**UNIFORM AUTOMATED OPERATION**

**OF VEHICLES ACT**

drafted by the

NATIONAL CONFERENCE OF COMMISSIONERS

ON UNIFORM STATE LAWS

and by it

APPROVED AND RECOMMENDED FOR ENACTMENT

IN ALL THE STATES

at its

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By

NATIONAL CONFERENCE OF COMMISSIONERS

ON UNIFORM STATE LAWS

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**UNIFORM AUTOMATED OPERATION OF VEHICLES ACT**

**Legislative Note:** This act should be codified in accordance with state practice into the state’s vehicle code or the equivalent law of the state. The codification could amend provisions of the state’s vehicle code, insert provisions in the state’s vehicle code, or add new provisions to the state’s vehicle code. The act should be codified so that, in relation to automated vehicles, it supplements, modifies, and clarifies but does not wholly displace generally applicable state vehicle law.

**UNIFORM AUTOMATED OPERATION OF VEHICLES ACT**

 SECTION 1. SHORT TITLE. This [act] may be cited as the UniformAutomated Operation of Vehicles Act.

SECTION 2. DEFINITIONS. In this [act]:

(1) “Associated automated vehicle” means an automated vehicle that an automated-driving provider designates under Section 7.

(2) “Automated-driving provider” means a person that makes a declaration recognized by [the relevant state agency] under Section 6.

(3) “Automated-driving system” means the hardware and software collectively capable of performing the entire dynamic driving task on a sustained basis.

(4) “Automated operation” means the performance of the entire dynamic driving task by an automated-driving system. Automated operation begins on the performance of the entire dynamic driving task by the automated-driving system and continues until a human driver or human operator other than the automated-driving provider terminates the automated operation.

(5) “Automated vehicle” means a motor vehicle with an automated-driving system.

(6) “Completely automated trip” means travel in an automated vehicle that, from the point of departure until the point of arrival, is under automated operation by means of an automated-driving system designed to achieve a minimal-risk condition.

(7) “Dedicated automated vehicle” means an automated vehicle designed for exclusively automated operation when used for transportation on a [road open to the public].

(8) “Drive” has the meaning in [the state’s vehicle code], except that an automated-driving provider that designates an associated automated vehicle under Section 7 exclusively drives the vehicle under automated operation.

(9) “Driver” has the meaning in [the state’s vehicle code], except that an automated-driving provider that designates an associated automated vehicle under Section 7 is the exclusive driver of the vehicle under automated operation.

(10) “Dynamic driving task” means controlling lateral and longitudinal vehicle motion, monitoring the driving environment, executing responses to objects and events, planning vehicle maneuvers, and enhancing vehicle conspicuity, as required to operate a vehicle in on-road traffic.

(11) “Minimal-risk condition” means a condition to which a vehicle user or an automated-driving system may bring a vehicle to reduce the risk of a crash when a trip cannot or should not be continued.

(12) “Operate” has the meaning in [the state’s vehicle code], except that an automated-driving provider that designates an associated automated vehicle under Section 7 exclusively operates the vehicle under automated operation.

(13) “Operator” has the meaning in [the state’s vehicle code], except that an automated-driving provider that designates an associated automated vehicle under Section 7 is the exclusive operator of the vehicle under automated operation.

(14) “Person” [has the meaning in the state’s vehicle code] [means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity].

**Legislative Note:** If the state merges this act with the state’s vehicle code, these definitions should be merged with the general definitions.

The “relevant state agency” referred to in paragraph (2) may be a department or division of motor vehicles or another state agency responsible for the registration of motor vehicles or the licensing of drivers.

States use a variety of terms to describe a “road open to the public” as used in paragraph (7), including road, roadway, and highway. The term also may encompass some privately or publicly operated parking facilities. If the state uses a term to refer to such a road, the state should use that term here.

“The state’s vehicle code” as used in paragraphs (8), (9), (12), (13), and (14) refers to a state’s laws on, inter alia, the licensing of drivers and the titling, registration, and operation of motor vehicles. These laws generally are statutory but may be regulatory. They generally include and are broader than the rules of the road.

Paragraphs (8), (9), (12), and (13) provide definitions for terms that already may be used in state vehicle law and, if so, may or may not already be defined statutorily. If a term is not used in statute or case law, it may be omitted, although a state may wish to retain all four terms to reduce future interpretive ambiguity and increase interstate consistency. If a term already is defined statutorily, that definition may be amended directly rather than by reference.

In paragraph (14), the second bracketed definition for “person” should be used only if the term is not already defined statutorily for the purpose of state vehicle law or is defined statutorily to mean only a natural person.

# SECTION 3. SCOPE; CONSTRUCTION; GOVERNING LAW.

(a) This [act] applies to the ownership, registration, and operation of an automated vehicle, even if the ownership, registration, and operation of the vehicle complied with law of [this state] other than this [act] before [the effective date of this [act]].

(b) Except as otherwise provided in this [act], [the state’s vehicle code] applies with respect to an automated vehicle.

(c) [The state’s vehicle code] must be interpreted to accommodate the development and deployment of automated vehicles in a way that maintains or improves traffic safety.

[(d) The [relevant state agency or agencies] may [make rules, issue interpretations, conduct investigations, and take other actions to] administer and enforce this [act] in accordance with [[this state’s] administrative law].]

(e) If the applicable law of a jurisdiction other than [this state] is substantially similar to this [act], then with respect to an automated vehicle that is registered in that jurisdiction:

(1) an automated-driving provider in that jurisdiction is an automated-driving provider under this [act]; and

(2) an associated automated vehicle in that jurisdiction is an associated automated vehicle under this [act].

(f) This [act] does not preclude remedies under law other than this [act].

**Legislative Note:** If the state merges this act with the state’s vehicle code, this section should be inserted into a new provision on automated driving generally.

Subsection (b) clarifies that state vehicle law, including rules for vehicle ownership, registration, insurance, and operation, still applies with respect to automated vehicles. This act should be merged accordingly.

The agencies in subsection (d) may include those responsible for registration of motor vehicles, licensing of drivers, and enforcement of rules of the road. Because this subsection is intended to confer the authority that the adopting state typically confers on its agencies to administer its statutes, the subsection may be omitted or modified if it is unnecessary or inconsistent with state practice.

In enacting this act, a state may wish to identify, review, and consider modifying or repealing statutes that address automated driving.

 The state should adhere to its requirements and conventions for codifying violations and punishments to ensure that they are legally enforceable.

# SECTION 4. [DRIVER] LICENSING.

(a) An individual is not required to hold a [driving license] to take a completely automated trip.

(b) An automated-driving provider is not required to hold a [driving license] to drive or operate an automated vehicle under automated operation.

**Legislative Note:** If the state merges this act with the state’s vehicle code, this section should be merged into the driver licensing provisions.

The particular term used by the state should be substituted for “driving license” in this section.

# SECTION 5. VEHICLE REGISTRATION.

(a) The [owner] of an automated vehicle shall comply with [the state’s requirements for registration of motor vehicles].

(b) If a motor vehicle that is not registered as an automated vehicle becomes an automated vehicle, the [owner] shall obtain a new registration for the vehicle, under the requirements for an automated vehicle, before automated operation.

(c) At registration of a motor vehicle, the [owner] shall indicate to [the relevant state agency] whether the vehicle is an automated vehicle. This indication does not bind [the relevant state agency] to register the vehicle as an automated vehicle.

(d) [The relevant state agency] may grant, maintain, or renew the registration of an automated vehicle only if an automated-driving provider designates the vehicle under Section 6 as an associated automated vehicle.

(e) [The relevant state agency] may decline, suspend, revoke, or decline to renew the registration of an automated vehicle that is not:

(1) an associated automated vehicle;

(2) associated with an automated-driving provider recognized by [the relevant state agency];

(3) properly maintained;

(4) lawfully insured;

(5) compliant with a registration requirement; or

(6) fit to be operated.

(f) If [the relevant state agency] declines, suspends, revokes, or declines to renew the registration of an automated vehicle under subsection (e), [the relevant state agency] may grant a temporary registration that applies to the vehicle only when it is not under automated operation.

(g) [The relevant state agency] may grant, maintain, or renew the registration of a motor vehicle that is no longer an automated vehicle only if the registrant represents under penalty of perjury to [the relevant state agency] that the vehicle cannot presently and will not be used under automated operation on a [road open to the public].

(h) Registration of an automated vehicle does not create a presumption as to the safety of the vehicle or its equipment.

**Legislative Note:** If the state merges this act with the state’s vehicle code, this section should be merged into the vehicle registration provisions.

This section applies to each person required to register a vehicle under state law. If the state requires or allows a motor vehicle to be registered by a person other than the owner of the vehicle, such as the lessee of the vehicle, references to “owner” should be modified accordingly. Existing rules for determining whether a motor vehicle must be registered in the state also apply to an automated vehicle.

The state may wish to modify language in this section to be consistent with existing usage of “registration”, which, depending on the state, could refer to a request by a person to register a vehicle or to the issuance of that registration by the relevant state agency.

The state may wish to compare and reconcile the language in subsection (e) with similar language used in the state’s vehicle code.

# SECTION 6. AUTOMATED-DRIVING PROVIDER.

(a) To qualify as an automated-driving provider, a person must:

(1) have participated in a substantial manner in the development of an automated-driving system;

(2) have submitted to the United States National Highway Traffic Safety Administration a safety self-assessment or equivalent report for the automated-driving system as required or permitted by the United States National Highway Traffic Safety Administration; or

(3) be registered as a manufacturer of motor vehicles or motor-vehicle equipment under the requirements of the United States National Highway Traffic Safety Administration.

(b) A person is an automated-driving provider only if the person makes a declaration recognized by [the relevant state agency] that the person is an automated-driving provider and pays a fee specified by [the relevant state agency] for processing the declaration.

(c) To make a declaration under subsection (b), a person must in a manner acceptable to [the relevant state agency]:

(1) represent under penalty of perjury that the person qualifies as an automated-driving provider under this [act];

(2) represent under penalty of perjury that the person is capable of undertaking the responsibilities of an automated-driving provider;

(3) represent under penalty of perjury that sufficient evidence demonstrates that the automated-driving system of each associated automated vehicle is capable of complying with [the state’s rules of the road]; and

(4) irrevocably appoint [the relevant state agency] as a lawful agent for service of process in an action arising from the automated operation of an associated automated vehicle.

(d) A person that makes a declaration under subsection (b):

(1) has the burden of proving the qualifications and representations made under subsection (c) to the satisfaction of [the relevant state agency];

(2) shall submit to an investigation under subsection (e);

(3) shall provide the information requested by [the relevant state agency];

(4) shall pay the actual costs incurred by [the relevant state agency] in the investigation; and

(5) does not have a vested right in the recognition of the declaration.

(e) [The relevant state agency] at any time may:

(1) decline, delay, or rescind recognition of a declaration made under subsection (b); or

(2) investigate the qualifications or representations of a person that makes a declaration under subsection (b).

**Legislative Note:** If the state merges this act into the state’s vehicle code, this section should be inserted into a new provision on automated-driving providers.

# SECTION 7. ASSOCIATED AUTOMATED VEHICLE.

(a) An automated vehicle is an associated automated vehicle only if an automated-driving provider designates the automated vehicle under subsection (b).

(b) To designate an associated automated vehicle, an automated-driving provider must provide notice in a form acceptable to [the relevant state agency].

(c) Once designated under subsection (b), an automated vehicle remains an associated automated vehicle unless:

 (1) under Section 6(e), [the relevant state agency] declines, delays, or rescinds recognition of the declaration of the automated-driving provider;

(2) the automated-driving provider dissolves its business; or

(3) the automated-driving provider disassociates the automated vehicle.

(d) To disassociate an associated automated vehicle, an automated-driving provider must provide notice in a manner acceptable to [the relevant state agency].

**Legislative Note:** If the state merges this act with the state’s vehicle code, this section should be inserted into a new provision on associated automated vehicles.

# SECTION 8. EQUIPMENT.

[(a) [The state’s vehicle equipment requirements] must be interpreted to accommodate the development and deployment of automated vehicles in a way that maintains or improves traffic safety.]

(b) An automated vehicle must be properly maintained. A violation of this subsection is a violation [as specified in the state’s vehicle code].

(c) A provision of [the state’s vehicle equipment requirements] requiring equipment that is necessary only for the performance of the dynamic driving task by a human driver or human operator does not apply to a dedicated automated vehicle.

(d) A provision of [the state’s vehicle equipment requirements] prohibiting an electronic device in a vehicle, other than a device used to evade law enforcement, does not apply with respect to a dedicated automated vehicle.

(e) A provision of [this state’s vehicle equipment requirements] prohibiting an electronic device in a vehicle, other than a device used to evade law enforcement, may not be enforced with respect to an automated vehicle under automated operation.

**Legislative Note:** Because of Section 3(c), subsection (a) should be included only if the state’s vehicle equipment requirements are not codified in the state’s vehicle code.

If the state merges this act with the state’s vehicle code, this section should be merged into the provisions pertaining to the condition of and equipment on vehicles.

The state may wish to compare and reconcile the language in subsection (b) with similar language used in the state’s vehicle code.

If the state merges this act with the state’s vehicle code, the existing vehicle code provisions addressed in subsections (c), (d), and (e) can be directly amended.

# SECTION 9. RULES OF THE ROAD.

[(a) [The state’s rules of the road] must be interpreted to accommodate the development and deployment of automated vehicles in a way that maintains or improves traffic safety.]

(b) An automated-driving provider shall take reasonable steps to comply with [the state’s rules of the road] during automated operation of an associated automated vehicle.

(c) An automated-driving provider is responsible for a violation of [the state’s rules of the road] during automated operation of an associated automated vehicle.

(d) A violation of this subsection is a violation under [cite to the state’s vehicle code]. A person may not operate an automated vehicle on a [road open to the public] if the vehicle is not:

(1) properly maintained;

(2) lawfully insured;

(3) compliant with a registration requirement; or

(4) fit to be operated.

(e) A provision of [the state’s vehicle code] prohibiting unattended or abandoned vehicles does not apply to an automated vehicle under automated operation solely because an individual is not in or near the vehicle, unless the vehicle is not lawfully registered, poses a risk to public safety, or unreasonably obstructs other road users.

[(f) A child, individual who is incapacitated, or animal in an automated vehicle is not considered attended solely because the automated vehicle is under automated operation.]

(g) A provision of [the state’s vehicle code] restricting the use of an electronic device in a vehicle, other than a device used to evade law enforcement, does not apply to an automated vehicle under automated operation.

[(h) A provision of [the state’s vehicle code] imposing a minimum following distance other than a reasonable and prudent distance does not apply to the automated operation of an automated vehicle.]

**Legislative Note:** Because of Section 3(c), subsection (a) should be included only if the state’s vehicle equipment requirements are not codified in the state’s vehicle code.

If the state merges this act with the state’s vehicle code, this section should be merged into the provisions containing the rules of the road.

The phrase “the state’s rules of the road” refers to state laws on the operation of motor vehicles.

The state may wish to compare and reconcile the language in subsection (d) with similar language already used in the state’s vehicle code.

The state may wish to reconsider the laws referred to in subsection (f) in light of automated driving. States use different terms to describe duties and prohibitions relating to leaving a child, an individual who is incapacitated, or an animal unattended in a vehicle. The state should conform subsection (f) to the state’s terms.

If the state merges this act with the state’s vehicle code, the existing vehicle provisions addressed in subsections (e), (f), (g), and (h) can be directly amended.

If the state’s vehicle code does not specify numerical minimums for following distance or following time, subsection (h) may be omitted.

SECTION 10. UNIFORMITY OF APPLICATION AND CONSTRUCTION. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

**Legislative Note:** If the state merges this act with the state’s vehicle code, this section should be inserted into a new provision on automated driving generally.

[SECTION 11. SEVERABILITY. If any provision of this [act] or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this [act] which can be given effect without the invalid provision or application, and to this end the provisions of this [act] are severable.]

**Legislative Note:** Include this section only if this state lacks a general severability statute or a decision by the highest court of this state stating a general rule of severability.

If the state merges this act with the state’s vehicle code, this section should be inserted into a new provision on automated driving generally.

SECTION 12. EFFECTIVE DATE. This [act] takes effect . . . .