

HOUSE BILL NO. 5951

September 26, 2024, Introduced by Reps. Bierlein, Tyrone Carter, Brenda Carter and Rogers and referred to the Committee on Transportation, Mobility and Infrastructure.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 401, 675a, and 675c (MCL 257.401, 257.675a, and 257.675c), section 401 as amended by 2002 PA 652 and sections 675a and 675c as amended by 2000 PA 268, and by adding section 675e.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 401. (1) This section ~~shall~~**must** not be construed to
2 limit the right of a person to bring a civil action for damages for
3 injuries to either person or property resulting from a violation of

1 this act by the owner or operator of a motor vehicle or ~~his or her~~
2 **the owner or operator's** agent or servant. ~~The~~ **Except as otherwise**
3 **provided in this section, the** owner of a motor vehicle is liable
4 for an injury caused by the negligent operation of the motor
5 vehicle whether the negligence consists of a violation of a statute
6 of this state or the ordinary care standard required by common law.
7 The owner is not liable unless the motor vehicle is being driven
8 with ~~his or her~~ **the owner's** express or implied consent or
9 knowledge. It is presumed that the motor vehicle is being driven
10 with the knowledge and consent of the owner if it is driven at the
11 time of the injury by ~~his or her~~ **the owner's** spouse, father,
12 mother, brother, sister, son, daughter, or other immediate member
13 of the family.

14 (2) A person engaged in the business of leasing motor vehicles
15 ~~who~~ **that** is the lessor of a motor vehicle under a lease ~~providing~~
16 **that provides** for the use of the motor vehicle by the lessee for a
17 period that is greater than 30 days, or a dealer acting as agent
18 for that lessor, is not liable at common law for damages for
19 injuries to either person or property resulting from the operation
20 of the leased motor vehicle, including damages ~~occurring~~ **that occur**
21 after the expiration of the lease if the vehicle is in the
22 possession of the lessee.

23 (3) Notwithstanding subsection (1), a person engaged in the
24 business of leasing motor vehicles ~~who~~ **that** is the lessor of a
25 motor vehicle under a lease ~~providing~~ **that provides** for the use of
26 the motor vehicle by the lessee for a period of 30 days or less is
27 liable for an injury caused by the negligent operation of the
28 leased motor vehicle only if the injury occurred while the leased
29 motor vehicle was being operated by an authorized driver under the

1 lease agreement or by the lessee's spouse, father, mother, brother,
2 sister, son, daughter, or other immediate family member. Unless the
3 lessor, or ~~his or her~~ **the lessor's** agent, was negligent in the
4 leasing of the motor vehicle, the lessor's liability under this
5 subsection is limited to \$20,000.00 because of bodily injury to or
6 death of 1 ~~person~~ **individual** in any 1 accident and \$40,000.00
7 because of bodily injury to or death of 2 or more ~~persons~~
8 **individuals** in any 1 accident.

9 (4) A person engaged in the business of leasing motor vehicles
10 as provided under subsection (3) shall notify a lessee that the
11 lessor is liable only up to the maximum amounts provided for in
12 subsection (3), and only if the leased motor vehicle was being
13 operated by the lessee or other authorized driver or by the
14 lessee's spouse, father, mother, brother, sister, son, daughter, or
15 other immediate family member, and that the lessee may be liable to
16 the lessor up to amounts provided for in subsection (3), and to an
17 injured person for amounts awarded in excess of the maximum amounts
18 provided for in subsection (3).

19 (5) Subsections (3) and (4) ~~shall~~ **must** not be construed to
20 expand or reduce, except as otherwise provided by this act, the
21 liability of a person engaged in the business of leasing motor
22 vehicles or to impair that person's right to indemnity or
23 contribution, or both.

24 (6) As used in subsections (3), (4), and (5), "motor vehicle"
25 means a self-propelled device by which a person or property may be
26 transported ~~upon~~ **on** a public highway. Motor vehicle does not
27 include a bus, power shovel, road machinery, agricultural
28 machinery, or other machinery or vehicle not designed primarily for
29 highway transportation. Motor vehicle also does not include a

1 device that moves ~~upon~~**on** or is guided by a track.

2 (7) A lessee in possession of an off lease vehicle, and not
 3 the dealer of the vehicle, is liable as the owner of the vehicle
 4 for any damages awarded for an injury to a person or property
 5 resulting from the operation of the vehicle. The dealer of an off
 6 lease vehicle may be liable at common law for damages awarded for
 7 an injury to a person or property resulting from the operation of
 8 the vehicle only if the dealer is in possession of the vehicle and
 9 the certificate of title and has acknowledged possession of the
 10 certificate of title to the lessor.

11 **(8) The liability imposed on an owner under subsection (1)**
 12 **does not apply to a shared vehicle owner or a peer-to-peer car**
 13 **sharing program during a car sharing period. As used in this**
 14 **subsection, "car sharing period", "peer-to-peer car sharing**
 15 **program", and "shared vehicle owner" mean those terms as defined in**
 16 **section 3 of the peer-to-peer car sharing program act.**

17 Sec. 675a. Except as provided ~~in~~**under** section 675b ~~involving~~
 18 **for a leased vehicles,**~~vehicle~~ **and section 675e for a shared**
 19 **vehicle**, in a proceeding for a violation of a local ordinance or
 20 state statute relating to a standing or parked vehicle, proof that
 21 the particular vehicle described in the citation, complaint, or
 22 warrant was parked in violation of the ordinance or state statute,
 23 together with proof from the secretary of state that the defendant
 24 named in the citation, complaint, or warrant was at the time of the
 25 violation the vehicle's registered owner, creates in evidence a
 26 presumption that the vehicle's registered owner was the person who
 27 parked or placed the vehicle at the point where and at the time
 28 that the violation occurred.

29 Sec. 675c. (1) Except as provided in section 675b **or 675e**, if

1 a vehicle is stopped, standing, or parked in violation of section
 2 672, 674, 674a, 675, or 676, or other state statute, or a local
 3 ordinance prohibiting or restricting the stopping, standing, or
 4 parking of a vehicle and the violation is a civil infraction, the
 5 person in whose name that vehicle is registered in this state or
 6 another state at the time of the violation is prima facie
 7 responsible for that violation and subject to section 907.

8 (2) The owner of a vehicle cited for a stopping, standing, or
 9 parking violation ~~pursuant to~~ **under** subsection (1) may assert as an
 10 affirmative defense that the vehicle, ~~in question,~~ at the time of
 11 the violation, was in the possession of ~~a person whom~~ **an individual**
 12 **who** the owner had not knowingly permitted to operate the vehicle.

13 (3) The registered owner of a vehicle who is found to be
 14 responsible for a civil infraction as the result of subsection (1)
 15 or a leased vehicle owner as **that term is** defined in section 675b
 16 that is found to be responsible for a civil infraction described in
 17 section 675b has the right to recover **damages** in a civil action
 18 against the person who parked ~~,~~ **or** stopped **the vehicle**, or **who** left
 19 **the vehicle** standing, ~~the vehicle in question~~ ~~damages~~ including,
 20 but not limited to, the amount of any civil fine or costs, or both,
 21 imposed ~~pursuant to~~ **under** section 907. The registered owner of a
 22 vehicle or the leased vehicle owner may provide in a written
 23 agreement that the person who parked ~~,~~ **or** stopped **the vehicle**, or
 24 **who** left **the vehicle** standing, ~~the vehicle~~ in violation of a state
 25 statute or local ordinance, when the violation is a civil
 26 infraction, shall indemnify the registered owner or the leased
 27 vehicle owner for the damages incurred, including, but not limited
 28 to, any civil fine and costs imposed ~~upon~~ **on** the registered owner
 29 for that civil infraction. ~~With regard to a leased vehicle, this~~

1 **This** subsection does not apply **to a leased vehicle** if the court or
2 parking violations bureau issuing the violation finds that the
3 lessee or renter of the vehicle is not responsible for the
4 violation and it is determined that the lessee or renter did not
5 violate the terms of the rental contract or lease agreement.

6 (4) A police officer who issues a citation for a vehicle that
7 is stopped, standing, or parked in violation of a state statute or
8 a local ordinance ~~prohibiting or restricting~~ **that prohibits or**
9 **restricts** the stopping, standing, or parking of a vehicle may issue
10 the citation for the violation to the operator of the vehicle if
11 the operator is present at the time of the violation.

12 **Sec. 675e. (1) A shared vehicle driver and not the peer-to-**
13 **peer car sharing program or the shared vehicle owner is liable for**
14 **a violation of a local ordinance or state statute relating to a**
15 **standing or parked vehicle involving the shared vehicle if the**
16 **peer-to-peer car sharing program or the shared vehicle owner**
17 **furnishes the proof required under subsection (2) to show that the**
18 **vehicle described in the citation, complaint, warrant, or notice**
19 **was in the possession of, was in the custody of, or was being**
20 **operated or used by the shared vehicle driver at the time of the**
21 **violation.**

22 (2) A peer-to-peer car sharing program and shared vehicle
23 owner may avoid liability for a violation described in subsection
24 (1) if the peer-to-peer car sharing program or shared vehicle owner
25 provides all of the following information to the clerk of the court
26 or parking violations bureau issuing the violation not later than
27 30 days after the shared vehicle owner has received notice of the
28 violation:

29 (a) The shared vehicle driver's name, address, and operator's

1 license number.

2 (b) A copy of the car sharing program agreement, showing the
3 car sharing start time and the car sharing termination time. The
4 car sharing program agreement may be provided in electronic form.

5 (3) As used in this section, "car sharing program agreement",
6 "car sharing start time", "car sharing termination time", "peer-to-
7 peer car sharing program", "shared vehicle", "shared vehicle
8 driver", and "shared vehicle owner" mean those terms as defined in
9 section 3 of the peer-to-peer car sharing program act.

10 Enacting section 1. This amendatory act takes effect 9 months
11 after the date it is enacted into law.

12 Enacting section 2. This amendatory act does not take effect
13 unless Senate Bill No. ____ or House Bill No. 5949 (request no.
14 06036'24) of the 102nd Legislature is enacted into law.