

SENATE BILL No. 546

By Committee on Federal and State Affairs

3-7

1 AN ACT concerning motor vehicles; relating to autonomous motor
2 vehicles; providing for the use and regulation thereof; establishing the
3 autonomous vehicle advisory committee; amending K.S.A. 2021 Supp.
4 8-2106 and 8-2204 and repealing the existing sections.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 New Section 1. As used in sections 1 through 10, and amendments
8 thereto, unless the context otherwise requires:

9 (a) "ADS-equipped vehicle" means a motor vehicle equipped with an
10 automated driving system.

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

15 (c) "Conventional human driver" means a natural person who
16 manually controls the in-vehicle accelerating, braking, steering and
17 transmission gear selection input devices in order to operate a motor
18 vehicle.

19 ~~(d) "Department" means the department of transportation.~~

20 (e) "Driverless-capable vehicle" means an ADS-equipped vehicle
21 capable of performing the entire dynamic driving task within the
22 automated driving system's operational design domain, if any, including,
23 but not limited to, achievement of a minimal risk condition without
24 intervention or supervision by a conventional human driver.

25 ~~(e)~~ (1) "Dynamic driving task" means all real-time operational and
26 tactical functions required to operate a motor vehicle on a highway in
27 traffic within an automated driving system's specific operational design
28 domain, if any.

29 (2) "Dynamic driving task" does not include any strategic function
30 such as trip scheduling or the selection of destinations and waypoints.

31 ~~(f)~~ "Minimal risk condition" means a reasonably safe state to
32 which an automated driving system brings an ADS-equipped vehicle upon
33 experiencing a performance-relevant failure of the system that renders the
34 system unable to perform the entire dynamic driving task, including, but
35 not limited to, removing the vehicle to the nearest shoulder if the vehicle is
36 capable of doing so, bringing the vehicle to a complete stop and activating

1 the vehicle's emergency signal lamps.

2 ~~(h)~~**(g)** "On-demand driverless-capable vehicle network" means a
3 transportation network company as defined in K.S.A. 8-2702, and
4 amendments thereto, that uses a software application or other digital
5 means to dispatch driverless-capable vehicles for the purposes of
6 transporting persons or goods, including, but not limited to, transportation
7 for hire and public transportation.

8 ~~(i)~~**(h)** "Operational design domain" means a set of operating
9 conditions under which a given ADS or ADS feature is specifically
10 designed to function. "Operational design domain" includes, but is not
11 limited to, environmental, geographical and time-of-day restrictions or the
12 requisite presence or absence of certain traffic or roadway characteristics.

13 ~~(j)~~**(i)** "Transportation for hire" means all transportation of property or
14 passengers made available by a person for compensation.

15 New Sec. 2. (a) A driverless-capable vehicle may operate on the
16 public highways of this state without a conventional human driver with the
17 automated driving system engaged if the vehicle meets all of the following
18 conditions:

19 (1) The vehicle is capable of achieving a minimal risk condition if a
20 malfunction of the automated driving system occurs that renders the
21 system unable to perform the entire dynamic driving task within the
22 system's intended operational design domain, if any;

23 (2) while in driverless operation, the vehicle is capable of operating in
24 compliance with the applicable traffic and motor vehicle safety laws and
25 regulations of this state that govern the performance of the dynamic
26 driving task, ~~unless an exemption has been granted to the vehicle by the~~
27 ~~department;~~

28 (3) when required by federal law, the vehicle bears the required
29 manufacturer's certification label indicating that at the time of manufacture
30 the vehicle has been certified to be in compliance with all applicable
31 federal motor vehicle safety standards, including any reference to any
32 exception granted by the national highway traffic safety administration;
33 and

34 (4) *the driverless-capable vehicle cannot exceed 34,000 pounds on*
35 *tandem axles. The provisions of this paragraph shall expire and have no*
36 *effect on and after July 1, 2025; and*

37 (5) a conventional human driver shall be required to be physically
38 present in every driverless-capable vehicle placed into service in Kansas
39 for the ~~first year~~ *twelve consecutive months* from the date that such entity
40 places a driverless-capable vehicle into service in this state. *The provision*
41 *of this paragraph shall not apply to a person that operates:*

42 (A) *A vehicle that is not designed, intended or marketed for human*
43 *occupancy; or*

1 **(B) a dedicated driverless-capable vehicle that lacks manual**
2 **controls for operation by a conventional human driver.**

3 (b) Prior to operating a driverless-capable vehicle on the public roads
4 of this state without a conventional human driver, the owner of such
5 driverless-capable vehicle shall submit a law enforcement interaction plan
6 to ~~the department of transportation~~ **an agency that operates 24 hours a**
7 **day and seven days a week** that describes:

8 (1) How to communicate with a fleet support specialist who is
9 available during the times the vehicle is in operation, **and on which side of**
10 **the vehicle contact information of the fleet support specialist is readily**
11 **visible;**

12 (2) ~~how to safely remove the driverless-capable vehicle from the~~
13 ~~roadway and steps to safely tow the vehicle~~ **information regarding safety**
14 **considerations for first responders in dealing with a driverless-capable**
15 **vehicle as the result of collision or fire;**

16 (3) how to recognize whether the driverless-capable vehicle is in
17 autonomous mode; and

18 (4) any additional information the manufacturer or owner deems
19 necessary regarding hazardous conditions or public safety risks associated
20 with the operation of the driverless-capable vehicle.

21 (c) (1) The operation of an ADS-equipped vehicle capable of
22 performing the entire dynamic driving task within the automated driving
23 system's operational design domain on the public highways of this state
24 while a conventional human driver is present and expected to respond to a
25 ~~request to intervene,~~ **when it is reasonably foreseeable that a human**
26 **should respond,** shall be lawful. During such operation, the conventional
27 human driver shall possess a valid driver's license pursuant to K.S.A. 8-
28 234b, and amendments thereto, and shall be subject to the required
29 insurance, self-insurance or other financial security required pursuant to
30 K.S.A. 40-3104, and amendments thereto. The conventional human driver
31 shall operate the ADS-equipped vehicle according to the manufacturer's
32 requirements and specifications and shall regain manual control of the
33 vehicle when ~~prompted by the automated driving system~~ **it is reasonably**
34 **foreseeable that a human should respond.**

35 (2) An automated driving system, while engaged, shall be designed to
36 operate within the system's operational design domain in compliance with
37 the applicable traffic and motor vehicle safety laws and regulations of this
38 state that govern the performance of the dynamic driving task, ~~unless an~~
39 ~~exemption has been granted to the vehicle by the department.~~

40 (d) Except as provided in this section, the motor vehicle laws of this
41 state shall not be construed to require a conventional human driver to
42 operate a driverless-capable vehicle that is being operated by an automated
43 driving system. The automated driving system, while engaged, shall be

1 deemed to fulfill any physical acts required of a conventional human
2 driver to perform the dynamic driving task.

3 *(e) Sections 1 through 10, and amendments thereto, shall not be*
4 *construed to modify the responsibilities of a conventional human driver*
5 *that operates a system-equipped vehicle when the automated driving*
6 *system is not engaged.*

7 New Sec. 3. Before an ADS-equipped vehicle is allowed to operate
8 on the public highways of this state, the owner shall obtain insurance, self-
9 insurance or other financial security coverage for the vehicle. An ADS-
10 equipped vehicle shall not operate on the highways of this state unless
11 insurance, self-insurance or other financial security coverage is in effect
12 for the vehicle and unless proof of coverage is carried in the vehicle
13 pursuant K.S.A. 40-3104, and amendments thereto.

14 New Sec. 4. In the event of an accident crash that would otherwise be
15 subject to K.S.A. 8-1602 through ~~8-1606~~ and 8-1609, and amendments
16 thereto, such provisions shall not apply to a driverless-capable vehicle
17 operating without a conventional human driver if *the vehicle remains at*
18 *the scene or in the immediate vicinity of the crash until law enforcement*
19 *arrives or vehicle registration and insurance information is provided to*
20 *the parties affected by the accident, and either:*

21 (a) The vehicle owner, or a person acting on behalf of the vehicle
22 owner, promptly contacts the applicable law enforcement agency to report
23 the accident; *or*

24 (b) for a vehicle that has the capability of promptly alerting a law
25 enforcement agency or emergency services, the vehicle alerts a law
26 enforcement agency or emergency services to the crash; ~~or~~

27 ~~(c) the vehicle remains at the scene or in the immediate vicinity of the~~
28 ~~crash until law enforcement arrives or vehicle registration and insurance~~
29 ~~information is provided to the parties affected by the accident by the~~
30 ~~governmental departments that regulate operation and ownership of~~
31 ~~conventional human driver vehicles.~~

32 New Sec. 5. A person may operate an on-demand driverless-capable
33 vehicle network, with the exception that any provision of K.S.A. 8-2701 et
34 seq., and amendments thereto, that ~~reasonably~~ *by its nature* applies only to
35 a conventional human driver would not apply to the operation of a
36 driverless-capable vehicle with the automated driving system engaged on
37 an on-demand driverless-capable vehicle network. An on-demand
38 driverless-capable vehicle network may be used to facilitate the
39 transportation of persons or goods, including, but not limited to,
40 transportation for hire and public transportation. An on-demand driverless-
41 capable vehicle network may connect passengers to driverless-capable
42 vehicles either exclusively or as part of a digital network that also connects
43 passengers to conventional human drivers who provide transportation

1 services, pursuant to K.S.A. 8-2701 et seq., and amendments thereto, or
2 any other applicable laws, in vehicles that are not driverless-capable
3 vehicles.

4 New Sec. 6. (a) (1) Automated driving systems and ADS-equipped
5 vehicles shall be governed by:

6 (A) Sections 1 through 10, and amendments thereto; and

7 (B) all applicable traffic and motor vehicle safety laws.

8 (2) Automated driving systems and ADS-equipped vehicles shall be
9 regulated exclusively by the department. ***Violations of state and local***
10 ***traffic laws are enforceable as if the vehicle has a licensed human driver***
11 ***on board.***

12 ***(3) Governmental departments may adopt rules and regulations***
13 ***implementing sections 1 through 10, and amendments thereto.***
14 ***Governmental departments are limited to adopting rules and regulations***
15 ***to implement sections 1 through 10, and amendments thereto, for those***
16 ***provisions under the jurisdiction of the governmental department when***
17 ***regulating operation and ownership of conventional human driven***
18 ***vehicles.***

19 (b) A political subdivision of the state shall not impose requirements,
20 including, but not limited to, performance standards specific to the
21 operation of ADS-equipped vehicles, automated driving systems or on-
22 demand driverless-capable vehicle networks that are in addition to the
23 requirements set forth pursuant to sections 1 through 10, and amendments
24 thereto. A political subdivision of the state shall not impose a tax on ADS-
25 equipped vehicles, automated driving systems or on-demand driverless-
26 capable vehicle networks if such tax relates specifically to the operation of
27 ADS-equipped vehicles, automated driving systems or on-demand
28 driverless-capable vehicle networks.

29 New Sec. 7. (a) A driverless-capable vehicle shall be properly
30 registered in accordance with K.S.A. 8-127, and amendments thereto. If a
31 driverless-capable vehicle is registered in this state, the vehicle shall be
32 identified on the registration as a fully autonomous vehicle.

33 (b) A driverless-capable vehicle shall be properly titled in accordance
34 with K.S.A. 8-135, and amendments thereto. If a driverless-capable
35 vehicle is titled in this state, the vehicle shall be identified on the title as a
36 driverless-capable vehicle.

37 New Sec. 8. A driverless-capable vehicle that is also a commercial
38 motor vehicle pursuant to K.S.A. 8-143m, and amendments thereto, may
39 operate pursuant to state laws governing the operation of commercial
40 motor vehicles, except that:

41 (a) Any provision that by its nature—~~reasonably~~ applies only to a
42 conventional human driver does not apply to such a vehicle operating with
43 the automated driving system engaged; and

1 (b) such a vehicle shall not carry hazardous materials as defined in
 2 K.S.A. 48-904, and amendments thereto. The provisions of this subsection
 3 do not apply to transporting articles and substances prepared in accordance
 4 with 49 C.F.R. § 172.315 or that otherwise do not require placarding
 5 pursuant to the federal hazardous materials regulations provided in 49
 6 C.F.R. parts 100 through 110. The provision of this subsection shall expire
 7 ~~shall expire~~ on January 1, 2025.

8 New Sec. 9. The uniform act regulating traffic on highways, to the
 9 extent practicable, shall be interpreted and applied for the use of a
 10 driverless-capable vehicle. Such provisions shall not require any additional
 11 provisions, including, but not limited to, operation by a conventional
 12 human driver seated in the vehicle.

13 ***New Sec. 10. A driverless-capable vehicle that is designed to be***
 14 ***operated exclusively by the automated driving system for all trips is not***
 15 ***subject to motor vehicle equipment laws or regulations of this state that:***

16 ***(1) Support motor vehicle operation by a conventional human***
 17 ***driver seated in the vehicle, including, but not limited to, mirrors,***
 18 ***windshields and windshield wipers; and***

19 ***(2) are not relevant for an automated driving system.***

20 New Sec. ~~10~~ 11. (a) There is created the autonomous vehicle
 21 advisory committee that will include the following members:

22 (1) Two members of the senate to be appointed by the president of the
 23 senate;

24 (2) one member of the senate to be appointed by the minority leader
 25 of the senate;

26 (3) two members of the house of representatives to be appointed by
 27 the speaker of the house of representatives;

28 (4) one member of the house of representatives to be appointed by the
 29 minority leader of the house of representatives;

30 (5) the director of vehicles or the director's designee;

31 (6) the secretary of transportation or the secretary's designee;

32 (7) the superintendent of the highway patrol or the superintendent's
 33 designee;

34 (8) two members appointed by the governor from labor organizations;
 35 ~~and~~

36 ~~(9) two members appointed by the governor from the autonomous~~
 37 ~~vehicle industry~~ ***two members appointed by the chairperson of the state***
 38 ***corporation commission;***

39 ***(10) one member appointed by the Kansas league of municipalities;***

40 ***(11) one member appointed by the Kansas association of counties;***

41 ***(12) one member appointed by the governor from the light-duty***
 42 ***motor vehicle manufacturers;***

43 ***(13) one member appointed by the governor from the original***

1 *equipment manufacturers;*

2 *(14) one member appointed by the governor from the original*
3 *equipment manufacturers trade association;*

4 *(15) one member appointed by the governor from the heavy-duty*
5 *motor vehicle manufacturers;*

6 *(16) one member appointed by the governor from the automated*
7 *driving system developers;*

8 *(17) one member appointed by the governor from the automated*
9 *driving system developers trade association;*

10 *(18) one member appointed by the governor from the automated*
11 *driving system manufacturers;*

12 *(19) one member appointed by the governor from the on-demand*
13 *transportation network companies;*

14 *(20) one member appointed by the Kansas sheriffs' association;*

15 *(21) one member appointed by the Kansas state troopers*
16 *association; and*

17 *(22) one member appointed by ABATE of Kansas.*

18 (b) The speaker of the house of representatives shall select one
19 member of the autonomous vehicle advisory committee who is a member
20 of the house of representatives to serve as ~~co-chairperson~~ **chairperson** of
21 the advisory committee **during even-numbered calendar years**. The
22 president of the senate shall select one member of the autonomous vehicle
23 advisory committee who is a member of the senate to serve as ~~co-~~
24 ~~chairperson~~ **chairperson** of the advisory committee **during odd-numbered**
25 **calendar years**.

26 (c) Members of the autonomous vehicle advisory committee shall
27 serve without compensation.

28 (d) The autonomous vehicle advisory committee may meet in an open
29 meeting at any time upon the call of either co-chairperson.

30 (e) On or before July 1, 2023, **and each year July 1 thereafter**, the
31 autonomous vehicle advisory committee shall submit to the governor,
32 president of the senate and speaker of the house of representatives a report
33 of activities and any recommendations regarding the use or regulation of
34 autonomous motor vehicles in this state.

35 (f) The provisions of this section shall expire on July 1, ~~2023~~ **2027**.

36 ~~Sec. 4-12.~~ K.S.A. 2021 Supp. 8-2106 is hereby amended to read as
37 follows: 8-2106. (a) A law enforcement officer may prepare and deliver to
38 a person a written traffic citation on a form approved by the division of
39 motor vehicles, if the law enforcement officer stops the person for a
40 violation of:

41 (1) The uniform act regulating traffic on highways, which violation is
42 a misdemeanor or a traffic infraction;

43 (2) K.S.A. 8-262, 8-287, 8-2,144, 8-1599, 40-3104, 40-3106, 41-715,

1 41-724, 41-727, 47-607, 66-1,111, 66-1,129, 66-1,139, 66-1,140, 66-273,
2 66-1314, 66-1324, 66-1330, 66-1331, 66-1332, 68-2104, 68-2106 or
3 ~~subsection (b) of K.S.A. 79-34,122(b), or K.S.A. 2021 Supp. subsection~~
4 ~~(a) of 21-5607(a), 21-5810, 21-5815, 21-5816, subsection (a) of 21-~~
5 ~~5817(a) or 21-6203, and amendments thereto;~~

6 (3) K.S.A. 31-155, and amendments thereto, involving transportation
7 of bottle rockets;

8 (4) K.S.A. 66-1314 or 66-1328, and amendments thereto, and any
9 rules and regulations adopted pursuant thereto;

10 (5) any rules and regulations adopted pursuant to K.S.A. 2-1212, 68-
11 2001 or 31-146, and amendments thereto;

12 (6) any rules and regulations adopted pursuant to K.S.A. 31-133, and
13 amendments, thereto relating to transportation of materials or fuel; ~~or~~

14 (7) K.S.A. 8-1343 through 8-1347, and amendments thereto, relating
15 to the child passenger safety act; or

16 (8) K.S.A. 8-2501 through 8-2507, and amendments thereto, relating
17 to the safety belt use act.

18 (b) The citation shall contain a notice to appear in court, the name and
19 address of the person, the type of vehicle the person was driving, whether
20 hazardous materials were being transported, whether an accident occurred,
21 the state registration number of the person's vehicle, if any, a statement
22 whether the vehicle is a commercial vehicle, whether the person is
23 licensed to drive a commercial motor vehicle, the offense or offenses
24 charged, the time and place when and where the person shall appear in
25 court, the signature of the law enforcement officer; and any other pertinent
26 information.

27 (c) The time specified in the notice to appear shall be at least five
28 days after the alleged violation unless the person charged with the
29 violation demands an earlier hearing.

30 (d) The place specified in the notice to appear shall be before a judge
31 of the district court within the county in which the offense is alleged to
32 have been committed.

33 (e) Except in the circumstances to which ~~subsection (a) of K.S.A. 8-~~
34 ~~2104(a), and amendments thereto, apply, in the discretion of the law~~
35 ~~enforcement officer, a person charged with a misdemeanor may give~~
36 ~~written promise to appear in court by signing at least one copy of the~~
37 ~~written citation prepared by the law enforcement officer, in which event~~
38 ~~the law enforcement officer shall deliver a copy of the citation to the~~
39 ~~person and shall not take the person into physical custody.~~

40 (f) When a person is charged with a traffic infraction, the notice to
41 appear shall provide a place where the person may make a written entry of
42 appearance, waive the right to a trial and plead guilty or no contest. Such
43 notice to appear shall contain a provision that the person's failure to either

1 pay such fine and court costs or appear at the specified time may result in
2 suspension of the person's drivers' license as provided in K.S.A. 8-2110,
3 and amendments thereto. The notice to appear shall provide a space where
4 the law enforcement officer shall enter the appropriate fine specified in the
5 uniform fine schedule contained in K.S.A. 8-2118, and amendments
6 thereto, for the violation charged and court costs in the amount provided
7 by law. If the notice to appear does not do so, the law enforcement officer
8 shall provide a person charged with a traffic infraction a form explaining
9 the person's right to appear and right to a trial and the person's right to pay
10 the appropriate fine and court costs prior to the appearance date. The law
11 enforcement officer shall provide the person with the address of the court
12 to which the written entry of appearance, waiver of trial, plea of guilty or
13 no contest and payment of fine and court costs shall be mailed.

14 (g) Any officer violating any of the provisions of subsection (f) is
15 guilty of misconduct in office and shall be subject to removal from office.

16 (h) ***A driverless-capable vehicle's registered owner shall be***
17 ***responsible for all applicable traffic law violations when the automated***
18 ***driving system is engaged. For the purposes of prosecution of traffic law***
19 ***violations, the owner is considered to be the operator of the vehicle when***
20 ***the automated driving system is engaged. A law enforcement officer shall***
21 ***deliver the written traffic citation to a person charged with a traffic***
22 ***infraction to the owner of the driverless-capable vehicle operating without***
23 ***a conventional human driver as such terms are defined by section 1, and***
24 ***amendments thereto, by sending the citation by certified mail to the***
25 ***address of the owner.***

26 ~~Sec. 12.~~ **13.** K.S.A. 2021 Supp. 8-2204 is hereby amended to read as
27 follows: 8-2204. This act shall be known and may be cited as the uniform
28 act regulating traffic on highways. The uniform act regulating traffic on
29 highways includes ~~K.S.A. 8-1560a through 8-1560d~~; all sections located in
30 articles 10, 14 through 22 and 25 of chapter 8 of the Kansas Statutes
31 Annotated, and amendments thereto, K.S.A. 8-1,129, 8-1,130a, 8-1428a,
32 8-1560a through 8-1560d, 8-1599, 8-1742a, and 8-2118 ~~and K.S.A. 8-~~
33 ~~1599~~, and amendments thereto, and sections 1 through 10, and
34 amendments thereto.

35 ~~Sec. 13.~~ **14.** K.S.A. 2021 Supp. 8-2106 and 8-2204 are hereby
36 repealed.

37 ~~Sec. 14.~~ **15.** This act shall take effect and be in force from and after
38 its publication in the statute book.