

1 SB229
2 205051-2
3 By Senator Allen
4 RFD: Transportation and Energy
5 First Read: 25-FEB-20

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8 SYNOPSIS: This bill would further provide for the
9 operation of automated commercial motor vehicles
10 and commercial motor vehicles with teleoperation
11 systems. The bill would require any automated motor
12 vehicle or commercial motor vehicle with a
13 teleoperation system to be approved by the Alabama
14 State Law Enforcement Agency and the Department of
15 Transportation and would provide criminal penalties
16 and authorize impoundment or immobilization of the
17 vehicle. The bill would also require routes that a
18 vehicle uses to be approved by the Department of
19 Transportation. The bill would specify that the
20 Alabama State Law Enforcement Agency, the
21 Department of Revenue, and the Department of
22 Transportation could adopt rules for the operation
23 of automated commercial motor vehicles and
24 teleoperation systems.

25 Amendment 621 of the Constitution of Alabama
26 of 1901, now appearing as Section 111.05 of the
27 Official Recompilation of the Constitution of

1 Alabama of 1901, as amended, prohibits a general
2 law whose purpose or effect would be to require a
3 new or increased expenditure of local funds from
4 becoming effective with regard to a local
5 governmental entity without enactment by a 2/3 vote
6 unless: it comes within one of a number of
7 specified exceptions; it is approved by the
8 affected entity; or the Legislature appropriates
9 funds, or provides a local source of revenue, to
10 the entity for the purpose.

11 The purpose or effect of this bill would be
12 to require a new or increased expenditure of local
13 funds within the meaning of the amendment. However,
14 the bill does not require approval of a local
15 governmental entity or enactment by a 2/3 vote to
16 become effective because it comes within one of the
17 specified exceptions contained in the amendment.

18
19 A BILL
20 TO BE ENTITLED
21 AN ACT
22

23 To amend Sections 1, 2, 3, 6, and 7 of Act 2019-496
24 of the 2019 Regular Session, now appearing as Sections
25 32-9B-1, 32-9B-2, 32-9B-3, 32-9B-6, and 32-9B-7, Code of
26 Alabama 1975, to further provide for the operation of

1 automated commercial motor vehicles and commercial motor
2 vehicles with teleoperation systems.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Sections 1, 2, 3, 6, and 7 of Act
5 2019-496 of the 2019 Regular Session, now appearing as
6 Sections 32-9B-1, 32-9B-2, 32-9B-3, 32-9B-6, and 32-9B-7, Code
7 of Alabama 1975, are amended to read as follows:

8 "§32-9B-1.

9 "For the purposes of this chapter, the following
10 words shall have the following meanings:

11 "(1) AUTOMATED COMMERCIAL MOTOR VEHICLE. A
12 commercial motor vehicle equipped with an automated driving
13 system.

14 "(2) AUTOMATED DRIVING SYSTEM. The hardware and
15 software that are collectively capable of performing the
16 entire dynamic driving task on a sustained basis, regardless
17 of whether it is limited to a specific operational design
18 domain.

19 "(3) COMMERCIAL MOTOR VEHICLE. A commercial motor
20 vehicle as defined in Section 32-9A-1.

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.

25 "(5) DYNAMIC DRIVING TASK. All of the real-time
26 operational and tactical functions required to operate a
27 vehicle in on-road traffic excluding strategic functions such

1 as trip scheduling, and selection of destinations, and
2 waypoints, and navigation of all infrastructure, roadway
3 variations, and roadway hazards.

4 "(6) MINIMAL RISK CONDITION. A condition to which a
5 user or an automated driving system may bring a vehicle in
6 order to reduce the risk of a crash upon experiencing a
7 failure of the vehicle's automated driving system or subsystem
8 that renders the vehicle unable to perform the entire dynamic
9 driving task by removing the automated commercial motor
10 vehicle out of the lane of travel, bringing the vehicle to a
11 stop out of the lane of travel, and summoning law enforcement.

12 "(7) OPERATE. Exercising full operational command
13 and control of vehicle functions, including, but not limited
14 to, steering, accelerating, braking, and issuing instructions
15 to the vehicle.

16 "~~(7)~~(8) OPERATIONAL DESIGN DOMAIN. A description of
17 the specific operating domain in which an automated commercial
18 motor vehicle is designed to properly operate, including, but
19 not limited to, roadway types, speed, environmental
20 conditions, and other domain constraints.

21 "~~(8)~~(9) REMOTE DRIVER. A natural person who is not
22 seated in a commercial motor vehicle, but is able to perform
23 the entire dynamic driving task.

24 "~~(9)~~(10) TELEOPERATION SYSTEM. Hardware and software
25 installed on a commercial motor vehicle that allow a remote
26 driver to operate the motor vehicle.

27 "§32-9B-2.

1 "(a) Unless otherwise provided by this chapter, an
2 automated commercial motor vehicle and a teleoperation system,
3 including any commercial use or operation of either, are
4 governed exclusively by this chapter.

5 "(b) Notwithstanding any other provision of law, the
6 Alabama State Law Enforcement Agency, Department of Revenue,
7 and the Department of Transportation is the sole and exclusive
8 state agency with jurisdiction over shall have authority to
9 individually adopt rules relating to each agency's or
10 department's existing regulatory authority or to jointly adopt
11 rules for the operation of automated commercial motor vehicles
12 and teleoperation systems ~~that may implement this chapter and~~ and
13 the enforcement of this chapter, except the Department of
14 Transportation shall continue to have exclusive authority to
15 adopt rules relating to the oversize and overweight permitting
16 of automated commercial motor vehicles and commercial motor
17 vehicles with teleoperation systems operating in this state.

18 "~~(c) A political subdivision of this state or a~~
19 ~~state agency may not impose requirements, including taxes or~~
20 ~~performance standards, related specifically to the operation~~
21 ~~of a teleoperation system or automated commercial motor~~
22 ~~vehicle in addition to the requirements of this chapter.~~

23 "(c) (1) Prior to operation in this state, an
24 automated commercial motor vehicle or commercial motor vehicle
25 with a teleoperation system shall be tested and approved by
26 the Alabama State Law Enforcement Agency and the Department of
27 Transportation.

1 "(2) Any person violating this subsection, upon
2 conviction, shall be fined one hundred dollars (\$100) for each
3 violation and the automated commercial motor vehicle or
4 commercial motor vehicle equipped with a teleoperation system
5 may be impounded or immobilized by a law enforcement officer.

6 "(3) Upon adoption of comprehensive federal law
7 relating to the operation of an automated commercial motor
8 vehicle and a commercial motor vehicle equipped with a
9 teleoperation system, the testing provided in this subsection
10 shall not be required.

11 "§32-9B-3.

12 ~~"(a) Notwithstanding any other provision of law, an~~
13 An automated commercial motor vehicle may operate in this
14 state without a conventional driver physically present in the
15 vehicle if the vehicle meets all of the following criteria:

16 "(1) The automated commercial motor vehicle is
17 capable of operating in compliance with applicable federal law
18 and the traffic and motor vehicle laws of this state,
19 including without limitation, applicable laws concerning the
20 capability to safely navigate and negotiate railroad
21 crossings.

22 "(2) The automated commercial motor vehicle is
23 registered and titled in accordance with the laws of this
24 state.

25 "(3) The automated commercial motor vehicle is
26 certified in accordance with 49 C.F.R. Part 567 as being in
27 compliance with federal motor vehicle safety standards and

1 bears the required certification label or labels, including
2 reference to any exemption granted under applicable federal
3 law.

4 "(4) The automated commercial motor vehicle can
5 achieve a minimal risk condition if a failure occurs rendering
6 the vehicle unable to perform the dynamic driving task
7 relevant to its intended operational design domain or if the
8 vehicle exits its operational design domain.

9 "(5) The automated commercial motor vehicle is
10 covered by motor vehicle liability coverage in an amount not
11 less than two million dollars (\$2,000,000).

12 "(b) An automated commercial motor vehicle shall
13 only be operated on a route that is chosen and permitted for
14 use by the Department of Transportation.

15 "~~(6)~~ (c) The registration of an automated commercial
16 motor vehicle shall not be interpreted to abrogate or amend
17 any statutory or regulatory provisions or any aspects of
18 common law pertaining to liability for any harm or injury
19 caused.

20 "§32-9B-6.

21 "~~(a) Notwithstanding any other provision of this~~
22 ~~chapter,~~ A commercial motor vehicle equipped with a
23 teleoperation system may operate without a conventional driver
24 physically present in the vehicle if a remote driver located
25 in this state is operating the vehicle and if the remote
26 driver only operates one commercial motor vehicle equipped
27 with a teleoperation system at any given time.

1 "(b) When a remote driver is operating a commercial
2 motor vehicle, the remote driver is considered to be the
3 operator of the vehicle for the purpose of assessing
4 compliance with applicable traffic or motor vehicle laws,
5 including the rules of the road, and for the purpose of any
6 charge for a violation of Title 13A or this title. Extradition
7 of a person charged pursuant to this section shall be governed
8 by Chapter 9 of Title 15.

9 "(c) The remote driver shall hold the proper class
10 of license required for a conventional driver to operate the
11 vehicle.

12 "(d) When an accident occurs involving a commercial
13 motor vehicle equipped with a teleoperation system, the
14 requirements of Chapter 10 of this title shall be deemed
15 satisfied if the vehicle remains on the scene of the accident
16 and the owner or remote driver promptly contacts appropriate
17 law enforcement entities and communicates the information
18 required by Chapter 10 of this title.

19 "(e) In the event of an accident involving a
20 commercial motor vehicle equipped with a teleoperation system,
21 the remote driver who is operating the vehicle shall be
22 subject to Section 32-6-49.13, regardless of the jurisdiction
23 in which the remote driver is physically present. A remote
24 driver is deemed to have given consent, subject to provisions
25 of Section 32-5-192, to take a test or tests of the remote
26 driver's blood, breath, or urine for the purpose of
27 determining that person's alcohol concentration, or the

1 presence of other drugs. Subdivision (1) of subsection (b) of
2 Section 32-6-49.13 shall be deemed satisfied if the test or
3 tests are administered in cooperation with local law
4 enforcement officials in the jurisdiction where a remote
5 driver is present. The results of any test shall be provided
6 to Alabama law enforcement agencies.

7 "§32-9B-7.

8 "(a) A commercial motor vehicle equipped with a
9 teleoperation system registered in this state shall meet all
10 of the following requirements:

11 "(1) Is in compliance with applicable federal law.

12 "(2) Is certified in accordance with federal
13 regulations in 49 C.F.R. Part 567 as being in compliance with
14 applicable federal motor vehicle safety standards and shall
15 bear the required certification label or labels, including
16 reference to any exemption granted under applicable federal
17 law.

18 "(3) Is capable of being operated in compliance with
19 the applicable traffic and motor vehicle laws of this state,
20 regardless of whether the vehicle is operated by a remote
21 driver, including, without limitation, applicable laws
22 concerning the capability to safely navigate and negotiate
23 railroad crossings.

24 "(4) Is covered by motor vehicle liability coverage
25 in an amount of not less than two million dollars
26 (\$2,000,000).

1 "(5) Is able to achieve a ~~reasonably safe state~~
2 minimum risk condition, such as bringing the vehicle to a
3 stop, if a failure of the teleoperation system occurs that
4 renders the remote driver unable to perform the entire dynamic
5 driving task for the vehicle.

6 "(b) A commercial motor vehicle with a teleoperation
7 system shall only be operated on a route that is chosen by and
8 permitted for use by the Department of Transportation."

9 Section 2. Although this bill would have as its
10 purpose or effect the requirement of a new or increased
11 expenditure of local funds, the bill is excluded from further
12 requirements and application under Amendment 621, now
13 appearing as Section 111.05 of the Official Recompilation of
14 the Constitution of Alabama of 1901, as amended, because the
15 bill defines a new crime or amends the definition of an
16 existing crime.

17 Section 3. This act shall become effective on the
18 first day of the third month following its passage and
19 approval by the Governor, or its otherwise becoming law.