

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 699

Representatives Lepore-Hagan, Hughes

Cosponsors: Representatives West, Sheehy, Reece, Howse, Antonio

A BILL

To amend section 4511.204 and to enact sections 1
4506.30, 4506.31, 4506.32, 4506.33, 4506.34 and 2
4506.35 of the Revised Code to specify the 3
requirements for operating an automated 4
commercial motor vehicle in the state. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 4511.204 be amended and sections 6
4506.30, 4506.31, 4506.32, 4506.33, 4506.34 and 4506.35 of the 7
Revised Code be enacted to read as follows: 8

Sec. 4506.30. As used in sections 4506.30 to 4506.35 of 9
the Revised Code: 10

(A) "Automated commercial motor vehicle" means a 11
commercial motor vehicle on which an automated driving system 12
has been installed . "Automated commercial motor vehicle" does 13
not include a commercial motor vehicle enabled with one or more 14
active safety systems or operator assistance systems, including 15
a system to provide electronic blind-spot assistance, crash 16
avoidance, emergency braking, parking assistance, adaptive 17
cruise control, lane-keeping assistance, lane departure warning, 18

or traffic jam and queuing assistance, unless one or more of 19
these technologies alone or in combination with other systems 20
enables the commercial motor vehicle to operate without any 21
control or monitoring by an operator. 22

(B) "Automated commercial motor vehicle manufacturer" 23
means a person that manufactures automated commercial motor 24
vehicles for use in the United States, is certified to comply 25
with all applicable federal motor vehicle safety standards, and 26
has submitted appropriate manufacturer identification 27
information to the national highway and transportation safety 28
administration. 29

(C) "Automated driving system" means the hardware and 30
software that are collectively capable of performing all aspects 31
of the dynamic driving task for a vehicle on a part-time or 32
full-time basis without any supervision by a human operator. 33

(D) "Dynamic driving task" means both of the following: 34

(1) Operational aspects, including steering, braking, 35
accelerating, monitoring the vehicle and the roadway, and other 36
related actions; 37

(2) Tactical aspects, including responding to events, 38
determining when to change lanes, turning, using signals, and 39
other related actions. 40

"Dynamic driving task" does not include strategic aspects 41
of a driving task, including determining destinations or 42
waypoints. 43

(E) "Federal motor vehicle safety standards" means 44
applicable federal motor vehicle safety requirements that are 45
unrelated to automated driving systems. 46

(F) "Proof of financial responsibility" means proof of 47
ability to respond in damages for liability, on account of 48
accidents occurring subsequent to the effective date of such 49
proof, arising out of the ownership, maintenance, or use of an 50
automated commercial motor vehicle in the amount of one million 51
dollars for each accident that results in bodily injury to or 52
the death of any person, or damage to the property of others. 53

Sec. 4506.31. (A) No person shall operate or allow the 54
operation of an automated commercial motor vehicle on public 55
roads and highways unless all of the following requirements are 56
met: 57

(1) A person who holds a commercial driver's license is 58
physically present in the automated commercial motor vehicle, is 59
monitoring the operation of the automated commercial motor 60
vehicle, and is capable of taking immediate control of the 61
automated commercial motor vehicle if an emergency occurs. 62

(2) The automated commercial motor vehicle is registered 63
under Chapter 4503. of the Revised Code. 64

(3) The automated commercial motor vehicle is in 65
compliance with all applicable federal motor vehicle safety 66
requirements. 67

(4) Proof of financial responsibility for the automated 68
commercial motor vehicle is continuously maintained throughout 69
the registration period in accordance with section 4506.33 of 70
the Revised Code. 71

(B) Any person that violates this section shall be fined 72
ten thousand dollars for each day of violation. 73

Sec. 4506.32. When the automated driving system installed 74
in an automated commercial motor vehicle performs all aspects of 75

the dynamic driving task, it is considered the operator or 76
driver of the automated commercial motor vehicle for purposes of 77
any criminal offense or civil violation under Title XXIX or 78
Title XLV of the Revised Code or under any equivalent municipal 79
ordinance. In such circumstances, the automated commercial motor 80
vehicle manufacturer is liable for any penalties for any such 81
criminal offense or civil violation. 82

Sec. 4506.33. (A) (1) For circumstances when the automated 83
driving system installed in an automated commercial motor 84
vehicle performs all aspects of the dynamic driving task, the 85
automated commercial motor vehicle manufacturer shall furnish 86
and maintain proof of financial responsibility with respect to 87
the automated commercial motor vehicle by filing with the 88
registrar of motor vehicles one of the following: 89

(a) A certificate of insurance as provided in section 90
4509.46 or 4509.47 of the Revised Code; 91

(b) A policy of liability insurance, a declaration page of 92
a policy of liability insurance, or liability bond if the policy 93
or bond complies with sections 4509.49 to 4509.61 of the Revised 94
Code; 95

(c) A bond or certification of the issuance of a bond if 96
the bond complies with section 4509.59 of the Revised Code; 97

(d) A certificate of deposit of money or securities if the 98
certificate of deposit complies with section 4509.62 of the 99
Revised Code; 100

(e) A certificate of self-insurance as provided in section 101
4509.72 of the Revised Code. 102

(2) Upon the request of a law enforcement officer, the 103
person who is present in the automated commercial motor vehicle 104

shall produce the proof of compliance with division (A) (1) of 105
this section. The law enforcement officer requesting such proof 106
shall notify the registrar of any violation of division (A) (1) 107
of this section. The notice to the registrar shall be on a form 108
prescribed by the registrar and supplied by the registrar at the 109
registrar's expense, and shall include the license plate number 110
of the automated commercial motor vehicle and any other 111
information the registrar requires. 112

(B) For circumstances when the automated driving system 113
does not perform all aspects of the dynamic driving task, proof 114
of financial responsibility shall be maintained for the 115
automated commercial motor vehicle in accordance with Chapter 116
4509. of the Revised Code. 117

Sec. 4506.34. An automated commercial motor vehicle 118
manufacturer shall ensure that each automated commercial motor 119
vehicle it manufactures is equipped with sensors and a data 120
recorder that capture and store data for all vehicle functions 121
that are controlled by the automated driving system. Such data 122
shall be stored in a readily accessible format, and shall be 123
made available without redaction to law enforcement. 124

Sec. 4506.35. Title XLV of the Revised Code applies to 125
automated commercial motor vehicles in the same manner as other 126
motor vehicles, except to the extent sections 4506.31 to 4506.35 127
of the Revised Code provide otherwise. 128

Sec. 4511.204. (A) No person shall drive a motor vehicle, 129
trackless trolley, or streetcar on any street, highway, or 130
property open to the public for vehicular traffic while using a 131
handheld electronic wireless communications device to write, 132
send, or read a text-based communication. 133

(B) Division (A) of this section does not apply to any of the following:	134 135
(1) A person using a handheld electronic wireless communications device in that manner for emergency purposes, including an emergency contact with a law enforcement agency, hospital or health care provider, fire department, or other similar emergency agency or entity;	136 137 138 139 140
(2) A person driving a public safety vehicle who uses a handheld electronic wireless communications device in that manner in the course of the person's duties;	141 142 143
(3) A person using a handheld electronic wireless communications device in that manner whose motor vehicle is in a stationary position and who is outside a lane of travel;	144 145 146
(4) A person reading, selecting, or entering a name or telephone number in a handheld electronic wireless communications device for the purpose of making or receiving a telephone call;	147 148 149 150
(5) A person receiving wireless messages on a device regarding the operation or navigation of a motor vehicle; safety-related information, including emergency, traffic, or weather alerts; or data used primarily by the motor vehicle;	151 152 153 154
(6) A person receiving wireless messages via radio waves;	155
(7) A person using a device for navigation purposes;	156
(8) A person conducting wireless interpersonal communication with a device that does not require manually entering letters, numbers, or symbols or reading text messages, except to activate, deactivate, or initiate the device or a feature or function of the device;	157 158 159 160 161

(9) A person operating a commercial truck while using a mobile data terminal that transmits and receives data;

(10) A person using a handheld electronic wireless communications device in conjunction with a voice-operated or hands-free device feature or function of the vehicle;

(11) A person using a handheld electronic wireless communications device for purposes of monitoring or controlling an automated commercial motor vehicle in accordance with sections 4506.31 to 4506.35 of the Revised Code.

(C) (1) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of an automobile being operated on any street or highway to stop the automobile for the sole purpose of determining whether a violation of division (A) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of that nature or causing the arrest of or commencing a prosecution of a person for a violation of that nature, and no law enforcement officer shall view the interior or visually inspect any automobile being operated on any street or highway for the sole purpose of determining whether a violation of that nature has been or is being committed.

(2) On January 31 of each year, the department of public safety shall issue a report to the general assembly that specifies the number of citations issued for violations of this section during the previous calendar year.

(D) Whoever violates division (A) of this section is guilty of a minor misdemeanor.

(E) This section shall not be construed as invalidating,

preempting, or superseding a substantially equivalent municipal ordinance that prescribes penalties for violations of that ordinance that are greater than the penalties prescribed in this section for violations of this section.

(F) A prosecution for a violation of this section does not preclude a prosecution for a violation of a substantially equivalent municipal ordinance based on the same conduct. However, if an offender is convicted of or pleads guilty to a violation of this section and is also convicted of or pleads guilty to a violation of a substantially equivalent municipal ordinance based on the same conduct, the two offenses are allied offenses of similar import under section 2941.25 of the Revised Code.

(G) As used in this section:

(1) "Electronic wireless communications device" includes any of the following:

(a) A wireless telephone;

(b) A text-messaging device;

(c) A personal digital assistant;

(d) A computer, including a laptop computer and a computer tablet;

(e) Any other substantially similar wireless device that is designed or used to communicate text.

(2) "Voice-operated or hands-free device" means a device that allows the user to vocally compose or send, or to listen to a text-based communication without the use of either hand except to activate or deactivate a feature or function.

(3) "Write, send, or read a text-based communication"	218
means to manually write or send, or read a text-based	219
communication using an electronic wireless communications	220
device, including manually writing or sending, or reading	221
communications referred to as text messages, instant messages,	222
or electronic mail.	223
Section 2. That existing section 4511.204 of the Revised	224
Code is hereby repealed.	225