

**HOUSE . . . . . No. 3422**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Ann-Margaret Ferrante*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the safety of autonomous vehicles.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Ann-Margaret Ferrante</i>	<i>5th Essex</i>
<i>Carlos Gonzalez</i>	<i>10th Hampden</i>

**HOUSE . . . . . No. 3422**

By Ms. Ferrante of Gloucester, a petition (accompanied by bill, House, No. 3422) of Ann-Margaret Ferrante and Carlos Gonzalez relative to the safety of autonomous vehicles. Transportation.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninetieth General Court  
(2017-2018)**

An Act relative to the safety of autonomous vehicles.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 90 of the General Laws is hereby amended by adding after section  
2 19L, the following new section:-

3 Section 19M. (a) The following words used in this section shall have the following  
4 meanings:

5 "Automated Driving System" (ADS) means technology installed on a motor vehicle that  
6 has the capability, on a part-time or full-time basis, to drive the vehicle without the need for  
7 supervision of the driving environment by a human driver or operator, whether or not a human  
8 driver or operator is in the vehicle.

9 "Automatic Crash Notification Technology" means a vehicle service integrating wireless  
10 communications and vehicle location technology for the purpose of determining the need for or  
11 facilitating emergency medical response in the event of a vehicle crash.

12 “Registry” means the Massachusetts Registry of Motor Vehicles.

13 "Motor Vehicle Manufacturer" means a person that has manufactured and distributed  
14 motor vehicles in the United States that are certified to comply with all applicable federal motor  
15 vehicle safety standards and that has submitted appropriate manufacturer identification  
16 information to the National Highway Traffic Safety Administration as provided in 49 CFR part  
17 566, Code of Federal Regulations.

18  
19 “On-Demand Automated Motor Vehicle Network" means a digital network, software  
20 application, or other means to connect passengers to ADS equipped fleet vehicles for  
21 transportation between points chosen by the passenger.

22 “Operator” shall have the meaning in M.G.L. Ch. 90 Sec. 1 and shall include an ADS  
23 when engaged.

24 "Participating Fleet" shall mean those ADS equipped vehicles that are operating on the  
25 public roads and highways in a SAVE Project.

26 "SAVE project" means an initiative authorizing eligible Motor Vehicle Manufacturers to  
27 make ADS equipped vehicles available to the public for operation on the public roads and  
28 highways of this State in a manner to be determined by such Motor Vehicle Manufacturers  
29 provided that it is consistent with all of the provisions set forth in this Chapter. Such operation  
30 may include, but is not limited to, making an On-Demand Automated Vehicle Network available  
31 to the public.

32 (b) SAVE Project Commencement; Boundaries and Data Collection

33           1. A Motor Vehicle Manufacturer's eligibility to participate in a SAVE project is  
34           conditioned solely upon meeting the requirements set forth in Sub-Section 3 of this Section. A  
35           Motor Vehicle Manufacturer's satisfaction of the eligibility requirements shall be verified  
36           through self-certification by the Motor Vehicle Manufacturer.

37           A SAVE Project may be commenced by a Motor Vehicle Manufacturer at any time after  
38           it provides notification to the Department of its self-certification to the requirements stated in  
39           Sub-Section 3 of this Section. A Motor Vehicle Manufacturer's notification to the Department  
40           shall also set forth the geographical boundaries for the SAVE project as described in paragraph  
41           (b) below.

42           Any Motor Vehicle Manufacturer may engage in multiple SAVE projects pursuant to this  
43           sub-section.

44           2. SAVE Project Boundaries. A Motor Vehicle Manufacturer shall determine the  
45           geographical boundaries for a SAVE project, which may include, but are not limited to, a  
46           designated area on the public roads or highways of this State, including but not limited to a  
47           municipality, areas maintained by regional authorities, university campuses, developments  
48           catering to senior citizens, or other similar geographic and demographic areas. The public  
49           operation of the Participating Fleets shall be confined to the boundaries selected by a Motor  
50           Vehicle Manufacturer.

51

52           3. Data Collection. For the duration of a SAVE project, any participating Motor Vehicle  
53           Manufacturer shall maintain incident records and provide periodic summaries to the Department

54 and the National Highway Traffic Safety Administration (NHTSA) related to safety for the  
55 Participating Fleet.

56 4. Disclosure and Consent. Individuals participating in any SAVE Project, by their  
57 participation, are deemed to consent to the collection of such data while they are in the vehicle  
58 and to the later provision of anonymized data summaries to the Department and NHTSA. Prior to  
59 the commencement of and during a SAVE Project, any participating Motor Vehicle  
60 Manufacturer shall make publicly available a privacy statement disclosing its data handling  
61 practices in connection with the applicable Participating Fleet.

62

63 (c) SAVE Project Eligibility

64 1. Only Motor Vehicle Manufacturers are eligible to participate in a SAVE Project and  
65 they are responsible for the safe operation of the Participating Fleet. In order for a Motor Vehicle  
66 Manufacturer to be authorized to participate in a SAVE Project, it must self-certify to the  
67 conditions set forth below:

68 A. The Participating Fleet is owned or controlled by the Motor Vehicle Manufacturer  
69 and is equipped with the following attributes:

70 (i) Automated Driving Systems;

71 (ii) Automatic Crash Notification Technology; and

72 (iii) A data recording system with capacity to record the ADS system status and other  
73 vehicle attributes such as speed, direction and location at a specified time period determined by  
74 the Motor Vehicle Manufacturer prior to a crash.

75           B.     That the Participating Fleet complies with all applicable federal and state laws.

76           C.     That vehicles in the Participating Fleet are capable of being operated in  
77 compliance with applicable traffic and motor vehicle laws of this state subject to Sub-Section 4  
78 of this Section.

79           (d) Traffic and Motor Vehicle Laws.

80

81           1.     When engaged, the ADS shall be considered the driver or operator for purposes of  
82 assessing conformance to applicable traffic or motor vehicle laws, and shall be deemed to be  
83 validly licensed to operate a motor vehicle and to satisfy all the requirements under M.G.L.  
84 Ch.90 Sec. 8 and M.G.L. Ch.90 Sec. 10, and any physical acts required by a driver or operator.  
85 No motor vehicle laws of this State shall be construed as prohibiting an ADS from being the  
86 operator or driver of a motor vehicle, and no motor vehicle laws of this State shall be construed  
87 as requiring a licensed human driver to operate a vehicle that is being operated by an ADS under  
88 this Section.

89           2.     SAVE project vehicles shall be insured by the applicable Motor Vehicle  
90 Manufacturer consistent with existing insurance law.

91           3.     With respect to each SAVE project, while the ADS is in control of the vehicle, the  
92 applicable Motor Vehicle Manufacturer shall assume liability for incidents where the ADS  
93 technology is at fault for such incident, but in all cases consistent with existing insurance law and  
94 other laws.

95           4.       A Motor Vehicle Manufacturer is immune from any liability for damages that  
96 arise out of any modification made by another person to a vehicle manufactured by the Motor  
97 Vehicle Manufacturer, or a system or component of the vehicle installed by the manufacturer, or  
98 to any ADS or automated technology, without the Motor Vehicle Manufacturer’s written  
99 consent.

100           5.       A local unit of government shall not impose a local fee, registration requirement,  
101 franchise, or other regulation related to a SAVE project.

102           6.       A motor vehicle in a Participating Fleet that is equipped with Automatic Crash  
103 Notification Technology shall be deemed to be in compliance with the requirements to notify law  
104 enforcement and to provide a name, residence, and motor vehicle registration under M. G. L. Ch.  
105 90 Sec 24 (2) if the Automatic Crash Notification Technology promptly connects a  
106 representative of the Motor Vehicle Manufacturer with law enforcement to report the crash.

107           7.       The seat belt usage requirements under M.G.L. Ch. 90 Sec. 13A shall apply only  
108 to human occupants of a motor vehicle.

109           8.       The provisions of M.G.L. Ch. 90 Sec. 13 shall not apply to a motor vehicle in a  
110 Participating Fleet.