

HOUSE BILL 381

By Lamberth

AN ACT to amend Tennessee Code Annotated, Title 5;
Title 6; Title 7; Title 39; Title 40; Title 54; Title 55;
Title 56; Title 65 and Title 67, relative to
autonomous vehicles.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-4-108, is amended by designating subsection (c) as subsection (d) and adding the following new subsection (c):

For purposes of an ADS-operated vehicle, as defined by § 55-54-102, the requirements of subsection (a) are satisfied if the certificate of registration is at all times carried in or available electronically through, the vehicle to which it refers.

SECTION 2. Tennessee Code Annotated, Section 55-8-101, is amended by deleting subdivisions (17), (42), and (46), and substituting instead the following:

(17) "Driver" means:

(A) For purposes of a conventionally operated vehicle, every person who drives or is in actual physical control of a vehicle; and

(B) For purposes of an ADS-operated vehicle and when the context requires, the ADS when the ADS is engaged;

(42) "Operator" means:

(A) For purposes of a conventionally operated vehicle, every person, other than a chauffeur, who drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle; and

(B) For purposes of an ADS-operated vehicle and when the context requires, the ADS when the ADS is engaged;

(46) "Person" means a natural person, firm, copartnership, association, corporation, or an engaged ADS;

SECTION 3. Tennessee Code Annotated, Section 55-8-101, is amended by adding the following new appropriately designated subdivisions:

() "Automated driving system" or "ADS" means technology installed on a motor vehicle that has the capability to drive the vehicle on which the technology is installed in high or full automation mode, without any supervision by a human operator, with specific driving mode performance by the automated driving system of all aspects of the dynamic driving task that can be managed by a human driver, including the ability to automatically bring the motor vehicle into a minimal risk condition in the event of a critical vehicle or system failure or other emergency event;

() "Automated-driving-system-operated vehicle" or "ADS-operated vehicle" means a vehicle equipped with an automated driving system;

() "Automatic crash notification technology" means a vehicle service integrating wireless communications and vehicle location technology for the purpose of determining the need for or facilitating emergency medical or law enforcement response in the event of a vehicle accident;

SECTION 4. Tennessee Code Annotated, Section 55-8-162, is amended by adding the following new subsection:

Subsection (a) shall not apply with respect to an ADS-operated vehicle.

SECTION 5. Tennessee Code Annotated, Section 55-9-101, is amended by deleting the section and substituting instead the following:

As used in this chapter:

(1) "Autocycle," "motor vehicle," "motorcycle," "motor-driven cycle," and "motorized bicycle" have the meanings ascribed to them in § 55-8-101; and

(2) "Automated driving system," "ADS," and "ADS-operated vehicle" have the meanings ascribed to them in § 55-54-102.

SECTION 6. Tennessee Code Annotated, Section 55-9-602(a), is amended by adding the following new subdivision:

With respect to a vehicle equipped with an ADS, responsibility ascribed in this subsection (a) shall belong solely to the parent, guardian, or other human person accompanying the child in the vehicle, and not to the ADS or the owner of the ADS-operated vehicle.

SECTION 7. Tennessee Code Annotated, Section 55-9-602(g)(5), is amended by deleting the last sentence, designating the remaining language as subdivision (A), and adding the following new subdivision (B):

(B)

(i) If no parent or legal guardian is present at the time of the violation, the driver is solely responsible for compliance with this subsection (g) if the vehicle is operated by conventional means.

(ii) If the vehicle is operated by an ADS and:

(a) If no parent or legal guardian is present at the time of the violation, the human person accompanying the child is solely responsible for compliance with this subsection (g);

(b) If no parent or guardian is present at the time of the violation and more than one (1) human person accompanies the child, each person is jointly responsible for compliance with this subsection (g); or

(c) If no human person accompanies the child, the parent or legal guardian of the child is responsible for compliance with this subsection (g).

SECTION 8. Tennessee Code Annotated, Section 55-9-603(h), is amended by adding the following new subdivision:

An ADS;

SECTION 9. Tennessee Code Annotated, Section 55-9-606, is amended by deleting the section and substituting instead the following:

Notwithstanding this part to the contrary:

(1) Except as otherwise provided in subdivision (2), the operator of a passenger motor vehicle under this part shall not be fined for the failure of any passenger over sixteen (16) years of age to wear a safety belt; and

(2) For purposes of an ADS-operated vehicle, neither the operator nor the owner shall be fined for the failure of any passenger, regardless of age, to wear a safety belt.

SECTION 10. Tennessee Code Annotated, Section 55-10-102, is amended by adding the following new subsection:

With respect to an ADS-operated vehicle, as defined by § 55-54-102, that is equipped with automatic crash notification technology, as defined by § 55-54-102, the requirements of subsection (a) are satisfied if the automatic crash notification technology allows a representative of the manufacturer to promptly connect with law enforcement to report the accident.

SECTION 11. Tennessee Code Annotated, Section 55-10-103, is amended by adding the following new subsection:

With respect to an ADS-operated vehicle, as defined by § 55-54-102, that is equipped with automatic crash notification technology, as defined by § 55-54-102, the requirements of subsection (a) are satisfied if the automatic crash notification technology

allows a representative of the motor vehicle manufacturer to promptly connect with law enforcement to report the accident.

SECTION 12. Tennessee Code Annotated, Section 55-10-104, is amended by adding the following new subsection:

With respect to an ADS-operated vehicle, as defined by § 55-54-102, that is equipped with automatic crash notification technology, as defined by § 55-54-102, the requirements of subsection (a) are satisfied if the automatic crash notification technology allows a representative of the manufacturer to promptly connect with law enforcement to report the accident.

SECTION 13. Tennessee Code Annotated, Section 55-10-105, is amended by adding the following new sentence at the end of the section:

With respect to an ADS-operated vehicle, as defined by § 55-54-102, that is equipped with automatic crash notification technology, as defined by § 55-54-102, the requirements of this section are satisfied if the automatic crash notification technology allows a representative of the manufacturer to promptly connect with law enforcement to report the accident.

SECTION 14. Tennessee Code Annotated, Section 55-10-106, is amended by adding the following new subsection:

With respect to an ADS-operated vehicle, as defined by § 55-54-102, that is equipped with automatic crash notification technology, as defined by § 55-54-102, the requirements of subsection (a) are satisfied if the automatic crash notification technology allows a representative of the manufacturer to promptly connect with law enforcement to report the accident.

SECTION 15. Tennessee Code Annotated, Section 55-10-107, is amended by adding the following new subsection:

With respect to an ADS-operated vehicle, as defined by § 55-54-102, the written reports required under subsection (a) must be completed by the vehicle's owner.

SECTION 16. Tennessee Code Annotated, Section 55-12-102(10), is amended by deleting the subdivision and substituting instead the following:

(10) "Operator" means:

(A) For purposes of a conventionally operated vehicle, every person who is in actual physical control of a motor vehicle whether or not licensed as an operator or chauffeur under the laws of this state; and

(B) For purposes of an ADS-operated vehicle, as defined by § 55-54-102, and when the ADS is engaged, the ADS;

SECTION 17. Tennessee Code Annotated, Section 55-12-104, is amended by adding the following new subsection:

The owner of an ADS-operated vehicle, as defined by § 55-54-102, is solely responsible for compliance with the requirements for filing the accident report under subsection (a).

SECTION 18. Tennessee Code Annotated, Section 55-50-304, is amended by adding the following new subdivision:

An ADS or an ADS-operated vehicle, as defined by § 55-54-102, owned and operated in compliance with chapter 54 of this title;

SECTION 19. Tennessee Code Annotated, Title 55, is amended by adding the following new chapter:

55-54-101.

This chapter shall be known and may be cited as the "Safe Automated Vehicles (SAVE) Act."

55-54-102.

As used in this chapter:

(1) "Automated driving system" or "ADS" means technology installed on a motor vehicle that has the capability to drive the vehicle on which the technology is installed in high or full automation mode, without any supervision by a human operator, with specific driving mode performance by the automated driving system of all aspects of the dynamic driving task that can be managed by a human driver, including the ability to automatically bring the motor vehicle into a minimal risk condition in the event of a critical vehicle or system failure or other emergency event;

(2) "Automated-driving-system-operated vehicle" or "ADS-operated vehicle" means a vehicle equipped with an automated driving system;

(3) "Automatic crash notification technology" means a vehicle service integrating wireless communications and vehicle location technology for the purpose of determining the need for or facilitating emergency medical or law enforcement response in the event of a vehicle crash;

(4) "Department" means the department of revenue;

(5) "Motor vehicle manufacturer" or "manufacturer" means a person that:

(A) Has manufactured and distributed motor vehicles in the United States that are certified to comply with all applicable federal motor vehicle safety standards; and

(B) Submitted appropriate manufacturer identification information to the National Highway Traffic Safety Administration as provided in 49 CFR part 566;

(6) "On-demand ADS-operated vehicle network" means a digital network, software application, or other means to connect passengers to ADS-operated fleet vehicles for transportation between points chosen by a passenger;

(7) "Participating fleet" means ADS-operated vehicles that are operating on the public roads and highways of this state in a SAVE project; and

(8) "SAVE project" means an initiative by a manufacturer that makes ADS-operated vehicles available to the public for operation on the public roads and highways of this state in a manner that is determined by the manufacturer that owns the vehicle and that is in compliance with this chapter. A SAVE project includes, but is not limited to, making an on-demand ADS-operated vehicle network available to the public.

55-54-103.

(a) A motor vehicle manufacturer may commence a SAVE project on the streets and highways of this state after it provides notification to the department of its self-certification of the requirements set out in § 55-54-104. Only motor vehicle manufacturers are eligible to participate in a SAVE project, and each motor vehicle manufacturer is responsible for the safe operation of its participating fleet.

(b) A motor vehicle manufacturer may engage in multiple SAVE projects pursuant to this chapter.

55-54-104.

(a) In order for a manufacturer to participate in a SAVE project, it must submit a letter to the department prior to operating any ADS-operated vehicles on the public roads or highways. The letter required by this section must include the geographical areas in which the participating fleet will operate and provide a certification by the manufacturer that:

(1) The vehicles in the participating fleet are owned or controlled by the manufacturer and are equipped with all of the following:

(A) An automated driving system;

(B) Automatic crash notification technology; and

(C) A data recording system that has the capability of recording the automated driving system's status and other vehicle attributes, including, but not limited to, speed, direction, and location, during a specified time period before an accident, as determined by the motor vehicle manufacturer;

(2) The participating fleet complies with all applicable state and federal laws; and

(3) Vehicles in the participating fleet are capable of being operated in compliance with applicable traffic and motor vehicle laws of this state.

(b) Information submitted to the department pursuant to this section is confidential due to the proprietary nature of the information and is not subject to the open records laws, compiled in title 10, chapter 7.

55-54-105.

(a)

(1) Except as provided in subdivision (a)(2), a motor vehicle manufacturer shall not intentionally operate a participating fleet outside the geographical areas provided to the department pursuant to § 55-54-104(a). If a motor vehicle manufacturer changes the geographical areas in which the participating fleet intends to operate, the motor vehicle manufacturer must notify the department of the change prior to any vehicle in the participating fleet being operated in the new areas.

(2) Notwithstanding subdivision (a)(1), to avoid road closures, traffic accidents, or other temporary obstructions to normal traffic flow, a motor vehicle manufacturer may operate vehicles in a participating fleet outside the geographical areas provided pursuant to § 55-54-104(a) or outside the geographical areas provided in a notification made pursuant to subdivision (a)(1).

(b) A motor vehicle manufacturer shall maintain incident records and provide periodic summaries related to the safety of the participating fleet to the department, the transportation and safety committee of the senate, the transportation committee of the house of representatives, and the National Highway Traffic Safety Administration (NHTSA).

(c) Prior to commencement and during the operation of a SAVE project, the manufacturer shall make publicly available a privacy statement disclosing its data-handling practices in connection with the applicable participating fleet. Individuals participating in any SAVE project, by their participation, are deemed to consent to the collection of the data described in subsection (b) while they are in the vehicle and the later provision of anonymized data summaries to the department, the transportation and safety committee of the senate, the transportation committee of the house of representatives, and the NHTSA.

55-54-106.

No political subdivision may by ordinance, resolution, or any other means prohibit or regulate within the jurisdictional boundaries of the political subdivision the use of an ADS-operated vehicle or SAVE project that is operating under the authority of this chapter and otherwise complies with all laws of the political subdivision.

55-54-107.

(a) With respect to each SAVE project, while the ADS is in control of the vehicle, the applicable motor vehicle manufacturer shall assume liability for incidents where the ADS is at fault for such incident, but in all cases consistent with existing insurance law and other laws.

(b) A motor vehicle manufacturer is immune from any liability for damages that arise out of any modification made to an ADS-operated vehicle or an automated driving system by another person without the motor vehicle manufacturer's consent.

55-54-108.

Pursuant to the department's authority to promulgate rules, the department may establish a fee to be charged to a manufacturer for the operation of a SAVE project. The fee authorized pursuant to this section must not exceed an amount necessary to implement this chapter.

55-54-109.

(a) It is an offense for any person to knowingly operate a motor vehicle on the public roads or highways of this state without a human driver in the driver's seat of the vehicle and without satisfying the requirements of this chapter.

(b) A violation of subsection (a) is a Class A misdemeanor.

(c)

(1) Notwithstanding this chapter to the contrary, any person who operates or has operated an ADS-operated vehicle on a public road or highway in this state or any other state or territory of the United States without satisfying the eligibility requirements of the applicable jurisdiction is prohibited from operating an ADS-operated vehicle in this state.

(2) A person falls within the prohibition set out in subdivision (c)(1) if the person was cited or found by law enforcement, a court, a state agency, or other

applicable governing body to have been in violation of a statute or regulation requiring prior notification or authorization to operate a vehicle equipped with an ADS. A certified copy of the citation or court order indicating a violation of a statute or regulation requiring prior notification or authorization is sufficient evidence to prove that a person falls within the prohibition set out in subdivision (c)(1).

55-54-110.

Except as otherwise provided in this chapter, SAVE projects are governed exclusively by this chapter.

SECTION 20. This act shall take effect upon becoming a law, the public welfare requiring it.