

HOUSE No. 3422

The Commonwealth of Massachusetts

PRESENTED BY:

Ann-Margaret Ferrante

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the safety of autonomous vehicles.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Ann-Margaret Ferrante</i>	<i>5th Essex</i>
<i>Carlos González</i>	<i>10th Hampden</i>

HOUSE No. 3422

By Ms. Ferrante of Gloucester, a petition (accompanied by bill, House, No. 3422) of Ann-Margaret Ferrante and Carlos Gonzalez relative to the safety of autonomous vehicles. Transportation.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to the safety of autonomous vehicles.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 90 of the General Laws is hereby amended by adding after section
2 19L, the following new section:-

3 Section 19M. (a) The following words used in this section shall have the following
4 meanings:

5 "Automated Driving System" (ADS) means technology installed on a motor vehicle that
6 has the capability, on a part-time or full-time basis, to drive the vehicle without the need for
7 supervision of the driving environment by a human driver or operator, whether or not a human
8 driver or operator is in the vehicle.

9 "Automatic Crash Notification Technology" means a vehicle service integrating wireless
10 communications and vehicle location technology for the purpose of determining the need for or
11 facilitating emergency medical response in the event of a vehicle crash.

12 “Registry” means the Massachusetts Registry of Motor Vehicles.

13 "Motor Vehicle Manufacturer" means a person that has manufactured and distributed
14 motor vehicles in the United States that are certified to comply with all applicable federal motor
15 vehicle safety standards and that has submitted appropriate manufacturer identification
16 information to the National Highway Traffic Safety Administration as provided in 49 CFR part
17 566, Code of Federal Regulations.

18
19 “On-Demand Automated Motor Vehicle Network" means a digital network, software
20 application, or other means to connect passengers to ADS equipped fleet vehicles for
21 transportation between points chosen by the passenger.

22 “Operator” shall have the meaning in M.G.L. Ch. 90 Sec. 1 and shall include an ADS
23 when engaged.

24 "Participating Fleet" shall mean those ADS equipped vehicles that are operating on the
25 public roads and highways in a SAVE Project.

26 "SAVE project" means an initiative authorizing eligible Motor Vehicle Manufacturers to
27 make ADS equipped vehicles available to the public for operation on the public roads and
28 highways of this State in a manner to be determined by such Motor Vehicle Manufacturers
29 provided that it is consistent with all of the provisions set forth in this Chapter. Such operation
30 may include, but is not limited to, making an On-Demand Automated Vehicle Network available
31 to the public.

32 (b) SAVE Project Commencement; Boundaries and Data Collection

33 1. A Motor Vehicle Manufacturer's eligibility to participate in a SAVE project is
34 conditioned solely upon meeting the requirements set forth in Sub-Section 3 of this Section. A
35 Motor Vehicle Manufacturer's satisfaction of the eligibility requirements shall be verified
36 through self-certification by the Motor Vehicle Manufacturer.

37 A SAVE Project may be commenced by a Motor Vehicle Manufacturer at any time after
38 it provides notification to the Department of its self-certification to the requirements stated in
39 Sub-Section 3 of this Section. A Motor Vehicle Manufacturer's notification to the Department
40 shall also set forth the geographical boundaries for the SAVE project as described in paragraph
41 (b) below.

42 Any Motor Vehicle Manufacturer may engage in multiple SAVE projects pursuant to this
43 sub-section.

44 2. SAVE Project Boundaries. A Motor Vehicle Manufacturer shall determine the
45 geographical boundaries for a SAVE project, which may include, but are not limited to, a
46 designated area on the public roads or highways of this State, including but not limited to a
47 municipality, areas maintained by regional authorities, university campuses, developments
48 catering to senior citizens, or other similar geographic and demographic areas. The public
49 operation of the Participating Fleets shall be confined to the boundaries selected by a Motor
50 Vehicle Manufacturer.

51

52 3. Data Collection. For the duration of a SAVE project, any participating Motor Vehicle
53 Manufacturer shall maintain incident records and provide periodic summaries to the Department

54 and the National Highway Traffic Safety Administration (NHTSA) related to safety for the
55 Participating Fleet.

56 4. Disclosure and Consent. Individuals participating in any SAVE Project, by their
57 participation, are deemed to consent to the collection of such data while they are in the vehicle
58 and to the later provision of anonymized data summaries to the Department and NHTSA. Prior to
59 the commencement of and during a SAVE Project, any participating Motor Vehicle
60 Manufacturer shall make publicly available a privacy statement disclosing its data handling
61 practices in connection with the applicable Participating Fleet.

62

63 (c) SAVE Project Eligibility

64 1. Only Motor Vehicle Manufacturers are eligible to participate in a SAVE Project and
65 they are responsible for the safe operation of the Participating Fleet. In order for a Motor Vehicle
66 Manufacturer to be authorized to participate in a SAVE Project, it must self-certify to the
67 conditions set forth below:

68 A. The Participating Fleet is owned or controlled by the Motor Vehicle Manufacturer
69 and is equipped with the following attributes:

70 (i) Automated Driving Systems;

71 (ii) Automatic Crash Notification Technology; and

72 (iii) A data recording system with capacity to record the ADS system status and other
73 vehicle attributes such as speed, direction and location at a specified time period determined by
74 the Motor Vehicle Manufacturer prior to a crash.

75 B. That the Participating Fleet complies with all applicable federal and state laws.

76 C. That vehicles in the Participating Fleet are capable of being operated in
77 compliance with applicable traffic and motor vehicle laws of this state subject to Sub-Section 4
78 of this Section.

79 (d) Traffic and Motor Vehicle Laws.

80

81 1. When engaged, the ADS shall be considered the driver or operator for purposes of
82 assessing conformance to applicable traffic or motor vehicle laws, and shall be deemed to be
83 validly licensed to operate a motor vehicle and to satisfy all the requirements under M.G.L.
84 Ch.90 Sec. 8 and M.G.L. Ch.90 Sec. 10, and any physical acts required by a driver or operator.
85 No motor vehicle laws of this State shall be construed as prohibiting an ADS from being the
86 operator or driver of a motor vehicle, and no motor vehicle laws of this State shall be construed
87 as requiring a licensed human driver to operate a vehicle that is being operated by an ADS under
88 this Section.

89 2. SAVE project vehicles shall be insured by the applicable Motor Vehicle
90 Manufacturer consistent with existing insurance law.

91 3. With respect to each SAVE project, while the ADS is in control of the vehicle, the
92 applicable Motor Vehicle Manufacturer shall assume liability for incidents where the ADS
93 technology is at fault for such incident, but in all cases consistent with existing insurance law and
94 other laws.

95 4. A Motor Vehicle Manufacturer is immune from any liability for damages that
96 arise out of any modification made by another person to a vehicle manufactured by the Motor
97 Vehicle Manufacturer, or a system or component of the vehicle installed by the manufacturer, or
98 to any ADS or automated technology, without the Motor Vehicle Manufacturer’s written
99 consent.

100 5. A local unit of government shall not impose a local fee, registration requirement,
101 franchise, or other regulation related to a SAVE project.

102 6. A motor vehicle in a Participating Fleet that is equipped with Automatic Crash
103 Notification Technology shall be deemed to be in compliance with the requirements to notify law
104 enforcement and to provide a name, residence, and motor vehicle registration under M. G. L. Ch.
105 90 Sec 24 (2) if the Automatic Crash Notification Technology promptly connects a
106 representative of the Motor Vehicle Manufacturer with law enforcement to report the crash.

107 7. The seat belt usage requirements under M.G.L. Ch. 90 Sec. 13A shall apply only
108 to human occupants of a motor vehicle.

109 8. The provisions of M.G.L. Ch. 90 Sec. 13 shall not apply to a motor vehicle in a
110 Participating Fleet.