SENATE BILL NO. 67

INTRODUCED BY D. LOGE

BY REQUEST OF THE TRANSPORTATION INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE USE OF ~~AUTONOMOUS VEHICLES~~ VEHICLES WITH AUTOMATED DRIVING SYSTEMS ON STATE PUBLIC HIGHWAYS; PROVIDING RULEMAKING AUTHORITY; AND PROVIDING DEFINITIONS ~~; AND PROVIDING AN EFFECTIVE DATE~~."

WHEREAS, the intention of this legislation is to get all parties to the table to promote the safest ways to promote autonomous technology incorporating the diverse roadways, weather, and animal-human encounters in Montana and to make Montana the showcase for advancing new technologies in transportation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

(Refer to Introduced Bill)

Strike everything after the enacting clause and insert:

NEW SECTION. **SECTION 1. SHORT TITLE.** [SECTIONS 1 THROUGH 6] MAY BE CITED AS THE "MONTANA AUTOMATED DRIVING SYSTEMS ACT."

NEW SECTION. **SECTION 2. PURPOSE.** THE PURPOSE OF [SECTIONS 1 THROUGH 6] IS TO ALLOW THE USE OF A VEHICLE WITH AN AUTOMATED DRIVING SYSTEM ON THE PUBLIC HIGHWAYS OF THIS STATE IN A WAY THAT:

(1) is safe for the traveling public;

(2) creates long-term predictability for individuals and businesses;

(3) recognizes that this state may have more challenging and variable driving conditions than other states; and

(4) integrates as closely as possible with existing state law related to motor vehicles.

NEW SECTION. **SECTION 3. DEFINITIONS.** AS USED IN [SECTIONS 1 THROUGH 6], UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, THE FOLLOWING DEFINITIONS APPLY:

(1) "Automated driving system" means the hardware and software that are collectively capable of performing the entire dynamic driving task on a sustained basis, regardless of whether the automated driving system is limited to a specific operational design domain.

(2) "Department" means the department of transportation.

(3) (a) "Dynamic driving task" means all of the real-time operational and tactical functions required to operate a motor vehicle in highway traffic, including:

(i) lateral vehicle motion control through steering;

(ii) longitudinal vehicle motion control through acceleration and deceleration;

(iii) monitoring the driving environment through object and event detection, recognition, classification, and response preparation;

(iv) object and event response execution;

(v) maneuver planning; and

(vi) enhancement of the conspicuousness of the vehicle with lights, signals, and gestures.

(b) The term does not include strategic functions such as trip scheduling and the selection of destinations and waypoints.

(4) "Fallback ready user" means the user of a vehicle equipped with an engaged level 3 automated driving system who is a human driver and who is responsible to operate the vehicle if the automated driving system issues a request for the user of the vehicle to intervene or a system failure occurs.

(5) "Level 1 automated driving system" means an automated driving system that provides a driver with one of the following:

(a) braking and accelerating support; or

(b) steering support.

(6) "Level 2 automated driving system" means an automated driving system that provides a driver with both of the following:

(a) braking and accelerating support; and

(b) steering support.

(7) "Level 3 automated driving system" means an automated driving system that:

(a) has the capability to perform on a sustained basis the entire dynamic driving task within its operational design domain; and

(b) requires a fallback ready user to operate the vehicle after the automated driving system issues a request for the fallback ready user to intervene or a system failure occurs.

(8) "Level 4 automated driving system" means an automated driving system feature that, without any expectation a human driver will respond to a request to intervene, has the capability to perform:

(a) on a sustained basis the entire dynamic driving task within its operational design domain; and

(b) any maneuvers necessary to achieve a minimal risk condition in response to:

(i) an exit from the operational design domain of the automated driving system; or

(ii) a system failure.

(9) "Level 5 automated driving system" means an automated driving system feature that, without any expectation a human driver will respond to a request to intervene, has the capability to perform:

(a) on a sustained basis the entire dynamic driving task under all conditions that can reasonably be managed by a human driver; and

(b) any maneuvers necessary to respond to a system failure.

(10) "Operational design domain" means the operating conditions under which an automated driving system or a feature of an automated driving system is specifically designed to function, including:

(a) speed-range, environmental, geographical, and time-of-day restrictions; or

(b) the requisite presence or absence of certain traffic or roadway conditions.

(11) "Public highways of this state" has the same meaning as provided in 60-1-201.

NEW SECTION. **SECTION 4. USE OF AUTOMATED DRIVING SYSTEMS.** (1) A VEHICLE WITH AUTOMATED DRIVING SYSTEMS LEVEL 1, LEVEL 2, AND LEVEL 3 MAY BE USED ON THE PUBLIC HIGHWAYS OF THIS STATE.

(2) A vehicle with automated driving systems level 4 and level 5 may be used on the public highways of this state subject to limitations established by department rulemaking as provided in [section 5].

(3) [Sections 1 through 6] do not prevent a city, town, or consolidated city-county government from regulating traffic on streets within their jurisdictional boundaries pursuant to 61-12-101 or improving its

transportation network, providing that these regulations or improvements do not discriminate against a vehicle with an automated driving system.

NEW SECTION. **SECTION 5. DEPARTMENT OF TRANSPORTATION RULEMAKING AUTHORITY.** (1) THE DEPARTMENT OF TRANSPORTATION MAY ADOPT RULES THAT LIMIT THE USE OF COMMERCIAL VEHICLES WITH AUTOMATED DRIVING SYSTEMS IN ACTUAL OR PREDICTED PERIODS OF DANGEROUS ROAD CONDITIONS.

(2) The department of transportation may exempt from limitation commercial vehicles with an automated driving system that are demonstrated to be capable of operating safely during dangerous road conditions.

(3) In conjunction with the department of transportation, the department of justice shall consult interested stakeholders prior to proposing rules on vehicles with an automated driving system, such as members of the transportation interim committee and representatives of law enforcement agencies, motor vehicle and insurance industries, drivers, pedestrians, and tribal and local governments.

NEW SECTION. **SECTION 6. DEPARTMENT OF JUSTICE RULEMAKING AUTHORITY.** (1) THE DEPARTMENT OF JUSTICE MAY ADOPT RULES FOR THE USE OF A VEHICLE WITH AN AUTOMATED DRIVING SYSTEM.

(2) IN CONJUNCTION WITH THE DEPARTMENT OF TRANSPORTATION, THE DEPARTMENT OF JUSTICE SHALL CONSULT INTERESTED STAKEHOLDERS PRIOR TO PROPOSING RULES ON VEHICLES WITH AN AUTOMATED DRIVING SYSTEM, SUCH AS MEMBERS OF THE TRANSPORTATION INTERIM COMMITTEE AND REPRESENTATIVES OF LAW ENFORCEMENT AGENCIES, MOTOR VEHICLE AND INSURANCE INDUSTRIES, DRIVERS, PEDESTRIANS, AND TRIBAL AND LOCAL GOVERNMENTS.

NEW SECTION. **SECTION 7. CODIFICATION INSTRUCTION.** [SECTIONS 1 THROUGH 6] ARE INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF TITLE 61, AND THE PROVISIONS OF TITLE 61 APPLY TO [SECTIONS 1 THROUGH 6].

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