

**STATE OF MICHIGAN  
102ND LEGISLATURE  
REGULAR SESSION OF 2024**

Introduced by Reps. Bierlein, Tyrone Carter, Brenda Carter and Rogers

## ENROLLED HOUSE BILL No. 5951

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 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:*

Sec. 401. (1) This section must not be construed to limit the right of a person to bring a civil action for damages for injuries to either person or property resulting from a violation of this act by the owner or operator of a motor vehicle or the owner or operator’s agent or servant. Except as otherwise provided in this section, the owner of a motor vehicle is liable for an injury caused by the negligent operation of the motor vehicle whether the negligence consists of a violation of a statute of this state or the ordinary care standard required by common law. The owner is not liable unless the motor vehicle is being driven with the owner’s express or implied consent or knowledge. It is presumed that the motor vehicle is being driven with the knowledge and consent of the owner if it is driven at the time of the injury by the owner’s spouse, father, mother, brother, sister, son, daughter, or other immediate member of the family.

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

(3) Notwithstanding subsection (1), a person engaged in the business of leasing motor vehicles that is the lessor of a motor vehicle under a lease that provides for the use of the motor vehicle by the lessee for a period of 30 days or less is liable for an injury caused by the negligent operation of the leased motor vehicle only if the injury occurred while the leased motor vehicle was being operated by an authorized driver under the lease agreement or by the lessee's spouse, father, mother, brother, sister, son, daughter, or other immediate family member. Unless the lessor, or the lessor's agent, was negligent in the leasing of the motor vehicle, the lessor's liability under this subsection is limited to \$20,000.00 because of bodily injury to or death of 1 individual in any 1 accident and \$40,000.00 because of bodily injury to or death of 2 or more individuals in any 1 accident.

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

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

(6) As used in subsections (3), (4), and (5), "motor vehicle" means a self-propelled device by which a person or property may be transported on a public highway. Motor vehicle does not include a bus, power shovel, road machinery, agricultural machinery, or other machinery or vehicle not designed primarily for highway transportation. Motor vehicle also does not include a device that moves on or is guided by a track.

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

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

Sec. 675a. Except as provided under section 675b for a leased vehicle and section 675e for a shared vehicle, in a proceeding for a violation of a local ordinance or state statute relating to a standing or parked vehicle, proof that the particular vehicle described in the citation, complaint, or warrant was parked in violation of the ordinance or state statute, together with proof from the secretary of state that the defendant named in the citation, complaint, or warrant was at the time of the violation the vehicle's registered owner, creates in evidence a presumption that the vehicle's registered owner was the person who parked or placed the vehicle at the point where and at the time that the violation occurred.

Sec. 675c. (1) Except as provided in section 675b or 675e, if a vehicle is stopped, standing, or parked in violation of section 672, 674, 674a, 675, or 676, or other state statute, or a local ordinance prohibiting or restricting the stopping, standing, or parking of a vehicle and the violation is a civil infraction, the person in whose name that vehicle is registered in this state or another state at the time of the violation is prima facie responsible for that violation and subject to section 907.

(2) The owner of a vehicle cited for a stopping, standing, or parking violation under subsection (1) may assert as an affirmative defense that the vehicle, at the time of the violation, was in the possession of an individual who the owner had not knowingly permitted to operate the vehicle.

(3) The registered owner of a vehicle who is found to be responsible for a civil infraction as the result of subsection (1) or a leased vehicle owner as that term is defined in section 675b that is found to be responsible for a civil infraction described in section 675b has the right to recover damages in a civil action against the person who parked or stopped the vehicle, or who left the vehicle standing, including, but not limited to, the amount of any civil fine or costs, or both, imposed under section 907. The registered owner of a vehicle or the leased vehicle owner may provide in a written agreement that the person who parked or stopped the vehicle, or who left the vehicle standing, in violation of a state statute or local ordinance, when the violation is a civil infraction, shall indemnify the registered owner or the leased vehicle owner for the damages incurred, including, but not limited to, any civil fine and costs imposed on the registered owner for that civil infraction. This subsection does not apply

to a leased vehicle if the court or parking violations bureau issuing the violation finds that the lessee or renter of the vehicle is not responsible for the violation and it is determined that the lessee or renter did not violate the terms of the rental contract or lease agreement.

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

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

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

(a) The shared vehicle driver's name, address, and operator's license number.

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

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

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

Enacting section 2. This amendatory act does not take effect unless House Bill No. 5949 of the 102nd Legislature is enacted into law.



Clerk of the House of Representatives



Secretary of the Senate

Approved \_\_\_\_\_

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Governor