

# State of South Dakota

EIGHTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2014

738V0541

## SENATE BILL NO. 139

Introduced by: Senator Lederman and Representatives Latterell, Langer, Novstrup (David),  
Otten (Herman), Stalzer, and Stevens

1 FOR AN ACT ENTITLED, An Act to authorize the testing of autonomous cars on the highways  
2 of South Dakota.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. Terms used in this Act mean:

5 (1) "Autonomous technology," technology that has the capability to drive a motor vehicle  
6 without a human operator's active control or monitoring;

7 (2) "Autonomous vehicle," any motor vehicle equipped with integrated autonomous  
8 technology, not including a vehicle equipped with one or more collision avoidance  
9 devices, such as electronic blind spot assistance, adaptive cruise control, lane keep  
10 assistance, lane departure warning, traffic jam and queuing assistance, or other  
11 similar systems that enhance safety and provide the driver assistance, but are not  
12 capable, collectively or singularly, of driving the vehicle without a human operator's  
13 active control or monitoring;

14 (3) "Guided operator," any individual whom a manufacturer specifically authorizes to be  
15 an operator of the manufacturer's automated vehicle during a test of the vehicle;



1 (4) "Manufacturer," a person or company who originally manufactures an autonomous  
2 motor vehicle, or modifies an original manufacturer's non-autonomous motor vehicle  
3 to convert it to an autonomous motor vehicle; and

4 (5) "Operator," any individual seated in the driver's seat, or, alternately, the person who  
5 causes the technology of an autonomous motor vehicle to engage.

6 Section 2. Before testing an autonomous vehicle on any public road, street, or highway in  
7 the state, a manufacturer shall submit to the Department of Motor Vehicles an application for  
8 approval to test the vehicle. The application shall:

9 (1) Verify the vehicle is an autonomous motor vehicle as defined by section 1 of this Act  
10 and the guided operator has undergone extensive training in operating the  
11 autonomous vehicle;

12 (2) Certify that the autonomous motor vehicle has:

13 (a) A mechanism to engage and disengage the autonomous technology that is  
14 easily accessible to the operator;

15 (b) A visual indicator inside and outside the cabin to indicate when the  
16 autonomous technology is engaged;

17 (c) A system to safely alert the operator if a system failure is detected while the  
18 technology is engaged, and that alert requires the operator to take control of  
19 the vehicle or have a back up mechanism that forces the autonomous vehicle  
20 to a complete stop;

21 (d) Multiple means by which the operator can take total control of the vehicle; and

22 (3) Contain evidence of insurance, surety bond, or self-insurance in the amount of five  
23 million dollars, and provide certification that the manufacturer will maintain the  
24 insurance, surety bond, or self-insurance.

1       The department may assess a fee upon a manufacturer who submits an application for no  
2 more than five hundred dollars, to recover costs associated with processing the application and  
3 administration and oversight over testing the autonomous vehicles in the state.

4       Section 3. The department shall approve an application submitted by a manufacturer if the  
5 department finds that the applicant has fulfilled all the requirements and the department feels  
6 the autonomous vehicle is safe to test on the roads of the state. The manufacturer verifying the  
7 guided operator is liable for all actions of the guided operator during the testing of the  
8 autonomous vehicle.

9       Section 4. Upon approval, the department shall consult the Department of Transportation  
10 to determine the geographical areas approved for autonomous motor vehicle testing. The  
11 department shall issue a temporary license to the guided operator allowing for the operation of  
12 the autonomous motor vehicle on the roadways and at the times designated by the Department  
13 of Transportation.

14       Section 5. No person may operate an autonomous motor vehicle with its autonomous  
15 technology engaged unless the person is:

- 16       (1) Duly licensed to operate an autonomous vehicle as defined in section 1 of this Act;
- 17       (2) Monitoring the safe operation of the autonomous vehicle;
- 18       (3) A guided operator;
- 19       (4) Operating the vehicle as part of a test authorized under the department's approval for  
20 testing the autonomous vehicle pursuant to this Act; and
- 21       (5) Capable of taking over immediate manual control of the autonomous motor vehicle  
22 in the event of technology failure.