

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1710

H.P. 1222

House of Representatives, May 9, 2019

An Act To Enact the Automated Driving Safety Act

Reference to the Committee on Transportation suggested and ordered printed.

Robert B. Hunt
ROBERT B. HUNT
Clerk

Presented by Representative McLEAN of Gorham.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 29-A MRSA c. 25** is enacted to read:

3 **CHAPTER 25**

4 **AUTOMATED DRIVING SAFETY ACT**

5 **§2701. Short title**

6 This chapter may be known and cited as "the Automated Driving Safety Act."

7 **§2702. Definitions**

8 As used in this chapter, unless the context otherwise indicates, the following terms
9 have the following meanings.

10 **1. Automated driving system.** "Automated driving system" means the hardware
11 and software that provide the capability of an automated vehicle to perform the complete
12 dynamic driving task on a sustained basis while engaged, regardless of whether the
13 system is limited to a specific operational design domain.

14 **2. Automated vehicle.** "Automated vehicle" means a vehicle equipped with an
15 automated driving system.

16 **3. Dynamic driving task.** "Dynamic driving task" means the real-time operational
17 and tactical functions required to operate a vehicle in on-road traffic, including:

18 A. Lateral vehicle motion control by way of steering;

19 B. Longitudinal vehicle motion control by way of acceleration and deceleration;

20 C. Monitoring the driving environment by way of object and event detection,
21 recognition, classification and response preparation;

22 D. Object and event response execution;

23 E. Maneuver planning; and

24 F. Enhancing conspicuity by way of lighting, signaling and gesturing.

25 "Dynamic driving task" does not include functions such as trip scheduling and selection
26 of a destination or a waypoint.

27 **4. Operational design domain.** "Operational design domain" means the specific
28 conditions under which a particular automated driving system is designed to function.

29 **5. Operator.** "Operator" means the person with active control over an automated
30 vehicle. If the automated driving system is not engaged, the operator is the individual
31 who is in control of the automated vehicle. If the automated driving system is engaged,
32 the operator is the provider.

1 **6. Provider.** "Provider" means an individual, organization or joint enterprise that
2 controls an automated driving system for testing or deployment of an automated vehicle
3 on a public way. "Provider" includes an original equipment manufacturer, a multiple or
4 final stage manufacturer, an individual, organization or joint enterprise that alters an
5 automated vehicle prior to first retail sale or deployment of the vehicle or an individual,
6 organization or joint enterprise that modifies an automated vehicle after first retail sale or
7 deployment of the vehicle.

8 **§2703. Registration of automated vehicles**

9 **1. Registration.** An automated vehicle must be registered pursuant to chapter 5.
10 When the owner of a motor vehicle applies for registration under section 401, subsection
11 2, or upon renewal of a registration of a motor vehicle, the Secretary of State shall
12 determine and record whether the motor vehicle is an automated vehicle. If the Secretary
13 of State determines that the motor vehicle is an automated vehicle, the Secretary of State
14 shall record on the registration the name of the provider as the operator of the automated
15 vehicle while the automated driving system of the automated vehicle is engaged.

16 **2. Criteria for registration.** In addition to any other applicable requirements under
17 chapter 5, the Secretary of State may not register an automated vehicle unless:

18 A. The automated vehicle meets the federal motor vehicle safety standards for the
19 automated vehicle's model and year and all other applicable safety standards and
20 performance requirements established by federal and state statutory and regulatory
21 provisions. A certification by a provider licensed under section 2704 that an
22 automated vehicle meets the requirements of this paragraph is prima facie evidence
23 that the requirements are met; and

24 B. The provider named as the operator of the automated vehicle while the automated
25 driving system is engaged under subsection 1 is licensed under section 2704.

26 **3. Modification of automated vehicle.** Any modification to an automated vehicle
27 or an automated vehicle's automated driving system invalidates a registration issued by
28 the Secretary of State for that vehicle and prohibits the Secretary of State from issuing a
29 registration for the automated vehicle unless the modification is:

30 A. Required by law;

31 B. Made on behalf of the automated vehicle's provider; or

32 C. Permitted by rule of the Secretary of State.

33 **4. Determination of unsafe or unfit automated vehicle.** The Secretary of State by
34 rule or by practice may decline to register or, with reasonable notice to the registrant,
35 suspend, revoke or decline to renew a registration of an automated vehicle that the
36 Secretary of State determines is unsafe, improperly equipped or otherwise unfit to be
37 operated on a public way. In making a determination under this subsection, the Secretary
38 of State may consider or treat as conclusive a decision of the federal Department of
39 Transportation, National Highway Traffic Safety Administration or the responsible
40 agency in another jurisdiction to decline to register or restrict a registration of a make,
41 model, kind or category of automated vehicle.

1 5. No presumption of safety. The issuance of a registration for an automated
2 vehicle under this section does not create a presumption as to the safety of an automated
3 vehicle or automated driving system and may not be interpreted to abrogate or amend any
4 statutory or regulatory provisions or any aspects of the common law pertaining to liability
5 for any damages or harm caused by an automated vehicle.

6 **§2704. Licensure of operators of automated vehicles**

7 1. License required. An individual or provider may not operate on a public way an
8 automated vehicle without a license issued by the Secretary of State under this
9 subsection.

10 2. License requirements. The Secretary of State may not issue a license to operate
11 an automated vehicle to an individual or provider unless:

12 A. The provider certifies that the provider has not and will not offer, enter into or
13 enforce a predispute arbitration agreement with a passenger, individual operator or
14 other individual riding in, hailing or involved in a collision with an automated
15 vehicle;

16 B. The provider maintains and provides evidence of insurance covering damages for
17 personal injury, death or property damage arising from the operation of the automated
18 vehicle in the amount of at least \$25,000,000 in the form of:

19 (1) An instrument of insurance issued by an insurer with a valid certificate of
20 authority issued by the Superintendent of Insurance under Title 24-A, section
21 404;

22 (2) A surety bond issued by an authorized surety insurer or an eligible surplus
23 lines insurer; or

24 (3) Proof of self-insurance in a form and manner determined by the Secretary of
25 State; and

26 C. The provider:

27 (1) Consents that all matters arising from the operation of the automated vehicle
28 be subject to the jurisdiction of the State;

29 (2) Maintains a registered office and a registered agent in the State to accept
30 service of process; and

31 (3) Provides to the Secretary of State the name of the registered agent and
32 address of the registered office.

33 3. Determination of unsafe or unfit operator. The Secretary of State by rule or by
34 practice may decline to license or, with reasonable notice to the operator, suspend, revoke
35 or decline to renew a license of an operator that the Secretary of State determines is
36 unsafe or otherwise unfit to operate an automated vehicle on a public way. In making a
37 determination under this subsection, the Secretary of State may consider or treat as
38 conclusive a decision of the federal Department of Transportation, National Highway
39 Traffic Safety Administration or the responsible agency in another jurisdiction to decline
40 to license or restrict a license of an operator.

1 **4. No presumption of safety.** The issuance of a license to a provider under this
2 section does not create a presumption as to the safety of an automated vehicle or
3 automated driving system and may not be interpreted to abrogate or amend any statutory
4 or regulatory provisions or any aspects of the common law pertaining to liability for any
5 damages or harm caused by an automated vehicle.

6 **§2705. Liability**

7 **1. Individual as operator.** If an individual is operating an automated vehicle when
8 the automated driving system is disengaged, that individual is the operator and is
9 responsible for the operation of the automated vehicle and is liable for any infraction,
10 offense or negligence resulting in personal injury, death or property damage that occurs
11 during the operation. If while operating an automated vehicle an individual operator
12 engages the automated driving system or a safety system automatically engages without
13 the input of the individual, the question of responsibility for the operation of the
14 automated vehicle or liability for any subsequent infraction, offense or negligence
15 resulting in personal injury, death or property damage caused by the engagement of the
16 automated driving system or safety system is governed by applicable common or
17 statutory law and determined by the totality of the evidence and circumstances regarding
18 the infraction, offense or negligence.

19 **2. Provider as operator.** Except for the provisions of subsection 1, if the automated
20 driving system is engaged while an automated vehicle is being operated, the provider is
21 the operator and is responsible for the operation of the automated vehicle and is liable for
22 any infraction, offense or negligence resulting in personal injury, death or property
23 damage that occurs during the operation. A provider who is an operator has a duty to
24 exercise due care and reasonable diligence in the proper operation of the automated
25 vehicle. A violation of a motor vehicle law or rule while a provider is the operator that
26 results in personal injury, death or property damage is negligence per se by the provider.

27 **3. Accidents.** If an automated vehicle is involved in an accident while a provider is
28 the operator, the provisions of section 2251 apply and the provider shall:

29 A. Ensure that the automated vehicle remains at the scene of the accident;

30 B. Pursuant to section 2251, subsection 2, immediately contact the appropriate law
31 enforcement agency;

32 C. Inform the law enforcement agency under paragraph B that the automated driving
33 system was engaged at the time of the accident; and

34 D. Transmit electronically or by the fastest means available the provider's financial
35 responsibility information under section 2251, subsection 6.

36 **4. Supplemental to other laws.** This section is supplemental to and does not repeal,
37 modify or preempt any liability that may arise under common or statutory law applicable
38 to a vehicle manufacturer.

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§2706. Rules

The Secretary of State shall adopt rules to carry out the provisions of this chapter. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

SUMMARY

This bill establishes the Automated Driving Safety Act, which provides standards for the registration of automated vehicles, the licensure of automated vehicle operators and the liability of the operators and providers of automated vehicles, including:

1. Defining a provider for an automated vehicle as an individual, organization or joint enterprise that controls an automated driving system of an automated vehicle for testing or deployment of the automated vehicle on a public way;

2. Requiring the Secretary of State to record on the automated vehicle's registration that the vehicle is an automated vehicle and the identity of the provider for the automated vehicle;

3. Requiring the Secretary of State to terminate the registration or refuse to register or renew a registration of an automated vehicle that has been modified or has had its automated driving system modified or that the Secretary of State determines is unsafe or unfit for operation on a public way;

4. Providing that the automated vehicle has 2 operators, an individual operator when the automated driving system is not engaged and the provider as the operator when the automated driving system is engaged, and, under most instances, that the applicable operator is responsible for the proper operation of the automated vehicle and is liable for an infraction, offense or negligence resulting in bodily injury, death or property damage; and

5. Requiring, if an automated vehicle is involved in an accident while the automated driving system is engaged, that pursuant to the provisions of law regarding motor vehicle accident reports, the automated vehicle not be moved and that the provider immediately contact the applicable law enforcement agency, inform the law enforcement agency that the automated driving system was engaged at the time of the accident and transmit electronically or by the fastest means available the financial responsibility information required for the vehicle.