

HB0414S02 compared with HB0414S01

~~text~~ shows text that was in HB0414S01 but was deleted in HB0414S02.

text shows text that was not in HB0414S01 but was inserted into HB0414S02.

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Representative Karen Kwan proposes the following substitute bill:

AUTONOMOUS VEHICLE AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen Kwan

Senate Sponsor: _____

LONG TITLE

General Description:

This bill enacts provisions regarding the transportation of unaccompanied minors by a vehicle for hire operating in driverless operation.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ prohibits a vehicle for hire in driverless operation from transporting an unaccompanied minor under eight years old or required to use a child restraint system;
- ▶ requires a parent or guardian sign a waiver and provide emergency contact information;
- ▶ requires proper use of safety belts;

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- ▶ requires certain monitoring and emergency notification technology; and
- ▶ requires the vehicle be in safe operating condition.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-26-102.1, as enacted by Laws of Utah 2019, Chapter 459

ENACTS:

41-26-109, Utah Code Annotated 1953

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

Section 1. Section 41-26-102.1 is amended to read:

41-26-102.1. Definitions.

(1) "ADS-dedicated vehicle" means a vehicle designed to be operated exclusively by a level four or five ADS for all trips within the given operational design domain limitations of the ADS, if any.

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

(b) "Automated driving system" or "ADS" is used specifically to describe a level three, four, or five driving automation system.

(3) "Commission" means the State Tax Commission as defined in Section 59-1-101.

(4) "Conventional driver" means a human driver who is onboard the motor vehicle and manually performs some or all of the following actions in order to operate a vehicle:

- (a) braking;
- (b) accelerating;
- (c) steering; and
- (d) transmission gear selection input devices.

(5) (a) "Dispatch" means to place an ADS-equipped vehicle into service in driverless

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operation by engaging the ADS.

(b) "Dispatch" includes software-enabled dispatch of multiple ADS-equipped motor vehicles in driverless operation that may complete multiple trips involving pick-up and drop-off of passengers or goods throughout a day or other pre-defined periods of service, and which may involve multiple agents performing various tasks related to the dispatch function.

(6) "Division" means the Motor Vehicle Division of the commission, created in Section 41-1a-106.

(7) "Driverless operation" means the operation of an ADS-equipped vehicle in which:

(a) no on-board user is present; or

(b) no on-board user is a human driver or fallback-ready user.

(8) "Driverless operation dispatcher" means a user who dispatches an ADS-equipped vehicle in driverless operation.

(9) "Driving automation system" means the hardware and software collectively capable of performing part or all of the dynamic driving task on a sustained basis.

(10) "Driving automation system feature" means a specific function of a driving automation system.

(11) (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 and selection of destinations and waypoints.

(12) "Engage" as it pertains to the operation of a vehicle by a driving automation system means to cause a driving automation system feature to perform part or all of the dynamic driving task on a sustained basis.

(13) "External event" is a situation in the driving environment that necessitates a

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response by a human driver or driving automation system.

(14) "Fallback-ready user" means the user of a vehicle equipped with an engaged level three ADS who is:

- (a) a human driver; and
- (b) ready to operate the vehicle if:
 - (i) a system failure occurs; or
 - (ii) the ADS issues a request to intervene.

(15) (a) "Human driver" means a natural person:

(i) with a valid license to operate a motor vehicle of the proper class for the motor vehicle being operated; and

(ii) who performs in real-time all or part of the dynamic driving task.

(b) "Human driver" includes a:

- (i) conventional driver; and
- (ii) remote driver.

(16) "Level five automated driving system" or "level five ADS" means an ADS feature that has the capability to perform on a sustained basis the entire dynamic driving task under all conditions that can reasonably be managed by a human driver, as well as any maneuvers necessary to respond to a system failure, without any expectation that a human user will respond to a request to intervene.

(17) "Level four automated driving system" or "level four ADS" means an ADS feature that, without any expectation that a human user will respond to a request to intervene, has:

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

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

- (i) an exit from the operational design domain of the ADS; or
- (ii) a system failure.

(18) "Level three automated driving system" or "level three ADS" means an ADS feature that:

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

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(b) requires a fallback-ready user to operate the vehicle after receiving a request to intervene or in response to a system failure.

(19) "Minimal risk condition" means a condition to which a user or an ADS may bring a motor vehicle in order to reduce the risk of a crash when a given trip cannot or should not be completed.

(20) "Object and event detection and response" means the subtasks of the dynamic driving task that include:

- (a) monitoring the driving environment; and
- (b) executing an appropriate response in order to perform the dynamic driving task.

(21) (a) "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 motor vehicles that have a level four or five ADS in driverless operation for purposes of transporting persons, including for-hire transportation and transportation for compensation.

(b) "On-demand autonomous vehicle network" does not include a vehicle operated by a public transit district as defined in Section 17B-2a-802.

(22) "Operate" means the same as that term is defined in Section 41-1a-102.

(23) "Operational design domain" means the operating conditions under which a given ADS or feature thereof is specifically designed to function, including:

- (a) speed range, environmental, geographical, and time-of-day restrictions; or
- (b) the requisite presence or absence of certain traffic or roadway characteristics.

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

(25) "Passenger" means a user on board a vehicle who has no role in the operation of that vehicle.

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

(27) "Remote driver" means a human driver who is not located in a position to manually exercise in-vehicle braking, accelerating, steering, or transmission gear selection input devices, but operates the vehicle.

(28) "Request to intervene" means the notification by an ADS to a fallback-ready user indicating that the fallback-ready user should promptly begin or resume operation of the vehicle.

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(29) "Sustained operation of a motor vehicle" means the performance of part or all of the dynamic driving task both between and across external events, including response to external events and continued performance of part or all of the dynamic driving task in the absence of external events.

(30) "System failure" means a malfunction in a driving automation system or other vehicle system that prevents the ADS from reliably performing the portion of the dynamic driving task on a sustained basis, including the complete dynamic driving task, that the ADS would otherwise perform.

(31) "User" means a:

- (a) human driver;
- (b) passenger;
- (c) fallback-ready user; or
- (d) driverless operation dispatcher.

Section ~~{1}~~2. Section **41-26-109** is enacted to read:

41-26-109. Unaccompanied minors in an autonomous transport.

(1) As used in this section:

~~{~~ (a) (i) "Autonomous transport" means a vehicle for hire operating in driverless operation:

~~_____~~ (ii) "Autonomous transport" includes the following, if operating in driverless operation:

~~_____~~ (A) a limousine as that term is defined in Section 32B-1-102;

~~_____~~ (B) a taxicab as that term is defined in Section 53-3-102;

~~_____~~ (C) a vehicle operated by a transportation network company as that term is defined in Section 13-51-102; or

~~_____~~ (D) a vehicle operated by a business offering a service similar to those described in Subsections (1)(a)(ii)(A) through (C);

~~_____~~ (iii) "Autonomous transport" does not include a vehicle operated by a public transit district as defined in Section 17B-2a-802.

~~‡~~ (~~{b}~~a) "Guardian" means a person who has qualified and been recognized by a court as a guardian of a minor court appointment.

(~~{c}~~b) "Parent" means a biological or adoptive parent.

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~~(f)(c)~~ "Safety belt" means the same as that term is defined in Section 41-6a-1802.

~~(f)(d)~~ "Unaccompanied minor" means a person under the age of 18 that is not under the supervision of an adult.

(2) (a) An on-demand autonomous ~~{transport}~~vehicle network may not provide services to an unaccompanied minor that is:

(i) under the age of eight; or

(ii) required to use a child restraint system under the standards described in 49 C.F.R. Sec. 571.213.

(b) An on-demand autonomous ~~{transport}~~vehicle network may not provide services to an unaccompanied minor under the age of 16 if the services are not requested and initiated by the minor's parent or guardian.

(3) (a) Before an on-demand autonomous ~~{transport}~~vehicle network may provide services to an unaccompanied minor under the age of 16, the entity operating the on-demand autonomous ~~{transport}~~vehicle network shall ensure that a parent or guardian has:

(i) completed a waiver or permission form; and

(ii) provided emergency contact information for each minor being transported.

(b) The waiver or permission form may be part of the on-demand autonomous ~~{transport's}~~vehicle network's mobile application or other ride hailing technology.

(4) An entity operating an on-demand autonomous ~~{transport}~~vehicle network shall ensure that any vehicle offered to provide services to an unaccompanied minor:

(a) is enclosed with a roof or top;

~~{~~ (b) is equipped with functional safety belts;

~~—~~ (c) has current vehicle registration;

~~{~~ (d) is in clean and safe condition;

(e) maintains an interior temperature between 60 and 85 degrees Fahrenheit;

(f) is compliant with safety and equipment standards described in Chapter 6a, Part 16, Vehicle Equipment; and

(g) is equipped with an emergency communication system, including assistive technology, that can establish effective communication between the vehicle, passenger, and emergency services in the event of an incident; ~~{; and~~

~~— (h) {;~~

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(5) (a) An entity operating an on-demand autonomous vehicle network shall ensure that any vehicle offered to provide services to an unaccompanied minor has a video monitoring system to monitor activity in the vehicle, ~~upload the video data to a secure server~~ and, except as provided in Subsection (5)(b), ~~and~~ retain the video data for ~~the longer of:~~

~~— (i) 90 days; or~~

~~— (ii) a period of time for which~~ 90 days after the date on which the on-demand autonomous vehicle network provides the service.

(b) If a formal investigation is initiated within the 90 days described in Subsection (5)(a), the entity operating the on-demand autonomous vehicle network shall retain the video data ~~is needed~~ for as long as:

~~(A)~~ i) reasonably necessary for evidentiary or investigative purposes; or

~~(B)~~ ii) ~~pursuant to~~ required by a warrant issued under the Utah Rules of Criminal Procedure or an equivalent federal warrant.

~~(5) Before an autonomous transport~~ (6) (a) The parent or guardian of an unaccompanied minor shall ensure that the safety belt is properly fastened before an on-demand autonomous vehicle network may provide services to an unaccompanied minor ~~;~~ the.

(b) The parent or guardian of an unaccompanied minor shall ~~ensure that:~~

~~— (a) the safety belt is properly fastened; and~~

~~— (b) another parent or~~ , before an on-demand autonomous vehicle network may provide services to an unaccompanied minor:

(i) ensure that a parent, guardian, or another adult designated by ~~the~~ a parent or guardian, is at the destination to receive the unaccompanied minor ~~;~~ or

(ii) affirmatively waive the requirement described in Subsection (6)(b)(i).