

*The Forum for America's Ideas*

# **Automated Vehicles & State Law Enforcement: Roles, Needs & Resources**

**National Highway Traffic Safety  
Administration**

**National Conference of State  
Legislatures**

September 11, 2019



NATIONAL CONFERENCE *of* STATE LEGISLATURES

# National Conference of State Legislatures



- Non-profit, bi-partisan organization.
- Members are all 50 state legislatures, 7,383 legislators and 30,000 legislative staff in 50 states, D.C. and U.S. territories.
- Offices in Denver and D.C.
- Among our goals - To provide legislatures with information and research about policy issues, both state and federal.
- NCSL tracks state policy developments in all public policy areas.



# State Legislative Action: 2018 and 2019

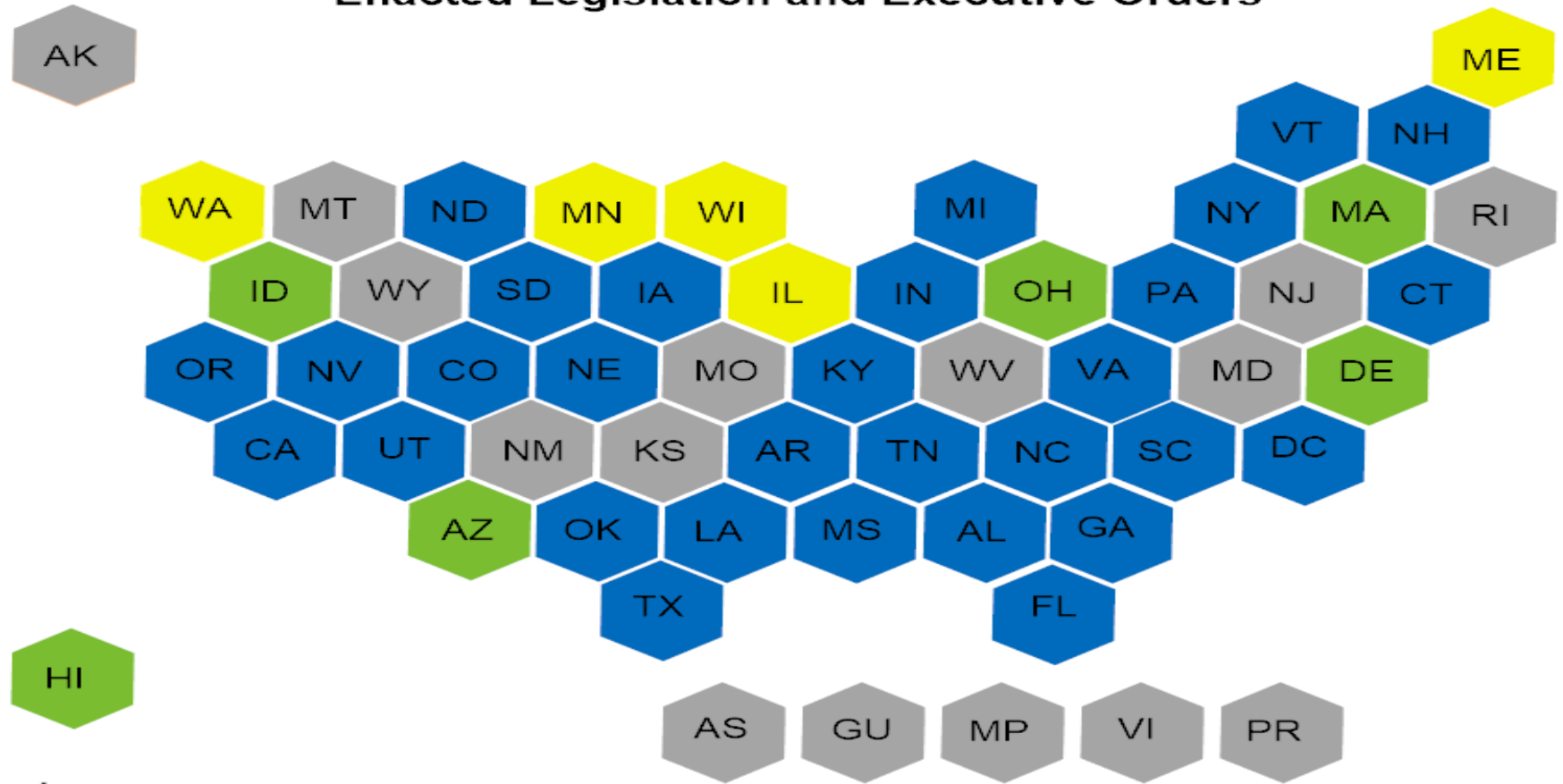
- 2018 – 35 states considered 142 bills. 20 bills enacted in 16 states.
- 2019- 31 states considered 110 bills. 22 bills enacted in 14 states.

The screenshot displays a search interface with the following components:





- TOPICS:** A list of checkboxes for various legislative topics, including All Topics, Commercial, Cybersecurity of Vehicle, Definitions, Infrastructure and Connected Vehicles, Insurance and Liability, Licensing and Registration, Operation on Public Roads, and Operator Requirements.
- STATES:** A list of checkboxes for various states, including All States, Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, and Delaware.
- Search Criteria:** A row of input fields for KEYWORD, STATUS (set to All), BILL NUMBER, YEAR (set to 2019), and AUTHOR.
- Buttons:** Search and Reset All buttons.
- Footer:** Powered by LexisNexis® State Net®.



# States with Autonomous Vehicles Enacted Legislation and Executive Orders



## Legend

Enacted Legislation		30
Executive Order		6
Both		5
None		10



# Nevada



- First state to authorize the testing/operation of autonomous vehicles in 2011.
- Nevada Center for Advanced Mobility established in 2016.
- October 2016: 1<sup>st</sup> Autonomous Vehicle Restricted License issued.
- Otto violates Nevada Law
- 2017 Legislation



# California



- ❑ Passed Legislation in 2012
- ❑ 2015 draft regulations and backlash
- ❑ Enacted AB 1592
- ❑ September 2016: Revised draft of regulations.
- ❑ March, October and November of 2017: Proposed Driverless Testing and Deployment Revised Regulations and public comment period
- ❑ March/April 2018 – DMV finalized regulations and begins accepting and approving applications for Autonomous Vehicle Driverless Tester Program
- ❑ September 2018 – Legislature authorizes San Francisco to tax AV Rides
- ❑ October 2018 – Waymo allowed to operate fully driverless cars on public roads



# Michigan

- Michigan passed 4 bill package in 2016:
  - ▣ Eased testing restrictions
  - ▣ Allowed autonomous vehicles to be driven on roads in the state when they are sold to the public.
  - ▣ Allowed for truck platooning
  - ▣ Finalized American Center for Mobility



# Arizona

**August 2015** – AZ Executive Order 2015-09 - Directed agencies to support testing and operation of HAV's and created "The Self-Driving Vehicles Oversight Committee"

**December 2016** - Governor Ducey welcomes Uber to test AVs following conflict with CA regulators

**March 2018** - Arizona Executive Order 2018-04 - Department of Public Safety must work with law enforcement to develop protocols on how first responders should interact with a HAV in emergency and traffic enforcement situations. ADOT to review current title and registration policies and make recommendations regarding necessary vehicle information to collect in the event of an AV crash

**March 2018** - Governor Ducey suspends Uber AV testing following fatal crash with pedestrian

**May 2018** - Uber leaves state after having permit suspended

**October 2018** - Arizona Executive Order 2018-09 creates Institute of Automated Mobility

**Ongoing** – WayMo testing and carrying non-paying passengers in greater Phoenix





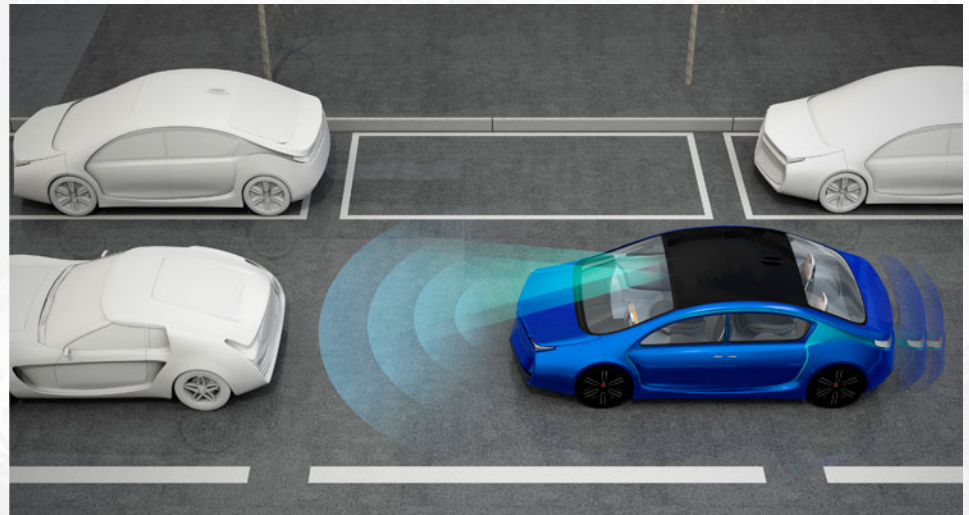
# Testing

- At least 27 states – AR, AZ, CA, CO, CT, FL, GA, HI, IA, IL, MA, ME, MI, NC, ND, NE, NH, NV, NY, OH, OR, TN, TX, UT, VA, VT, WA & DC allow testing or operation on public roads.



# Definitions

- Defining significant terms
  - ▣ Autonomous vehicle
  - ▣ Automated driving system
  - ▣ Operator



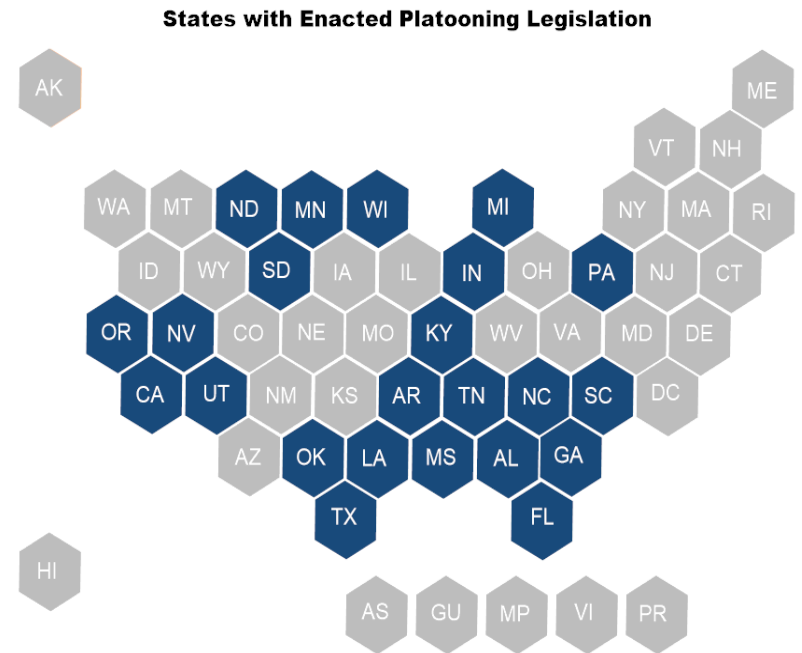
# Insurance

- \$5,000,000 typical for testing
  - ▣ California, Florida, Nevada, New York
- \$10,000,000 required in Michigan
- States also addressing liability for “upfitting” AVs



# Platooning Legislation

- 23 states – AL, AR, CA, FL, GA, IN, KY, LA, MI, MN, MS, NC, ND, NV, OK, OR, PA, SC, SD, TN, TX, UT & WI - enacted legislation encouraging or authorizing platooning and/or revising following-too-closely laws.



# AV Work Groups/ Task Forces

- Executive order (11)
  - ❖ AZ, DE, HI, ID, IL, MA, ME, MN, OH, WA & WI
- Legislation (including resolutions) (11)
  - ❖ AL, CO, HI, ME, NH, NJ, NM, ND, UT, VT & WA



# Protocol in case of a crash

Statutes in at least 13 states provide for satisfaction of certain requirements when a crash occurs. In most instances the law provides that:

- the vehicle must remain on the scene of the crash, and
- law enforcement entities need to be notified



# Law Enforcement AVs Interaction Plan

- ❑ At least 3 states (CA AB 1592, NH SB 216 and NY AB 9508) oblige testers to create and make available guidelines instructing law enforcement and first responders on how to safely interact with an autonomous vehicle in emergency and traffic enforcement situations.



# Strict compliance with testing/operation permit requirements:

- ❑ Law enforcement in California is expressly authorized by statute (AB 87) to remove a vehicle that uses autonomous technology without a valid permit





# Exemptions to restrictions related to the use of electronic devices

- Section 9(g) of the Uniform Automated Operation of Vehicles Act provides for a generalized exemption for automated vehicles from restrictions on the use of electronic devices
- In 2019, Florida (HB 107) enacted such an exemption for operators who are operating an autonomous vehicle in autonomous mode



# Questions?

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## **NCSL's Enacted AV Legislation webpage:**

<http://www.ncsl.org/research/transportation/autonomous-vehicles-self-driving-vehicles-enacted-legislation.aspx>

## **NCSL's Autonomous Vehicles Legislative Database:**

<http://www.ncsl.org/research/transportation/autonomous-vehicles-legislative-database.aspx>



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