



**Montana Legislative Services Division**  
**Legal Services Office**

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July 12, 2019

John Lamb  
1627 W. Main Street, Suite 101  
Bozeman, Montana 59715

Re: Proposed statutory initiative regarding driverless vehicles

Dear Mr. Lamb:

On July 8, 2019, the Legislative Services Division received the text of your proposed statutory initiative regarding driverless vehicles. The text of the initiative and the ballot statements were reviewed pursuant to 13-27-202, MCA, for clarity, consistency, and other factors normally considered when drafting proposed legislation. This letter constitutes the Legislative Services Division's review of your proposed statutory initiative.

Section 13-27-201(2), MCA, requires the text of an initiative to be in the bill form provided in the most recent issue of the Bill Drafting Manual furnished by the Legislative Services Division. Section 13-27-202(2)(a), MCA, requires both the text of the initiative and the ballot statements to conform to the Bill Drafting Manual.

The text of proposed ballot issue and the draft ballot issue statements must comply with 13-27-312, MCA. Ballot statements include: (1) the statement of purpose and implication which may not exceed 135 words; and (2) the yes and no statements. Pursuant to 13-27-312(4), MCA, the statement of purpose "must express the true and impartial explanation of the proposed ballot issue in plain, easily understood language." In addition, the statement of purpose may not be argumentative or written in a manner that creates prejudice for or against the issue. While it is not always feasible to include a complete explanation of each part of a ballot issue in the statement of purpose, the statement must at least explain both the purpose and implication of the ballot issue in easily understood, nonargumentative language. *See Mont. Consumer Fin. Ass'n v. State*, 2010 MT 185, ¶ 12. Proposed statutes should be organized in a logical pattern for clarity, coherence, and unity.

Unless altered by a court pursuant to 13-27-316, MCA, the statement of purpose becomes the title for the ballot issue that is circulated to the electorate and the ballot title if the ballot issue is placed on the ballot. However, proponents of a ballot issue are not entitled "to the ballot statements of their choosing," and the Attorney General and, if necessary, the Supreme Court may alter proposed statements of purpose and implication to comply with the provisions of 13-27-312, MCA. *See Mont. Consumer Fin. Ass'n v. State*, 2010 MT 185, ¶ 11.

**I. Style Issues**

**A. Statement of Purpose and Implication**

The suggested revised text changes "sections 1 through 6" to "this initiative" for clarity, and deletes a comma after "driverless vehicles" for style.

## **B. Statutory Text**

The suggested revised text included below makes style changes to the preamble section. The word "AND" should follow the semicolon of each preamble clause, except for the last preamble clause which should end with a period. The suggested revised text deletes a comma after "driverless vehicles" in the third preamble clause for style.

The suggested revised text makes style changes to the headings of each new section to conform to bill drafting style.

The suggested revised text moves the period in the short title section to conform to bill drafting style.

The suggested revised text changes "is defined to mean any" to "means a" in the definition section for computer-aided automated driverless vehicles to conform to bill drafting style. It changes "which" to "that" in two instances. It combines the first two sentences of the "industry standards" definition for clarity. The suggested revised text also puts the definition section as the third new section to conform to bill drafting style.

The suggested revised text deletes "as defined in this act" from section 4 to conform to bill drafting style.

The suggested revised text changes "No driver license or other government certification shall ever be required" to "A driver's license or other government certification may not be required" in section 5 to conform to bill drafting style.

The suggested revised text changes "Those" to "A person", changes "upon" to "on", changes "shall be duly" to "may be held", and changes dashes to commas in section 6 to conform to bill drafting style.

The suggested revised text replaces "computer aided" for "computer-aided" and inserts "automated" in multiple instances for consistency and to conform to bill drafting style.

## **II. Substantive Issues**

### **A. Statement of Purpose and Implication**

The statement of purpose and implication must be non-argumentative. The phrase "undue regulation" may be argumentative because it suggests that existing or potential regulation is undue. The suggested revised text deletes "undue."

### **B. Statutory Text**

The suggested revised text includes a codification instruction which is necessary when a bill or initiative proposes new sections of the Montana Code Annotated. The codification instruction is to place the new sections in Title 61, MCA.

The suggested revised text includes a section for submission to the electorate which is necessary for ballot initiatives.

### **Conclusion**

Enclosed is the Legislative Services Division's suggested revised text for your proposed statutory initiative. If you accept the suggested editorial and stylistic revisions, the text of your proposed initiative would read as it does on the attached pages. Please note that pursuant to 13-27-202(2)(c), MCA, you are required to respond in writing to this office accepting, rejecting, or modifying the recommended changes before submitting a sample sheet of the petition to the Secretary of State. Your response will terminate the role of this office in this process. After responding to this office, further correspondence should be submitted to the Secretary of State.

Sincerely,

Joe Carroll

Staff Attorney

cc: Corey Stapleton, Secretary of State

Suggested revised statement of purpose:

The purpose of this initiative is to create a law to recognize the increasing abilities of driverless vehicles and to allow the travel of driverless vehicles on Montana roadways without regulation or control by the State.

Suggested revised statutory text:

WHEREAS, technological advancements have generated tremendous improvements in automotive technology and computer-aided highway navigation; and

WHEREAS, Montana roadways are long and wide and Montanans are traveling more miles more safely than ever before; and

WHEREAS, there is a need to recognize the increasing abilities of driverless vehicles and to allow the travel of driverless vehicles on Montana roadways without undue regulation or control by the State.

Be it enacted by the Legislature of the State of Montana:

NEW SECTION. **Section 1. Short title.** [Sections 1 through 6] may be cited as the "Driverless Vehicle Act".

NEW SECTION. **Section 2. Purpose.** The purpose of [sections 1 through 6] is to recognize the lawfulness of driverless vehicles on Montana roadways and recognize the right of Montanans to travel, and direct their travel without government permission or license, by computer-aided automated driverless vehicles.

NEW SECTION. **Section 3. Definitions.** As used in [sections 1 through 6], unless the context indicates otherwise, the following definitions apply:

(1) "Computer-aided automated driverless vehicle" means a car, truck, or other vehicle suitable for safe street or highway travel, whether powered by gasoline, diesel, electricity, or other means, that operates and navigates by computer technology that translates the commands of a human user or traveler.

(2) "Industry standards" means standards developed by current engineering in the industry, which are distinct from government or regulatory standards or certification. No government approval or certification is required for a computer-aided automated driverless vehicle.

NEW SECTION. **Section 4. Use of computer-aided automated driverless vehicles.** Computer-aided automated driverless vehicles may be operated and used on Montana highways and roadways without government permission or registration.

NEW SECTION. **Section 5. License not required.** A driver's license or other government certification may not be required to travel, ride, or commute in a computer-aided automated driverless vehicle that meets industry standards. The direction and control over such vehicles by verbal, oral, keyboard, or other communicative commands may not be considered driving or operating a motor vehicle under the driver's license laws.

NEW SECTION. **Section 6. Liability.** A person found to be responsible for property damage or injury resulting from the travel of a computer-aided automated driverless vehicle, whether by ownership, management, failure to properly maintain, or otherwise, may be held accountable in civil litigation.

NEW SECTION. **Section 7. {standard} Codification instruction.** [Sections 1 through 6] are intended to be codified as an integral part of Title 61, and the provisions of Title 61 apply to [sections 1 through 6].

NEW SECTION. **Section 8. {standard} Submission to electorate.** [This initiative] shall be submitted to the qualified electors of Montana at the general election to be held in November 2020 by printing on the ballot the full title of [this initiative] and the following:

- YES
- NO