

IN THE SENATE

SENATE BILL NO. 1108

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO AUTONOMOUS DRIVEN VEHICLES; AMENDING TITLE 49, IDAHO CODE, BY  
2 THE ADDITION OF A NEW CHAPTER 37, TITLE 49, IDAHO CODE, TO PROVIDE A TI-  
3 TLE, TO PROVIDE LEGISLATIVE INTENT, TO PROVIDE INSURANCE REQUIREMENTS,  
4 TO PROVIDE REQUIREMENTS FOR TESTING AUTONOMOUS DRIVEN VEHICLES, TO PRO-  
5 VIDE THAT AUTONOMOUS DRIVEN VEHICLES SHALL MEET FEDERAL STANDARDS AND  
6 REGULATIONS, TO PROVIDE REQUIREMENTS FOR AUTONOMOUS DRIVEN VEHICLES  
7 PRIOR TO TESTING OR OPERATION ON HIGHWAYS WITHIN THE STATE, TO PROVIDE  
8 AN EXEMPTION FROM LIABILITY FOR MANUFACTURERS AND DEALERS UNDER CERTAIN  
9 CONDITIONS, TO PROVIDE THAT ALL HIGHWAYS SHALL BE OPEN FOR TESTING AND  
10 TO PROVIDE EXCEPTIONS; AND AMENDING SECTION 49-102, IDAHO CODE, TO DE-  
11 FINE TERMS.  
12

13 Be It Enacted by the Legislature of the State of Idaho:

14 SECTION 1. That Title 49, Idaho Code, be, and the same is hereby amended  
15 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-  
16 ter 37, Title 49, Idaho Code, and to read as follows:

17 CHAPTER 37

18 THE OPERATION FOR TESTING PURPOSES OF AUTONOMOUS DRIVEN VEHICLES

19 49-3701. LEGISLATIVE INTENT. It is the intent of the legislature  
20 that this act facilitate and provide for the operation of autonomous driven  
21 vehicles in the state of Idaho for testing purposes.

22 49-3702. TESTING AUTONOMOUS DRIVEN VEHICLE -- REQUIREMENT FOR INSUR-  
23 ANCE. Prior to the start of testing in the state, the entity performing the  
24 testing shall:

25 (1) Submit to the department proof of insurance in the amount of one  
26 million dollars (\$1,000,000);

27 (2) Possess, in addition thereto, standard vehicle liability insurance  
28 as required by law.

29 49-3703. TESTING AUTONOMOUS DRIVEN VEHICLE -- REQUIREMENTS FOR SAFETY  
30 AND CONTROL OF VEHICLE. If an autonomous driven vehicle is being tested on  
31 a highway within the state, the test driver must be:

32 (1) Eighteen (18) years of age or older;

33 (2) In possession of a valid driver's license issued in their name and  
34 insured by vehicle liability insurance as required by law;

35 (3) An employee, contractor or other person designated by manufactur-  
36 ers of autonomous technology, or by research organizations associated with  
37 accredited educational institutions, for the purpose of testing autonomous  
38 driven vehicle technology, or the owner of a private company developing au-  
39 tonomous driven vehicle technology, their employee, contractor or designee;

1 (4) Seated in a position that allows the test driver to take immediate  
2 manual control of the autonomous driven vehicle;

3 (5) Monitoring the safe operation of the autonomous driven vehicle;  
4 and

5 (6) Capable of taking over immediate manual control of the autonomous  
6 driven vehicle in the event of a failure of the autonomous technology or  
7 other emergency.

8 49-3704. VEHICLE TO MEET FEDERAL STANDARDS AND REGULATIONS --  
9 REQUIREMENTS FOR OPERATION FOR TESTING PURPOSES UPON HIGHWAYS IN THE  
10 STATE. (1) An autonomous driven vehicle shall not be operated in the state  
11 unless the autonomous driven vehicle meets all federal standards and regula-  
12 tions that are applicable to a motor vehicle.

13 (2) An autonomous driven vehicle shall not be tested or operated on a  
14 highway within the state unless the autonomous driven vehicle is:

15 (a) Equipped with a means to engage and disengage the autonomous tech-  
16 nology which is easily accessible to the test driver of the autonomous  
17 driven vehicle;

18 (b) Equipped with the ability to automatically return control to the  
19 test driver should the test driver intervene, such as taking the steer-  
20 ing wheel or applying the brake;

21 (c) Equipped with a visual indicator located inside the autonomous  
22 driven vehicle which indicates when autonomous technology is operating  
23 the autonomous driven vehicle;

24 (d) Equipped with a means to alert the test driver to take manual con-  
25 trol of the autonomous driven vehicle if a failure of the autonomous  
26 technology has been detected and such failure affects the ability of the  
27 autonomous technology to operate the autonomous driven vehicle safely;  
28 and

29 (e) Capable of being operated in compliance with the applicable motor  
30 vehicle laws and traffic laws of the state.

31 49-3705. MANUFACTURER AND DEALER NOT LIABLE FOR CERTAIN DAM-  
32 AGES. The manufacturer or dealer of a motor vehicle that has been converted  
33 by a third party into an autonomous driven vehicle is not liable for damages  
34 to any person injured due to a defect caused by the conversion of the motor  
35 vehicle or by any equipment installed to facilitate the conversion unless,  
36 as to the manufacturer, the defect that caused the injury was present in the  
37 vehicle as originally manufactured.

38 49-3706. HIGHWAYS OPEN FOR TESTING. All highways shall be open for  
39 autonomous driven vehicle testing unless designated as closed due to public  
40 safety concerns or other concerns, such as construction zones and school  
41 zones. The state or any political subdivision, that has administrative ju-  
42 risdiction over a highway, shall be authorized to designate the highway as  
43 closed for testing.

44 SECTION 2. That Section 49-102, Idaho Code, be, and the same is hereby  
45 amended to read as follows:

1 49-102. DEFINITIONS -- A. (1) "Abandon" means to leave a vehicle on  
2 private property without the permission of the person having rights to the  
3 possession of the property, or on a highway or other property open to the  
4 public for the purposes of vehicular traffic or parking, or upon or within  
5 the right-of-way of any highway, for twenty-four (24) hours or longer.

6 (2) "Abandoned vehicle" means any vehicle observed by an authorized of-  
7 ficer or reported by a member of the public to have been left within the lim-  
8 its of any highway or upon the property of another without the consent of the  
9 property owner for a period of twenty-four (24) hours or longer, except that  
10 a vehicle shall not be considered abandoned if its owner-operator is unable  
11 to remove it from the place where it is located and has notified a law en-  
12 forcement agency and requested assistance.

13 (3) "Accident" means any event that results in an unintended injury or  
14 property damage attributable directly or indirectly to the motion of a motor  
15 vehicle or its load, a snowmobile or special mobile equipment.

16 (4) "Actual physical control" means being in the driver's position of a  
17 motor vehicle with the motor running or the vehicle moving.

18 (5) "Administrator" means the federal highway administrator, the chief  
19 executive of the federal highway administration, an agency within the U.S.  
20 department of transportation.

21 (6) "Age of a motor vehicle" means the age determined by subtracting  
22 the manufacturer's year designation of the vehicle from the year in which the  
23 designated registration fee is paid. If the vehicle has the same manufac-  
24 turer's year designation as the year in which the fee is paid, or if a vehicle  
25 has a manufacturer's year designation later than the year in which the fee is  
26 paid, the vehicle shall be deemed to be one (1) year old.

27 (7) "Air-conditioning equipment" means mechanical vapor compression  
28 refrigeration equipment which is used to cool the driver's or passenger com-  
29 partment of any motor vehicle.

30 (8) "Alcohol or alcoholic beverage" means:

31 (a) Beer as defined in 26 U.S.C. section 5052(a), of the Internal Rev-  
32 enue Code;

33 (b) Wine of not less than one-half of one percent (.005%) of alcohol by  
34 volume; or

35 (c) Distilled spirits as defined in section 5002(a)(8), of the Internal  
36 Revenue Code.

37 (9) "Alley" means a public way of limited use intended only to provide  
38 access to the rear or side of lots or buildings in urban districts.

39 (10) "All-terrain vehicle" or "ATV" means an all-terrain vehicle or ATV  
40 as defined in section 67-7101, Idaho Code.

41 (11) "Amateur radio operator." (See "Radio operator, amateur," section  
42 49-119, Idaho Code)

43 (12) "Ambulance" means a motor vehicle designed and used primarily for  
44 the transportation of injured, sick, or deceased persons, on stretchers,  
45 cots, beds, or other devices for carrying persons in a prone position.

46 (13) "Applicant" means an individual who applies to obtain, transfer,  
47 upgrade, or renew a driver's license.

48 (14) "Approved driver training course" means a training course from a  
49 school licensed under the provisions of chapter 21 of this title or a driver  
50 training course approved by another United States jurisdiction provided the

1 course was taken while an individual was a resident of that United States ju-  
2 risdiction.

3 (15) "Approved testing agency" means a person, firm, association, part-  
4 nership or corporation approved by the director of the Idaho state police  
5 which is:

6 (a) In the business of testing equipment and systems;

7 (b) Recognized by the director as being qualified and equipped to do ex-  
8 perimental testing; and

9 (c) Not under the jurisdiction or control of any single manufacturer or  
10 supplier for an affected industry.

11 (16) "Armed forces" means the army, navy, marine corps, coast guard and  
12 the air force of the United States.

13 (17) "Authorized emergency vehicle." (See "Vehicle," section 49-123,  
14 Idaho Code)

15 (18) "Authorized officer" means any member of the Idaho state police, or  
16 any regularly employed and salaried deputy sheriff, or other county employee  
17 designated to perform the function of removing abandoned vehicles or junk  
18 vehicles by the board of county commissioners of the county in which a vehi-  
19 cle is located, or any regularly employed and salaried city peace officer or  
20 other city employee designated to perform the function of removing abandoned  
21 vehicles or junk vehicles by the city council, or a qualified person depu-  
22 tized or appointed by the proper authority as reserve deputy sheriff or city  
23 policeman, authorized within the jurisdiction in which the abandoned vehi-  
24 cle or junk vehicle is located.

25 (19) "Authorized transportation department employee" means any em-  
26 ployee appointed by the board to perform duties relating to enforcement of  
27 vehicle laws as have been specifically defined and approved by order of the  
28 board (see section 40-510, Idaho Code).

29 (20) "Auto transporter" means a vehicle combination constructed for the  
30 purpose of transporting vehicles.

31 (21) "Autonomous technology" means technology that is installed on a  
32 motor vehicle and that has the capability to drive the motor vehicle without  
33 the active control or monitoring of a human operator. The term does not in-  
34 clude an active safety system or a system for driver assistance including,  
35 without limitation, a system to provide electronic blind spot detection,  
36 crash avoidance, emergency braking, parking assistance, adaptive cruise  
37 control, lane keeping assistance, lane departure warning or traffic jam and  
38 queuing assistance, unless any such system, alone or in combination with  
39 any other system, enables the vehicle on which the system is installed to be  
40 driven without the active control or monitoring of a human operator.

41 (22) "Autonomous driven vehicle" means a motor vehicle that is equipped  
42 with autonomous technology.