

SENATE No. 1938

The Commonwealth of Massachusetts

PRESENTED BY:

Eric P. Lesser

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

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

An Act relative to the safety of autonomous vehicles.

PETITION OF:

NAME:

Eric P. Lesser

DISTRICT/ADDRESS:

First Hampden and Hampshire

SENATE No. 1938

By Mr. Lesser, a petition (accompanied by bill, Senate, No. 1938) of Eric P. Lesser for legislation relative to the safety of autonomous vehicles. Transportation.

The Commonwealth of Massachusetts

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

An Act relative to the safety of autonomous vehicles.

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

1 SECTION 1. Chapter 90 of the General Laws, as so appearing in the 2014 edition, is
2 hereby amended by adding at the end thereof the following new section:-

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

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

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

12 “Department”, the Massachusetts Department of Transportation.

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

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

21 “Operator”, shall have the same meaning as defined in section 1 of chapter 90 of the
22 general laws and shall include an ADS when engaged.

23 “Participating Fleet”, shall mean those ADS equipped vehicles that are operating on the
24 public roads and highways as part of a SAVE project.

25 “SAVE project”, an initiative authorizing eligible motor vehicle manufacturers to make
26 ADS equipped vehicles available to the public for operation on the public roads and highways of
27 the commonwealth in a manner to be determined by said motor vehicle manufacturers, provided
28 that said initiative is consistent with all of the provisions set forth in this chapter. Said operation
29 may include, but is not limited to, making an on-demand automated vehicle network available to
30 the public.

31 (b) (1) A motor vehicle manufacturer's eligibility to participate in a SAVE project is
32 conditioned solely upon meeting the requirements set forth in subsection (c) of this section. A
33 motor vehicle manufacturer’s satisfaction of the eligibility requirements shall be verified through
34 self-certification by the motor vehicle manufacturer.

35 A SAVE project may be commenced by a motor vehicle manufacturer at any time after it
36 provides notification to the department of its self-certification to the requirements stated in
37 subsection (c) of this section and the department accepts said self-certification. A motor vehicle
38 manufacturer's notification to the department shall also set forth the geographical boundaries for
39 the SAVE project as described in paragraph (2) below.

40 Any motor vehicle manufacturer may engage in multiple SAVE projects pursuant to this
41 sub-section.

42 (2) A motor vehicle manufacturer shall determine the geographical boundaries for a
43 SAVE project, which may include, but are not limited to, a designated area on the public roads or
44 highways of this State, including but not limited to a municipality, areas maintained by regional
45 authorities, university campuses, developments catering to senior citizens, or other similar
46 geographic and demographic areas. The public operation of the participating fleets shall be
47 confined to the boundaries selected by a motor vehicle manufacturer.

48 (3) For the duration of a SAVE project, any participating motor vehicle manufacturer
49 shall maintain incident records and provide periodic summaries to the department and the
50 National Highway Traffic Safety Administration (NHTSA) related to safety for the participating
51 fleet.

52 (4) Individuals participating in any SAVE Project, by their participation, are deemed to
53 consent to the collection of such data while they are in the vehicle and to the later provision of
54 anonymized data summaries to the department and NHTSA. Prior to the commencement of and
55 during a SAVE Project, any participating motor vehicle manufacturer shall make publicly

56 available a privacy statement disclosing its data handling practices in connection with the
57 applicable Participating Fleet.

58 (c) (1) Only motor vehicle manufacturers, as defined in this section, are eligible to
59 participate in a SAVE Project, and they are responsible for the safe operation of the participating
60 fleet. In order for a motor vehicle manufacturer to be authorized to participate in a SAVE
61 Project, it must self-certify to the conditions set forth below:

62 (A) The participating fleet is owned or controlled by the motor vehicle manufacturer
63 and is equipped with the following attributes:

64 (i) automated driving systems;

65 (ii) automatic crash notification technology; and

66 (iii) a data recording system with capacity to record the ADS system status and other
67 vehicle attributes such as speed, direction and location at a specified time period determined by
68 the motor vehicle manufacturer prior to a crash.

69 (B) The participating fleet complies with all applicable federal and state laws.

70 (C) Vehicles in the participating fleet are capable of being operated in compliance
71 with applicable traffic and motor vehicle laws of this state subject to subsection (d) of this
72 section.

73 (d) (1) When engaged, the ADS shall be considered the driver or operator for purposes of
74 assessing conformance to applicable traffic or motor vehicle laws, and shall be deemed to be
75 validly licensed to operate a motor vehicle and to satisfy all the requirements under M.G.L. Ch.
76 90, Sec. 8 and M.G.L. Ch. 90, Sec. 10, and any physical acts required by a driver or operator. No

77 motor vehicle laws of the commonwealth shall be construed as prohibiting an ADS from being
78 the operator or driver of a motor vehicle, and no motor vehicle laws of the commonwealth shall
79 be construed as requiring a licensed human driver to operate a vehicle that is being operated by
80 an ADS under this Section.

81 (2) SAVE project vehicles shall be insured by the applicable motor vehicle manufacturer
82 consistent with existing insurance law.

83 (3) With respect to each SAVE project, while the ADS is in control of the vehicle, the
84 applicable motor vehicle manufacturer shall assume liability for incidents where the ADS
85 technology is at fault for such incident, but in all cases consistent with existing insurance law and
86 other laws.

87 (4) A motor vehicle manufacturer is immune from any liability for damages that arise out
88 of any modification made by another person to a vehicle manufactured by the motor vehicle
89 manufacturer, or a system or component of the vehicle installed by the manufacturer, or to any
90 ADS or automated technology, without the motor vehicle manufacturer's written consent.

91 (5) A municipal government shall not impose a local fee, registration requirement,
92 franchise, or other regulation related to a SAVE project.

93 (6) A motor vehicle in a participating fleet that is equipped with automatic crash
94 notification technology shall be deemed to be in compliance with the requirements to notify law
95 enforcement and to provide a name, residence, and motor vehicle registration under M.G.L. Ch.
96 90, Sec 24(2) if the automatic crash notification technology promptly connects a representative
97 of the motor vehicle manufacturer with law enforcement to report the crash.

98 (7) The seat belt usage requirements under M.G.L. Ch. 90, Sec. 13A shall apply only to
99 human occupants of a motor vehicle.

100 (8) The provisions of M.G.L. Ch. 90, Sec. 13 shall not apply to a motor vehicle in a
101 participating fleet.