
21 **as an operator or chauffeur. As used in this subdivision, "causing**
22 **a personal delivery device to move under its own power in automatic**
23 **mode" includes engaging the automated delivery technology of that**
24 **personal delivery device for that purpose.**

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

27 (a) Operates a motor vehicle ~~upon~~**on** a highway or street.

28 (b) Operates an automated motor vehicle ~~upon~~**on** a highway or
29 street.

(c) Operates a personal delivery device in a pedestrian area or on a highway or street.

Sec. 40d. (1) "Pedestrian area" includes a sidewalk, crosswalk, school crossing, or safety zone.

(2) "Personal delivery device" means a device that meets both of the following requirements:

(a) Is manufactured primarily for transporting cargo in a pedestrian area or on the side of a roadway or shoulder of a highway or street.

(b) Is equipped with automated delivery technology, including software and hardware, that enables the operation of the device with the remote support and supervision of a human.

Sec. 53. "Right-of-way" means the privilege of the immediate use of the highway or street or pedestrian area.

Sec. 69. "Traffic" means pedestrians, ridden or herded animals, vehicles, street cars and other conveyances either singly or together while using any highway or street or pedestrian area for purposes of travel.

Sec. 79. "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices exclusively moved by human power or used exclusively upon stationary rails or tracks and except, only for the purpose of titling and registration under this act, a mobile home as **that term is** defined in section 2 of the mobile home commission act, ~~Act No. 96 of the Public Acts of 1987, being section 125.2302 of the Michigan Compiled Laws.1987 PA 96, MCL 125.2302.~~ **Vehicle does not include a personal delivery device operated in compliance with chapter VIA.**

Sec. 612. (1) ~~When~~**If** traffic is controlled by traffic control

1 signals, not fewer than 1 signal ~~shall~~**must** be located over the
2 traveled portion of the roadway so as to give vehicle operators a
3 clear indication of the right-of-way assignment from their normal
4 positions approaching the intersection. The vehicle signals ~~shall~~
5 **must** exhibit different colored lights successively, 1 at a time, or
6 with arrows. Red arrow and yellow arrow indications have the same
7 meaning as the corresponding circular indications, except that they
8 apply only to vehicle operators intending to make the movement
9 indicated by the arrow. The following colors ~~shall~~**must** be used,
10 and the terms and lights ~~shall~~ indicate and apply to vehicle
11 operators as follows:

12 (a) If the signal exhibits a green indication, vehicular
13 traffic facing the signal may proceed straight through or turn
14 right or left unless a sign at that place prohibits either turn.
15 Vehicular traffic, including vehicles turning right or left, shall
16 yield the right-of-way to other vehicles and to pedestrians,
17 **personal delivery devices**, and bicyclists lawfully within the
18 intersection or an adjacent crosswalk at the time the signal is
19 exhibited.

20 (b) If the signal exhibits a steady yellow indication,
21 vehicular traffic facing the signal shall stop before entering the
22 nearest crosswalk at the intersection or at a limit line when
23 marked, but if the stop cannot be made in safety, a vehicle may be
24 driven cautiously through the intersection.

25 (c) If the signal exhibits a steady red indication, the
26 following apply:

27 (i) Vehicular traffic facing a steady red signal alone shall
28 stop before entering the crosswalk on the near side of the
29 intersection or at a limit line when marked or, if there is no

1 crosswalk or limit line, before entering the intersection and shall
2 remain standing until a green indication is shown, except as
3 provided in subparagraph (ii).

4 (ii) Vehicular traffic facing a steady red signal, after
5 stopping before entering the crosswalk on the near side of the
6 intersection or at a limit line when marked or, if there is no
7 crosswalk or limit line, before entering the intersection, may make
8 a right turn from a 1-way or 2-way street into a 2-way street or
9 into a 1-way street carrying traffic in the direction of the right
10 turn or may make a left turn from a 1-way or 2-way street into a 1-
11 way roadway carrying traffic in the direction of the left turn,
12 unless prohibited by sign, signal, marking, light, or other traffic
13 control device. The vehicular traffic shall yield the ~~right-of-way~~
14 **right-of-way** to pedestrians, **personal delivery devices**, and
15 bicyclists lawfully within an adjacent crosswalk and to other
16 traffic lawfully using the intersection.

17 (d) If the signal exhibits a steady green arrow indication,
18 vehicular traffic facing the green arrow signal, shown alone or in
19 combination with another indication, may cautiously enter the
20 intersection only to make the movement indicated by the arrow or
21 other movement permitted by other indications shown at the same
22 time. The vehicular traffic shall yield the right-of-way to
23 pedestrians, **personal delivery devices**, and bicyclists lawfully
24 within an adjacent crosswalk and to other traffic lawfully using
25 the intersection.

26 (2) If a traffic control signal is erected and maintained at a
27 place other than an intersection, the provisions of this section
28 apply except for those provisions that by their nature cannot
29 apply. Any stop required ~~shall~~**must** be made at a sign or marking on

the pavement indicating where the stop ~~shall~~**must** be made, but in the absence of a sign or marking, the stop ~~shall~~**must** be made at the signal.

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

(4) A vehicle operator who approaches a person using a wheelchair or a device to aid the person to walk at a crosswalk or any other pedestrian crossing shall take necessary precautions to avoid accident or injury to the person using the wheelchair or device. A person who violates this subsection is guilty of a misdemeanor.

(5) A sign prohibiting a turn on a red signal as provided in subsection (1) (c) (ii) ~~shall~~**must** be located above or adjacent to the traffic control signal or as close as possible to the point where the turn is made, or at both locations, so that 1 or more of the signs are visible to a vehicle operator intending to turn, at the point where the turn is made. An additional sign may be used at the far side of the intersection in the direct line of vision of the turning vehicle operator.

(6) Subject to federal law, a temporary traffic control signal may be located on, over, or adjacent to the traveled portion of the roadway.

Sec. 679a. (1) A person shall not operate ~~a~~**any of the following on a limited access highway in this state:**

(a) A motorcycle with less than a 125 cubic centimeter engine.

τ

(b) A moped. τ

(c) A personal delivery device.

(d) A farm tractor τ or other self-propelled farm implement. τ

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

PERSONAL DELIVERY DEVICES

(b) "Business entity" means a corporation, association, partnership, limited liability company, limited liability partnership, sole proprietorship, or other legal entity engaged in business for the purpose of making a profit.

Sec. 777. (1) A person may operate a personal delivery device under this chapter only if both of the following requirements are

1 met:

2 (a) The person is a business entity.

3 (b) An agent of the business entity has the ability to monitor
4 the personal delivery device while it is being operated and, if
5 necessary, promptly take control of the device's movements.

6 (2) Except as otherwise provided in this subsection, when a
7 personal delivery device operated by the agent of a business entity
8 is engaged, the business entity is considered the operator of the
9 personal delivery device for purposes of determining conformance to
10 any applicable traffic laws. However, if the agent of the business
11 entity controls the personal delivery device in a manner that is
12 outside the scope of the agent's authority, the agent is considered
13 the operator of the personal delivery device.

14 (3) A person is not considered the operator of a personal
15 delivery device solely because the person does either of the
16 following:

17 (a) Requests a delivery or service provided by the device.

18 (b) Dispatches the device.

19 Sec. 778. A personal delivery device operated under this
20 chapter must do all of the following:

21 (a) Comply with the provisions of this act applicable to
22 pedestrians, except as otherwise provided in this chapter and
23 except for those provisions that by their nature cannot apply.

24 (b) Notwithstanding section 655, when sidewalks are not
25 provided, operate as near to the right side of the highway or
26 street as practicable.

27 (c) Yield the right-of-way to, or not obstruct the right-of-
28 way of, other traffic, including pedestrians, lawfully within a
29 pedestrian area or lawfully using a highway or street.

1 (d) Not unreasonably interfere with other traffic, including
2 pedestrians.

3 (e) If operated between sunset and sunrise, display the lights
4 required by section 780.

5 (f) Comply with any applicable local ordinance that is not
6 inconsistent with this chapter.

7 (g) Not transport hazardous materials regulated under 49 USC
8 5103 and required to be placarded under 49 CFR part 172, subpart F.

9 (h) Be monitored and controlled as provided in section 777.

10 Sec. 779. A personal delivery device may be operated under
11 this chapter in the following locations at the following speeds:

12 (a) In a pedestrian area at a speed of not more than 10 miles
13 per hour.

14 (b) On the side of a roadway or shoulder of a highway or
15 street at a speed of not more than 20 miles per hour.

16 Sec. 780. A personal delivery device operated under this
17 chapter must be equipped with all of the following:

18 (a) A marker that clearly states the name and contact
19 information of the owner and a unique identification number.

20 (b) Brake equipment that enables the device to come to a
21 controlled stop.

22 (c) If operated between sunset and sunrise, a lamp on the
23 front of the device that emits a white light visible from a
24 distance of at least 500 feet to the front and a lamp on the rear
25 of the device that emits a red light visible from a distance of at
26 least 500 feet to the rear when directly in front of lawful lower
27 beams of headlamps on a motor vehicle under normal atmospheric
28 conditions.

29 Sec. 781. (1) A local authority shall not regulate the

1 operation of a personal delivery device in a pedestrian area or on
2 a highway or street in a manner inconsistent with this chapter,
3 including, but not limited to, restricting the hours or zones of
4 operation.

5 (2) This section does not affect the authority of a local
6 authority's police officers to enforce the laws of this state
7 relating to the operation of a personal delivery device.

8 Sec. 782. A business entity that operates a personal delivery
9 device shall maintain an insurance policy on each device that
10 includes general liability coverage of not less than \$100,000.00
11 for damages arising from the operation of the device.