S T A T E O F N E W Y O R K

4912--A

2013-2014 Regular Sessions

I N S E N A T E

May 1, 2013

Introduced by Sens. BALL, MARCHIONE, SAMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- recommitted to the Committee on Transportation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. Legislative intent. The legislature hereby declares that it intends to encourage and support the safe development, testing and operation of motor vehicles with autonomous technology upon the public highways of the state. This state, while not prohibiting the testing and operation of motor vehicles with autonomous technology, hereby regulates such testing and operation.

S 2. The vehicle and traffic law is amended by adding two new sections 100-e and 100-f to read as follows:

S 100-E. AUTONOMOUS TECHNOLOGY. TECHNOLOGY INSTALLED ON A MOTOR VEHICLE THAT HAS THE CAPABILITY TO DRIVE THE VEHICLE ON WHICH THE TECHNOLOGY IS INSTALLED WITHOUT THE ACTIVE CONTROL OR MONITORING BY A HUMAN OPERATOR. SUCH TERM EXCLUDES A MOTOR VEHICLE ENABLED WITH ACTIVE SAFETY SYSTEMS OR DRIVER ASSISTANCE SYSTEMS, INCLUDING, WITHOUT LIMITATION, A SYSTEM TO PROVIDE ELECTRONIC BLIND SPOT ASSISTANCE, CRASH AVOIDANCE, EMERGENCY BRAKING, PARKING ASSISTANCE, ADAPTIVE CRUISE CONTROL, LANE KEEP ASSISTANCE, LANE DEPARTURE WARNING, OR TRAFFIC JAM AND QUEUING ASSISTANT, UNLESS ANY SUCH SYSTEM ALONE OR IN COMBINATION WITH OTHER

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

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SYSTEMS ENABLES THE MOTOR VEHICLE ON WHICH THE TECHNOLOGY IS INSTALLED TO DRIVE WITHOUT THE ACTIVE CONTROL OR MONITORING BY A HUMAN OPERATOR.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TITLE 3

AUTONOMOUS VEHICLES

SECTION 9-301. DEFINITIONS.

9-303. LIABILITY OF ORIGINAL MANUFACTURER, DISTRIBUTOR OR DEALER.

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

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

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

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

S 7. The commissioner of motor vehicles shall study the operation and testing of autonomous vehicles, and shall, on or before February 12, 2016, report his or her findings and recommendations to the governor and the legislature. Such report shall include recommendations and such legislative proposals as shall be deemed necessary for the safe testing and operation of motor vehicles equipped with autonomous technology.

S 8. This act shall take effect on the thirtieth day after it shall have become a law.