

HB0371S01 compared with HB0371

~~deleted text~~ shows text that was in HB0371 but was deleted in HB0371S01.

Inserted text shows text that was not in HB0371 but was inserted into HB0371S01.

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Representative Robert M. Spendlove proposes the following substitute bill:

AUTONOMOUS VEHICLE AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Robert M. Spendlove

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions regarding traffic laws, licensing, and titling requirements, and adds new provisions regarding the operation of autonomous vehicles.

Highlighted Provisions:

This bill:

- ▶ defines terms related to autonomous vehicles;
- ▶ allows the operation of a fully autonomous vehicle in the state;
- ▶ provides that a fully autonomous vehicle is licensed to operate in the state;
- ▶ provides protocol in case of an accident involving an autonomous vehicle;
- ▶ requires an autonomous vehicle to be properly titled ~~and~~, registered, and insured;
- ▶ preempts political subdivisions from regulating autonomous vehicles in addition to regulation provided in state statute; and

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- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

13-51-102, as enacted by Laws of Utah 2015, Chapter 461

13-51-103, as last amended by Laws of Utah 2016, Chapter 359

41-6a-102, as last amended by Laws of Utah 2016, Chapters 40 and 173

53-3-202, as last amended by Laws of Utah 2017, Chapter 297

ENACTS:

41-26-102.1, Utah Code Annotated 1953

41-26-103, Utah Code Annotated 1953

41-26-104, Utah Code Annotated 1953

41-26-105, Utah Code Annotated 1953

41-26-106, Utah Code Annotated 1953

41-26-107, Utah Code Annotated 1953

41-26-108, Utah Code Annotated 1953

41-26-109, Utah Code Annotated 1953

REPEALS:

41-26-102, as enacted by Laws of Utah 2016, Chapter 212

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **13-51-102** is amended to read:

13-51-102. Definitions.

(1) "Division" means the Division of Consumer Protection within the Department of Commerce.

(2) "Prearranged ride" means a period of time that:

(a) begins when the transportation network driver has accepted a passenger's request for a ride through the transportation network company's software application; and

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(b) ends when the passenger exits the transportation network driver's vehicle.

(3) "Software application" means an Internet-connected software platform, including a mobile application, that a transportation network company uses to:

(a) connect a transportation network driver to a passenger; and

(b) process passenger requests.

(4) "Transportation network company" means an entity that:

(a) uses a software application to connect a passenger to a transportation network driver providing transportation network services;

(b) is not:

(i) a taxicab, as defined in Section 53-3-102; or

(ii) a motor carrier, as defined in Section 72-9-102; and

(c) except in certain cases involving a fully autonomous vehicle as defined in Section 41-26-102.1, does not own, control, operate, or manage the vehicle used to provide the transportation network services.

(5) "Transportation network driver" means ~~[an individual who]~~:

(a) an individual who:

~~[(a)]~~ (i) pays a fee to a transportation network company, and, in exchange, receives a connection to a potential passenger from the transportation network company;

~~[(b)]~~ (ii) operates a motor vehicle that:

~~[(+)]~~ (A) the individual owns, leases, or is authorized to use; and

~~[(+)]~~ (B) the individual uses to provide transportation network services; and

~~[(+)]~~ (iii) receives, in exchange for providing a passenger a ride, compensation that exceeds the individual's cost to provide the ride~~[-]~~; or

(b) an automated driving system of a fully autonomous vehicle as defined in Section 41-26-102.1, operated without a human operator, used to provide a passenger a ride in exchange for compensation.

(6) "Transportation network services" means, for a transportation network driver providing services through a transportation network company:

(a) providing a prearranged ride; or

(b) being engaged in a waiting period.

(7) "Waiting period" means a period of time when:

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(a) a transportation network driver is logged into a transportation network company's software application; and

(b) the transportation network driver is not engaged in a prearranged ride.

Section 2. Section **13-51-103** is amended to read:

13-51-103. Exemptions -- Transportation network company and transportation network driver.

(1) A transportation network company or a transportation network driver is not subject to the requirements applicable to:

(a) a motor carrier, under Title 72, Chapter 9, Motor Carrier Safety Act;

(b) a common carrier, under Title 59, Chapter 12, Sales and Use Tax Act; or

(c) a taxicab, under Title 53, Chapter 3, Uniform Driver License Act.

(2) A transportation network driver is:

(a) (i) an independent contractor of a transportation network company; and

~~[(b)]~~ (ii) not an employee of a transportation network company~~[-];~~ or

(b) for a fully autonomous vehicle operated without a human operator, an automated driving system operated:

(i) at the direction of, on behalf of, or as an agent of a transportation network company;

or

(ii) at the direction of, on behalf of, or as an agent of a third party pursuant to an agreement between the third party and a transportation network company, operated on behalf of and as an agent of the transportation network company.

Section 3. Section **41-6a-102** is amended to read:

41-6a-102. Definitions.

As used in this chapter:

(1) "Alley" means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for through vehicular traffic.

(2) "All-terrain type I vehicle" means the same as that term is defined in Section 41-22-2.

(3) "Authorized emergency vehicle" includes:

(a) fire department vehicles;

(b) police vehicles;

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(c) ambulances; and

(d) other publicly or privately owned vehicles as designated by the commissioner of the Department of Public Safety.

(4) "Autocycle" means the same as that term is defined in Section 53-3-102.

(5) (a) "Bicycle" means a wheeled vehicle:

(i) propelled by human power by feet or hands acting upon pedals or cranks;

(ii) with a seat or saddle designed for the use of the operator;

(iii) designed to be operated on the ground; and

(iv) whose wheels are not less than 14 inches in diameter.

(b) "Bicycle" includes an electric assisted bicycle.

(c) "Bicycle" does not include scooters and similar devices.

(6) (a) "Bus" means a motor vehicle:

(i) designed for carrying more than 15 passengers and used for the transportation of persons; or

(ii) designed and used for the transportation of persons for compensation.

(b) "Bus" does not include a taxicab.

(7) (a) "Circular intersection" means an intersection that has an island, generally circular in design, located in the center of the intersection where traffic passes to the right of the island.

(b) "Circular intersection" includes:

(i) roundabouts;

(ii) rotaries; and

(iii) traffic circles.

(8) "Class 1 electric assisted bicycle" means an electric assisted bicycle described in Subsection (17)(d)(i).

(9) "Class 2 electric assisted bicycle" means an electric assisted bicycle described in Subsection (17)(d)(ii).

(10) "Class 3 electric assisted bicycle" means an electric assisted bicycle described in Subsection (17)(d)(iii).

(11) "Commissioner" means the commissioner of the Department of Public Safety.

(12) "Controlled-access highway" means a highway, street, or roadway:

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(a) designed primarily for through traffic; and

(b) to or from which owners or occupants of abutting lands and other persons have no legal right of access, except at points as determined by the highway authority having jurisdiction over the highway, street, or roadway.

(13) "Crosswalk" means:

(a) that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from:

(i) (A) the curbs; or

(B) in the absence of curbs, from the edges of the traversable roadway; and

(ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway included within the extension of the lateral lines of the existing sidewalk at right angles to the centerline; or

(b) any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

(14) "Department" means the Department of Public Safety.

(15) "Direct supervision" means oversight at a distance within which:

(a) visual contact is maintained; and

(b) advice and assistance can be given and received.

(16) "Divided highway" means a highway divided into two or more roadways by:

(a) an unpaved intervening space;

(b) a physical barrier; or

(c) a clearly indicated dividing section constructed to impede vehicular traffic.

(17) "Electric assisted bicycle" means a bicycle with an electric motor that:

(a) has a power output of not more than 750 watts;

(b) has fully operable pedals on permanently affixed cranks;

(c) is fully operable as a bicycle without the use of the electric motor; and

(d) is one of the following:

(i) an electric assisted bicycle equipped with a motor or electronics that:

(A) provides assistance only when the rider is pedaling; and

(B) ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour;

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(ii) an electric assisted bicycle equipped with a motor or electronics that:

(A) may be used exclusively to propel the bicycle; and

(B) is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour; or

(iii) an electric assisted bicycle equipped with a motor or electronics that:

(A) provides assistance only when the rider is pedaling;

(B) ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour; and

(C) is equipped with a speedometer.

(18) (a) "Electric personal assistive mobility device" means a self-balancing device with:

(i) two nontandem wheels in contact with the ground;

(ii) a system capable of steering and stopping the unit under typical operating conditions;

(iii) an electric propulsion system with average power of one horsepower or 750 watts;

(iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and

(v) a deck design for a person to stand while operating the device.

(b) "Electric personal assistive mobility device" does not include a wheelchair.

(19) "Explosives" means any chemical compound or mechanical mixture commonly used or intended for the purpose of producing an explosion and that contains any oxidizing and combustive units or other ingredients in proportions, quantities, or packing so that an ignition by fire, friction, concussion, percussion, or detonator of any part of the compound or mixture may cause a sudden generation of highly heated gases, and the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of causing death or serious bodily injury.

(20) "Farm tractor" means a motor vehicle designed and used primarily as a farm implement, for drawing plows, mowing machines, and other implements of husbandry.

(21) "Flammable liquid" means a liquid that has a flashpoint of 100 degrees F. or less, as determined by a tagliabue or equivalent closed-cup test device.

(22) "Freeway" means a controlled-access highway that is part of the interstate system as defined in Section 72-1-102.

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(23) (a) "Full-sized all-terrain vehicle" means any recreational vehicle designed for and capable of travel over unimproved terrain:

(i) traveling on four or more tires;

(ii) having a width that, when measured at the widest point of the vehicle:

(A) is not less than 55 inches; or

(B) does not exceed 92 inches;

(iii) having an unladen dry weight of 6,500 pounds or less;

(iv) having a maximum seat height of 50 inches when measured at the forward edge of the seat bottom; and

(v) having a steering wheel for control.

(b) "Full-sized all-terrain vehicle" does not include:

(i) all-terrain type I vehicle;

(ii) a utility type vehicle;

(iii) a motorcycle; or

(iv) a snowmobile as defined in Section 41-22-2.

(24) "Gore area" means the area delineated by two solid white lines that is between a continuing lane of a through roadway and a lane used to enter or exit the continuing lane including similar areas between merging or splitting highways.

(25) "Gross weight" means the weight of a vehicle without a load plus the weight of any load on the vehicle.

(26) "Highway" means the entire width between property lines of every way or place of any nature when any part of it is open to the use of the public as a matter of right for vehicular travel.

(27) "Highway authority" means the same as that term is defined in Section 72-1-102.

(28) (a) "Intersection" means the area embraced within the prolongation or connection of the lateral curblines, or, if none, then the lateral boundary lines of the roadways of two or more highways which join one another.

(b) Where a highway includes two roadways 30 feet or more apart:

(i) every crossing of each roadway of the divided highway by an intersecting highway is a separate intersection; and

(ii) if the intersecting highway also includes two roadways 30 feet or more apart, then

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every crossing of two roadways of the highways is a separate intersection.

(c) "Intersection" does not include the junction of an alley with a street or highway.

(29) "Island" means an area between traffic lanes or at an intersection for control of vehicle movements or for pedestrian refuge designated by:

(a) pavement markings, which may include an area designated by two solid yellow lines surrounding the perimeter of the area;

(b) channelizing devices;

(c) curbs;

(d) pavement edges; or

(e) other devices.

(30) "Law enforcement agency" means the same as that term is as defined in Section 53-1-102.

(31) "Limited access highway" means a highway:

(a) that is designated specifically for through traffic; and

(b) over, from, or to which neither owners nor occupants of abutting lands nor other persons have any right or easement, or have only a limited right or easement of access, light, air, or view.

(32) "Local highway authority" means the legislative, executive, or governing body of a county, municipal, or other local board or body having authority to enact laws relating to traffic under the constitution and laws of the state.

(33) (a) "Low-speed vehicle" means a four wheeled electric motor vehicle that:

(i) is designed to be operated at speeds of not more than 25 miles per hour; and

(ii) has a capacity of not more than four passengers, including the driver.

(b) "Low-speed vehicle" does not include a golfcart or an off-highway vehicle.

(34) "Metal tire" means a tire, the surface of which in contact with the highway is wholly or partly of metal or other hard nonresilient material.

(35) (a) "Mini-motorcycle" means a motorcycle or motor-driven cycle that has a seat or saddle that is less than 24 inches from the ground as measured on a level surface with properly inflated tires.

(b) "Mini-motorcycle" does not include a moped or a motor assisted scooter.

(c) "Mini-motorcycle" does not include a motorcycle that is:

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- (i) designed for off-highway use; and
- (ii) registered as an off-highway vehicle under Section 41-22-3.

(36) "Mobile home" means:

(a) a trailer or semitrailer that is:

(i) designed, constructed, and equipped as a dwelling place, living abode, or sleeping place either permanently or temporarily; and

(ii) equipped for use as a conveyance on streets and highways; or

(b) a trailer or a semitrailer whose chassis and exterior shell is designed and constructed for use as a mobile home, as defined in Subsection (36)(a), but that is instead used permanently or temporarily for:

(i) the advertising, sale, display, or promotion of merchandise or services; or

(ii) any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

(37) (a) "Moped" means a motor-driven cycle having:

(i) pedals to permit propulsion by human power; and

(ii) a motor that:

(A) produces not more than two brake horsepower; and

(B) is not capable of propelling the cycle at a speed in excess of 30 miles per hour on level ground.

(b) If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters and the moped shall have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged.

(c) "Moped" includes a motor assisted scooter.

(d) "Moped" does not include an electric assisted bicycle.

(38) (a) "Motor assisted scooter" means a self-propelled device with:

(i) at least two wheels in contact with the ground;

(ii) a braking system capable of stopping the unit under typical operating conditions;

(iii) a gas or electric motor not exceeding 40 cubic centimeters;

(iv) either:

(A) a deck design for a person to stand while operating the device; or

(B) a deck and seat designed for a person to sit, straddle, or stand while operating the

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device; and

(v) a design for the ability to be propelled by human power alone.

(b) "Motor assisted scooter" does not include an electric assisted bicycle.

(39) "Motorcycle" means:

(a) a motor vehicle, other than a tractor, having a seat or saddle for the use of the rider and designed to travel with not more than three wheels in contact with the ground; or

(b) an auticycle.

(40) (a) "Motor-driven cycle" means every motorcycle, motor scooter, moped, motor assisted scooter, and every motorized bicycle having:

(i) an engine with less than 150 cubic centimeters displacement; or

(ii) a motor that produces not more than five horsepower.

(b) "Motor-driven cycle" does not include:

(i) an electric personal assistive mobility device; or

(ii) an electric assisted bicycle.

(41) (a) "Motor vehicle" means a vehicle that is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(b) "Motor vehicle" does not include vehicles moved solely by human power, motorized wheelchairs, an electric personal assistive mobility device, or an electric assisted bicycle.

(42) "Off-highway implement of husbandry" means the same as that term is defined under Section 41-22-2.

(43) "Off-highway vehicle" means the same as that term is defined under Section 41-22-2.

(44) "Operator" means a person who is in actual physical control of a vehicle.

(45) (a) "Park" or "parking" means the standing of a vehicle, whether the vehicle is occupied or not.

(b) "Park" or "parking" does not include the standing of a vehicle temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

(46) "Peace officer" means a peace officer authorized under Title 53, Chapter 13, Peace Officer Classifications, to direct or regulate traffic or to make arrests for violations of traffic

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laws.

(47) "Pedestrian" means a person traveling:

- (a) on foot; or
- (b) in a wheelchair.

(48) "Pedestrian traffic-control signal" means a traffic-control signal used to regulate pedestrians.

(49) "Person" means [~~every natural person, firm, copartnership, association, or corporation~~] a natural person, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation, or any other legal or commercial entity.

(50) "Pole trailer" means every vehicle without motive power:

- (a) designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle; and
- (b) that is ordinarily used for transporting long or irregular shaped loads including poles, pipes, or structural members generally capable of sustaining themselves as beams between the supporting connections.

(51) "Private road or driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

(52) "Railroad" means a carrier of persons or property upon cars operated on stationary rails.

(53) "Railroad sign or signal" means a sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

(54) "Railroad train" means a locomotive propelled by any form of energy, coupled with or operated without cars, and operated upon rails.

(55) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under circumstances of direction, speed, and proximity that give rise to danger of collision unless one grants precedence to the other.

(56) (a) "Roadway" means that portion of highway improved, designed, or ordinarily

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used for vehicular travel.

(b) "Roadway" does not include the sidewalk, berm, or shoulder, even though any of them are used by persons riding bicycles or other human-powered vehicles.

(c) "Roadway" refers to any roadway separately but not to all roadways collectively, if a highway includes two or more separate roadways.

(57) "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and that is protected, marked, or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

(58) (a) "School bus" means a motor vehicle that:

(i) complies with the color and identification requirements of the most recent edition of "Minimum Standards for School Buses"; and

(ii) is used to transport school children to or from school or school activities.

(b) "School bus" does not include a vehicle operated by a common carrier in transportation of school children to or from school or school activities.

(59) (a) "Semitrailer" means a vehicle with or without motive power:

(i) designed for carrying persons or property and for being drawn by a motor vehicle; and

(ii) constructed so that some part of its weight and that of its load rests on or is carried by another vehicle.

(b) "Semitrailer" does not include a pole trailer.

(60) "Shoulder area" means:

(a) that area of the hard-surfaced highway separated from the roadway by a pavement edge line as established in the current approved "Manual on Uniform Traffic Control Devices"; or

(b) that portion of the road contiguous to the roadway for accommodation of stopped vehicles, for emergency use, and for lateral support.

(61) "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

(62) "Solid rubber tire" means a tire of rubber or other resilient material that does not depend on compressed air for the support of the load.

(63) "Stand" or "standing" means the temporary halting of a vehicle, whether occupied

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or not, for the purpose of and while actually engaged in receiving or discharging passengers.

(64) "Stop" when required means complete cessation from movement.

(65) "Stop" or "stopping" when prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when:

(a) necessary to avoid conflict with other traffic; or

(b) in compliance with the directions of a peace officer or traffic-control device.

(66) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain type I vehicle, utility type vehicle, or full-sized all-terrain vehicle that is modified to meet the requirements of Section 41-6a-1509 to operate on highways in the state in accordance with Section 41-6a-1509.

(67) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together while using any highway for the purpose of travel.

(68) "Traffic-control device" means a sign, signal, marking, or device not inconsistent with this chapter placed or erected by a highway authority for the purpose of regulating, warning, or guiding traffic.

(69) "Traffic-control signal" means a device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

(70) "Traffic signal preemption device" means an instrument or mechanism designed, intended, or used to interfere with the operation or cycle of a traffic-control signal.

(71) (a) "Trailer" means a vehicle with or without motive power designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon the towing vehicle.

(b) "Trailer" does not include a pole trailer.

(72) "Truck" means a motor vehicle designed, used, or maintained primarily for the transportation of property.

(73) "Truck tractor" means a motor vehicle:

(a) designed and used primarily for drawing other vehicles; and

(b) constructed to carry a part of the weight of the vehicle and load drawn by the truck tractor.

(74) "Two-way left turn lane" means a lane:

(a) provided for vehicle operators making left turns in either direction;

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(b) that is not used for passing, overtaking, or through travel; and

(c) that has been indicated by a lane traffic-control device that may include lane markings.

(75) "Urban district" means the territory contiguous to and including any street, in which structures devoted to business, industry, or dwelling houses are situated at intervals of less than 100 feet, for a distance of a quarter of a mile or more.

(76) (a) "Utility type vehicle" means any recreational vehicle designed for and capable of travel over unimproved terrain:

(i) traveling on four or more tires;

(ii) having a width that, when measured at the widest point of the vehicle:

(A) is not less than 30 inches; or

(B) does not exceed 70 inches;

(iii) having an unladen dry weight of 2,200 pounds or less;

(iv) having a seat height of 20 to 40 inches when measured at the forward edge of the seat bottom; and

(v) having side-by-side seating with a steering wheel for control.

(b) "Utility type vehicle" does not include:

(i) an all-terrain type I vehicle;

(ii) a motorcycle; or

(iii) a snowmobile as defined in Section 41-22-2.

(77) "Vehicle" means a device in, on, or by which a person or property is or may be transported or drawn on a highway, except devices used exclusively on stationary rails or tracks.

Section 4. Section **41-26-102.1** is enacted to read:

41-26-102.1. Definitions.

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

(b) "Automated driving system" includes a level 3, level 4, or level 5 automated driving system.

(2) "Division" means the Motor Vehicle Division of the commission, created in

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Section 41-1a-106.

(3) (a) "Driving automation system" means hardware and software of a motor vehicle that are collectively capable of performing one or more aspects of the dynamic driving task.

(b) "Driving automation system" includes a level 1 and level 2 advanced driver assistance system.

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

(i) lateral vehicle motion control through steering;

(ii) longitudinal 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) enhancing conspicuity with lighting, signaling, and gesturing.

(b) "Dynamic driving task" does not include strategic functions such as trip scheduling or selection of destinations and waypoints.

(5) "Fully autonomous vehicle" means a motor vehicle equipped with a level 4 or level 5 automated driving system designed to function without a human operator.

(6) "Human operator" means an operator of a motor vehicle:

(a) that is a natural person with a valid license to operate a motor vehicle; and

(b) who controls all or part of the dynamic driving task.

(7) "Level 1 driving automation system" means a system that has the capability within its operational design domain to execute on a sustained basis one of the following functions, but not both simultaneously, with the expectation that the human operator performs the remainder of the dynamic driving task:

(a) steering; or

(b) either braking or accelerating.

(8) "Level 2 driving automation system" means a system that has the capability within its operational design domain to simultaneously execute on a sustained basis the following functions, with the expectation that the human operator completes object and event detection and response, and supervises the system:

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(a) steering; and

(b) either braking or accelerating.

(9) "Level 3 automated driving system" means a driving system that:

(a) has the capability to perform all aspects of the dynamic driving task within its operational design domain; and

(b) requires a human operator to be ready to take control of the vehicle after receiving a request to intervene or in response to a system failure.

(10) "Level 4 automated driving system" means a driving system that has the capability to perform all of the aspects of the dynamic driving task within its operational design domain, as well as any fallback maneuvers necessary to respond to the system's failure, without any expectation that a human operator will respond to a request to intervene.

(11) "Level 5 automated driving system" means a driving system that has the capability to perform all the aspects of the dynamic driving task under all roadway and environmental conditions that can reasonably be managed by a human operator, as well as any fallback maneuvers necessary to respond to the system's failure, without any expectation that a human operator will respond to a request to intervene.

(12) "Minimal risk condition" means a low-risk operating mode in which a fully autonomous vehicle operating without a human operator achieves a reasonably safe state, such as bringing the vehicle to a complete stop, upon experiencing a failure of the vehicle's automated driving system that renders the vehicle unable to perform the entire dynamic driving task.

(13) "On-demand autonomous vehicle network" means a transportation service network that uses a software application or other digital means to dispatch or otherwise enable the prearrangement of transportation with fully autonomous vehicles for purposes of transporting persons, including for-hire transportation and transportation for compensation.

(14) "Operational design domain" means a description of the specific operating domain in which an automated driving system is designed to properly operate, including but not limited to roadway types, speed range, environmental conditions, and other domain constraints.

(15) "Operator" means the same as that term is defined in Section 41-6a-102.

(16) "Person" means the same as that term is defined in Section 41-6a-102.

(17) "Request to intervene" means notification by an automated driving system to a

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human operator that the human operator should promptly begin or resume performance of part or all of the dynamic driving task.

Section 5. Section **41-26-103** is enacted to read:

41-26-103. Operation of fully autonomous vehicles without a human operator.

A person may operate a fully autonomous vehicle on the public roads of this state without a human operator if:

(1) the automated driving system is engaged; and

(2) the vehicle meets the following conditions:

(a) if a failure of the automated driving system occurs that renders the automated driving system unable to perform the entire dynamic driving task relevant to the intended operational design domain of the automated driving system, the fully autonomous vehicle will achieve a minimal risk condition;

(b) the fully autonomous vehicle is capable of operating in compliance with the applicable traffic and motor vehicle safety laws and regulations of this state when reasonable to do so, unless an exemption has been granted; and

(c) the vehicle bears the required manufacturer's certification label indicating that at the time of its manufacture the vehicle was certified to be in compliance with all applicable federal motor vehicle safety standards.

Section 6. Section **41-26-104** is enacted to read:

41-26-104. Licensing.

When an automated driving system installed on a motor vehicle is engaged:

(1) for the purpose of assessing compliance with applicable traffic or motor vehicle laws, the automated driving system is considered the driver or operator, and shall be considered to satisfy electronically all physical acts required by a driver or operator of the vehicle; and

(2) the automated driving system is considered to be licensed to operate the vehicle.

Section 7. Section **41-26-105** is enacted to read:

41-26-105. Duties following crashes involving fully autonomous vehicles.

In the event of a crash:

(1) the fully autonomous vehicle shall remain on the scene of the crash when required to do so under Section 41-6a-401, consistent with the fully autonomous vehicle's capability under Section 41-26-103; and

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(2) the owner of the fully autonomous vehicle, or a person on behalf of the vehicle owner, shall report any crashes or collisions consistent with Section 41-6a-401.

Section 8. Section **41-26-106** is enacted to read:

41-26-106. On-demand autonomous vehicle network.

(1) Subject to Subsection (2), an on-demand autonomous vehicle network may only operate pursuant to state laws governing the operation of ground transportation for-hire under state law, including:

(a) a transportation network company pursuant to Title 13, Chapter 51, Transportation Network Company Registration Act; or

(b) a private passenger carrier as defined in Section 53-3-102.

(2) Any provision of state law described in Subsection (1) that reasonably applies only to a human operator shall not apply to the operation of a fully autonomous vehicle with the automated driving system engaged on an on-demand autonomous vehicle network.

Section 9. Section **41-26-107** is enacted to read:

41-26-107. Registration, title, and ~~{title}~~insurance of fully autonomous vehicles.

(1) The owner of a fully autonomous vehicle shall properly register the vehicle in accordance with Title 41, Chapter 1a, Part 2, Registration.

(2) The owner of a fully autonomous vehicle shall properly title the vehicle in accordance with Title 41, Chapter 1a, Part 5, Titling Requirement.

(3) Before operating a fully autonomous vehicle on a highway in this state without a human driver, the owner of the vehicle shall ensure that the vehicle complies with Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act.

Section 10. Section **41-26-108** is enacted to read:

41-26-108. Controlling authority.

(1) Unless otherwise provided in this chapter and notwithstanding any other provision of law, a fully autonomous vehicle and automated driving systems are governed exclusively by this chapter. ~~{The division is the sole and exclusive state agency that may implement the provisions of this chapter.}~~

(2) No agency, political subdivision, or other entity may prohibit the operation of a fully autonomous vehicle, an automated driving system, or an on-demand autonomous vehicle network, or otherwise enact or keep in force a rule or ordinance that would impose a tax, fee,

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performance standard, or other requirement specific to the operation of a fully autonomous vehicle, an automated driving system, or an on-demand autonomous vehicle network in addition to the requirements of this chapter.

Section 11. Section **41-26-109** is enacted to read:

41-26-109. Operation of a motor vehicle with an automated driving system by a human operator.

(1) A human operator may operate a motor vehicle equipped with an automated driving system capable of performing the entire dynamic driving task but that is not a fully autonomous vehicle if:

(a) such automated driving system is designed:

(i) with the expectation that the human operator will respond appropriately to a request to intervene; and

(ii) to issue such a request whenever the automated driving system is not capable of performing the entire dynamic driving task; and

(b) the automated driving system is capable of being operated in compliance with Title 41, Chapter 6a, Traffic Code.

(2) Nothing in this chapter prohibits or restricts a human operator from operating a fully autonomous vehicle equipped with controls that allow for the human operator to control all or part of the dynamic driving task.

Section 12. Section **53-3-202** is amended to read:

53-3-202. Drivers must be licensed -- Violation.

(1) A person may not drive a motor vehicle or an autocycle on a highway in this state unless the person is:

(a) granted the privilege to operate a motor vehicle by being licensed as a driver by the division under this chapter;

(b) driving an official United States Government class D motor vehicle with a valid United States Government driver permit or license for that type of vehicle;

(c) (i) driving a road roller, road machinery, or any farm tractor or implement of husbandry temporarily drawn, moved, or propelled on the highways; and

(ii) driving the vehicle described in Subsection (1)(c)(i) in conjunction with a construction or agricultural activity;

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(d) a nonresident who is at least 16 years of age and younger than 18 years of age who has in the nonresident's immediate possession a valid license certificate issued to the nonresident in the nonresident's home state or country and is driving in the class or classes identified on the home state license certificate, except those persons referred to in Part 6, Drivers' License Compact, of this chapter;

(e) a nonresident who is at least 18 years of age and who has in the nonresident's immediate possession a valid license certificate issued to the nonresident in the nonresident's home state or country if driving in the class or classes identified on the home state license certificate, except those persons referred to in Part 6, Drivers' License Compact, of this chapter;

(f) driving under a learner permit in accordance with Section 53-3-210.5;

(g) driving with a temporary license certificate issued in accordance with Section 53-3-207; ~~or~~

(h) exempt under Title 41, Chapter 22, Off-Highway Vehicles~~[-]; or~~

(i) operating a fully autonomous vehicle through an automated driving system as described in Section 41-26-104.

(2) A person may not drive or, while within the passenger compartment of a motor vehicle, exercise any degree or form of physical control of a motor vehicle being towed by a motor vehicle upon a highway unless the person:

(a) holds a valid license issued under this chapter for the type or class of motor vehicle being towed; or

(b) is exempted under either Subsection (1)(b) or (1)(c).

(3) (a) A person may not drive a motor vehicle as a taxicab on a highway of this state unless the person has a valid class D driver license issued by the division.

(b) A person may not drive a motor vehicle as a private passenger carrier on a highway of this state unless the person has:

(i) a taxicab endorsement issued by the division on the person's license certificate; or

(ii) a commercial driver license with:

(A) a taxicab endorsement;

(B) a passenger endorsement; or

(C) a school bus endorsement.

(c) Nothing in Subsection (3)(b) is intended to exempt a person driving a motor vehicle

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as a private passenger carrier from regulation under other statutory and regulatory schemes, including:

(i) 49 C.F.R. Parts 350-399, Federal Motor Carrier Safety Regulations;

(ii) Title 34, Chapter 36, Transportation of Workers, and rules adopted by the Labor Commission in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(iii) Title 72, Chapter 9, Motor Carrier Safety Act, and rules adopted by the Motor Carrier Division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(4) (a) Except as provided in Subsections (4)(b), (c), (d), and (e) a person may not operate:

(i) a motorcycle unless the person has a valid class D driver license and a motorcycle endorsement issued under this chapter;

(ii) a street legal all-terrain vehicle unless the person has a valid class D driver license; or

(iii) a motor-driven cycle unless the person has a valid class D driver license and a motorcycle endorsement issued under this chapter.

(b) A person operating a moped, as defined in Section 41-6a-102, is not required to have a motorcycle endorsement issued under this chapter.

(c) A person operating an electric assisted bicycle, as defined in Section 41-6a-102, is not required to have a valid class D driver license or a motorcycle endorsement issued under this chapter.

(d) A person is not required to have a valid class D driver license if the person is:

(i) operating a motor assisted scooter, as defined in Section 41-6a-102, in accordance with Section 41-6a-1115; or

(ii) operating an electric personal assistive mobility device, as defined in Section 41-6a-102, in accordance with Section 41-6a-1116.

(e) A person operating an autocycle is not required to have a motorcycle endorsement issued under this chapter.

(5) A person who violates this section is guilty of an infraction.

Section 13. **Repealer.**

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This bill repeals:

Section **41-26-102, Autonomous motor vehicle study.**

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Legislative Review Note

Office of Legislative Research and General Counsel†