House Bill 248

By: Representatives Kelley of the 16<sup>th</sup>, Tanner of the 9<sup>th</sup>, Fleming of the 121<sup>st</sup>, Peake of the 141<sup>st</sup>, and Holcomb of the 81<sup>st</sup>

## A BILL TO BE ENTITLED AN ACT

1 To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, so 2 as to provide for definitions; to provide for the operation of motor vehicles with automated 3 driving systems on certain public roads; to provide for submission of certain information to 4 the Department of Revenue to operate motor vehicles with automated driving systems; to 5 provide for the operation of motor vehicles with such systems in certain locations; to provide for notice to local governing authorities; to provide for the collection of data from the 6 7 operation of such motor vehicles; to provide for the submission of information and data to the General Assembly by the manufacturer of motor vehicles with automated driving 8 9 systems; to provide for liability insurance requirements for such motor vehicles; to provide 10 for manufacturer liability in certain instances; to prohibit certain actions against manufacturers and individuals operating such vehicles; to provide for penalties; to make 11 12 conforming changes throughout the title to allow for the operation of such motor vehicles; 13 to provide for related matters; to repeal conflicting laws; and for other purposes.

## BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

16 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, is amended

in Code Section 40-1-1, relating to definitions, by revising paragraphs (14) and (38) and

18 adding new paragraphs as follows:

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19 (5.1) 'Automated driving system' or 'ADS' means technology installed in a motor vehicle

that has the capability, on a temporary or permanent basis, to drive the vehicle without

the need for supervision of the driving environment by a human driver, whether or not

the human driver is located within the vehicle. Such technology shall include the ability

to automatically bring the motor vehicle into a minimal risk condition in the event of a

24 <u>critical vehicle or system failure or other emergency event.</u>

25 "(5.2) 'Automatic crash notification technology' means a device installed in an automated driving system operated vehicle which provides wireless notification to a representative 26 27 of the manufacturer of such vehicle upon the occurrence of a collision. 28 (5.3) 'Automated driving system operated vehicle' means any motor vehicle equipped 29 with an automated driving system which is certified to comply with Code Section 30 <u>40-8-11.</u>" 31 "(14) 'Driver' means every person individual who drives or is in actual physical control 32 of a vehicle; provided that, unless specified to the contrary, when the use of the term 33 involves an automated driving system operated vehicle and such system is engaged, such 34 term means the manufacturer of an automated driving system operated vehicle and there 35 shall be no requirement of physical presence by any individual within such motor vehicle 36 or actual physical control of such motor vehicle by any individual for the provisions of 37 this title to apply." 38 "(38) 'Operator' means any person individual who drives or is in actual physical control of 39 a motor vehicle; provided that, unless specified to the contrary, when the use of the term 40 involves an automated driving system operated vehicle and such system is engaged, such 41 term means the manufacturer of an automated driving system operated vehicle and there 42 shall be no requirement of physical presence by any individual within such motor vehicle 43 or actual physical control of such motor vehicle by any individual for the provisions of this 44 title to apply." 45 **SECTION 2.** 46 Said title is further amended in Chapter 1, relating to identification and regulations, by 47 adding a new article to read as follows: 48 "Article 4.

- 49 <u>40-1-210.</u>
- As used in this article, the term:
- 51 (1) 'Data recording system' means technology installed in an automated driving system
- 52 <u>operated vehicle which documents and stores vehicle movement information, including</u>
- 53 <u>vehicle location, speed, direction of travel, steering performance, brake performance, and</u>
- 54 <u>accident occurrence.</u>
- 55 (2) 'Department' means the Department of Revenue.
- 56 (3) 'Manufacturer' means a person engaged in the manufacture of automated driving
- 57 <u>system operated vehicles that has submitted appropriate manufacturer identification to</u>
- 58 <u>the department and National Highway Traffic Safety Administration.</u>

59 (4) 'Participating motor vehicle' means an automated driving system operated vehicle

- included in a manufacturer's list of vehicles for a SAVE project.
- 61 (5) 'Project boundaries' means the geographical area of a SAVE project, which may
- 62 <u>include</u>, but is not limited to, areas within the corporate limits of a municipality or county
- and areas maintained by a public authority.
- 64 (6) 'SAVE project' means an initiative by a manufacturer in which automated driving
- 65 <u>system operated vehicles are operated within project boundaries.</u>
- 66 <u>40-1-211.</u>
- 67 (a) A manufacturer may conduct a SAVE project after submission to the department of
- 68 proposed project boundaries, participating motor vehicle license tag numbers or vehicle
- 69 <u>identification numbers, and a sworn affidavit attesting that participating motor vehicles</u>
- 70 comply with Code Section 40-8-11 and are capable of being operated in compliance with
- 71 <u>motor vehicle laws relating to operation and traffic.</u>
- 72 (b) A manufacturer may conduct more than one SAVE project at any given time provided
- that the manufacturer complies with subsection (a) of this Code section for each SAVE
- 74 project.
- 75 (c) At least one month prior to the start a SAVE project, a manufacturer shall send notice
- 76 to all local governing authorities within the project boundaries. Such notice shall include
- 77 the exact location the SAVE project is to be conducted and the proposed duration.
- 78 <u>40-1-212.</u>
- 79 (a) A manufacturer shall collect safety data on participating motor vehicles and shall
- 80 submit an annual summary report for all SAVE projects to the House Committee on
- 81 <u>Transportation and the Senate Transportation Committee</u>. Such report shall include the
- 82 <u>number of traffic accidents involving participating motor vehicles and the number of</u>
- 83 <u>failures experienced by automated driving systems of participating vehicles. Such report</u>
- 84 <u>shall be submitted no later than December 1 of each year that a SAVE project is being</u>
- 85 <u>conducted.</u>
- 86 (b) A manufacturer shall provide any individuals participating in a SAVE project with a
- 87 <u>privacy statement informing such individual of the manufacturer's data handling practices</u>
- 88 <u>regarding the information gathered by the data recording system of participating motor</u>
- 89 <u>vehicles. An individual who participates in a SAVE project by entering a participating</u>
- 90 motor vehicle shall be deemed to have consented to the collection and distribution of
- 91 <u>information collected by a data recording system.</u>

- 92 40-1-213.
- 93 <u>A manufacturer shall ensure that all participating motor vehicles comply with state motor</u>
- 94 <u>vehicle liability insurance policy requirements.</u> A manufacturer shall be liable for any
- damages that arise when a participating motor vehicle's ADS is engaged, provided that
- 96 such participating motor vehicle was found to be the cause of the damage and no
- 97 <u>modifications to the automated driving system were made without the consent of the</u>
- 98 <u>manufacturer.</u>
- 99 <u>40-1-214.</u>
- 100 (a) No local governing authority shall impose a fee, registration requirement, franchise
- payment, or any other regulation on a manufacturer in relation to a SAVE project or an
- individual operating a participating motor vehicle.
- 103 (b) A manufacturer shall be guilty of a misdemeanor for each participating motor vehicle
- operating in violation of this article."

SECTION 3.

- Said title is further amended in Code Section 40-5-21, relating to exemptions to driver's
- license requirement, by revising paragraphs (11) and (12) and adding a new paragraph to
- 108 subsection (a) as follows:
- 109 "(11) Any resident who is 15 years of age or over while taking actual in-car training in
- a training vehicle other than a commercial motor vehicle under the direct personal
- supervision of a driving instructor when such driving instructor and training vehicle are
- licensed by the department in accordance with the provisions of Chapter 13 of Title 43,
- 113 'The Driver Training School and Commercial Driver Training School License Act.' As
- used in the previous sentence, the term 'commercial motor vehicle' shall have the
- meaning specified in Code Section 40-5-142. All vehicles utilized for the in-car training
- authorized under this paragraph shall be equipped with dual controlled brakes and shall
- be marked with signs in accordance with the rules of the department clearly identifying
- such vehicles as training cars belonging to a licensed driving school. A driving instructor
- shall test the eyesight of any unlicensed person who will be receiving actual in-car
- training prior to commencement of such training, and no unlicensed driver shall receive
- in-car training unless such person has at least the visual acuity and horizontal field of
- vision as is required for issuance of a driver's license in subsection (c) of Code Section
- 123 40-5-27; and
- 124 (12) Any person while operating a personal transportation vehicle:

125	(A) On any way publicly maintained for the use of personal transportation vehicles by
126	the public and no other types of motor vehicles in accordance with a local ordinance
127	adopted pursuant to Part 3 or Part 6 of Article 13 of Chapter 6 of this title; or
128	(B) When crossing a street or highway used by other types of motor vehicles at a
129	location designated for such crossing pursuant to subsection (d) of Code Section 40-6-331
130	or pursuant to a PTV plan authorized by a local authority as described in Part 6 of
131	Article 13 of Chapter 6 of this title; and
132	(13) Any automated driving system operated vehicle when the ADS is engaged, provided
133	that such system and vehicle meets the standards set forth in Article 4 of Chapter 1 of this
134	title."
135	SECTION 4.
136	Said title is further amended in Chapter 6, relating to uniform rules of the road, by adding a
137	new Code section to read as follows:
138	" <u>40-6-1.1.</u>
139	(a) For purposes of this chapter, the term "person" means an individual; provided that,
140	unless specified to the contrary, when the use of such term involves an automated driving
141	system operated vehicle and such system is engaged, the term means the manufacturer.
142	(b) When the ADS of an automated driving system operated vehicle is engaged, there shall
143	be no requirement of physical presence by any person, driver, or operator within such
144	motor vehicle or actual physical control of such vehicle by any person, driver, or operator
145	for the provisions of this chapter to apply."
146	SECTION 5.
147	Said title is further amended in Code Section 40-6-49, relating to following too closely, by
148	adding a new subsection to read as follows:
149	"(e) The provisions of subsections (a) through (d) of this Code section shall not apply to
150	any automated driving system operated vehicle when the ADS is engaged. When the ADS
151	is engaged, such motor vehicle shall be presumed to be following at an adequate and safe
152	distance provided that it can be demonstrated that the ADS is in working order and in
153	compliance with applicable federal safety standards and requirements."
154	SECTION 6.
155	Said title is further amended by revising Code Section 40-6-241, relating to driver to exercise
156	due care and proper use of radios and mobile telephones allowed, as follows:

157 "40-6-241.

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A driver shall exercise due care in operating a motor vehicle on the highways of this state and shall not engage in any actions which shall distract such driver from the safe operation of such vehicle, provided that, except as prohibited by Code Sections 40-6-241.1 and 40-6-241.2, the proper use of a radio, citizens band radio, mobile telephone, or amateur or

ham radio, or ADS shall not be a violation of this Code section."

163 **SECTION 7.** 

Said title is further amended in Code Section 40-6-241.1, relating to definitions and prohibition on certain persons operating a motor vehicle while engaging in wireless communications, by revising subsection (a) as follows:

"(a) As used in the Code section, the term:

- (1) 'Engage in a wireless communication' means talking, writing, sending, or reading a text-based text based communication, or listening on a wireless telecommunications device.
- (2) 'Wireless telecommunications device' means a cellular telephone, a text-messaging device, a personal digital assistant, a <u>stand alone stand-alone</u> computer, or any other substantially similar wireless device that is used to initiate or receive a wireless communication with another person. It does not include citizens band radios; citizens band radio hybrids; commercial two-way radio communication devices; <u>subscription-based subscription based emergency communications</u>; in-vehicle security, navigation, and remote diagnostics systems; <u>automated driving systems</u>; or amateur or ham radio devices."

179 **SECTION 8.** 

Said title is further amended in Code Section 40-6-241.2, relating to prohibition on writing, sending, or reading text based communications while operating a motor vehicle, by revising subsection (a) as follows:

"(a) As used in this Code section, the term 'wireless telecommunications device' means a cellular telephone, a text messaging text-messaging device, a personal digital assistant, a stand alone stand-alone computer, or any other substantially similar wireless device that is used to initiate or receive a wireless communication with another person. It does not include citizens band radios; citizens band radio hybrids; commercial two-way radio communication devices; subscription based emergency communications; in-vehicle security, navigation devices, and remote diagnostics systems; automated driving systems; or amateur or ham radio devices."

191 **SECTION 9.** 

- 192 Said title is further amended by revising Code Section 40-6-242, relating to obstruction of
- driver's view or interference with control of vehicle, and by adding a new subsection to read
- 194 as follows:
- 195 "40-6-242.
- 196 (a) No person shall drive a vehicle when it is so loaded or when there are in the front seat
- such a number of persons, exceeding three, as to obstruct the view of the driver to the front
- or sides of the vehicle or as to interfere with the driver's control over the driving
- mechanism of the vehicle.
- 200 (b) No passenger in a vehicle shall ride in such position or commit any act as to interfere
- with the driver's view ahead or to the sides or to interfere with his control over the driving
- 202 mechanism of the vehicle.
- 203 (c) This Code section shall not apply to an automated driving system operated vehicle
- when the ADS is engaged, provided that such system and vehicle meets the standards set
- forth in Article 4 of Chapter 1 of this title."

206 **SECTION 10.** 

- 207 Said title is further amended by revising Code Section 40-6-250, relating to wearing device
- 208 which impairs hearing or vision, as follows:
- 209 "40-6-250.
- No person shall operate a motor vehicle while wearing a headset or headphone which
- would impair such person's ability to hear, nor shall any person while operating a motor
- vehicle wear any device which impairs such person's vision; provided, however, that a
- 213 person may wear a headset or headphone for communication purposes or in an automated
- 214 <u>driving system operated vehicle when the ADS is engaged, provided that such system and</u>
- vehicle meets the standards set forth in Article 4 of Chapter 1 of this title."

216 **SECTION 11.** 

- 217 Said title is further amended in Code Section 40-6-255, relating to driving away without
- 218 paying for gasoline, by revising subsection (a) as follows:
- 219 "(a) No person shall drive a motor vehicle so as to cause it to leave the premises of an
- establishment at which gasoline offered for retail sale was dispensed into the fuel tank of
- such motor vehicle unless due payment or authorized charge for the gasoline so dispensed
- has been made. This subsection shall not apply to an automated driving system operated
- 223 <u>vehicle when the ADS is engaged, and in such instances, the person dispensing gasoline</u>
- into the fuel tank shall be responsible for payment or charge."

225	SECTION 12.
226	Said title is further amended in Code Section 40-6-270, relating to hit and run and duty of
227	driver to stop at or return to scene of accident, by adding a new subsection to read as follows:
228	"(a.1) When an accident involves an automated driving system operated vehicle when the
229	ADS is engaged, the requirements of subsection (a) of this Code section shall be deemed
230	satisfied upon communication to the local law enforcement agency and emergency medical
231	services upon receipt of a message from such vehicle's automatic crash notification
232	technology."
233	SECTION 13.
234	Said title is further amended in Code Section 40-6-271, relating to duty upon striking
235	unattended vehicles, by adding a new subsection to read as follows:
236	"(a.1) When a collision involves an automated driving system operated vehicle when the
237	ADS is engaged, the requirements of subsection (a) of this Code section shall be deemed
238	satisfied upon communication to the local law enforcement agency upon receipt of a
239	message from such vehicle's automatic crash notification technology."
240	SECTION 14.
241	Said title is further amended by revising Code Section 40-6-272, relating to duty upon
242	striking fixture, and by adding a new subsection to read as follows:
243	"40-6-272.
244	(a) The driver of any vehicle involved in an accident resulting only in damage to a fixture
245	legally upon or adjacent to a highway shall take reasonable steps to locate and notify the
246	owner or person in charge of such property of such fact and of his name and address and
247	of the registration number of the vehicle he is driving and shall, upon request and if
248	available, exhibit his operator's license.
249	(b) When an accident involves an automated driving system operated vehicle when the
250	ADS is engaged, the requirements of subsection (a) of this Code section shall be deemed
251	satisfied upon communication to local the law enforcement agency upon receipt of a
252	message from such vehicle's automatic crash notification technology."
253	SECTION 15.
254	Said title is further amended by revising Code Section 40-6-273, relating to duty to report
255	accident resulting in injury, death, or property damage, and by adding a new subsection to
256	read as follows:

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257	″40-6·	-273	3.

258 (a) The driver of a vehicle involved in an accident resulting in injury to or death of any person or property damage to an apparent extent of \$500.00 or more shall immediately, by the quickest means of communication, give notice of such accident to the local police department law enforcement agency if such accident occurs within a municipality. If such accident occurs outside a municipality, such notice shall be given to the office of the

county sheriff or to the nearest office of the state patrol.
 (b) When an accident involves an automated driving system operated vehicle when the
 ADS is engaged, the requirements of subsection (a) of this Code section shall be deemed
 satisfied upon communication to the local law enforcement agency upon receipt of a

message from such vehicle's automatic crash notification technology."

268 **SECTION 16.** 

269 Said title is further amended by revising Code Section 40-6-278, relating to uniform reports

and reporting procedures, as follows:

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The commissioner of transportation shall prescribe, by rule, uniform motor vehicle accident

273 reports and reporting procedures which shall be used by all police officers, whether state,

county, or municipal. <u>Such rules shall include reporting procedures for accidents involving</u>

275 <u>automated driving system operated vehicles.</u> The rules shall be adopted in accordance with

276 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' The rules may require

one type of report and reporting procedure for motor vehicle accidents in which property

damage alone is involved and another type of report and reporting procedure for motor

vehicle accidents involving personal injury or death. The commissioner may, by rule,

require additional investigation or reports in case of serious bodily injury or death."

281 **SECTION 17.** 

282 Said title is further amended in Part 1 of Article 1 of Chapter 8, relating to general provisions

relative to equipment and inspection of motor vehicles, by adding a new Code section to read

as follows:

285 "<u>40-8-11.</u>

286 The manufacturer of any automated driving system operated vehicle to be operated on the

- highways of this state shall ensure such vehicle:
- 288 (1) Is equipped with a properly functioning ADS:
- (2) Is equipped with automatic crash notification technology;
- 290 (3) Contains a data recording system that is capable of the noting, storing, and
- 291 <u>transmitting the status of the ADS and other motor vehicle attributes, including, but not</u>

(5) Is compliant with federal regulations and equipment requirements of this chapter."

limited to, vehicle location, speed, direction of travel, steering performance, brake
 performance, and accident occurrence;
 (4) Is subject to a policy of insurance that provides the minimum motor vehicle insurance
 coverage required by Chapter 34 of Title 33; and

297 **SECTION 18.** 

Said title is further amended in Code Section 40-8-76, relating to safety belts required as equipment and safety restraints for children, as follows:

"(e) When an automated driving system is engaged on an automated driving system
 operated vehicle, the requirements of subsection (b) of this Code section shall be upon the

302 parent or legal guardian of the child."

303 **SECTION 19.** 

Said title is further amended by revising Code Section 40-8-76.1, relating to use of safety belts in passenger vehicles, as follows:

306 "40-8-76.1.

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- (a) As used in this Code section, the term 'passenger vehicle' means every motor vehicle, including, but not limited to, pickup trucks, vans, and sport utility vehicles, designed to carry 15 passengers or fewer and used for the transportation of persons; provided, however, that such term shall not include motorcycles; motor driven cycles; or off-road vehicles or pickup trucks being used by an owner, driver, or occupant 18 years of age or older in connection with agricultural pursuits that are usual and normal to the user's farming operation; and provided, further, that such term shall not include motor vehicles designed to carry 11 to 15 passengers which were manufactured prior to July 1, 2015, and which, as of such date, did not have manufacturer installed seat safety belts.
- 316 (b) Each occupant of the front seat of a passenger vehicle shall, while such passenger vehicle is being operated on a public road, street, or highway of this state, be restrained by a seat safety belt approved under Federal Motor Vehicle Safety Standard 208.
- 319 (c) The requirement of subsection (b) of this Code section shall not apply to:
- 320 (1) A driver or passenger frequently stopping and leaving the vehicle or delivering 321 property from the vehicle, if the speed of the vehicle between stops does not exceed 15 322 miles per hour;
- 323 (2) A driver or passenger possessing a written statement from a physician that such person is unable, for medical or physical reasons, to wear a seat safety belt;

325 (3) A driver or passenger possessing an official certificate or license endorsement issued

- by the appropriate agency in another state or country indicating that the driver is unable
- for medical, physical, or other valid reasons to wear a seat safety belt;
- 328 (4) A driver operating a passenger vehicle in reverse;
- (5) A passenger vehicle with a model year prior to 1965;
- 330 (6) A passenger vehicle which is not required to be equipped with seat safety belts under
- federal law;
- 332 (7) A passenger vehicle operated by a rural letter carrier of the United States Postal
- 333 Service while performing duties as a rural letter carrier;
- 334 (8) A passenger vehicle from which a person is delivering newspapers; or
- 335 (9) A passenger vehicle performing an emergency service.
- 336 (d) The failure of an occupant of a motor vehicle to wear a seat safety belt in any seat of
- a motor vehicle which has a seat safety belt or belts shall not be considered evidence of
- negligence or causation, shall not otherwise be considered by the finder of fact on any
- 339 question of liability of any person, corporation, or insurer, shall not be any basis for
- cancellation of coverage or increase in insurance rates, and shall not be evidence used to
- diminish any recovery for damages arising out of the ownership, maintenance, occupancy,
- or operation of a motor vehicle.
- 343 (e)(1) Except as otherwise provided in paragraphs (2) and (3) of this subsection, a person
- an occupant of a motor vehicle failing to comply with the requirements of subsection (b)
- of this Code section shall not be guilty of any criminal act and shall not be guilty of
- violating any ordinance. A violation of this Code section shall not be a moving traffic
- violation for purposes of Code Section 40-5-57.
- 348 (2) A person An occupant of a motor vehicle failing to comply with the requirements of
- subsection (b) of this Code section shall be guilty of the offense of failure to wear a seat
- safety belt and, upon conviction thereof, may be fined not more than \$15.00; but, the
- provisions of Chapter 11 of Title 17 and any other provision of law to the contrary
- notwithstanding, the costs of such prosecution shall not be taxed nor shall any additional
- penalty, fee, or surcharge to a fine for such offense be assessed against a person such
- occupant for conviction thereof. The court imposing such fine shall forward a record of
- 355 the disposition of the case of failure to wear a seat safety belt to the Department of Driver
- 356 Services.
- 357 (3) Each minor eight years of age or older who is an occupant of a passenger vehicle
- shall, while such passenger vehicle is being operated on a public road, street, or highway
- of this state, be restrained by a seat safety belt approved under Federal Motor Vehicle
- 360 Safety Standard 208. In any case where a minor passenger eight years of age or older
- fails to comply with the requirements of this paragraph while in a motor vehicle which

is not an automated driving system operated vehicle or in an automated driving system operated vehicle in which the ADS is not engaged, the driver of the passenger vehicle shall be guilty of the offense of failure to secure a seat safety belt on a minor and, upon conviction thereof, may be fined not more than \$25.00. In any case where a minor passenger eight years of age or older fails to comply with the requirements of this paragraph while in an automated driving system operated vehicle when the ADS is engaged, the parent or legal guardian of the minor passenger shall be guilty of the offense of failure to secure a seat safety belt on a minor and, upon conviction thereof, may be fined not more than \$25.00. The court imposing such a fine pursuant to this paragraph shall forward a record of the court disposition of the case of failure to secure a seat safety belt on a minor to the Department of Driver Services.

(f) Probable cause for violation of this Code section shall be based solely upon a law enforcement officer's clear and unobstructed view of a person an occupant of a motor <u>vehicle</u> not restrained as required by this Code section. Noncompliance with the restraint requirements of this Code section shall not constitute probable cause for violation of any other Code section."

378 **SECTION 20.** 

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379 Said title is further amended in Code Section 40-9-2, relating to definitions relative to 380 reporting accidents and proof of financial responsibility, by revising paragraph (4) as follows:

> "(4) 'Operator' means every person who drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle; provided that, unless specified to the contrary, when the use of such term involves an automated driving system operated vehicle and such system is engaged, such term means the manufacturer of an automated driving system operated vehicle and there shall be no requirement of physical presence by any such person, driver, or operator within such motor vehicle or actual physical control of such vehicle by any person, driver, or operator for the provisions of this chapter to apply."

390 **SECTION 21.** 

391 Said title is further amended in Code Section 40-11-1, relating to definitions relative to 392 abandoned motor vehicles, by revising paragraph (1) as follows:

"(1) 'Abandoned motor vehicle' means a motor vehicle, other than an automated driving system operated vehicle, or trailer:"

395 **SECTION 22.** 

396 All laws and parts of laws in conflict with this Act are repealed.