

4912

2013-2014 Regular Sessions

I N   S E N A T E

May 1, 2013

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Introduced by Sen. BALL -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to authorizing the testing and operation of autonomous motor vehicles upon public highways; to amend the general obligations law, in relation to the liability of motor vehicle manufacturers for vehicles converted to autonomous motor vehicles; and directing the commissioner of motor vehicles to make recommendations upon additional legislative actions relating to autonomous vehicles

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1.     Legislative intent. The legislature hereby declares that  
2     it intends to encourage and support the safe development, testing and  
3     operation of motor vehicles with autonomous technology upon the public  
4     highways of the state. This state, while not prohibiting the testing and  
5     operation of motor vehicles with autonomous technology, hereby regulates  
6     such testing and operation.  
7     S 2.     The vehicle and traffic law is amended by adding two new  
8     sections 100-e and 100-f to read as follows:  
9     S 100-E. AUTONOMOUS TECHNOLOGY. *TECHNOLOGY INSTALLED ON A MOTOR VEHI-*  
10    *CLE THAT HAS THE CAPABILITY TO DRIVE THE VEHICLE ON WHICH THE TECHNOLOGY*  
11    *IS INSTALLED WITHOUT THE ACTIVE CONTROL OR MONITORING BY A HUMAN OPERA-*  
12    *TOR. SUCH TERM EXCLUDES A MOTOR VEHICLE ENABLED WITH ACTIVE SAFETY*  
13    *SYSTEMS OR DRIVER ASSISTANCE SYSTEMS, INCLUDING, WITHOUT LIMITATION, A*  
14    *SYSTEM TO PROVIDE ELECTRONIC BLIND SPOT ASSISTANCE, CRASH AVOIDANCE,*  
15    *EMERGENCY BRAKING, PARKING ASSISTANCE, ADAPTIVE CRUISE CONTROL, LANE*  
16    *KEEP ASSISTANCE, LANE DEPARTURE WARNING, OR TRAFFIC JAM AND QUEUING*  
17    *ASSISTANT, UNLESS ANY SUCH SYSTEM ALONE OR IN COMBINATION WITH OTHER*  
18    *SYSTEMS ENABLES THE MOTOR VEHICLE ON WHICH THE TECHNOLOGY IS INSTALLED*  
19    *TO DRIVE WITHOUT THE ACTIVE CONTROL OR MONITORING BY A HUMAN OPERATOR.*

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 S 100-F. AUTONOMOUS VEHICLE. A MOTOR VEHICLE EQUIPPED WITH AUTONOMOUS  
2 TECHNOLOGY.

3 S 3. The vehicle and traffic law is amended by adding a new section  
4 379 to read as follows:

5 S 379. AUTONOMOUS VEHICLES. 1. AUTONOMOUS VEHICLES REGISTERED IN THIS  
6 STATE SHALL COMPLY WITH ALL FEDERAL STANDARDS AND REGULATIONS APPLICABLE  
7 TO MOTOR VEHICLES. IN ADDITION, EACH AUTONOMOUS VEHICLE SHALL:

8 (A) HAVE A MEANS TO ENGAGE AND DISENGAGE THE AUTONOMOUS TECHNOLOGY  
9 THEREIN WHICH IS EASILY ACCESSIBLE TO THE OPERATOR OF THE AUTONOMOUS  
10 VEHICLE;

11 (B) HAVE THE MEANS, INSIDE SUCH VEHICLE, TO INDICATE TO THE OPERATOR  
12 THEREOF WHEN THE AUTONOMOUS VEHICLE IS OPERATING IN AUTONOMOUS MODE;

13 (C) HAVE A MEANS TO ALERT THE OPERATOR THEREOF IF A TECHNOLOGY FAILURE  
14 AFFECTING THE ABILITY OF SUCH VEHICLE TO SAFELY OPERATE AUTONOMOUSLY IS  
15 DETECTED WHILE THE AUTONOMOUS VEHICLE IS OPERATING AUTONOMOUSLY, SO AS  
16 TO DIRECT THE VEHICLE OPERATOR TO RESUME CONTROL OF THE MOTOR VEHICLE;  
17 AND

18 (D) BE CAPABLE OF BEING OPERATED IN COMPLIANCE WITH THE PROVISIONS OF  
19 THIS CHAPTER AND ANY RULES AND REGULATIONS PROMULGATED PURSUANT THERETO.

20 2. ALL FEDERAL REGULATIONS PROMULGATED BY THE NATIONAL HIGHWAY TRAFFIC  
21 SAFETY ADMINISTRATION SHALL SUPERSEDE ANY INCONSISTENT PROVISION OF  
22 SUBDIVISION ONE OF THIS SECTION.

23 S 4. The vehicle and traffic law is amended by adding a new section  
24 507-a to read as follows:

25 S 507-A. OPERATION OF AUTONOMOUS VEHICLES. 1. ANY PERSON WHO HOLDS A  
26 CLASS D LICENSE OR ITS EQUIVALENT MAY OPERATE AN AUTONOMOUS VEHICLE IN  
27 AUTONOMOUS MODE UPON A PUBLIC HIGHWAY.

28 2. FOR THE PURPOSES OF THIS CHAPTER, A PERSON SHALL BE DEEMED TO BE  
29 OPERATING AN AUTONOMOUS VEHICLE OPERATING IN AUTONOMOUS MODE WHEN SUCH  
30 PERSON CAUSES SUCH VEHICLE'S AUTONOMOUS TECHNOLOGY TO ENGAGE, REGARDLESS  
31 OF WHETHER SUCH PERSON IS PHYSICALLY PRESENT IN THE AUTONOMOUS VEHICLE.

32 S 5. The vehicle and traffic law is amended by adding a new section  
33 1212-a to read as follows:

34 S 1212-A. TESTING OF AUTONOMOUS VEHICLES. 1. MOTOR VEHICLES WITH  
35 AUTONOMOUS TECHNOLOGY ARE AUTHORIZED TO BE OPERATED ON PUBLIC HIGHWAYS  
36 BY EMPLOYEES, CONTRACTORS OR OTHER PERSONS DESIGNATED BY A MANUFACTURER  
37 OF AUTONOMOUS TECHNOLOGY FOR THE PURPOSE OF TESTING SUCH TECHNOLOGY.  
38 PROVIDED, HOWEVER, THAT FOR THE PURPOSES OF THIS SECTION A HUMAN OPERA-  
39 TOR SHALL BE PRESENT WITHIN THE MOTOR VEHICLE SUCH THAT SUCH OPERATOR  
40 HAS THE ABILITY TO MONITOR SUCH VEHICLE'S PERFORMANCE AND RESUME FULL  
41 CONTROL OF THE MOTOR VEHICLE, IF NECESSARY.

42 2. PRIOR TO THE COMMENCEMENT OF ANY TESTING PURSUANT TO THIS SECTION,  
43 THE ENTITY SHALL SUBMIT TO THE DEPARTMENT AN INSTRUMENT OF INSURANCE,  
44 SURETY BOND OR PROOF OF SELF-INSURANCE ACCEPTABLE TO THE COMMISSIONER IN  
45 AN AMOUNT OF NOT LESS THAN FIVE MILLION DOLLARS.

46 S 6. Article 9 of the general obligations law is amended by adding a  
47 new title 3 to read as follows:

#### 48 TITLE 3

#### 49 AUTONOMOUS VEHICLES

50 SECTION 9-301. DEFINITIONS.

51 9-303. LIABILITY OF ORIGINAL MANUFACTURER, DISTRIBUTOR OR DEAL-  
52 ER.

53 S 9-301. DEFINITIONS. AS USED IN THIS TITLE:

54 1. "AUTONOMOUS VEHICLE" SHALL HAVE THE SAME MEANING AS PROVIDED IN  
55 SECTION ONE HUNDRED-F OF THE VEHICLE AND TRAFFIC LAW.

1       2. "MOTOR VEHICLE" SHALL HAVE THE SAME MEANING AS PROVIDED IN SECTION  
2 ONE HUNDRED TWENTY-FIVE OF THE VEHICLE AND TRAFFIC LAW.

3       S 9-303. LIABILITY OF ORIGINAL MANUFACTURER, DISTRIBUTOR OR DEALER.  
4 THE ORIGINAL MANUFACTURER, DISTRIBUTOR OR DEALER OF A MOTOR VEHICLE  
5 CONVERTED TO BE AN AUTONOMOUS VEHICLE BY A THIRD PARTY AFTER DELIVERY OF  
6 SUCH MOTOR VEHICLE BY SUCH MANUFACTURER, DISTRIBUTOR OR DEALER, SHALL  
7 NOT BE LIABLE IN, SHALL HAVE AN ABSOLUTE DEFENSE TO AND SHALL BE  
8 DISCHARGED FROM ANY CAUSE OF ACTION COMMENCED BY ANY PERSON FOR DAMAGES  
9 DUE TO AN ALLEGED MOTOR VEHICLE DEFECT CAUSED BY THE CONVERSION OF SUCH  
10 VEHICLE TO AN AUTONOMOUS VEHICLE, OR BY ANY EQUIPMENT INSTALLED UPON A  
11 MOTOR VEHICLE BY THE PERSON WHO CONVERTED SUCH VEHICLE TO AN AUTONOMOUS  
12 VEHICLE, UNLESS SUCH DEFECT IS ALLEGED TO HAVE BEEN PRESENT IN THE MOTOR  
13 VEHICLE AS ORIGINALLY MANUFACTURED.

14       S 7. The commissioner of motor vehicles shall study the operation and  
15 testing of autonomous vehicles, and shall, on or before February 12,  
16 2015, report his or her findings and recommendations to the governor and  
17 the legislature. Such report shall include recommendations and such  
18 legislative proposals as shall be deemed necessary for the safe testing  
19 and operation of motor vehicles equipped with autonomous technology.

20       S 8. This act shall take effect July 1, 2013.