

D R A F T

FOR APPROVAL

**UNIFORM AUTOMATED OPERATION
OF VEHICLES ACT**

NATIONAL CONFERENCE OF COMMISSIONERS

ON UNIFORM STATE LAWS

MEETING IN ITS ONE-HUNDRED-AND-TWENTY-EIGHTH YEAR
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By

NATIONAL CONFERENCE OF COMMISSIONERS
ON UNIFORM STATE LAWS

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July 1, 2019

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1 **UNIFORM AUTOMATED OPERATION OF VEHICLES ACT**

2 **Prefatory Note**

3 The Automated Operation of Vehicles Act addresses a narrow but foundational set of the many
4 legal and policy issues raised by automated driving. It is intended to explicitly accommodate and
5 specifically regulate what it refers to as the automated operation of automated vehicles.
6 Colloquially, these vehicles may also be described as autonomous, driverless, or self-driving.
7 Under at least some circumstances, they can steer, brake, accelerate, and signal by themselves
8 while monitoring the road so that a human driver need not do so.

9 This act covers the deployment of these automated vehicles on roads held open to the public. It
10 does not cover testing of aspirational automated vehicles for the purposes of research and
11 development, which is the primary focus of most state automated driving laws. It does not cover
12 remote driving, in which a human drives a vehicle while outside of or far from it. And it does not
13 cover vehicle features that merely assist a human driver; even if these features brake, steer, and
14 accelerate, they are still designed with the expectation that a human driver will monitor the road.

15 What the act does cover is still vast, for automated driving encompasses a wide range of
16 technologies, applications of those technologies, business models for those applications, and
17 participants in those business models. See Bryant Walker Smith, *How Governments Can*
18 *Promote Automated Driving*, 47 N.M. L. Rev. 99 (2017), newlypossible.org.

19 For example, a vehicle capable of automated operation may or may not be designed for all roads,
20 communities, and travel conditions; be capable of automated operation for an entire trip; include
21 a traditional steering wheel, throttle, and brake pedal; need a human who can resume driving
22 when requested to do so; need this human to be physically present in the vehicle; rely on a
23 human located far from the vehicle to provide instructions and information; use specific sensor
24 technologies, including camera, radar, lidar, sonar, inertial motion, and GPS; use highly detailed
25 maps that are created in advance; communicate electronically with other vehicles; be originally
26 manufactured as an automated vehicle; be retrofitted by a developer other than the vehicle
27 manufacturer; be modified by third parties without the involvement of that developer; be sold to
28 individual consumers; be deployed only as part of a fleet; carry passengers, deliver goods,
29 provide services, or perform novel functions; and so on.

30 In other words, because there could be so many different forms of automated driving, picturing
31 and attempting to legislate for the singular “driverless car” can be both impractical and
32 counterproductive. Instead, it is more helpful to identify and explore assumptions in
33 contemporary legal rules as well as in contemporary discussions of automated driving. This act is
34 a product of this collective exploration.

35 The act accordingly attempts to reconcile automated driving with a typical state motor vehicle
36 code. For this reason, in some ways the structure of the draft mirrors such a code: Many of its
37 sections—including definitions, driver licensing, vehicle registration, equipment, and rules of the
38 road—correspond to, refer to, and can be incorporated into some existing sections of a typical
39 vehicle code. However, because existing codes vary widely in both substance and structure, the
40 work of carefully codifying this act is left to each state that adopts it.

1 One key aspect of this act—automated driving providers—is not part of a traditional vehicle
2 code but has parallels in how some states have approached automated vehicle testing, see, e.g.,
3 Cal. Veh. Code 38750; Ohio Executive Order 2018-04K, and in how both the National Transport
4 Commission of Australia and the Law Commission of England and Wales envision automated
5 vehicle deployment, see NTC Australia, Changing driving laws to support automated vehicles,
6 ntc.gov.au/current-projects/changing-driving-laws-to-support-automated-vehicles (“automated
7 driving system entity”); Law Commission, Automated Vehicles: A joint preliminary consultation
8 paper, lawcom.gov.uk/project/automated-vehicles (same).

9 Under the Automated Operation of Vehicles Act, a qualified entity declares to the state that it
10 will act as the legal driver for certain automated vehicles. This entity—termed an automated
11 driving provider—might be an automated driving system developer, a vehicle manufacturer, a
12 component supplier, a data provider, a fleet operator, an insurer, an affiliated firm, or another
13 kind of market participant that has yet to emerge. The automated driving provider is primarily
14 defined not by a specific role in the stream of commerce but, rather, by a willingness to self-
15 identify and an ability to meet the technical and legal requirements specified in the act.

16 The act uses the motor vehicle registration framework that already exists in states—and that
17 already applies to both conventional and automated vehicles—to encourage automated driving
18 providers to self-identify. Existing law generally requires the registration of a motor vehicle that
19 is operated on a public road, and the vehicle’s owner or lessee typically obtains this registration.
20 Under this act, however, an owner or lessee may register an automated vehicle only if an
21 automated driving provider has designated that vehicle as an associated automated vehicle. If the
22 automated vehicle is not “associated” in this way with an automated driving provider, then it
23 may not be registered and therefore may not be operated on public roads.

24 By harnessing an existing framework, the act seeks to respect and empower state motor vehicle
25 agencies. Among other functions, such an agency typically licenses drivers and registers motor
26 vehicles. Under this act, the agency does not register an automated driving provider in the same
27 way that it licenses a traditional human driver. But the agency does ensure that every automated
28 vehicle that it registers will have a legal driver—the automated driving provider—that meets
29 basic requirements. The agency has the flexibility to adapt this process to its existing registration
30 procedures and the authority to intervene decisively when the credibility of an automated driving
31 provider or the roadworthiness of an automated vehicle is in doubt.

32 The act’s registration-centered approach is also intended to complement both current and
33 potential federal motor vehicle legislative and regulatory law. The federal government plays an
34 important role—but not an exclusive role—in regulating the design of motor vehicles, federal
35 law preempts incompatible state design standards, and bills in the 2017-18 Congress would have
36 ambiguously expanded this federal preemption, see H.R.3388 (115th Congress); S.1885 (115th
37 Congress). However, states are—and even under these bills would remain—largely responsible
38 for ensuring that individual noncommercial vehicles are appropriately identified, maintained, and
39 operated. States accordingly play critical roles in motor vehicle safety.

40 This act is likewise about safety—encouraging the responsible deployment of automated
41 vehicles in a way that seeks to balance concerns about the current safety of conventional driving
42 with concerns about the potential safety of automated driving. As existing automated driving

- 1 laws and policies demonstrate, states approach this balancing act in different ways. The
- 2 Automated Operation of Vehicles Act draws from and builds on these approaches.

1 **UNIFORM AUTOMATED OPERATION OF VEHICLES ACT**

2 **Legislative Note:** *This act should be codified into the state’s vehicle code or the equivalent law*
3 *of the state according to state practice. This codification could involve amending provisions of*
4 *the state’s vehicle code, inserting provisions within the state’s vehicle code, or adding new*
5 *sections to the state’s vehicle code. The act should be codified so that, in relation to automated*
6 *vehicles, it supplements, modifies, and clarifies but does not wholly displace generally*
7 *applicable state vehicle law.*

8 **Comment**

9 As stated in the legislative note, the Automated Operation of Vehicles Act is intended to
10 supplement, modify, and clarify—but not wholly displace—generally applicable state motor
11 vehicle law. This law, which is referred to in this act as the “vehicle code,” typically addresses
12 vehicle titling, vehicle registration, driver licensing, rules of the road, and similar topics.
13 However, states are not consistent in the substance of the structure of their vehicle law. For
14 example, many states use the term “vehicle code” to refer to motor vehicle law generally (as
15 does this act), but others use the term to refer to only a subset of this law, and others do not use
16 the term at all. The Uniform Vehicle Code and Model Traffic Ordinance, last published in 2000
17 by an organization that is now defunct, is as helpful in illustrating divergence as commonality.

18 It is against this backdrop that some states have enacted legislation specific to automated driving.
19 This legislation has been codified in various ways, including as a standalone chapter, see, e.g.,
20 NRS Chapter 482A, as new sections within the state’s vehicle code or its equivalent, see, e.g.,
21 Cal. Veh. Code div. 16.6, as new provisions within existing sections of the state’s vehicle code,
22 see, e.g., M.C.L.A. 257.36, and as amendments to existing provisions of the state’s vehicle code,
23 see, e.g., T.C.A. § 55-8-101. Some states have taken multiple approaches. Compare, e.g., Col.
24 Rev. Stat. Ann. § 42-1-102 with § 42-4-110 with § 42-4-242.

25 Regardless of how this legislation has been codified, state motor vehicle law still generally
26 applies with respect to automated driving. In some cases, legislation expressly excludes the
27 application of specified provisions of the state’s vehicle code, see, e.g., Fla. Stat. Ann. § 316.305,
28 expressly excludes the application of unspecified inconsistent provisions, see, e.g., Col. Revised
29 Stat. Ann. § 42-4-242, or would seem to implicitly exclude the application of inconsistent
30 provisions, see, e.g., Cal. Vehicle Code § 38755. In no case, however, does legislation wholly or
31 even largely remove automated driving from the state’s vehicle code.

32 This act takes a similar approach. Early in the process, the Committee considered whether to (1)
33 create a new legal framework for automated vehicles to wholly supplant existing vehicle codes,
34 (2) adopt a model vehicle code applicable to all motor vehicles and then amend it to explicitly
35 address automated vehicles, or (3) draft a hybrid act to map an existing vehicle code onto
36 automated vehicles. After determining the first two options to be impractical if not undesirable,
37 the Committee concluded that only a hybrid act could effectively address the complexity and
38 diversity of existing motor vehicle law.

1 **SECTION 1. SHORT TITLE.** This [act] may be cited as the Uniform Automated
2 Operation of Vehicles Act.

3 **Comment**

4 This act uses the term “automated vehicle” to describe a motor vehicle that can—under at least
5 some circumstances—steer, brake, and accelerate by itself while monitoring the road so that the
6 human driver need not do so. This definition excludes a vehicle that has only a driver assistance
7 system, because such a system is designed with the expectation that a human driver will still
8 monitor the road even as the system steers, brakes, and accelerates. A vehicle is an automated
9 vehicle even if it is not currently under “automated operation”—that is, even if a human driver
10 rather than the vehicle itself is currently steering, braking, accelerating, or simply monitoring the
11 road.

12 This ambiguity is one of the reasons why the leading definitional document for automated
13 driving, SAE J3016 (2018), eschews the term “automated vehicle” in favor of lengthier and more
14 specific alternatives. See SAE J3016 (2018), sae.org/standards/content/j3016_201806. However,
15 the U.S. National Highway Traffic Safety Administration, many U.S. states, and even the United
16 Nations use “automated vehicle” or a similar term. See, e.g., US Department of Transportation,
17 Automated Vehicles 3.0, transportation.gov/AV; Global Forum for Road Traffic Safety (WP.1)
18 resolution on the deployment of highly and fully automated vehicles in road traffic,
19 unece.org/fileadmin/DAM/trans/doc/2018/wp1/ECE-TRANS-WP1-165e.pdf. Accordingly, this
20 act likewise refers to automated vehicles as well as to the automated driving systems equipped
21 on these vehicles and to the automated operation of these vehicles. These terms and others are
22 explained in the next section.

23 The act’s titular reference to “vehicles” rather than to “driving” does not exclude the latter, just
24 as state vehicles codes can address not only vehicles but also driving and drivers.

25 **SECTION 2. DEFINITIONS.** In this [act]:

26 (1) “Associated automated vehicle” means an automated vehicle that an automated
27 driving provider designates pursuant to Section 7.

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

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

32 (4) “Automated operation” means the performance of the entire dynamic driving task by
33 an automated driving system. Automated operation begins upon the performance of the entire

1 dynamic driving task by the automated driving system and continues until a human driver or
2 human operator other than the automated driving provider terminates the automated operation.

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

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

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

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

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

14 (10) “Dynamic driving task” means all of the real-time operational and tactical functions
15 required to operate a vehicle in on-road traffic, including controlling lateral and longitudinal
16 vehicle motion, monitoring the driving environment, executing responses to objects and events,
17 planning vehicle maneuvers, and enhancing vehicle conspicuity. The term does not include the
18 strategic functions of driving, including scheduling trips, selecting destinations, and specifying
19 routes.

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

23 (12) “Operate” has the meaning in [the state’s vehicle code], except that an automated

1 driving provider exclusively operates an associated automated vehicle under automated
2 operation.

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

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

9 **Legislative Note:**

10 *If the state merges this act with the state’s vehicle code, these definitions should be codified in*
11 *the general definitions.*

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

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

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

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

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

31 **Comment**

32 Although the 14 terms defined in this section are best understood in context, some points of

1 introduction and clarification may be helpful.

2 First, consistent with the practice of the U.S. National Highway Traffic Safety Administration
3 and several U.S. states, this section adapts some terms and definitions from the leading
4 definitional document for automated driving, SAE J3016 (2018),
5 sae.org/standards/content/j3016_201806. In particular, paragraphs (3), (7), (10), (11), and (13)
6 borrow from SAE J3016 but incorporate changes for legal or functional clarity. These are
7 essential definitions, and J3016 may be helpful in their interpretation. For example, as J3016
8 explains, an “automated driving system” is defined by its asserted capabilities rather than by its
9 successful realization of those capabilities: An automated driving system that fails is still an
10 automated driving system. Consistent with J3016, an automated driving system or automated
11 driving provider might also perform “strategic functions of driving” even though these functions
12 are not part of the “dynamic driving task.” As in J3016, the definition of “minimal risk
13 condition” is necessarily open; it is often illustrated by a vehicle parked on the shoulder with its
14 hazard signals activated, but circumstances may demand more or less.

15 Second, this section references some terms that may already be used in state motor vehicle law,
16 including those in paragraphs (8), (9), (12), and (13). These terms are used inconsistently across
17 and even within states. See generally Bryant Walker Smith, *Automated Vehicles Are Probably*
18 *Legal in the United States*, 1 Tex. A&M L. Rev. 411, 463-74 (2014), newlypossible.org. Because
19 interpretation of these terms can have dramatic consequences under state vehicle law—even if
20 they are not defined statutorily—these paragraphs clarify the definitions in the context of
21 automated driving without disrupting the more general definitions.

22 Third, the “automated driving provider” concept referenced in paragraph (2) is foundational to
23 the Automated Operation of Vehicles Act. As explained in the comments accompanying sections
24 5 through 7, this act permits the ordinary registration of an automated vehicle only if some
25 qualified entity vouches for that vehicle by designating it as an “associated automated vehicle.”
26 This entity may be the same as or different than the entity that registers the vehicle. For example,
27 the developer of an automated driving system might be the automated driving provider for an
28 automated vehicle that is owned and accordingly registered by an individual consumer. The
29 definitions of automated driving provider and associated automated vehicle should also be read
30 in conjunction with subsection 3(e), which contemplates interstate comity.

31 Fourth, under paragraph (4), “automated operation” can be terminated only by a human driver or
32 human operator. This natural person initiates this termination through a command or other
33 deliberate act that is inconsistent with the continued performance of the entire dynamic driving
34 task by the automated driving system. This means that a vehicle with an automated driving
35 system that has stopped functioning—whether by or despite its design—can still be under
36 automated operation for the purposes of this act even if it is not under automated operation in a
37 technical sense. Remote driving is outside the scope of this act, but this definition does
38 contemplate that in some scenarios a remote human driver—even one who is working as an
39 agent of the automated driving provider—might terminate automated operation. And, upon the
40 successful completion of a trip, a vehicle may no longer have any operator because it is no longer
41 being operated. As a technical and conceptual matter, a transition from automated driving can be
42 complex, and this definition does not explicitly address certain edge cases that are left to the
43 courts for development. For example, if a human reasonably terminates automated operation to

1 avoid a risk of imminent harm proximately caused by the automated driving systems, then
2 automated operation may be deemed to continue until the risk is avoided, realized, or enhanced.

3 Fifth, several definitions contain other nuances that may not be immediately obvious. A vehicle
4 equipped with an automated driving system is considered an “automated vehicle” under
5 paragraph (5) regardless of whether the vehicle is under automated operation. A vehicle is still a
6 “dedicated automated vehicle” under paragraph (7) even if it can or must be driven by a human
7 in certain terminal situations such as those involving maintenance, storage, inspection, and post-
8 incident removal.

9 **SECTION 3. APPLICATION; CONSTRUCTION; GOVERNING LAW.**

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

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

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

17 [(d) The [relevant state agency or agencies] may [make rules, issue interpretations, and
18 take other actions to] administer and enforce this [act].]

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

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

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

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

26 ***Legislative Note:***

27 *If the state merges this act with the state’s vehicle code, these provisions should be codified in a*

1 *new section on automated driving generally.*

2 *Subsection (b) clarifies that state vehicle law, including, inter alia, rules for vehicle ownership,*
3 *registration, insurance, and operation, still applies with respect to automated vehicles. This act*
4 *should be codified accordingly.*

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

10 *In adopting this act, a state may wish to identify, review, and consider modifying or repealing*
11 *prior legislation that specifically addresses automated driving.*

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

14 **Comment**

15 The Automated Operation of Vehicles Act is intended to clarify, modify, and supplement—but
16 not replace—a state’s existing vehicle code in relation to automated vehicles.

17 Accordingly, this section clarifies that the state’s vehicle code continues to apply with respect to
18 automated vehicles. For example, an automated vehicle must still be insured in accordance with
19 the state’s requirements for vehicle insurance. Other legal provisions—such as rules for
20 commercial passenger services—may also apply even if they are not in the state’s vehicle code.
21 These are just two examples of the many legal and policy topics that fall outside the scope of this
22 act and that may be appropriate for further study by states.

23 At the same time, this section clarifies that the state’s vehicle code must be interpreted in a way
24 that is not necessarily inconsistent with automated operation of automated vehicles. This act
25 specifically addresses provisions common to many vehicle codes, such as a prohibition on
26 unattended vehicles, that might otherwise be construed in a way that is incompatible with
27 automated driving. However, the general instruction of subsection (c) (as well as its companions
28 in later sections of this act) is intended to account for unique aspects of a state’s law that may not
29 be specifically addressed by this act and that may not be identified in conjunction with the state’s
30 adoption of this act.

31 This section also explicitly empowers relevant state agencies to administer and enforce this act.
32 As in other sections of this act, this authorization is intended to give these agencies the authority
33 and flexibility to effectively address unexpected developments in automated driving. If a state
34 determines that this authorization is unnecessary, duplicative, or undesirable, it may adapt or
35 omit subsection (d).

36 The interstate nature of motor vehicle travel motivates subsection (e). An automated vehicle
37 under automated operation in state X might be lawfully registered in state Y. If state Y has also
38 adopted this act, then the driver of the vehicle in both states is the automated driving provider

1 that has made a declaration in state Y. (These states may therefore wish to develop a process to
2 share this information.) However, if state Y has not adopted this act, then the vehicle is not an
3 associated automated vehicle and does not have an automated driving provider in either state. In
4 that case, state X identifies the driver(s) or operator(s) using the general definitions of drive,
5 driver, operate, and operator that it has developed over decades. Because these definitions tend to
6 be written and interpreted broadly, see Bryant Walker Smith, Automated Vehicles Are Probably
7 Legal in the United States, 1 Tex. A&M L. Rev. 411, 463-74 (2014), newlypossible.org, many
8 natural or legal persons—an occupant, the owner, the manufacturer—might be subject to
9 enforcement action. By adopting this act, a state could accordingly provide more certainty for its
10 residents when they or their automated vehicles travel out of state.

11 Finally, as the legislative note recognizes, many states have already enacted legislation explicitly
12 addressing automated driving. In some of these states, the legislation relates exclusively or
13 primarily to testing for the purposes of research and development, which is not specifically
14 addressed by this act. In others, the legislation may address or implicate topics within the scope
15 of this act. For example, some states have defined the driver or operator of an automated vehicle
16 in a way that may be inconsistent with this act’s treatment of that question. In such a case, the
17 state may wish to clarify the status of this prior legislation in conjunction with its adoption of this
18 act.

19 **SECTION 4. DRIVER LICENSING.**

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

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

24 ***Legislative Note:***

25 *If the state merges this act with the state’s vehicle code, these provisions should be codified in*
26 *the driver licensing section.*

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

28 **Comment**

29 Under existing state law, an individual who drives generally needs to hold a valid driving
30 license. Conversely, an individual who does not drive generally does not need to hold such a
31 license. The Automated Operation of Vehicles Act does not change these existing rules.
32 However, its definitions of drive, driver, operate, and operator do remove automated driving
33 from this existing framework.

34 This section clarifies that an individual who takes a completely automated trip (in which an
35 automated driving system capable of achieving a minimal risk condition performs the dynamic

1 driving task from the beginning through the end of the trip) does not need a driving license, even
2 if the individual sits in the conventional driving position, turns on the vehicle, or performs other
3 actions that may constitute driving in more conventional contexts. Conversely, because a state’s
4 existing vehicle code continues to apply, an individual who drives for part of a trip does need a
5 driving license, even if the individual relies on an automated driving system for part of the trip.

6 This act does not define a trip, which is generally understood to be a journey from an origin to a
7 destination. The driveway of a house, the curb outside an office building, and a space in a
8 parking garage are possible destinations. A freeway shoulder generally is not. This means that,
9 for example, an automated vehicle capable of automated operation only on freeways needs a
10 licensed driver, because pulling off to the side of the road before the freeway ends does not
11 complete the trip. However, an automated vehicle does not need a licensed driver solely because
12 its automated driving system achieves a minimal risk condition in response to a hardware failure,
13 a severe blizzard, or another condition that unforeseeably delays the trip’s completion.

14 Finally, even though an automated driving provider is the driver of an automated vehicle under
15 automated operation for the purpose of the state’s vehicle code, the provider is not required to
16 hold a conventional license. However, the state may investigate and decline to recognize an
17 automated driving provider under Section 6 (and may decline to register associated automated
18 vehicles under Section 5). Individually or in concert, states may also wish to develop a system to
19 track and sanction automated driving providers that is comparable to the one for human drivers.

20 **SECTION 5. VEHICLE REGISTRATION.**

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

23 (b) If a motor vehicle that is not registered as an automated vehicle becomes an
24 automated vehicle, the [owner] shall obtain a new registration for the vehicle before automated
25 operation and in accordance with the requirements for an automated vehicle.

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

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

32 (e) [The relevant state agency] may decline, suspend, revoke, or decline to renew the

1 registration of an automated vehicle that is not an associated automated vehicle, not associated
2 with an automated driving provider recognized by [the relevant state agency], not properly
3 maintained, not insured in accordance with applicable law, not compliant with a registration
4 requirement, or otherwise not fit to be operated.

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

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

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

14 ***Legislative Note:***

15 *If the state merges this act with the state’s vehicle code, these provisions should be codified in*
16 *the vehicle registration section.*

17 *This section applies to all persons that are required to register a vehicle under state law. If the*
18 *state requires or allows a motor vehicle to be registered by a person other than the owner of the*
19 *vehicle (such as the lessee of the vehicle), references to “owner” should be modified*
20 *accordingly. Existing rules for determining whether a motor vehicle must be registered in the*
21 *state also apply to automated vehicles.*

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

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

27 **Comment**

28 Sections 5, 6, and 7 of the Automated Operation of Vehicles Act complementary each other and

1 a state’s generally applicable rules for motor vehicle registration.

2 Under existing law, the owner (or lessee) of a motor vehicle must generally register that vehicle
3 with a state in accordance with that state’s place of registration rules. This act retains this same
4 obligation for the owner (or lessee) of an automated vehicle, who must likewise register the
5 vehicle with the state.

6 This act also adds a new condition of registration: Under Section 5, an automated vehicle may be
7 registered only if an entity has both declared itself to be an automated driving provider under
8 Section 6 and designated the particular automated vehicle as one of its associated automated
9 vehicles under Section 7. The vehicle owner and the automated driving provider may or may not
10 be the same legal person. As long as the automated vehicle is associated with an automated
11 driving provider recognized by the state motor vehicle agency, its owner (which may or may not
12 be the same person) may register it just as that person would register a conventional motor
13 vehicle.

14 If, however, an automated vehicle is not—or is no longer—associated with an automated driving
15 provider, then the owner may not register it and therefore may not use it on public roads. This
16 significant restriction under Section 5 incentivizes entities to act as automated driving providers
17 under Section 6 and to designate associated automated vehicles under Section 7. In short: A
18 person is unlikely to buy an automated vehicle that they are not allowed to actually use.

19 This act provides some flexibility to the state motor vehicle agency in applying this rule to
20 address situations where automated operation is temporarily or permanently imprudent or
21 impossible. If the agency suspends the registration of an automated vehicle, it may nonetheless
22 authorize the non-automated operation of that vehicle through a temporary license. If the owner
23 ensures and represents that automated operation is no longer possible, then the vehicle is no
24 longer an automated vehicle and may be registered consistent with generally applicable
25 registration requirements.

26 Conversely, a motor vehicle might become an automated vehicle through modifications to its
27 hardware or software, in which case the vehicle’s owner must obtain a new registration for the
28 vehicle.

29 **SECTION 6. AUTOMATED DRIVING PROVIDERS.**

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

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

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

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

3 (b) A person is an automated driving provider only if the person makes a declaration to
4 [the relevant state agency] that the person is an automated driving provider.

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

7 (1) represent under penalty of perjury that the person qualifies as an automated
8 driving provider;

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

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

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

17 (5) pay a fee specified by [the relevant state agency] for processing the automated
18 driving provider declaration.

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

20 (1) has the burden of proving its qualifications and representations to the
21 satisfaction of [the relevant state agency];

22 (2) shall submit to an investigation ordered at any time by [the relevant state
23 agency];

- 1 (3) shall provide all information requested by [the relevant state agency];
- 2 (4) shall pay the actual costs incurred by [the relevant state agency] in the
- 3 investigation; and
- 4 (5) has no vested rights in the recognition of the declaration, which is a privilege.
- 5 (e) [The relevant state agency] may at any time:
- 6 (1) decline to recognize a declaration made under subsection (b);
- 7 (2) delay recognition of a declaration made under subsection (b);
- 8 (3) rescind recognition of a declaration made under subsection (b); or
- 9 (4) investigate the qualifications or representations of a person that makes a
- 10 declaration under subsection (b).

11 ***Legislative Note:***

12 *If the state integrates this act into the state's vehicle code, these provisions should be codified in*

13 *a new section on automated driving providers.*

14 **Comment**

15 Section 5 of the Automated Operation of Vehicles Act provides that a person may register an

16 automated vehicle only if that vehicle is associated with an automated driving provider. This

17 Section 6 specifies how an entity declares itself to be an automated driving provider. Section 7

18 specifies how that entity then designates an automated vehicle to be an associated automated

19 vehicle.

20 The potential diversity of automated driving compels a flexible definition of automated driving

21 provider. An automated vehicle's automated driving system may be installed by the developer of

22 the system, the manufacturer of the vehicle, or another entity altogether. The vehicle may be

23 owned by a sophisticated technology company, by a fleet operator with some familiarity with

24 automation, or by an individual with no technical knowledge whatsoever. Regardless of

25 ownership, the continued safety of automated operation is likely to require the ongoing

26 involvement of a technically competent entity that facilitates data transfers, software updates,

27 and technical support. The automated driving provider concept recognizes that automated

28 vehicles will be driven not by individuals or even computers but by companies involved in the

29 development and deployment of these vehicles.

30 To become an automated driving provider, an entity must make an affirmative declaration that

31 includes specific representations. This means that, first, an entity does not become an automated

32 driving provider against its will and, second, not every entity can become an automated driving

1 provider. Subsection (a) identifies three basic qualifications, at least one of which a provider
2 must satisfy, and subsection (c) identifies five key requirements, all of which the provider must
3 satisfy.

4 Among these, the automated driving provider must represent that sufficient evidence
5 demonstrates that the automated driving system of each associated automated vehicle is capable
6 of complying with the rules of the road. The phrase “sufficient evidence” is intended to provide
7 flexibility to those automated driving providers that act in good faith and consequences to those
8 providers that act in bad faith. It may be informed by other legal standards of proof and review
9 that are familiar to courts and agencies.

10 Although the automated driving provider may not need to provide this evidence in its initial
11 declaration, the state motor vehicle agency may investigate the entity, may decline to recognize
12 the entity’s declaration (even if the agency has previously recognized the declaration), and may
13 revoke the registrations of associated automated vehicles. (However, the state may still consider
14 the entity to be the driver or operator of an associated automated vehicle for the purpose of
15 enforcing the rules of the road.) Moreover, other laws may provide a basis for the state to
16 prosecute an entity that misrepresents the existence or sufficiency of this evidence.

17 **SECTION 7. ASSOCIATED AUTOMATED VEHICLES.**

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

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

22 (c) Once designated under subsection (b), an automated vehicle remains an associated
23 automated vehicle unless [the relevant state agency] declines, delays, or rescinds recognition of
24 the declaration of the automated driving provider, the automated driving provider dissolves, or
25 the automated driving provider disassociates the automated vehicle.

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

28 ***Legislative Note:***

29 *If the state merges this act with the state’s vehicle code, these provisions should be codified in a*
30 *new section on associated automated vehicles.*

1 **Comment**

2 Section 5 of the Automated Operation of Vehicles Act provides that a person may register an
3 automated vehicle only if that vehicle is associated with an automated driving provider. Section
4 6 specifies how an entity declares itself to be an automated driving provider. This Section 7
5 specifies how that entity then designates an automated vehicle to be an associated automated
6 vehicle.

7 An automated driving provider designates its associated automated vehicles by giving acceptable
8 notice to the relevant state motor vehicle agency. The language of subsection (b) was chosen
9 over more precise formulations to provide flexibility to this agency, to avoid financial, technical,
10 or procedural burdens, and to facilitate without requiring cooperation among states and with the
11 federal government. A state might require notice directly from a provider, indirectly through the
12 vehicle registrant, or collectively through a public or private database, among other possibilities.

13 Once an automated driving provider has designated an associated automated vehicle, the
14 association remains until the provider is not recognized by the state agency, ceases to exist under
15 principles of corporate law, or affirmatively withdraws the designation. The language of
16 subsection (d) was chosen to provide flexibility to the relevant state agency. For example, the
17 agency might require the automated driving provider to give advance notice both to the agency
18 and to the owner of the automated vehicle.

19 This comment concludes by reiterating the relationship among motor vehicle registrations
20 (Section 5), associated automated vehicle designations (Section 6), and automated driving
21 provider declarations (Section 7): Existing state law generally requires the registration of a motor
22 vehicle that is operated on a public road. If an automated vehicle qualifies as such a motor
23 vehicle, it too must be registered. The person seeking that registration—typically the vehicle
24 owner—must comply with all conditions of registration under existing law. Section 5 of this act
25 adds a further condition: For the owner of an automated vehicle to register the vehicle, an
26 automated driving provider must have designated that vehicle as an associated automated
27 vehicle. Section 6 specifies how an entity declares that it is an automated driving provider, and
28 Section 7 specifies how that entity then designates its associated automated vehicles. These three
29 sections work together with existing law to ensure that a properly registered automated vehicle
30 has a legal driver when it is under automated operation. In general, only if an automated vehicle
31 is associated with an automated driving provider may it be registered and operated on public
32 roads.

33 **SECTION 8. EQUIPMENT.**

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

37 (b) An automated vehicle must be properly maintained. A violation of this subsection is a

1 violation [as specified in the state’s vehicle code].

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

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

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

11 ***Legislative Note:***

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

14 *If the state merges this act with the state’s vehicle code, these provisions should be codified in*
15 *the section pertaining to the condition of and equipment on vehicles.*

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

18 *If the state codifies this act by merging it with the state’s vehicle code, the existing vehicle code*
19 *provisions addressed in subsections (c), (d), and (e) can be directly amended.*

20 **Comment**

21 Many state vehicle codes include provisions related to the equipment on motor vehicles. Most of
22 these provisions primarily contemplate the continued roadworthiness of individual motor
23 vehicles rather than the design of new motor vehicles. This Section 8 of the Automated
24 Operation of Vehicles Act is intended in part to clarify the application of these provisions to
25 automated vehicles. In contrast, the next section is intended in part to clarify the application of
26 similar provisions to the operation of these vehicles.

27 For example, under this section, a prohibition on the installation of a television screen visible
28 from the driver’s seat would not apply in the case of a dedicated automated vehicle (i.e., one that
29 cannot be operated by a conventional human driver) and would otherwise not apply in the case of
30 an automated vehicle under automated operation. Under the next section, a related but distinct

1 prohibition on actually using such a screen would not apply during automated operation.
2 However, prohibitions on installing and using products intended to evade law enforcement (such
3 as radar detectors) would continue to apply.

4 Subsection (b) requires that an automated vehicle be properly maintained but does not identify
5 the legal subject to which this obligation applies. This passive provision may nonetheless be used
6 to deny or revoke a vehicle's registration, to remove a vehicle from the road, to impound a
7 vehicle, or to cite a driver or operator. The violation language can be adapted for the enacting
8 state, which might identify an appropriate violation provision in its existing law, reference a
9 residual violation provision, or create a new violation provision applicable to automated vehicles.

10 **SECTION 9. RULES OF THE ROAD.**

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

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

15 (c) An automated driving provider is responsible for a violation of [the state's rules of the
16 road] by an associated automated vehicle under automated operation.

17 (d) An automated vehicle may not be operated on a [road open to the public] if the
18 vehicle is not properly maintained, not insured in accordance with applicable law, not compliant
19 with a registration requirement, or otherwise not fit to be operated.

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

24 [(f) A child, incapacitated person, or pet in an automated vehicle is not considered
25 attended solely because the automated vehicle is under automated operation.]

26 (g) A restriction under [the state's vehicle code] on the use of an electronic device in a
27 vehicle, other than a device used to evade law enforcement, does not apply if the automated

1 vehicle is under automated operation.

2 [(h) A requirement under [the state’s vehicle code] that imposes a minimum following
3 distance other than a reasonable and prudent distance does not apply to the automated operation
4 of an automated vehicle.]

5 **Legislative Note:**

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

8 *If the state merges this act with the state’s vehicle code, these provisions should be codified in
9 the section containing the rules of the road.*

10 *The phrase “the state’s rules of the road” refers to state laws on the operation of motor vehicles.
11 These laws, which may be statutory or regulatory, are generally only one part of a vehicle code.*

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

14 *The state may wish to revisit the laws referenced in subsection (f) in light of automated driving.*

15 *If the state codifies this act by merging it with the state’s vehicle code, the existing vehicle
16 provisions addressed in subsections (e), (f), (g), and (h) can be directly amended.*

17 *If the state does not specify numerical minimums for following distance or following time,
18 subsection (h) may be omitted.*

19 **Comment**

20 This section of the Automated Operation of Vehicles Act clarifies how a state’s rules of the road
21 apply in the context of automated driving. With respect to automated driving providers, it
22 establishes two important and complementary principles.

23 First, an automated driving provider must take reasonable steps to comply with the rules of the
24 road during automated operation of an associated automated vehicle. This prospective principle
25 requires an automated driving provider to act reasonably rather than to ensure absolute
26 compliance with the rules of the road, particularly when absolute compliance may not be
27 definable, achievable, or even desirable. It means, for example, that an automated driving
28 provider does not necessarily violate the state’s vehicle code merely by deploying an automated
29 vehicle that is capable of crossing a double-yellow centerline or of momentarily exceeding a
30 speed limit in the interest of safety. This is important because some rules of the road as written
31 can be contradictory, inconsistent with expected practice, and tempered through enforcement
32 discretion. An automated driving provider does not intend to violate these rules merely by
33 declining to unequivocally foreclose the possibility of violation.

1 Second, notwithstanding the first principle, an automated driving provider is responsible for a
2 violation of the rules of the road by an associated automated vehicle under automated operation.
3 This retrospective principle merely recognizes that the automated driving provider is the legal
4 driver in these circumstances and is therefore subject to corresponding sanctions under the state’s
5 vehicle code. In other words, the automated driving provider should receive the speeding ticket
6 when an associated automated vehicle under automated operation is caught speeding. At the
7 same time, this section does not address the appropriate level of enforcement. It is expected that
8 federal, state, and local authorities will continue to evaluate the role of various forms of
9 automated enforcement (including self-reporting obligations) in improving road traffic safety.

10 Under this act, all of the rules of the road that apply to the human driver or operator of a
11 conventional vehicle also apply to the automated driving provider of an associated automated
12 vehicle under automated operation. In contrast, some approaches attempt a more granular
13 application of these rules. For example, the Law Commission of England and Wales tentatively
14 proposed that certain rules, including those related to roadworthiness, the use of child restraints,
15 and post-crash conduct, should apply to a new category of “user-in-charge.” See Law
16 Commission, Automated Vehicles: A joint preliminary consultation paper,
17 lawcom.gov.uk/project/automated-vehicles. This thoughtful approach, however, could
18 complicate a clean division between the established obligations of a human driver during
19 conventional operation and the equivalent obligations of an automated driving provider during
20 automated operation.

21 Subsection (d) makes explicit the power of road authorities to remove automated vehicles that
22 may pose unreasonable risks to road safety. The language of this subsection is similar to more
23 general language already included in the vehicle codes of some states.

24 Like the previous section, this section also clarifies how specific rules should be understood in
25 the context of automated driving. Under subsection (e), an automated vehicle is not unattended
26 or abandoned merely because it is unoccupied. Conversely, under bracketed subsection (f), a
27 young child left alone in a vehicle is unattended even though that vehicle is under automated
28 operation. However, each state may wish to resolve the policy questions of whether a child,
29 incapacitated person, or pet should be able to use an automated vehicle without in-vehicle human
30 supervision.

31 Finally, this section provides that a numerical minimal following-distance requirement does not
32 apply to the automated operation of automated vehicles. However, the common “reasonable and
33 prudent” following-distance requirement continues to apply. (Human drivers routinely violate
34 both requirements.) This bracketed subsection (h) differs in scope from following-distance
35 legislation enacted in some states to facilitate the platooning of vehicles, particularly commercial
36 trucks, that use advanced technologies but may not necessarily qualify as automated vehicles.

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

1 **Legislative Note:**

2 *If the state merges this act with the general vehicle code, this provision should be codified in a*
3 *new section on automated driving generally.*

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

8 **Legislative Note:**

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

11 *If the state merges this act with the state's vehicle code, this provision should be codified in a*
12 *new section on automated driving generally.*

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