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Transportation Interim Committee

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FINAL REPORT TO THE 68TH MONTANA LEGISLATURE

HJ 10: AUTONOMOUS VEHICLES AND MONTANA



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This report is a summary of the work of the Transportation Interim Committee, specific to the Transportation Interim Committee's 2021-2022 automated vehicle study as outlined in the Transportation Interim Committee's 2021-2022 work plan and House Joint Resolution 10 (2021). Members received additional information and public testimony on the subject, and this report is an effort to highlight key information and the processes followed by the Transportation Interim Committee in reaching its conclusions. To review additional information, including audio, minutes, and exhibits, visit the Transportation Interim Committee website.

A full report, including links to the documents referenced in this print report, is available at the Transportation Interim Committee website: <https://leg.mt.gov/committees/interim/tic/>.

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INTRODUCTION

As automated driving systems (ADS) and self-driving cars start using our local streets, state lawmakers across the nation are enacting legislation to encourage, test, and regulate this technology. Lawmakers are not only examining opportunities for testing this technology but also for testing the use of ADS by the public. During the 2021-2022 Transportation Interim Committee meetings, members requested additional information regarding federal legislation, state legislation, and to review model legislation. During the 2021 legislative session the Legislature passed House Joint Resolution 10 requesting an interim study to assess and prepare for the operation of autonomous vehicles on Montana roadways. The study resolution suggested that the Transportation Interim Committee:

1. study the legal framework and the statutes involving the use of autonomous vehicles, including platooning, in Montana;
2. examine federal, state, and local policies that relate to the operation of autonomous vehicles, including model state policy and current federal regulatory tools;
3. review potential impacts to tax collection and road maintenance in Montana;
4. analyze liabilities and regulatory changes necessary to address liabilities that could arise by allowing autonomous vehicles on public highways; and
5. recommend the role of autonomous vehicle technology and infrastructure in contributing to the state's economic and quality of life.

There are different levels of automation ranging from driver assistance to full automation as illustrated in the graphic below. The terminology also varies from "driverless cars" and "autonomous vehicles" to the more technically accepted "automated driving systems" (ADS). The National Highway Safety Administration encourages states to review other state legislation and work toward consistency. However, the federal agency also provides caveats: "The goal of state policies in this realm need not be uniformity or identical laws and regulations across all states. Rather, the aim should be sufficient consistency of laws and policies to promote innovation and the swift, widespread, safe integration of ADSs."¹

Legislation addressing autonomous vehicles often requires a dive deep into state vehicle codes to update laws. Safety is one concern, with arguments that the new technology can reduce road congestion and make roads safer in the future. And while autonomous vehicles can manage speed and direction and adapt to traffic patterns, there are concerns that driverless cars cannot, for example, make ethical choices about driving and multifaceted situations. The laws enacted to date vary from state to state. Some simply define terms and establish work groups or task forces and set parameters for

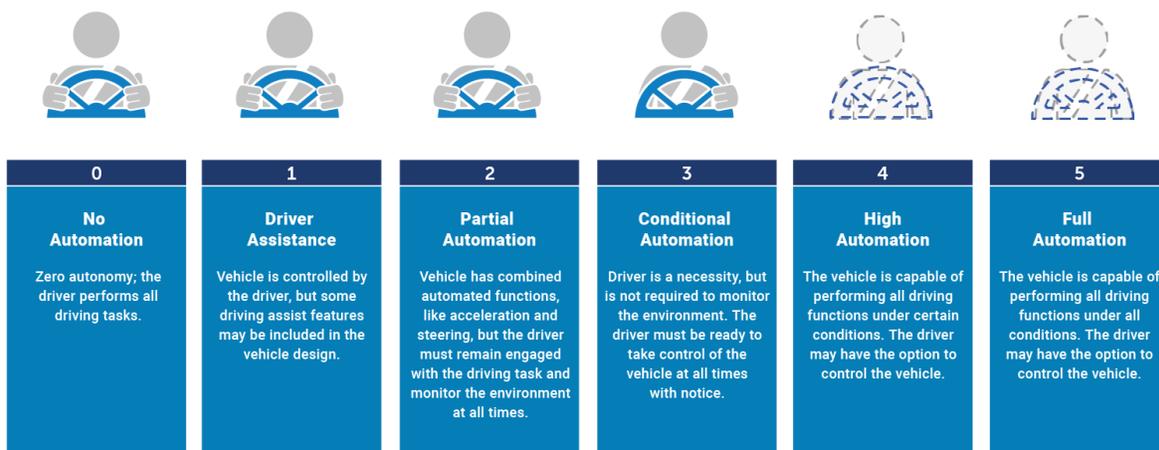
¹ <https://www.nhtsa.gov/technology-innovation/automated-vehicles-safety>

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legislative studies. Other laws outline requirements for testing and incentivizing ADS. Some state laws set out insurance, registration, liability, and licensing requirements for vehicles.

SOCIETY OF AUTOMOTIVE ENGINEERS (SAE) AUTOMATION LEVELS

Full Automation



Federal Regulation

The United States Congress has not enacted laws regarding autonomous vehicles. In 2017, the House and Senate considered competing autonomous vehicle bills. The House passed the SELF DRIVE Act, but both bills failed. In September 2020, a revised SELF DRIVE Act was introduced but failed to gain support. While Congress has not regulated this topic, the United States Department of Transportation (USDOT) provides guidance through its annual report, "Ensuring American Leadership in Automated Vehicle Technologies: Automated Vehicles 4.0."²

The report's goal is to unify efforts in automated vehicles across 38 federal departments and build on model state policy since the issuance of the prior reports, AV 2.0 and AV 3.0. The report defines three principles the federal government must recognize when developing automated vehicle (AV) technologies:

1. **Protect users and communities:** Prioritize safety; emphasize security and cybersecurity; ensure privacy and data security; and enhance mobility and accessibility.
2. **Promote efficient markets:** Remain technology-neutral; protect American innovation; and modernize regulations.
3. **Facilitate coordinated efforts:** Promote consistent standards and policies; ensure a uniform federal approach; and improve transportation system-level effects.

² <https://www.transportation.gov/av/4>

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The USDOT states it will remain technology-neutral to allow the public to choose the most economically efficient and effective transportation and mobility solutions. AV 4.0 outlines steps to establish manufacturing, performance, and operation standards to increase safety in AV testing and integration but remain technology-natural. The exact parameters of the standards remain unclear.

The USDOT emphasizes cross-government partnerships, international collaboration, and stakeholder engagement as ways to achieve its goals. Through these partnerships, the USDOT believes AVs can save thousands of lives annually and improve quality of life by reducing traffic congestion, increasing productivity, and providing environmental benefits.

Federal research covers many subjects, from automated driving scenarios to operator interfaces to remotely supervised space robots. Security and cybersecurity are critical for developing AVs. High degrees of connectivity and automation increase the need to protect vehicle control systems and secure sensitive information. Considering potential increases to technologies for both vehicles and infrastructure, the federal government and the USDOT are dedicated to providing a secure AV environment. Infrastructure is an essential component of AVs, and many government agencies are investing in diverse infrastructure research and development that allows for further innovation. This research explores both utilizing current infrastructure and exploring new infrastructure to maximize the potential of AVs.

The federal government regulates motor vehicles and equipment, and states regulate drivers and most other aspects of vehicle operations. "The traditional roles of the federal government, state and local governments, and private industry are well suited for addressing automation. The federal government is responsible for regulating the safety performance of vehicles and vehicle equipment, as well as their commercial operation in interstate commerce, while states and local governments play the lead role in licensing drivers, establishing rules of the road, and formulating policy in tort liability and insurance. Private industry remains a primary source of transportation research investment and commercial technology development. Governments at all levels should not unnecessarily impede such innovation."³

The National Highway Traffic Safety Administration (NHTSA) is a branch of the USDOT. Its mission is to "save lives, prevent injuries, and reduce vehicle-related crashes." In June 2020, the NHTSA launched the AV test initiative to provide local governments, stakeholders, and the public with information from states reporting AV activity, legislation, regulations, and information provided by private AV companies. The NHTSA's AV test initiative has extensive resources relating to testing locations and state-specific information. Currently, Montana does not report to the NHTSA.

Nevada was the first state to authorize the operation of autonomous vehicles in 2011. Since then, 21 other states—Alabama, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Louisiana, Michigan, New York, North Carolina, North Dakota, Pennsylvania, South Carolina, Tennessee,

³ Ensuring American Leadership in Automated Vehicle Technologies: Automated Vehicles 4.0.

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Texas, Utah, Virginia, and Vermont—and Washington, D.C., have passed legislation related to autonomous vehicles. Governors in Arizona, Delaware, Hawaii, Idaho, Maine, Massachusetts, Minnesota, Ohio, Washington, and Wisconsin have issued executive orders related to autonomous vehicles.⁴

State Executive Orders

Arizona's Governor Doug Ducey signed an [executive order](#) in late August 2015 directing various agencies to "undertake any necessary steps to support the testing and operation of self-driving vehicles on public roads within Arizona." He also ordered the enabling of pilot programs at selected universities and developed rules to be followed by the programs. The order established a Self-Driving Vehicle Oversight Committee within the governor's office. In 2018, the governor added to [Executive Order 2018-04](#). The order includes updates to keep pace with emerging technology. Later in 2018, Governor Ducey signed [Executive Order 2018-09](#), establishing an Institute of Automated Mobility in the state.

Delaware's Governor John Carney signed an [executive order](#) in September 2017 establishing the Advisory Council on Connected and Autonomous Vehicles to develop recommendations for innovative tools and strategies to prepare Delaware's transportation network for connected and autonomous vehicles.

Hawaii's Governor David Ige signed an [executive order](#) in November 2017 establishing a connected autonomous vehicles (CAV) contact in the governor's office and requiring certain government agencies to work with companies to allow for self-driving vehicle testing in the state.

Idaho's Governor C.L. "Butch" Otter signed [Executive Order 2018-01](#) in January 2018 creating the Autonomous and Connected Vehicle Testing and Deployment Committee to identify relevant state agencies to support autonomous technology, administer the testing of autonomous vehicles in relation to issues such as vehicle registration, licensing, insurance, traffic regulations, and vehicle owner or operator responsibilities and liabilities under current law, and review state statutes and administrative rules to identify existing laws or rules that impede the testing and deployment of autonomous vehicles.

Illinois' Governor Bruce Rauner signed [Executive Order 2018-13](#) in October 2018. The order directs the Illinois Department of Transportation (IDOT) to lead an "Autonomous Illinois" initiative to promote the development, testing, and deployment of CAV technologies and related infrastructure and data needs. The order establishes the Autonomous Illinois Testing Program to facilitate testing and programs on public roads or highways where a licensed driver remains behind the wheel and is able to take control of

⁴ <https://www.ncsl.org/research/transportation/autonomous-vehicles-self-driving-vehicles-enacted-legislation.aspx>

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the vehicle at all times. The IDOT will collect and maintain up-to-date information on the CAV landscape in Illinois. The IDOT must create a registration system for entities wishing to conduct safe pilots or tests of CAV.

Maine's Governor Paul LePage signed [Executive Order 2018-001](#) in January 2018, creating the Maine Highly Automated Vehicles (HAV) Advisory Committee. The committee will evaluate and make recommendations regarding proposed HAV pilot projects and require interested parties to contact the committee and apply for a permit prior to operating pilot vehicles on public roadways.

Massachusetts' Governor Charlie Baker signed an [executive order](#) in October 2016, creating a working group on AVs that is expected to work with experts on vehicle safety and automation, members of the legislature on proposed legislation, and support agreements that AV companies will enter with the state department of transportation, municipalities, and state agencies.

Minnesota's Governor Mark Dayton issued [Executive Order 18-04](#) on March 5, 2018, establishing a Governor's Advisory Council on Connected and Automated Vehicles to study, assess, and prepare for the transformation and opportunities associated with the widespread adoption of automated and connected vehicles. The advisory council must include one member from each party from each legislative chamber.

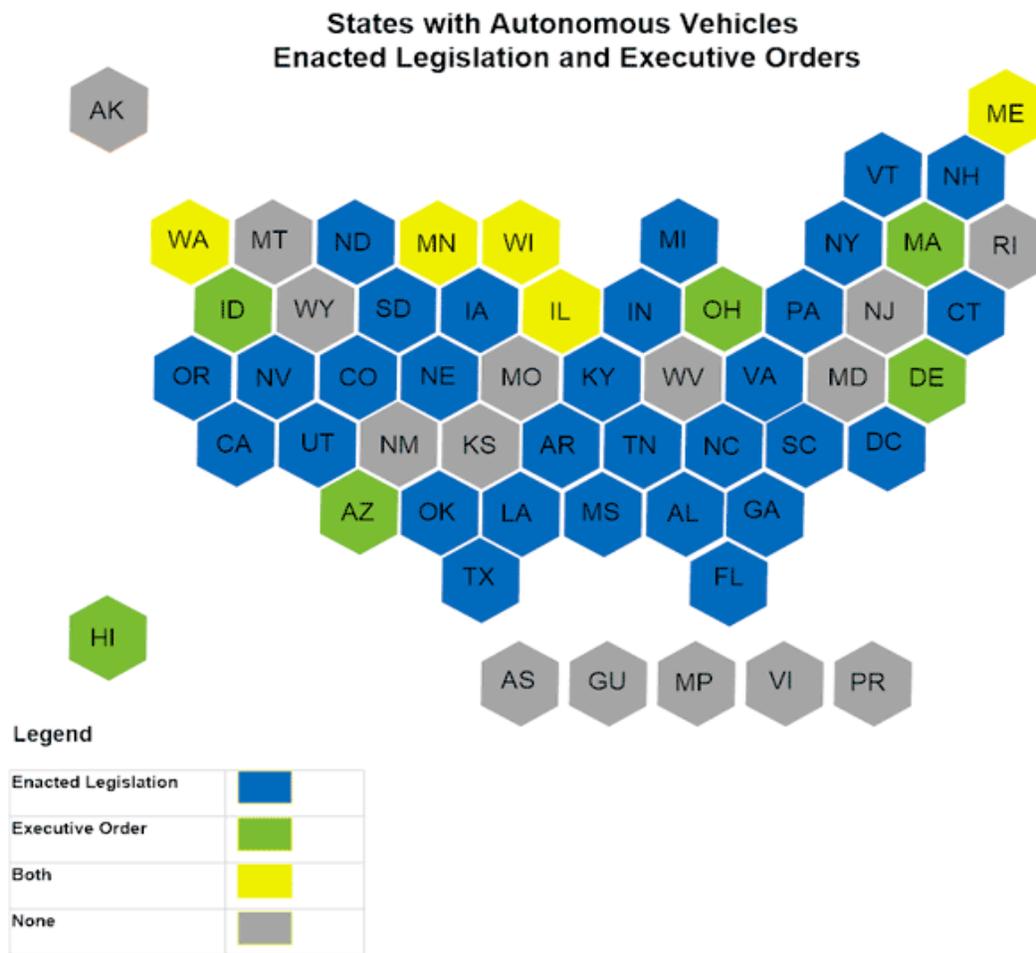
Ohio's Governor John Kasich signed [Executive Order 2018-01K](#) on January 18, 2018. The order created [DriveOhio](#) to, in part, "bring together those who are responsible for building infrastructure in Ohio with those who are developing the advanced mobility technologies needed to allow [Ohio's] transportation system to reach its full potential by reducing serious and fatal crashes and improving traffic flow." Governor Kasich signed [Executive Order 2018-04K](#) in May 2018, allowing autonomous vehicles testing and pilot programs in the state. In order to conduct autonomous vehicles testing, companies must register with DriveOhio (created by the January 2018 EO) and submit information about their companies, the intended areas and conditions to test in, and other requirements. Autonomous vehicles tested in the state must have a designated operator, although they are not required to be inside the vehicle.

Washington's Governor Jay Inslee signed an [executive order](#) in June 2017 to address autonomous vehicle testing and establish an autonomous vehicle workgroup. The order requires that state agencies with pertinent regulator jurisdiction "support the safe testing and operation of autonomous vehicles on Washington's public roads." It establishes an interagency workgroup and enables pilot programs throughout the state. The order specifies certain requirements for vehicles operated with human operators present in the vehicle and for vehicles operated without human operators present in the vehicle.

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Wisconsin's Governor Scott Walker signed an [executive order](#) in May 2017, creating the Governor's Steering Committee on Autonomous and Connected Vehicle Testing and Deployment. The committee is tasked with advising the governor "on how best to advance the testing and operation of autonomous and connected vehicles in the State of Wisconsin." The order specifies the members of the committee, including six legislators from the state. The duties of the committee include identifying all agencies in the state with jurisdiction over testing and deployment of the vehicles, coordinating with the agencies to address concerns related to issues such as "vehicle registration, licensing, insurance, traffic regulations, equipment standards, and vehicle owner or operator responsibilities and liabilities under current law," and reviewing current state laws and regulations that may impede testing and deployment, along with other tasks. The state department of transportation is required to submit a final report to the governor by June 30, 2018.

State Enacted Legislation



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Additional Enacted State Legislation (Provided by the National Conference of State Legislatures)		
State	Bill Number	Relevant Provision
Alabama	SJR 81 (2016)	Established the Joint Legislative Committee to study self-driving vehicles.
Alabama	SB 125 (2018)	Defines a truck platoon, also exempts the trailing trucks in a truck platoon from the state's following too closely provisions if the truck platoon is engaged in electronic brake coordination and any other requirement imposed by the Department of Transportation by rule.
Alabama	SB 47 (2019)	Defines automated driving systems, automated commercial motor vehicles, and commercial motor vehicles equipped with a teleoperation system. Authorizes such commercial autonomous vehicles to operate in the state without a driver that is physically present when meeting certain criteria. The automated commercial vehicles must be registered and titled and are required to have minimum vehicle liability coverage of \$2 million. In addition, this act provides that the Department of Transportation will have sole and exclusive jurisdiction over automated driving systems, autonomous vehicles, and teleoperations systems.
Arkansas	HB 1754 (2017)	Regulates the testing of vehicles with autonomous technology, relates to vehicles equipped with driver-assistive truck platooning systems.
Arkansas	HB 1561 (2019)	Defines autonomous vehicles and fully autonomous vehicles. Authorizes the operation of autonomous vehicles and fully autonomous vehicles on the streets and highways of the state under an autonomous vehicle pilot program. HB 1822 (2019) amends HB 1754 to acknowledge that autonomous vehicles and fully autonomous vehicles can comply with all applicable traffic and motor vehicle safety laws, as they pertain to safely negotiating railroad crossings. The Arkansas Department of Transportation may establish exemptions after consulting with railroad companies.
California	SB 1298 (2012)	Permits autonomous vehicles to be operated or tested on the public roads in this state pending the adoption of safety

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		standards and performance requirements that would be adopted under this bill.
California	AB 1592 (2016)	Authorizes the Contra Costa Transportation Authority to conduct a pilot project for the testing of autonomous vehicles that are not equipped with a steering wheel, a brake pedal, an accelerator, or an operator inside the vehicle.
California	AB 669 (2017)	Extends the sunset date of the law allowing the testing of vehicle platooning with less than 100 feet between each vehicle from January 2018 to January 2020.
California	AB 1444 (2017)	Authorizes the Livermore Amador Valley Transit Authority to conduct a shared autonomous vehicle demonstration project for the testing of autonomous vehicles.
California	SB 1 (2017)	Encourages the California Department of Transportation and cities and counties to use funds under the Road Maintenance and Rehabilitation Program to use advanced technologies and communications systems in transportation infrastructure that recognize and accommodate advanced automotive technologies.
California	SB 145 (2017)	Repeals a requirement that the Department of Motor Vehicles notifies the Legislature of receipt of an application seeking approval to operate an autonomous vehicle.
California	AB 87 (2018)	Authorizes law enforcement or a public employee who is engaged in directing traffic or enforcing parking laws and regulations to remove a vehicle that uses autonomous technology without a valid permit that is required to operate the vehicle on public roads.
California	AB 1184 (2018)	Authorizes the city of San Francisco to, if approved by voters, levy a tax on trips taken in autonomous vehicles that originate within the city and county of San Francisco.
Colorado	SB 213 (2017)	Defines an automated driving system, dynamic driving task, and human operator. Allows a person to use an automated driving system to drive or control a function of a motor vehicle if the system is capable of complying with every state and federal law that applies.

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Colorado	SB 239 (2019)	Requires the state Department of Transportation to convene a stakeholder group to examine the impacts of new and emerging technologies and transportation business models and make recommendations.
Connecticut	SB 260 (2017)	Defines terms, including "fully autonomous vehicle," "automated driving system," and "operator." Requires the development of a pilot program for up to four municipalities for the testing of fully autonomous vehicles on public roads in those municipalities.
Connecticut	SB 924 (2019)	Amends SB 260 (2017—see above). Specifies that the operator must be physically inside the AV in order to cause the automated driving system to engage.
Florida	HB 1207 (2012)	Defines "autonomous vehicle" and "autonomous technology." Declares legislative intent to encourage the safe development, testing, and operation of motor vehicles with autonomous technology on public roads and finds that the state does not prohibit or specifically regulate the testing or operation of autonomous technology in motor vehicles on public roads.
Florida	HB 7027 (2016)	Permits operation of autonomous vehicles on public roads by individuals with a valid driver's license. Eliminates the requirement that a driver must be present in the vehicle. Requires autonomous vehicles to meet applicable federal safety standards and regulations.
Florida	HB 7061 (2016)	Defines "autonomous technology" and "driver-assistive truck platooning technology."
Florida	HB 311 (2019)	Amends existing Florida law to incorporate SAE international terminology adopted by the NHTSA and replace the term "autonomous vehicle" with "automated driving system."
Florida	SB 2500 (2019)	Appropriated \$2.5 million for the Tampa Bay Regional Transit Authority, with \$1 million dedicated to the study and development of innovative options for transit, which include but are not limited to the study of smart city innovations and autonomous vehicle services.
Florida	SB 7068 (2019)	Creates the Multi-use Corridors of Regional Economic Significance Program within the Department of Transportation to advance the

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		construction of regional corridors that are intended to accommodate multiple modes of transportation and multiple types of infrastructure.
Georgia	HB 472 (2017)	Specifies that the law that prohibits following too closely does not apply to the nonleading vehicle in a coordinated platoon and defines "coordinated platoon."
Georgia	SB 219 (2017)	Defines "automated driving system," "dynamic driving task," "fully autonomous vehicle," "minimal risk condition," and "operational design domain." Exempts a person operating an automated motor vehicle with the automated driving system engaged from the requirement to hold a driver's license.
Hawaii	HCR 220 (2019)	Requests the Attorney General to convene an autonomous vehicle legal preparation task force to prepare Hawaii for the legal and regulatory implications of transitioning to autonomous vehicles.
Illinois	HB 791 (2017)	Preempts local authorities from enacting or enforcing ordinances that prohibit the use of vehicles equipped with Automated Driving Systems. Defines "automated driving system-equipped vehicle."
Indiana	HB 1290 (2018)	Defines "vehicle platoon" and states that it is exempt from the following too close provisions of 300 feet.
Iowa	SF 302 (2019)	Defines key terms, including "automated driving system." In the event of an accident in which a system-equipped vehicle is involved, the vehicle shall remain at the scene of the accident and the vehicle's owner or a person on behalf of the vehicle's owner shall promptly report the accident to law enforcement authorities.
Louisiana	HB 1143 (2016)	Defines "autonomous technology" for the purposes of the Highway Regulatory Act.
Louisiana	HB 308 (2018)	Defines "platoon" or "platooning" and states that a platoon may be operated if the platoon operator submits an operational plan.
Louisiana	HB 455 (2019)	Defines "automated driving system," "autonomous commercial motor vehicle," commerce and commercial motor vehicle.

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		<p>Authorizes autonomous commercial motor vehicles to operate without a conventional driver physically present in the vehicle if the autonomous commercial motor vehicle meets all criteria.</p> <p>Provides that autonomous commercial motor vehicles and automated driving systems are governed exclusively by new law and the Department of Transportation and Development is the sole agency with jurisdiction over autonomous commercial motor vehicles and automated driving systems. A remote driver will be considered the operator of the vehicle for the purpose of assessing compliance with applicable traffic or motor vehicle laws. Requires that an autonomous commercial motor vehicle or a commercial motor vehicle equipped with a teleoperation system remain at the scene of an accident.</p>
Maine	HP 1204 (2018)	<p>This bill created the Commission on Autonomous Vehicles to coordinate efforts among state agencies and knowledgeable stakeholders. Additionally, the Commissioner of Transportation shall adopt rules, in consultation with the Department of Public Safety and the Department of the Secretary of State, to establish a process to evaluate and authorize an autonomous vehicle tester to demonstrate and deploy for testing purposes an automated driving system on a public roadway.</p>
Michigan	SB 995 (2016)	<p>Allows for autonomous vehicles under certain conditions. Allows operation without a person in the autonomous vehicle. Specifies that the requirement that commercial vehicles maintain a minimum following distance of 500 feet does not apply to vehicles in a platoon.</p>
Michigan	SB 169 (2013)	<p>Defines "automated technology," "automated vehicle," "automated mode," and "operator" and expressly permits testing of automated vehicles by certain parties under certain conditions. Addresses liability of the original manufacturer of a vehicle on which a third party has installed an automated system.</p>
Michigan	SB 996 (2016)	<p>Allows for autonomous vehicles under certain conditions. Allows operation without a person in the autonomous vehicle.</p>
Michigan	SB 997 (2016)	<p>Defines "automated driving system." Allows for the creation of mobility research centers where automated technology can be tested.</p>

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Michigan	SB 998 (2016)	Exempts mechanics and repair shops from liability on fixing automated vehicles.
Minnesota	HB 6 (2019)	Defines "platooning system" and "vehicle platoon." A person may apply to the commissioner for approval of a plan to use a platooning system on freeways and expressways. Exempts the following vehicles in a vehicle platoon from the "following vehicle too closely" law in the state if the operator has an approved plan. A vehicle platoon must allow reasonable access for the movement of other motor vehicles to change lanes and enter or exit the roadway.
Mississippi	HB 1343 (2018)	Defines "platoon." The bill also creates an exemption from the state's following too closely traffic law for the operator of a nonlead vehicle in a platoon, if the platoon is operating on a limited-access divided highway with more than one lane in each direction and the platoon consists of no more than two motor vehicles. A platoon may be operated in this state only after an operator files a plan for approval of general platoon operations with the Department of Transportation.
Nebraska	LB 989 (2018)	This bill defines "automated driving system" and other relevant terms. The bill states that a driverless-capable vehicle may operate on public roads in the state without a conventional human driver physically present in the vehicle as long as the vehicle meets the several conditions. Before a vehicle equipped with an automated driving system may operate on the public roads, a person must submit proof of financial responsibility satisfactory to the Department of Motor Vehicles that the vehicle equipped with an automated driving system is covered by insurance or proof of self-insurance. The bill also clarifies responsibilities in the event of a crash or collision.
Nevada	AB 511 (2011)	Defines "autonomous vehicle" and directs the state Department of Motor Vehicles to adopt rules for license endorsement and operation. Authorizes operation of autonomous vehicles and a driver's license endorsement for operators of autonomous vehicles.

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Nevada	SB 313 (2013)	Requires an autonomous vehicle that is being tested on a highway to meet certain conditions relating to a human operator. Requires proof of insurance.
Nevada	AB 69 (2017)	Defines terms, including "driver-assistive platooning technology," "fully autonomous vehicle" and "automated driving system." Allows the use of driver-assistive platooning technology on highways in the state. Preempts local regulation. Requires the reporting of any crashes to the Department of Motor Vehicles within 10 days. Permits the operation of fully autonomous vehicles in the state without a human operator in the vehicle. Specifies that the following distance requirement does not apply to a vehicle using platooning technology. Imposes an excise tax on the connection of a passenger to a fully autonomous vehicle for the purpose of providing transportation services.
New Hampshire	SB 216 (2019)	Directs the Department of Safety, Division of Motor Vehicles, to establish a pilot program to test automated vehicle technologies on public roads within the state. Defines "automated driving system" (ADS) and other relevant terms. A testing entity in the automated vehicle testing pilot program may operate an ADS-equipped vehicle without a test driver or conventional human driver in the vehicle if notice is provided to the department. Establishes an autonomous vehicle advisory commission and details membership.
New Jersey	AJR 164 (2019)	Establishes the New Jersey Advanced Autonomous Vehicle Task Force.
New York	SB 2005 (2017)	Allows the commissioner of motor vehicles to approve autonomous vehicle tests and demonstrations. Requires supervision from the state police for testing. Specifies requirements for operation, including insurance of \$5 million. Defines "autonomous vehicle technology" and "dynamic driving task." Requires a report on testing and demonstration.
North Carolina	HB 469 (2017)	Establishes regulations for the operation of fully autonomous motor vehicles on public highways of this state. Defines terms. Specifies that a driver's license is not required for an AV operator.
North Carolina	HB 716 (2017)	Modifies the follow-too-closely law to allow platooning.

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North Dakota	HB 1199 (2019)	Defines "platoon." Clarifies that the "following too closely" law does not apply to the operation of a nonlead vehicle in a platoon. The Department of Transportation, in coordination with the state highway patrol superintendent, must develop an operational plan that provides guidelines for operating a platoon. A platoon may not operate unless the platoon technology provider or the commercial motor vehicle operator files an operational plan with the department, and the plan is approved for general platoon operations.
North Dakota	HB 1418 (2019)	An autonomous vehicle must be capable of operating in compliance with all applicable federal and state law and may operate on the public highways of this state in full compliance with all vehicle registration, title, insurance, and all other applicable requirements. An individual using an autonomous vehicle is not driving or in actual physical control of the autonomous vehicle and, therefore, is exempt from licensing requirements. Defines "on-demand autonomous vehicle network."
Oklahoma	SB 189 (2019)	Defines "platoon." Exempts nonlead vehicles in a platoon of not more than two motor vehicles and operators of the nonlead vehicles from provisions related to certain mandatory distances.
Oklahoma	SB 365 (2019)	Defines "driving automation system" and "dynamic driving task," preempts local laws, and asserts that only the state may enact laws or regulations regarding the use of motor vehicles equipped with driving automation systems in Oklahoma.
Oregon	HB 4059 (2018)	This bill exempts a person operating a vehicle that is part of a connected automated braking system from the traffic offense of following too closely. Defines "connected automated braking system."
Oregon	HB 4063 (2018)	Establishes the Task Force on Autonomous Vehicles and clarifies that the state Department of Transportation is the lead agency responsible for the coordination of autonomous vehicle programs and policies.
Pennsylvania	SB 1267 (2016)	Allows the use of up to \$40 million of allocated funds for intelligent transportation system applications, such as

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		autonomous and connected vehicle-related technology, in addition to other specified uses.
Pennsylvania	HB 1958 (2018)	Defines "platoon" and "highly automated work zone vehicle." Establishes the Highly Automated Vehicle Advisory Committee within the Pennsylvania Department of Transportation.
South Carolina	HB 3289 (2017)	Specifies that minimum following distance laws for vehicles traveling along a highway do not apply to the operator of any nonleading vehicle traveling in a platoon.
South Dakota	HB 1068 (2019)	Directs the Transportation Commission to promulgate rules to authorize the testing and operation of groups of individual motor vehicles traveling in a unified manner (platooning). Exempts platooning from the follow too closely laws.
Tennessee	SB 598 (2015)	Prohibits local governments from banning the use of motor vehicles equipped with autonomous technology.
Tennessee	SB 1561 (2016)	Redefines "autonomous technology" for the purposes of preemption. Defines "driving mode" and "dynamic driving task."
Tennessee	SB 151 (2017)	Creates the "Automated Vehicles Act."
Tennessee	SB 676 (2017)	Permits the operation of a platoon on streets and highways in the state after the person provides notification to the Department of Transportation and the Department of Safety.
Texas	HB 1791 (2017)	Allows the use of a connected braking system in order to maintain the appropriate distance between vehicles.
Texas	SB 2205 (2017)	Defines a number of terms, including "automated driving system," "automated motor vehicle," "entire dynamic driving task," and "human operator." Preempts local regulation of automated motor vehicles and automated driving systems. Specifies that the owner of an automated driving system is the operator of the vehicle when the system is engaged.
Utah	HB 373 (2015)	Authorizes the Department of Transportation to conduct a connected vehicle technology testing program.

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Utah	HB 280 (2016)	Requires a study related to autonomous vehicles. SB 56 (2018) This bill amended HB 373 (2015) (see above) to define a "connected platooning system."
Utah	SB 72 (2019)	Defines "connected vehicle" and allows the Department of Transportation to obtain, collect, and utilize anonymized location data of a connected vehicle for roadway operation purposes.
Utah	HB 101 (2019)	Declares that an autonomous vehicle or a vehicle operated by a remote driver cannot be considered unattended. Defines key terms related to autonomous vehicles. Allows the operation of a titled, registered, and certified automated vehicle on state highways if certain requirements are fulfilled. Motor vehicles equipped with a level three ADS are required by definition to have a fallback-ready user. Motor vehicles equipped with a level four or a level five ADS only need to be able to achieve a minimal risk condition when a system failure occurs. Provides protocol in case of an accident involving an autonomous vehicle.
Virginia	HB 454 (2016)	Allows the viewing of a visual display while a vehicle is being operated autonomously.
Vermont	SB 149 (2019)	Adds a new chapter to codified law establishing an automated vehicle testing program and defines key terms. Grants authority to the Agency of Transportation to adopt rules to implement this new chapter. Prohibits the testing of automated vehicles on public state or town highways until the Traffic Committee approves a permit application for automated vehicle testers that need to comply with certain criteria. Requires automated vehicle testers to submit an annual report to the committee while tests are conducted. Testers are also required to register each automated vehicle with the commissioner and submit some proof of insurance.
Washington	HB 2970 (2018)	The Washington State Transportation Commission must convene an executive and legislative work group to develop policy recommendations to address the operation of autonomous vehicles on public roadways in the state. SB 6106 (2018) appropriated \$150,000 for the work group.

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Washington, D.C.	DC B 19-0931 (2012)	Defines "autonomous vehicle." Requires a human driver be "prepared to take control of the autonomous vehicle at any moment."
Washington, D.C.	DC B22-0901(2019)	By July 1, 2019, the District Department of Transportation shall make publicly available a study that evaluates and makes recommendations regarding the effects of autonomous vehicles on the District.
Wisconsin	SB 695 (2018)	Defines a "platoon." Creates an exception for platoons regarding the traffic law requiring the operator of a motor truck with a gross weight of more than 10,000 pounds to maintain a distance of not less than 500 feet behind the vehicle immediately preceding.

Model Legislation

The committee looked at autonomous vehicle model legislation as part of their study of automated driving systems (ADS). The model legislation primarily deals with vehicles that fall within Society of Automotive Engineers levels 3 to 5 and leaves vehicles that fall within the Society of Automotive Engineers levels 0 to 2 to existing laws. The model legislation attempts to reconcile ADS with typical state motor vehicle codes. Many of the sections, including definitions, registration, and rules of the road, could be incorporated into existing sections of typical state motor vehicle codes. However, because existing codes vary widely in both substance and structure, it is important to allow states to tailor model legislation.

The model legislation addressed foundational questions about the deployment of ADS, such as who is considered the driver when a vehicle is under automated operation and how automated driving providers can register with the state.

ADS and model legislation are about safe and responsible deployment of the new technology. ADS has the potential to reduce traffic fatalities while making motor vehicle travel more accessible to many different populations.

[Uniform law commission's Uniform Automated Operation of Vehicles Act](#)

[Self – Driving Coalition for Safer Streets 2022 Model Bill](#)

HJ 10: AUTONOMOUS VEHICLES AND MONTANA

APPENDIX A:

2020-2022 TRANSPORTATION INTERIM COMMITTEE MEMBERS

Before the close of each legislative session, the House and Senate leadership appoint lawmakers to interim committees. The members of the Transportation Interim Committee, like most other interim committees, serve one 20-month term. Members who are reelected to the Legislature, subject to overall term limits and if appointed, may serve again on an interim committee. This information is included in order to comply with 2-15-155, MCA.

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