

BILL ANALYSIS

Senate Research Center

C.S.S.B. 2205
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Transportation
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

This bill seeks to implement minimum safety requirements and define terms relating to autonomous vehicles (AV) and automated driving systems (ADS).

- The term "owner" is currently defined in Section 501.002(19), Transportation Code. This bill clarifies that the manufacturer of an AV and the manufacturer of an ADS is also considered the "owner" for this subchapter.
- Currently, the National Highway Transportation Safety Administration (NHTSA) recognizes 6 levels of autonomous technology. Levels 0-3 all require some level of human involvement. Levels 4 and 5 do not require a human driver and are considered "high automation" and "full automation," respectively.
- C.S.S.B. 2205 defines "automated driving system" to mirror the current L4-L5 language recognized by NHTSA.
- Adds preemption language that states a political subdivision or a state agency may not impose a franchise or any regulation to the AV or ADS. Current laws relating to title and registration would still apply.
- Clarifies the "owner" is considered the operator for the purpose of complying with traffic and motor vehicle laws.
- States that an AV may not operate on a public roadway unless:
 - It is equipped with a data recording system.
 - It is in compliance with all applicable federal laws and Federal Motor Vehicle Safety Standards.
 - It is registered and titled in the state.
 - It is covered by motor vehicle liability coverage or self-insurance.
- Chapter 550, Transportation Code, details the duties required following a motor vehicle accident. Many accidents require the operator immediately stop the vehicle and notify the proper authorities. Some, however, simply require the operator to make a reasonable attempt to notify the owner of the damaged vehicle, property, etc. C.S.S.B. 2205 would require an AV stop and notify the authorities after any accident.
- States that the manufacturer of an AV or the manufacturer of an ADS is not liable for damage that arises from modifications made by a person other than the manufacturer without their consent.
- The final section of the bill adds language mirroring the Level 3 (L3) definition recognized by NHTSA. Because this level of AV requires a human driver to act as the fallback and is required to respond appropriately to a "request to intervene," most current state laws should already apply. However, L3 vehicles would not be covered by the

preemption and liability sections of this bill, so they were added strictly for these two sections.

C.S.S.B. 2205 amends current law relating to automated motor vehicles.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 545, Transportation Code, by adding Subchapter J, as follows:

SUBCHAPTER J. OPERATION OF AUTOMATED MOTOR VEHICLES

Sec. 545.451. DEFINITIONS. Defines "automated driving system," "automated motor vehicle," "entire dynamic driving task," "human operator," and "owner."

Sec. 545.452. SUBCHAPTER AND DEPARTMENT GOVERN EXCLUSIVELY. (a) Provides that, unless otherwise provided by this subchapter, automated motor vehicles, including any commercial use or operation of automated motor vehicles, and automated driving systems (ADSs) are governed exclusively by this subchapter.

(b) Prohibits a political subdivision of this state or a state agency from imposing a franchise or other regulation related to an automated motor vehicle or ADS.

Sec. 545.453. OPERATOR OF AUTOMATED MOTOR VEHICLE. (a) Provides that when an ADS installed on a motor vehicle is engaged:

(1) the owner of the ADS is considered the operator of the automated motor vehicle solely for the purpose of assessing compliance with applicable traffic or motor vehicle laws, regardless of whether the person is physically present in the vehicle while the vehicle is operating; and

(2) the ADS is considered to be licensed to operate the vehicle.

(b) Provides that, notwithstanding any other law, a licensed human operator is not required to operate a motor vehicle if an ADS installed on the vehicle is engaged.

Sec. 545.454. AUTOMATED MOTOR VEHICLE OPERATION. (a) Authorizes an automated motor vehicle to operate in this state with the ADS engaged, regardless of whether a human operator is physically present in the vehicle.

(b) Prohibits an automated motor vehicle from operating on a highway in this state with the ADS engaged unless the vehicle is:

(1) capable of operating in compliance with applicable traffic and motor vehicle laws of this state, subject to this subchapter;

(2) equipped with a recording device system as defined by Section 547.615 (Recording Devices);

(3) in compliance with applicable federal law and Federal Motor Vehicle Safety Standards;

(4) registered and titled in accordance with the laws of this state; and

(5) covered by motor vehicle liability coverage or self-insurance in an amount equal to the amount of coverage that is required under the laws of this state.

Sec. 545.455. DUTIES FOLLOWING ACCIDENT INVOLVING AUTOMATED MOTOR VEHICLE. Requires the automated motor vehicle or any human operator of the automated motor vehicle, in the event of an accident involving an automated motor vehicle to, regardless of whether the operator is required to do so under Chapter 550 (Accidents and Accident Reports), stop the vehicle at or return the vehicle to the scene of the accident and immediately by the quickest means of communication give notice of the accident to the local police department, the sheriff's office, or the nearest office of the Texas Department of Public Safety (DPS), depending on certain circumstances.

Sec. 545.456. LIABILITY. (a) Provides that the manufacturer of an automated motor vehicle or the manufacturer of an ADS is not liable, including for equitable relief, for damage that arises from modifications made by a person other than the manufacturer or without the consent of the manufacturer to the automated motor vehicle or an ADS installed on the automated motor vehicle.

(b) Provides that Subsection (a) does not supersede or otherwise affect any contractual obligations between an automated motor vehicle manufacturer or ADS manufacturer and a person that modifies a motor vehicle after the vehicle is manufactured by installing an ADS in the vehicle to convert the vehicle to an automated motor vehicle.

Sec. 545.457. VEHICLE CLASSIFICATION. Authorizes an owner as defined by Section 502.001(31) (relating to the definition of "owner") to identify the vehicle to DPS as an automated motor vehicle or an ADS.

SECTION 2. (a) Defines "a request to intervene."

(b) Provides that, for purposes of Subchapter J, Chapter 545, Transportation Code, as added by this Act, a motor vehicle equipped with hardware and software capable of engaging in the entire dynamic driving task with the expectation that a human driver will respond appropriately to a request to intervene is subject to Sections 545.452(b) and 545.456, Transportation Code, as added by this Act.

SECTION 3. Effective date: September 1, 2017.