1   SB47

2   200574-8

3   By Senator Allen

4   RFD: Transportation and Energy

5   First Read: 05-MAR-19

6   PFD: 03/04/2019

1   SB47

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4   ENROLLED, An Act,

5   Relating to motor vehicles; to authorize autonomous

6   commercial vehicles operated by an automated driving system

7   and commercial motor vehicles with teleoperation systems.

8   BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9   Section 1. For the purposes of this act, the

10   following words shall have the following meanings:

11   (1) AUTOMATED COMMERCIAL MOTOR VEHICLE. A commercial

12   motor vehicle equipped with an automated driving system.

13   (2) AUTOMATED DRIVING SYSTEM. The hardware and

14   software that are collectively capable of performing the

15   entire dynamic driving task on a sustained basis, regardless

16   of whether it is limited to a specific operational design

17   domain.

18   (3) COMMERCIAL MOTOR VEHICLE. A commercial motor

19   vehicle as defined in subdivision (2) of Section 32-9A-1, Code

20   of Alabama 1975.

21   (4) CONVENTIONAL DRIVER. A driver who manually

22   exercises in-vehicle braking, accelerating, steering, and

23   transmission gear selection input devices in order to operate

24   a vehicle.

1   (5) DYNAMIC DRIVING TASK. All of the real-time

2   operational and tactical functions required to operate a

3   vehicle in on-road traffic excluding strategic functions such

4   as trip scheduling and selection of destinations and

5   waypoints.

6   (6) MINIMAL RISK CONDITION. A condition to which a

7   user or an automated driving system may bring a vehicle in

8   order to reduce the risk of a crash upon experiencing a

9   failure of the vehicle's automated driving system that renders

10   the vehicle unable to perform the entire dynamic driving task.

11   (7) OPERATIONAL DESIGN DOMAIN. A description of the

12   specific operating domain in which an automated commercial

13   motor vehicle is designed to properly operate, including, but

14   not limited to, roadway types, speed, environmental

15   conditions, and other domain constraints.

16   (8) REMOTE DRIVER. A natural person who is not

17   seated in a commercial motor vehicle, but is able to perform

18   the entire dynamic driving task.

19   (9) TELEOPERATION SYSTEM. Hardware and software

20   installed on a commercial motor vehicle that allow a remote

21   driver to operate the motor vehicle.

22   Section 2. (a) Unless otherwise provided by this

23   act, an automated commercial motor vehicle and a teleoperation

24   system, including any commercial use or operation of either,

25   are governed exclusively by this act.

1   (b) Notwithstanding any other provision of law, the

2   Department of Transportation is the sole and exclusive state

3   agency with jurisdiction over automated commercial motor

4   vehicles and teleoperation systems that may implement this

5   act.

6   (c) A political subdivision of this state or a state

7   agency may not impose requirements, including taxes or

8   performance standards, related specifically to the operation

9   of a teleoperation system or automated commercial motor

10   vehicle in addition to the requirements of this act.

11   Section 3. Notwithstanding any other provision of

12   law, an automated commercial motor vehicle may operate in this

13   state without a conventional driver physically present in the

14   vehicle if the vehicle meets all of the following criteria:

15   (1) The automated commercial vehicle is capable of

16   operating in compliance with applicable federal law and the

17   traffic and motor vehicle laws of this state, including

18   without limitation, applicable laws concerning the capability

19   to safely navigate and negotiate railroad crossings.

20   (2) The automated commercial vehicle is registered

21   and titled in accordance with the laws of this state.

22   (3) The automated commercial vehicle is certified in

23   accordance with 49 C.F.R. Part 567 as being in compliance with

24   federal motor vehicle safety standards and bears the required

1   certification label or labels, including reference to any

2   exemption granted under applicable federal law.

3   (4) The automated commercial vehicle can achieve a

4   minimal risk condition if a failure occurs rendering the

5   vehicle unable to perform the dynamic driving task relevant to

6   its intended operational design domain or if the vehicle exits

7   its operational design domain.

8   (5) The automated commercial vehicle is covered by

9   motor vehicle liability coverage in an amount not less than

10   two million dollars ($2,000,000).

11   (6) The registration of an automated commercial

12   motor vehicle shall not be interpreted to abrogate or amend

13   any statutory or regulatory provisions or any aspects of

14   common law pertaining to liability for any harm or injury

15   caused.

16   Section 4. (a) The owner of an automated commercial

17   vehicle, or the lessee if the vehicle is leased or rented, is

18   considered the operator of the vehicle for the purpose of

19   assessing compliance with applicable traffic or motor vehicle

20   laws, including the rules of the road.

21   (b) The automated driving system is considered to be

22   licensed to operate the vehicle.

23   Section 5. When an accident occurs involving an

24   automated commercial motor vehicle, the requirements of

25   Chapter 10, Title 32, Code of Alabama 1975, shall be deemed

1   satisfied if the vehicle remains on the scene of the accident

2   and the vehicle, owner, a person on behalf of the owner, or

3   operator promptly contacts appropriate law enforcement

4   entities and communicates the information required by Chapter

5   10, Title 32, Code of Alabama 1975.

6   Section 6. (a) Notwithstanding any other provision

7   of this act, a commercial motor vehicle equipped with a

8   teleoperation system may operate without a conventional driver

9   physically present in the vehicle if a remote driver is

10   operating the vehicle.

11   (b) When a remote driver is operating a commercial

12   motor vehicle, the remote driver is considered to be the

13   operator of the vehicle for the purpose of assessing

14   compliance with applicable traffic or motor vehicle laws,

15   including the rules of the road, and for the purpose of any

16   charge for a violation of the Alabama Criminal Code, Title

17   13A, Code of Alabama 1975, or Title 32, Code of Alabama 1975.

18   Extradition of a person charged pursuant to this section shall

19   be governed by Chapter 9 of Title 15, Code of Alabama 1975.

20   (c) The remote driver shall hold the proper class of

21   license required for a conventional driver to operate the

22   vehicle.

23   (d) When an accident occurs involving a commercial

24   motor vehicle equipped with a teleoperation system, the

25   requirements of Chapter 10, Title 32, Code of Alabama 1975,

1   shall be deemed satisfied if the vehicle remains on the scene

2   of the accident and the owner or remote driver promptly

3   contacts appropriate law enforcement entities and communicates

4   the information required by Chapter 10, Title 32, Code of

5   Alabama 1975.

6   (e) In the event of an accident involving a

7   commercial motor vehicle equipped with a teleoperation system,

8   the remote drive who is operating the vehicle shall be subject

9   to Section 32-6-49.13, Code of Alabama 1975, regardless of the

10 jurisdiction in which the remote driver is physically present.

11 A remote driver is deemed to have give consent, subject to

12 provisions of Section 32-5-192, Code of Alabama 1975, to take

13 a test or tests of the remote driver's blood, breath, or urine

14 for the purpose of determining that the person's alcohol

15 concentration, or the presence of other drugs. Subdivision (1)

16 of subsection (b) of Section 32-6-49.13 shall be deemed

17 satisfied if the test or tests are administered in cooperation

18 with local law enforcement officials in the jurisdiction where

19 a remote driver is present. The results of any test shall be

20 provided to Alabama law enforcement agencies.

21   Section 7. A commercial motor vehicle equipped with

22 a teleoperation system registered in this state shall meet all

23 of the following requirements:

24   (1) The motor vehicle shall be in compliance with

25 applicable federal law.

1   (2) The motor vehicle shall be certified in

2   accordance with federal regulations in 49 C.F.R. Part 567 as

3   being in compliance with applicable federal motor vehicle

4   safety standards and shall bear the required certification

5   label or labels, including reference to any exemption granted

6   under applicable federal law.

7   (3) The motor vehicle shall be capable of being

8   operated in compliance with the applicable traffic and motor

9   vehicle laws of this state, regardless of whether the vehicle

10   is operated by a remote driver, including without limitation,

11   applicable laws concerning the capability to safely navigate

12   and negotiate railroad crossings.

13   (4) The motor vehicle shall be covered by motor

14   vehicle liability coverage in an amount of not less than two

15   million dollars ($2,000,000).

16   (5) The motor vehicle shall be able to achieve a

17   reasonably safe state, such as bringing the vehicle to a stop,

18   if a failure of the teleoperation system occurs that renders

19   the remote driver unable to perform the entire dynamic driving

20   task for the vehicle.

21   Section 8. This act shall not be construed to

22   repeal, modify, or preempt any liability that may be incurred

23   under existing common or statutory law applicable to a vehicle

24   owner, operator, manufacturer, component part supplier, or

25   retailer.

1   Section 9. This act shall become effective
2   immediately following its passage and approval by the
3   Governor, or its otherwise becoming law.

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4   President and Presiding Officer of the Senate

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6   Speaker of the House of Representatives

7   SB47
8   Senate 21-MAY-19
9   I hereby certify that the within Act originated in and passed
10   the Senate, as amended.
11
12   Patrick Harris,
13   Secretary.
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15   _____

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17   House of Representatives
18   Amended and passed 28-MAY-19

19   _____

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21   Senate concurred in House amendment 29-MAY-19

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24   By: Senator Allen