

# HOUSE BILL No. 1341

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-13-2; IC 9-26.5.

**Synopsis:** Autonomous vehicles. Provides that a political subdivision may not enact a measure, ordinance, policy, regulation, rule, or other restriction that prohibits the authorized use of: (1) an automated driving system; (2) an automated vehicle; or (3) an on demand automated vehicle network. Provides that a person in possession of a valid driver's license may operate an automated vehicle on a public highway. Requires automated vehicles to comply with all applicable federal and state laws pertaining to the type of motor vehicle being operated. Prohibits the use of an automated driving system or an automated vehicle that does not comply with federal and state laws concerning the functions operated by the automated driving system or the type of motor vehicle being operated. Provides that it is a Class C misdemeanor to operate an automated driving system or automated vehicle that does not comply with applicable federal and state laws. Allows a law enforcement officer to impound an automated vehicle in certain instances. Requires all automated vehicles to be registered with the bureau of motor vehicles (bureau). Specifies the equipment that all automated vehicles must have. Requires any person who operates an automated vehicle to maintain proof of financial responsibility with the bureau. Requires a person who operates, platoons, or tests an automated vehicle to have at least \$5,000,000 worth of financial responsibility per entity. Establishes the automated vehicle oversight taskgroup (taskgroup). Specifies that taskgroup membership consists of: (1) the bureau of motor vehicles (BMV) commissioner or BMV chief of staff; (2) the department of insurance commissioner or department of insurance chief of staff; (3) the Indiana department of (Continued next page)

**Effective:** July 1, 2018.

---

---

## Soliday, Sullivan, Ober

---

---

January 11, 2018, read first time and referred to Committee on Roads and Transportation.

---

---



transportation (INDOT) commissioner or INDOT chief of staff; (4) the Indiana State Police (ISP) superintendent, ISP assistant superintendent, or ISP chief of staff; (5) the appropriate county commissioner or county executive in certain instances; and (6) the appropriate mayor or town executive in certain instances. Requires a person who operates, platoons, or tests an automated vehicle on a public highway to: (1) register the vehicle with the bureau; (2) maintain proof of financial responsibility with the bureau; (3) submit an application to the taskgroup; (4) submit an operational protocol to the taskgroup; and (5) await receipt of written taskgroup approval before operating or platooning automated vehicles on a public highway. Allows the taskgroup to immediately prohibit: (1) the continued operation of a previously approved automated vehicle or platoon; or (2) previously approved testing; if the continued operation, platooning, or testing of an automated vehicle presents a risk to public safety or fails to comply with certain requirements. Requires a qualified and properly credentialed responsible occupant to occupy any automated vehicle during testing. Provides the taskgroup with emergency rulemaking authority. Provides that use of: (1) an automated driving system; or (2) an automated vehicle; does not exempt a responsible occupant or remote operator from certain obligations following an accident involving an automated vehicle. Provides civil immunity to the original manufacturer of a motor vehicle that is subsequently converted into an automated vehicle in certain instances. Provides civil immunity to a motor vehicle mechanic or motor vehicle repair facility that performs repairs on an automated vehicle in certain instances. Defines certain terms. Makes conforming amendments.



Second Regular Session of the 120th General Assembly (2018)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2017 Regular Session of the General Assembly.

# HOUSE BILL No. 1341



A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 9-13-2-0.9 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2018]: **Sec. 0.9. "Active safety system" has the meaning set forth**
- 4 **in IC 9-26.5-1-2(1).**
- 5 SECTION 2. IC 9-13-2-6.2 IS ADDED TO THE INDIANA CODE
- 6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 7 1, 2018]: **Sec. 6.2. "Automated driving system" has the meaning set**
- 8 **forth in IC 9-26.5-1-2(2).**
- 9 SECTION 3. IC 9-13-2-6.4 IS ADDED TO THE INDIANA CODE
- 10 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 11 1, 2018]: **Sec. 6.4. "Automated vehicle" has the meaning set forth**
- 12 **in IC 9-26.5-1-2(3).**
- 13 SECTION 4. IC 9-13-2-14.5 IS ADDED TO THE INDIANA CODE
- 14 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 15 1, 2018]: **Sec. 14.5. "BMV commissioner" has the meaning set forth**



- 1 **in IC 9-26.5-1-2(4).**  
2 SECTION 5. IC 9-13-2-42.9 IS ADDED TO THE INDIANA CODE  
3 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
4 1, 2018]: **Sec. 42.9. "Department" has the meaning set forth in**  
5 **IC 9-26.5-1-2(7).**
- 6 SECTION 6. IC 9-13-2-49.2 IS ADDED TO THE INDIANA CODE  
7 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
8 1, 2018]: **Sec. 49.2. "Dynamic driving task" has the meaning set**  
9 **forth in IC 9-26.5-1-2(8).**
- 10 SECTION 7. IC 9-13-2-49.4 IS ADDED TO THE INDIANA CODE  
11 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
12 1, 2018]: **Sec. 49.4. "Dynamic driving task fallback" has the**  
13 **meaning set forth in IC 9-26.5-1-2(9).**
- 14 SECTION 8. IC 9-13-2-49.8 IS ADDED TO THE INDIANA CODE  
15 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
16 1, 2018]: **Sec. 49.8. "Dynamic driving task performance relevant**  
17 **system failure" has the meaning set forth in IC 9-26.5-1-2(10).**
- 18 SECTION 9. IC 9-13-2-65.5 IS ADDED TO THE INDIANA CODE  
19 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
20 1, 2018]: **Sec. 65.5. "FMVSS" has the meaning set forth in**  
21 **IC 9-26.5-1-2(11).**
- 22 SECTION 10. IC 9-13-2-75.5 IS ADDED TO THE INDIANA  
23 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
24 [EFFECTIVE JULY 1, 2018]: **Sec. 75.5. "IDOI commissioner" has**  
25 **the meaning set forth in IC 9-26.5-1-2(12).**
- 26 SECTION 11. IC 9-13-2-79.9 IS ADDED TO THE INDIANA  
27 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
28 [EFFECTIVE JULY 1, 2018]: **Sec. 79.9. "INDOT commissioner" has**  
29 **the meaning set forth in IC 9-26.5-1-2(13).**
- 30 SECTION 12. IC 9-13-2-86.5 IS ADDED TO THE INDIANA  
31 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
32 [EFFECTIVE JULY 1, 2018]: **Sec. 86.5. "ISP superintendent" has**  
33 **the meaning set forth in IC 9-26.5-1-2(14).**
- 34 SECTION 13. IC 9-13-2-92.8 IS ADDED TO THE INDIANA  
35 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
36 [EFFECTIVE JULY 1, 2018]: **Sec. 92.8. "Level 0 automation" has**  
37 **the meaning set forth in IC 9-26.5-1-2(16).**
- 38 SECTION 14. IC 9-13-2-92.9 IS ADDED TO THE INDIANA  
39 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
40 [EFFECTIVE JULY 1, 2018]: **Sec. 92.9. "Level 1 automation" has**  
41 **the meaning set forth in IC 9-26.5-1-2(17).**
- 42 SECTION 15. IC 9-13-2-93.1 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2018]: **Sec. 93.1. "Level 2 automation" has**  
3 **the meaning set forth in IC 9-26.5-1-2(18).**

4 SECTION 16. IC 9-13-2-93.4 IS ADDED TO THE INDIANA  
5 CODE AS A NEW SECTION TO READ AS FOLLOWS  
6 [EFFECTIVE JULY 1, 2018]: **Sec. 93.4. "Level 3 automation" has**  
7 **the meaning set forth in IC 9-26.5-1-2(19).**

8 SECTION 17. IC 9-13-2-93.6 IS ADDED TO THE INDIANA  
9 CODE AS A NEW SECTION TO READ AS FOLLOWS  
10 [EFFECTIVE JULY 1, 2018]: **Sec. 93.6. "Level 4 automation" has**  
11 **the meaning set forth in IC 9-26.5-1-2(20).**

12 SECTION 18. IC 9-13-2-93.7 IS ADDED TO THE INDIANA  
13 CODE AS A NEW SECTION TO READ AS FOLLOWS  
14 [EFFECTIVE JULY 1, 2018]: **Sec. 93.7. "Level 5 automation" has**  
15 **the meaning set forth in IC 9-26.5-1-2(21).**

16 SECTION 19. IC 9-13-2-103.3 IS ADDED TO THE INDIANA  
17 CODE AS A NEW SECTION TO READ AS FOLLOWS  
18 [EFFECTIVE JULY 1, 2018]: **Sec. 103.3. "Minimal risk condition"**  
19 **has the meaning set forth in IC 9-26.5-1-2(22).**

20 SECTION 20. IC 9-13-2-111.5 IS ADDED TO THE INDIANA  
21 CODE AS A NEW SECTION TO READ AS FOLLOWS  
22 [EFFECTIVE JULY 1, 2018]: **Sec. 111.5. "NHTSA" has the meaning**  
23 **set forth in IC 9-26.5-1-2(23).**

24 SECTION 21. IC 9-13-2-117.4 IS ADDED TO THE INDIANA  
25 CODE AS A NEW SECTION TO READ AS FOLLOWS  
26 [EFFECTIVE JULY 1, 2018]: **Sec. 117.4. "On demand automated**  
27 **vehicle network" has the meaning set forth in IC 9-26.5-1-2(24).**

28 SECTION 22. IC 9-13-2-117.8 IS ADDED TO THE INDIANA  
29 CODE AS A NEW SECTION TO READ AS FOLLOWS  
30 [EFFECTIVE JULY 1, 2018]: **Sec. 117.8. "Operational design**  
31 **domain" has the meaning set forth in IC 9-26.5-1-2(25).**

32 SECTION 23. IC 9-13-2-125.6 IS ADDED TO THE INDIANA  
33 CODE AS A NEW SECTION TO READ AS FOLLOWS  
34 [EFFECTIVE JULY 1, 2018]: **Sec. 125.6. "Platoon" has the meaning**  
35 **set forth in IC 9-26.5-1-2(26).**

36 SECTION 24. IC 9-13-2-147.5 IS ADDED TO THE INDIANA  
37 CODE AS A NEW SECTION TO READ AS FOLLOWS  
38 [EFFECTIVE JULY 1, 2018]: **Sec. 147.5. "Remote operator" has the**  
39 **meaning set forth in IC 9-26.5-1-2(29).**

40 SECTION 25. IC 9-13-2-152.6 IS ADDED TO THE INDIANA  
41 CODE AS A NEW SECTION TO READ AS FOLLOWS  
42 [EFFECTIVE JULY 1, 2018]: **Sec. 152.6. "Request to intervene" has**



1 **the meaning set forth in IC 9-26.5-1-2(30).**

2 SECTION 26. IC 9-13-2-177.1 IS ADDED TO THE INDIANA  
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 2018]: **Sec. 177.1. "Taskgroup" has the**  
5 **meaning set forth in IC 9-26.5-1-2(31).**

6 SECTION 27. IC 9-26.5 IS ADDED TO THE INDIANA CODE AS  
7 A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
8 2018]:

9 **ARTICLE 26.5. AUTOMATED VEHICLES**

10 **Chapter 1. Definitions**

11 **Sec. 1. Except as otherwise provided, the definitions in this**  
12 **chapter apply throughout this article.**

13 **Sec. 2. The following terms are defined for this article:**

14 (1) "Active safety system" means a vehicle system that senses  
15 and monitors conditions inside and outside a motor vehicle for  
16 the purpose of identifying perceived present and potential  
17 dangers to the motor vehicle, occupants, or other motorists  
18 and automatically intervenes to help avoid or mitigate  
19 potential collisions through various methods, including alerts  
20 to the driver, vehicle system adjustments, or active control of  
21 vehicle subsystems.

22 (2) "Automated driving system" means the hardware and  
23 software that are collectively capable of performing the  
24 dynamic driving task on a sustained basis regardless of  
25 whether it is limited to a specific operational design domain.  
26 This term applies to a Level 3, Level 4, or Level 5 driving  
27 automation system. The term does not individually include the  
28 following:

29 (A) Adaptive cruise control systems.

30 (B) Blind spot detection systems.

31 (C) Camera systems.

32 (D) Collision avoidance or detection systems.

33 (E) Emergency braking systems.

34 (F) Lane departure assistance or warning systems.

35 (G) Lane keeping assistance systems.

36 (H) Parking assistance systems.

37 (I) Queuing assistance systems.

38 (3) "Automated vehicle" means a motor vehicle that operates  
39 at Level 4 automation or Level 5 automation.

40 (4) "BMV commissioner" means the commissioner of the  
41 bureau of motor vehicles.

42 (5) "Bureau" has the meaning set forth in IC 9-13-2-16.



- 1 (6) "Dedicated highly automated vehicle" means an  
2 automated vehicle designed to be exclusively operated by a  
3 Level 4 or Level 5 automated driving system for all trips.  
4 (7) "Department" means the Indiana department of  
5 transportation.  
6 (8) "Dynamic driving task" means all of the real time  
7 operational and tactical functions required to operate a  
8 vehicle in on-road traffic. The term includes lateral vehicle  
9 motion control through steering, longitudinal vehicle motion  
10 control through acceleration and deceleration, monitoring of  
11 the driving environment through object and event detection,  
12 recognition, classification, response preparation, object and  
13 event response execution, maneuver planning, and enhancing  
14 conspicuity through lighting, signaling, and gesturing. The  
15 term does not include strategic functions such as trip  
16 scheduling or selection of destinations or waypoints.  
17 (9) "Dynamic driving task fallback" means a response by the  
18 user or the automated driving system to perform the dynamic  
19 driving task or achieve a minimal risk condition after  
20 occurrence of a dynamic driving task performance relevant  
21 system failure or departure from the operational design  
22 domain of the vehicle.  
23 (10) "Dynamic driving task performance relevant system  
24 failure" means a malfunction in an automated driving system  
25 or other vehicle system that prevents the automated driving  
26 system from reliably sustaining dynamic driving task  
27 performance.  
28 (11) "FMVSS" means federal motor vehicle safety standards.  
29 (12) "IDOI commissioner" means the commissioner of the  
30 Indiana department of insurance.  
31 (13) "INDOT commissioner" means the commissioner of the  
32 Indiana department of transportation.  
33 (14) "ISP superintendent" means the superintendent of the  
34 Indiana state police.  
35 (15) "Law enforcement officer" has the meaning set forth in  
36 IC 35-31.5-2-185.  
37 (16) "Level 0 automation" means the performance by the  
38 driver of the dynamic driving task, even when enhanced by  
39 active safety systems.  
40 (17) "Level 1 automation" means the sustained and  
41 operational design domain specific execution by a driving  
42 automation system of the lateral or the longitudinal vehicle



- 1 motion control subtask of the dynamic driving task (but not  
2 both simultaneously) with the expectation that the driver  
3 performs the remainder of the dynamic driving task.
- 4 (18) "Level 2 automation" means the sustained and  
5 operational design domain specific execution by a driving  
6 automation system of both the lateral and longitudinal vehicle  
7 motion control subtasks of the dynamic driving task with the  
8 expectation that the driver will complete the object and event  
9 detection and object and event response execution subtasks  
10 and supervise the driving automation system.
- 11 (19) "Level 3 automation" means the sustained and  
12 operational design domain specific performance by an  
13 automated driving system of the entire dynamic driving task  
14 with the expectation that the dynamic driving task fallback  
15 ready user is receptive to automated driving system issued  
16 requests to intervene, as well as to dynamic driving task  
17 performance relevant system failures in other vehicle systems  
18 and will respond appropriately.
- 19 (20) "Level 4 automation" means the sustained and  
20 operational design domain specific performance by an  
21 automated driving system of the entire dynamic driving task  
22 and dynamic driving task fallback, without any expectation  
23 that a user will respond to a request to intervene.
- 24 (21) "Level 5 automation" means the sustained and  
25 unconditional performance by an automated driving system  
26 of the entire dynamic driving task and dynamic driving task  
27 fallback without any expectation that a user will respond to a  
28 request to intervene.
- 29 (22) "Minimal risk condition" means a condition that a user  
30 or automated driving system brings a vehicle to after  
31 performing the dynamic driving task fallback in order to  
32 reduce the risk of a crash when a given trip cannot or should  
33 not be completed.
- 34 (23) "NHTSA" means the National Highway Traffic Safety  
35 Administration.
- 36 (24) "On demand automated vehicle network" means a  
37 passenger transport network that uses a software application  
38 or other digital means to connect passengers to automated  
39 vehicles for transportation, including for-hire transportation  
40 and transportation for compensation.
- 41 (25) "Operational design domain" means the specific  
42 conditions under which a given driving automation system or





1 feature is designed to function. The term includes, but is not  
 2 limited to, driving modes, environmental conditions,  
 3 geographic limitations, speed limits, trip ranges, types of  
 4 roadways, and weather conditions.

5 (26) "Platoon" means a group of individual motor vehicles  
 6 using vehicle to vehicle communication or networking  
 7 technology to travel:

8 (A) in a coordinated manner;

9 (B) at an electronically controlled speed; and

10 (C) at a following distance that is closer than would be  
 11 reasonable or prudent without such coordination.

12 (27) "Political subdivision" has the meaning set forth in  
 13 IC 3-5-2-38.

14 (28) "Public highway" has the meaning set forth in  
 15 IC 9-25-2-4.

16 (29) "Remote operator" means any person who:

17 (A) is not physically located in an automated vehicle; and

18 (B) exercises control over:

19 (i) the acceleration, braking, steering, and transmission  
 20 of the automated vehicle; or

21 (ii) the activation and deactivation of the automated  
 22 driving system.

23 The term does not include a person who creates a relevant  
 24 condition that is communicated to or sensed by the automated  
 25 driving system.

26 (30) "Request to intervene" means a notification by an  
 27 automated driving system to a driver indicating a need to  
 28 promptly perform the dynamic driving task fallback.

29 (31) "Taskgroup" means the automated vehicle oversight  
 30 taskgroup established by IC 9-26.5-7-1(a).

31 **Chapter 2. Exclusive Authority; Local Regulation of Automated**  
 32 **Driving Systems and Automated Vehicles**

33 **Sec. 1. Except as otherwise provided, the following are governed**  
 34 **exclusively by this article:**

35 (1) Automated driving systems.

36 (2) Automated vehicles.

37 (3) Platoons.

38 (4) On demand automated vehicle networks.

39 **Sec. 2. (a) A political subdivision may not enact a measure,**  
 40 **ordinance, policy, regulation, rule, or other restriction prohibiting**  
 41 **the authorized operation, testing, or use of an automated driving**  
 42 **system, an automated vehicle, or an on demand automated vehicle**



1 network on its public highways.

2 (b) A political subdivision may not regulate automated driving  
3 systems, automated vehicles, or an on demand automated vehicle  
4 network in a manner inconsistent with this article.

5 (c) Except as provided in subsection (d), a political subdivision  
6 may not impose a tax, fee, or other requirement on an automated  
7 driving system, an automated vehicle, or an on demand automated  
8 vehicle network that is related to the operation of the automated  
9 vehicle.

10 (d) Subsection (c) does not apply to:

11 (1) the county motor vehicle excise surtax established by  
12 IC 6-3.5-4;

13 (2) the county wheel tax established by IC 6-3.5-5;

14 (3) the municipal motor vehicle license excise tax established  
15 by IC 6-3.5-10;

16 (4) the municipal wheel tax established by IC 6-3.5-11.

17 (e) This chapter does not affect the authority of a local  
18 subdivision to enforce IC 9-21 (Traffic Regulation) with respect to  
19 automated driving systems and automated vehicles.

20 **Chapter 3. Authorization and Use of Automated Driving**  
21 **Systems and Automated Vehicles**

22 **Sec. 1. Operation of a motor vehicle equipped with an**  
23 **automated driving system capable of performing the entire**  
24 **dynamic driving task on a sustained basis with the expectation that**  
25 **a responsible occupant will respond appropriately to a request to**  
26 **intervene is lawful under this chapter.**

27 **Sec. 2. Operation of a motor vehicle with Level 0, Level 1, Level**  
28 **2, or Level 3 automation is permitted by any person in possession**  
29 **of a valid driver's license.**

30 **Sec. 3. (a) A person who possesses a valid driver's license may**  
31 **operate an automated vehicle on a public highway that:**

32 (1) conforms to the operational design domain of the  
33 automated vehicle being operated; and

34 (2) is compatible with the automated driving system operating  
35 the automated vehicle.

36 (b) Except as otherwise provided, an automated driving system  
37 must be capable of complying with federal and state laws  
38 applicable to the functions being controlled or operated by the  
39 automated driving system before the automated driving system  
40 may be used to control or operate an automated vehicle on a public  
41 highway.

42 (c) In addition to the requirements described in subsection (b),



1 an:

2 (1) automated driving system; or

3 (2) automated vehicle;

4 must comply with applicable federal and state standards  
5 pertaining to the type of vehicle being operated.

6 (d) In the absence of nationally accepted safety standards for  
7 automated driving systems and critical components, the operation  
8 of an automated vehicle on a public highway is prohibited unless:

9 (1) the operation was approved by the taskgroup;

10 (2) the operating entity or individual possesses a permit that  
11 has been approved by the taskgroup (as described in  
12 IC 9-26.5-7); and

13 (3) the operation conforms to the protocol specified in the  
14 permit issued by the taskgroup (as described in IC 9-26.5-7).

15 Sec. 4. Except as otherwise provided, a person shall not activate  
16 or use an automated driving system or automated vehicle that is  
17 not capable of complying with federal and state laws applicable to:

18 (1) the functions being controlled or operated by the  
19 automated driving system; and

20 (2) the type of vehicle being operated.

21 Sec. 5. (a) A person who recklessly, knowingly, or intentionally  
22 violates section 3 of this chapter commits a Class C misdemeanor.

23 (b) A law enforcement officer with probable cause to believe  
24 that a violation of section 3 of this chapter has occurred may  
25 impound the vehicle.

26 Chapter 4. Registration of Automated Vehicles

27 Sec. 1. Except as provided in section 2 of this chapter, all  
28 automated vehicles must be registered with the bureau in  
29 accordance with IC 9-18.1.

30 Sec. 2. (a) A vehicle with Level 4 automation or Level 5  
31 automation must have a notation, in a form prescribed by the  
32 bureau, indicating the motor vehicle's automation status.

33 (b) The bureau may adopt emergency rules under  
34 IC 4-22-2-37.1 to implement this section.

35 (c) An emergency rule described in subsection (b) expires on the  
36 earlier of the following dates:

37 (1) The expiration date stated in the emergency rule.

38 (2) The date the emergency rule is amended or repealed by a  
39 later rule adopted under IC 4-22-2-24 through IC 4-22-2-36  
40 or under IC 4-22-2-37.1.

41 Chapter 5. Required Equipment and Prerequisites for  
42 Automated Vehicles



1       **Sec. 1.** In addition to the requirements described in  
 2 **IC 9-26.5-7-2**, a Level 4 vehicle being operated on a public highway  
 3 outside of its operational design domain shall have a licensed  
 4 driver in the vehicle during vehicle operation.

5       **Sec. 2. (a)** Use of an automated driving system does not exempt  
 6 any occupant of an automated vehicle from the use of safety belts  
 7 or child safety restraints unless applicable FMVSS do not require  
 8 the use of safety belts or child safety restraints.

9       **(b)** All occupants of an automated vehicle must comply with the  
 10 requirements under **IC 9-19-10** and **IC 9-19-11**, as applicable,  
 11 unless applicable FMVSS do not require the use of safety belts or  
 12 child safety restraints.

13       **Chapter 6. Proof of Financial Responsibility for Automated**  
 14 **Vehicles**

15       **Sec. 1.** A person or entity wishing to operate or platoon an  
 16 automated vehicle shall maintain proof of financial responsibility  
 17 with the bureau in accordance with **IC 9-25-4**.

18       **Sec. 2.** The financial responsibility described in sections 1 and  
 19 3 of this chapter must have a value of at least five million dollars  
 20 (**\$5,000,000**) per entity.

21       **Sec. 3.** Once operational standards for:

- 22       (1) automated driving systems; or
- 23       (2) automated vehicles;

24 are established by the United States Department of Transportation,  
 25 **IC 9-25-4** shall determine the minimum amount of financial  
 26 responsibility required under this chapter.

27       **Chapter 7. Operation and Platooning of Automated Vehicles**

28       **Sec. 1. (a)** The automated vehicle oversight taskgroup is  
 29 established.

30       **(b)** The taskgroup shall consist of the following individuals:

- 31       (1) The BMV commissioner or BMV chief of staff.
- 32       (2) The IDOI commissioner or IDOI chief of staff.
- 33       (3) The INDOT commissioner or INDOT chief of staff.
- 34       (4) The ISP superintendent, ISP assistant superintendent, or  
 35 ISP chief of staff.
- 36       (5) The appropriate county commissioner or county executive  
 37 if an operational protocol uses a county public highway. If  
 38 more than one (1) county commissioner or executive is eligible  
 39 for taskgroup participation, one (1) representative shall be  
 40 elected from the pool of taskgroup eligible county  
 41 commissioners or executives.
- 42       (6) The appropriate mayor or town executive of a political



- 1 subdivision if an operational test protocol uses a city or town  
 2 public highway.
- 3 (c) If rules established by the taskgroup require a vote prior to  
 4 taskgroup action, taskgroup votes shall be apportioned in the  
 5 following manner:
- 6 (1) Individuals described in subsection (b)(1) through (b)(4)  
 7 shall be given one (1) vote per individual.
- 8 (2) Individuals described in subsection (b)(5) and (b)(6):
- 9 (A) shall elect one (1) representative from the pool of  
 10 taskgroup eligible persons; and
- 11 (B) allow the person described in clause (A) to issue one (1)  
 12 vote on behalf of the pool of taskgroup eligible persons.
- 13 **Sec. 2. (a) Any person or entity wishing to operate or platoon an**  
 14 **automated vehicle on a public highway shall:**
- 15 (1) register, in accordance with IC 9-18.1, each automated  
 16 vehicle to be operated;
- 17 (2) maintain, in accordance with IC 9-25 or IC 9-26.5-6, as  
 18 applicable, proof of financial responsibility for each  
 19 automated vehicle to be operated or tested;
- 20 (3) possess a valid driver's license;
- 21 (4) submit, in the manner and form prescribed by the  
 22 taskgroup, a written:
- 23 (A) application; and
- 24 (B) operational protocol;
- 25 to the taskgroup for review and approval;
- 26 (5) receive written approval of the person or entity's  
 27 submitted:
- 28 (A) application; and
- 29 (B) operational protocol;
- 30 before operating or platooning any automated vehicle; and
- 31 (6) satisfy any other condition or requirement considered  
 32 necessary by the taskgroup to ensure public safety.
- 33 (b) Any person wishing to platoon a motor vehicle with Level 1,  
 34 Level 2, or Level 3 automation must comply with the requirements  
 35 described in subsection (a).
- 36 (c) A person or entity submitting a written application for  
 37 review by the taskgroup shall, in the form and manner prescribed  
 38 by the taskgroup, do the following unless explicitly exempted by the  
 39 bureau or taskgroup as applicable:
- 40 (1) Certify that the automated driving systems or automated  
 41 vehicles to be platooned or operated comply, as applicable,  
 42 with the following chapters:



- 1 (A) IC 9-26.5-3 (Authorization and Use of Automated  
 2 Driving Systems and Automated Vehicles).  
 3 (B) IC 9-26.5-4 (Registration of Automated Vehicles).  
 4 (C) IC 9-26.5-5 (Required Equipment and Prerequisites for  
 5 Automated Vehicles).  
 6 (D) IC 9-26.5-6 (Proof of Financial Responsibility for  
 7 Automated Vehicles).  
 8 (E) This chapter (Operation and Platooning of Automated  
 9 Vehicles).
- 10 (2) Certify that the automated driving systems or automated  
 11 vehicles to be platooned or operated are equipped to achieve  
 12 and maintain the same level of safety as a motor vehicle  
 13 operating with Level 0 automation.
- 14 (3) Certify that the automated driving systems or automated  
 15 vehicles to be platooned or operated:
- 16 (A) comply with all applicable federal motor vehicle safety  
 17 standards; or  
 18 (B) are exempt from applicable FMVSS due to receipt of  
 19 a valid NHTSA waiver.
- 20 (4) Provide, as applicable, proof of the NHTSA waiver  
 21 described in subdivision (3)(B).
- 22 (5) Provide any additional information considered necessary  
 23 by the taskgroup in order to ensure public safety.
- 24 (d) A person or entity submitting an operational protocol for  
 25 review by the taskgroup shall, in the form and manner prescribed  
 26 by the taskgroup, provide the following:
- 27 (1) The starting time of the desired platooning or operation.  
 28 (2) The anticipated end time of the desired platooning or  
 29 operation.  
 30 (3) The beginning date of the desired platooning or operation.  
 31 (4) The anticipated end date of the desired platooning or  
 32 operation.  
 33 (5) The beginning location of the desired platooning or  
 34 operation.  
 35 (6) The ending location of the desired platooning or operation.  
 36 (7) The route, including alternate routes, as applicable, to be  
 37 used or taken during proposed platooning or operation.  
 38 (8) A certification verifying that the routes described in  
 39 subdivision (7) are compatible with the operational design  
 40 domain of each automated vehicle to be platooned or  
 41 operated.  
 42 (9) Any additional information considered necessary by the



1 taskgroup to ensure public safety.

2 (e) In addition to the requirements specified in subsections (a),  
3 (b), (c), and (d), and except as provided in subsection (f), any  
4 person or entity wishing to operate a Level 4 vehicle on a public  
5 highway shall have a responsible occupant in the vehicle who:

6 (1) possesses a valid driver's license;

7 (2) possesses the skills and training necessary to operate the  
8 type of vehicle being operated;

9 (3) supervises the operation of the automated driving system  
10 when activated; and

11 (4) is capable of appropriately responding to a request to  
12 intervene or perform a dynamic driving task fallback if the  
13 automated vehicle:

14 (A) suffers a dynamic driving task performance relevant  
15 system failure; or

16 (B) departs from its operational design domain.

17 (f) A responsible occupant is not required to be present in an  
18 automated vehicle being operated on a public highway if the  
19 automated vehicle exclusively operates within the operational  
20 design domain of the automated vehicle and has a permit from the  
21 taskgroup.

22 (g) In addition to the requirements described in subsections (a),  
23 (b), (c), and (d), any person or entity wishing to operate a Level 5  
24 vehicle on a public highway shall have a responsible occupant in  
25 the vehicle who:

26 (1) possesses the skills and training necessary to operate the  
27 type of vehicle being operated;

28 (2) supervises the operation of the automated driving system  
29 when activated; and

30 (3) is capable of appropriately responding to a request to  
31 intervene or perform a dynamic driving task fallback in the  
32 event that the automated vehicle:

33 (A) suffers a dynamic driving task performance relevant  
34 system failure; or

35 (B) departs its original operational design domain.

36 (h) Any requirement mandating the use of a responsible  
37 occupant when operating an automated vehicle on a public  
38 highway may be waived by the taskgroup. The taskgroup must  
39 issue a written operational permit to the applicable person or  
40 entity prior to the person or entity commencing any operation  
41 involving an automated vehicle without a responsible occupant. An  
42 operational permit issued under this subsection is:



1 (1) limited to dates, places, and times contained in the  
2 applicable operational protocol; and

3 (2) nontransferrable to any other person, entity, or  
4 operational protocol.

5 (i) The taskgroup shall not approve an application or  
6 operational protocol that does not comply with this section.

7 **Sec. 3. (a) Not more than thirty (30) days after receiving an:**

8 (1) application described in section 2(a)(4)(A) of this chapter;  
9 and

10 (2) operational protocol described in section 2(a)(4)(B) of this  
11 chapter;

12 the taskgroup shall approve or reject each submitted application  
13 and operational protocol.

14 (b) If a person's or entity's operational protocol is approved, the  
15 platooning or operation described in the approved operational  
16 protocol may commence in accordance with the terms provided in  
17 the approved operational protocol.

18 (c) If a person's or entity's application or operational protocol  
19 is rejected, the taskgroup shall specify the reasons for the rejection  
20 of the submitted application or operational protocol.

21 (d) A person or entity in receipt of a rejected application or  
22 operational protocol may attempt, in a subsequent application or  
23 operational protocol, to address the reasons for the taskgroup's  
24 rejection of the person or entity's original application or  
25 operational protocol.

26 **Sec. 4. The operation or platooning of an automated vehicle may**  
27 **be immediately prohibited by the taskgroup if the taskgroup**  
28 **determines that:**

29 (1) a person's or entity's continued operation or platooning  
30 poses a threat to public safety; or

31 (2) a person or entity ceases compliance with:

32 (A) this chapter; or

33 (B) the person's or entity's taskgroup approved application  
34 or operational protocol.

35 **Sec. 5. Notwithstanding any other law or provision, each**  
36 **automated vehicle to be operated or platooned on a public highway**  
37 **must:**

38 (1) be equipped to achieve and maintain the same level of  
39 safety as a motor vehicle operating with Level 0 automation;

40 (2) be capable of complying with all applicable:

41 (A) local ordinances;

42 (B) regulations; and





- 1           (C) statutes;  
 2           concerning the orderly and safe operation of motor vehicles  
 3           unless explicitly exempted by statute; and  
 4           (3) either:  
 5                (A) comply with all applicable federal motor vehicle safety  
 6                standards; or  
 7                (B) have received a valid NHTSA waiver concerning the  
 8                automated vehicle's exemption from applicable FMVSS.  
 9           Sec. 6. IC 9-26-3-1(b), IC 9-26-3-2, and IC 9-26-3-3 do not apply  
 10          to an automated vehicle that:  
 11                (1) is being operated solely for testing purposes; and  
 12                (2) fully complies with this chapter.  
 13          Sec. 7. IC 9-21-8-14 and IC 9-21-8-15 do not apply to an  
 14          operator or motor vehicle that is traveling:  
 15                (1) in a nonleading position; and  
 16                (2) as part of a taskgroup approved platoon.  
 17          Sec. 8. The operator of an automated vehicle that is traveling as  
 18          part of a platoon shall allow other motorists sufficient space to:  
 19                (1) enter a public highway;  
 20                (2) exit a public highway; or  
 21                (3) execute a lane change on a public highway.  
 22          Sec. 9. (a) The taskgroup may adopt emergency rules under  
 23          IC 4-22-2-37.1 to implement this chapter.  
 24          (b) An emergency rule described in subsection (a) expires on the  
 25          earlier of the following dates:  
 26                (1) The expiration date stated in the emergency rule.  
 27                (2) The date the emergency rule is amended or repealed by a  
 28                later rule adopted under IC 4-22-2-24 through IC 4-22-2-36  
 29                or under IC 4-22-2-37.1.  
 30          Sec. 10. The taskgroup may enter into contracts with third party  
 31          agencies approved by the INDOT commissioner in order to  
 32          implement this chapter.  
 33          Sec. 11. The taskgroup shall annually report to the interim  
 34          committee on roads and transportation.  
 35          Sec. 12. Not later than July 1, 2018, the department shall initiate  
 36          a study to develop technical guidance for the incorporation of  
 37          automated vehicles in the construction, design, planning,  
 38          reconstruction, and operation of projects in the design manual of  
 39          the department. The department shall consider specifications and  
 40          guidelines in all weather conditions for highly reflective, highly  
 41          durable, highly contrastable pavement markings and other traffic  
 42          control devices to enable and promote the safe operation of



1 automated vehicles.

2 **Chapter 8. Duties After Accident**

3 **Sec. 1. (a) Use or operation of:**

- 4 (1) an automated driving system; or  
 5 (2) an automated vehicle;

6 does not exempt a human operator, passenger, owner, or remote  
 7 operator from the duties specified in IC 9-26-1-1.1, IC 9-26-1-1.2,  
 8 or IC 9-26-1-1.5.

9 **(b) An owner or remote operator who:**

- 10 (1) leaves the automated vehicle at the scene of an accident or  
 11 as close to the accident as is practicable and safe;  
 12 (2) does not obstruct traffic more than is necessary;  
 13 (3) contacts an emergency dispatch operator or law  
 14 enforcement agency immediately after an accident;  
 15 (4) safely moves or relocates the automated vehicle (if  
 16 necessary and practicable) after notifying an emergency  
 17 dispatch operator, law enforcement agency, or law  
 18 enforcement officer;  
 19 (5) provides their name, address, driver's license number,  
 20 driver's license issuing state, vehicle registration number for  
 21 the automated vehicle or dedicated highly automated vehicle  
 22 involved in the accident, and a clear description of the  
 23 coverage maintained under IC 9-26.5-6 to:  
 24 (A) all persons involved in the accident; or  
 25 (B) the responding law enforcement agency;  
 26 (6) provides the emergency dispatch operator or responding  
 27 law enforcement agency with any requested information; and  
 28 (7) fully complies with any additional requests made by the  
 29 emergency dispatch operator or responding law enforcement  
 30 agency;

31 shall be considered in compliance with the owner's or remote  
 32 operator's statutory obligations under IC 9-26-1.

33 **Chapter 9. Liability**

34 **Sec. 1. The original manufacturer of a motor vehicle converted**  
 35 **by a third party into an automated vehicle is not liable in, and shall**  
 36 **be dismissed from, any legal action or request for damages,**  
 37 **including punitive damages, brought against the original**  
 38 **manufacturer by a person injured due to an alleged vehicle defect**  
 39 **caused by the conversion of the motor vehicle, or by equipment**  
 40 **installed by the converter, unless the alleged defect was present in**  
 41 **the vehicle as originally manufactured.**

42 **Sec. 2. A motor vehicle mechanic or motor vehicle repair facility**



1     **that repairs an automated driving system or an automated vehicle**  
2     **according to specifications provided by the manufacturer of the**  
3     **automated motor vehicle is not liable in a product liability action**  
4     **for damages, including punitive damages, resulting from the**  
5     **performed repairs.**  
6     SECTION 28. IC 35-52-9-42.5, IS ADDED TO THE INDIANA  
7     CODE AS A NEW SECTION TO READ AS FOLLOWS  
8     [EFFECTIVE JULY 1, 2018]: **Sec. 42.5. IC 9-26.5-3-5 defines a**  
9     **crime concerning operation of an automated vehicle on a public**  
10    **highway.**

