

# STATE OF NEW YORK

8468

## IN SENATE

March 4, 2022

Introduced by Sen. COONEY -- 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 autonomous vehicle driving

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The vehicle and traffic law is amended by adding a new  
2 article 34-E to read as follows:

### ARTICLE 34-E

#### AUTONOMOUS VEHICLE DRIVING

##### Section 1290. Definitions.

6 1291. Operation of fully autonomous vehicles without a human  
7 driver.

8 1292. Licensing.

9 1293. Insurance.

10 1294. Duties following crashes involving fully autonomous vehi-  
11 cles.

12 1295. On-demand autonomous vehicle network.

13 1296. Registration and title.

14 1297. Controlling authority.

15 1298. Operation of a motor vehicle with an automated driving  
16 system by a human driver.

17 § 1290. Definitions. For purposes of this article the following terms  
18 shall have the following meanings:

19 1. "Automated driving system" shall mean the hardware and software  
20 that are collectively capable of performing the entire dynamic driving  
21 task on a sustained basis, regardless of whether it is limited to a  
22 specific operational design domain;

23 2. "Dynamic driving task or DDT" shall mean all of the real-time oper-  
24 ational and tactical functions required to operate a vehicle in on-road  
25 traffic, excluding the strategic functions such as trip scheduling and  
26 selection of destinations and waypoints, and including without limita-  
27 tion: lateral vehicle motion control via steering, longitudinal motion  
28 control via acceleration and deceleration, monitoring the driving envi-

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

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1 ronment via object and event detection, recognition, classification, and  
2 response preparation, object and event response execution, maneuver  
3 planning; and enhancing conspicuity via lighting, signaling, and gestur-  
4 ing;

5 3. "DDT Fallback" shall mean the response by the person or human driv-  
6 er to either perform the DDT or achieve a minimal risk condition after  
7 occurrence of a DDT performance-relevant system failure or failures or  
8 upon operational design domain exit, or the response by an automated  
9 driving system to achieve minimal risk condition, given the same circum-  
10 stances;

11 4. "Fully autonomous vehicle" shall mean a motor vehicle equipped with  
12 an automated driving system designed to function without a human driver  
13 as a level 4 or 5 system under SAE J3016;

14 5. "Human driver" shall mean a natural person in the vehicle with a  
15 valid license to operate a motor vehicle who controls all or part of the  
16 dynamic driving task;

17 6. "Minimal risk condition" shall mean a condition to which a person,  
18 human driver, or an ADS may bring a vehicle after performing the DDT  
19 Fallback in order to reduce the risk of a crash when a given trip cannot  
20 or should not be completed;

21 7. "On-demand autonomous vehicle network" shall mean a transportation  
22 service network that uses a software application or other digital means  
23 to dispatch or otherwise enable the pre-arrangement of transportation  
24 with fully autonomous vehicles for purposes of transporting passengers  
25 or goods, including for-hire transportation and transportation of  
26 passengers or goods for compensation;

27 8. "Operational design domain or ODD" shall mean operating conditions  
28 under which a given automated driving system is specifically designed to  
29 function, including, but not limited to, environmental, geographical,  
30 and time-of-day restrictions, and/or the requisite presence or absence  
31 of certain traffic or roadway characteristics;

32 9. "Person" shall mean a natural person, corporation, business trust,  
33 estate, trust, partnership, limited liability company, association,  
34 joint venture, governmental agency, public corporation, or any other  
35 legal or commercial entity;

36 10. "Request to intervene" shall mean notification by an automated  
37 driving system to a human driver, that the human driver should promptly  
38 begin or resume performance of part or all of the dynamic driving task;  
39 and

40 11. "SAE J3016" shall mean the Taxonomy and Definitions for Terms  
41 Related to Driving Automation Systems for On-Road Motor Vehicles  
42 published by SAE International in April 2021.

43 § 1291. Operation of fully autonomous vehicles without a human driver.

44 1. A person may operate a fully autonomous vehicle on the public roads  
45 of this state without a human driver provided that the automated driving  
46 system is engaged and the vehicle meets the following conditions:

47 (a) If a failure of the automated driving system occurs that renders  
48 that system unable to perform the entire dynamic driving task relevant  
49 to its intended operational design domain, the fully autonomous vehicle  
50 shall achieve a minimal risk condition;

51 (b) The fully autonomous vehicle is capable of operating in compliance  
52 with the applicable traffic and motor vehicle safety laws and regu-  
53 lations of this state when reasonable to do so, unless an exemption has  
54 been granted by the department; and

55 (c) When required by federal law, the vehicle bears the required  
56 manufacturer's certification label indicating that at the time of its

1 manufacture it has been certified to be in compliance with all applica-  
2 ble Federal Motor Vehicle Safety Standards, including reference to any  
3 exemption granted by the National Highway Traffic Safety Administration.

4 2. Prior to operating a fully autonomous vehicle on the public roads  
5 of this state without a human driver, a person shall submit a law  
6 enforcement interaction plan to the department which shall describe:

7 (a) The means of communicating with a fleet support specialist who is  
8 available during the times the vehicle is in operation;

9 (b) The means of safely removing the fully autonomous vehicle from the  
10 roadway and steps to safely tow the vehicle;

11 (c) The means to recognize whether or not the fully autonomous vehicle  
12 is in autonomous mode; and

13 (d) Any additional information the manufacturer or owner deems neces-  
14 sary regarding the hazardous conditions or public safety risks associ-  
15 ated with the operation of the fully autonomous vehicle.

16 § 1292. Licensing. Notwithstanding the provisions of article nineteen  
17 of this chapter, when an automated driving system installed on a motor  
18 vehicle is engaged:

19 1. The automated driving system is considered the driver or operator,  
20 for the purpose of assessing compliance with applicable traffic or motor  
21 vehicle laws and shall be deemed to satisfy electronically all physical  
22 acts required by a driver or operator of the vehicle; and

23 2. The automated driving system is considered to be licensed to oper-  
24 ate the vehicle.

25 § 1293. Insurance. Before operating a fully autonomous vehicle on  
26 public roads in this state, a person shall submit proof of financial  
27 responsibility satisfactory to the department that the fully autonomous  
28 vehicle is covered by insurance or proof of self-insurance that satis-  
29 fies the requirements of article six of this chapter.

30 § 1294. Duties following crashes involving fully autonomous vehicles.  
31 In the event of a crash:

32 1. The fully autonomous vehicle shall remain on the scene of the crash  
33 when required by article twenty-two of this chapter; and

34 2. The owner of the fully autonomous vehicle, or a person on behalf of  
35 the vehicle owner, shall promptly report any crashes or collisions  
36 consistent with article twenty-two of this chapter.

37 § 1295. On-demand autonomous vehicle network. An on-demand autonomous  
38 vehicle network shall be permitted to operate pursuant to state laws  
39 governing the operation of transportation network companies, taxis, or  
40 any other ground transportation for-hire of passengers, with the excep-  
41 tion that any provision of article forty-four-B of this chapter that  
42 reasonably applies only to a human driver does not apply to the opera-  
43 tion of fully autonomous vehicles with the automated driving system  
44 engaged on an on-demand autonomous vehicle network.

45 § 1296. Registration and title. 1. A fully autonomous vehicle shall be  
46 properly registered in accordance with article four of this chapter and  
47 the vehicle shall be identified on the registration as a fully auton-  
48 omous vehicle.

49 2. A fully autonomous vehicle shall be properly titled in accordance  
50 with article forty-six of this chapter and the vehicle shall be identi-  
51 fied on the title as a fully autonomous vehicle.

52 § 1297. Controlling authority. Notwithstanding any law, rule or regu-  
53 lation to the contrary:

54 1. Unless otherwise provided in this chapter and notwithstanding any  
55 other provision of law, fully autonomous vehicles and automated driving  
56 systems are governed exclusively by this article. The department is the

1 sole and exclusive state agency that may implement the provisions of  
2 this article;

3 2. Fully autonomous vehicles and automated driving systems operating  
4 pursuant to this article shall not be subject to section twelve hundred  
5 twenty-six of this chapter; and

6 3. No state agency, political subdivision, municipality, or local  
7 entity may prohibit the operation of fully autonomous vehicles, auto-  
8 mated driving systems, or on-demand autonomous vehicle networks, or  
9 otherwise enact or keep in force rules or ordinances that would impose  
10 taxes, fees, or other requirements including performance standards,  
11 specific to the operation of fully autonomous vehicles, automated driv-  
12 ing systems, or on-demand autonomous vehicle networks in addition to the  
13 requirements of this article.

14 § 1298. Operation of a motor vehicle with an automated driving system  
15 by a human driver. 1. A person may operate a motor vehicle equipped  
16 with an automated driving system capable of performing the entire dynam-  
17 ic driving task if:

18 (a) such automated driving system will issue a request to intervene  
19 whenever the automated driving system is not capable of performing the  
20 entire dynamic driving task with the expectation that the person will  
21 respond appropriately to such a request; and

22 (b) the automated driving system is capable of being operated in  
23 compliance with title seven of this chapter when reasonable to do so  
24 unless an exemption has been granted by the department.

25 2. Nothing in this article prohibits or restricts a human driver from  
26 operating a fully autonomous vehicle equipped with controls that allow  
27 for the human driver to control all or part of the dynamic driving task.

28 § 2. The vehicle and traffic law is amended by adding a new section  
29 383-a to read as follows:

30 § 383-a. Equipment required for certain automated motor vehicles. 1.  
31 For purposes of this section, the terms "fully autonomous vehicle,"  
32 "automated driving system," and "human driver" shall have the same mean-  
33 ings as defined in section twelve hundred ninety of this chapter.

34 2. A fully autonomous vehicle which is designated to be operated  
35 exclusively by the automated driving system for all trips is not subject  
36 to motor vehicle equipment laws or regulations of this state which (a)  
37 relate to or support motor vehicle operation by a human driver; and (b)  
38 are not relevant for an automated driving system.

39 § 3. The vehicle and traffic law is amended by adding a new section  
40 301-c to read as follows:

41 § 301-c. Inspection criteria for fully autonomous vehicles. Section  
42 three hundred one of this article and any regulations promulgated by the  
43 commissioner therewith shall only apply to a fully autonomous vehicle in  
44 a manner consistent with the provisions of section three hundred eight-  
45 y-three-a of this title.

46 § 4. This act shall take effect on the ninetieth day after it shall  
47 have become a law. Effective immediately, the addition, amendment and/or  
48 repeal of any rule or regulation necessary for the implementation of  
49 this act on its effective date are authorized to be made and completed  
50 on or before such effective date.