

SENATE BILL 902

R5

7lr2899
CF 7lr1851

By: **Senator Ferguson**

Introduced and read first time: February 3, 2017

Assigned to: Judicial Proceedings

A BILL ENTITLED

AN ACT concerning

Vehicle Laws – Safe Autonomous Vehicle (SAVE) Act

FOR the purpose of authorizing certain manufacturers of autonomous and connected (AV/CV) vehicles to establish a safe autonomous vehicle (SAVE) project authorizing the manufacturer to supervise the driving of AV/CV vehicles on highways in the State; establishing that this Act applies to certain AV/CV vehicle manufacturers; requiring an AV/CV vehicle manufacturer to certify to the Motor Vehicle Administration that the AV/CV vehicles in its fleet under a SAVE project meet certain standards; authorizing an AV/CV vehicle manufacturer to implement multiple projects; establishing that an AV/CV vehicle may be driven on a highway in the State only if the AV/CV vehicle is properly titled and registered and is part of a SAVE project; requiring an AV/CV vehicle manufacturer to determine certain geographical boundaries for a SAVE project; providing for certain recordkeeping and reporting requirements for a SAVE project; providing for the application of certain provisions of the Maryland Vehicle Law to AV/CV vehicles; establishing a certain maximum penalty for a violation of this Act; providing for the registration classification and a special registration plate for an AV/CV vehicle; defining certain terms and altering a certain definition; and generally relating to the Safe Autonomous Vehicle (SAVE) Act.

BY adding to

Article – Transportation

Section 11–103.4, 11–103.5, 13–939.3, and 21–1130

Annotated Code of Maryland

(2012 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 11–135

Annotated Code of Maryland

(2012 Replacement Volume and 2016 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



BY repealing and reenacting, without amendments,
 Article – Transportation
 Section 13–101.1 and 13–402(a)(1)
 Annotated Code of Maryland
 (2012 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 That the Laws of Maryland read as follows:

Article – Transportation

11–103.4.

“AUTOMATED DRIVING SYSTEM” MEANS TECHNOLOGY INSTALLED ON A MOTOR VEHICLE THAT, ON A PART–TIME OR FULL–TIME BASIS, DRIVES THE VEHICLE WITHOUT THE NEED FOR SUPERVISION BY OR THE PRESENCE OF AN INDIVIDUAL.

11–103.5.

“AUTONOMOUS AND CONNECTED VEHICLE” AND “AV/CV VEHICLE” MEAN A MOTOR VEHICLE EQUIPPED WITH AN AUTOMATED DRIVING SYSTEM.

11–135.

(a) (1) “Motor vehicle” means, except as provided in subsection (b) of this section, a vehicle that:

(i) Is self–propelled or propelled by electric power obtained from overhead electrical wires; and

(ii) Is not operated on rails.

(2) “Motor vehicle” includes [a]:

(I) A low speed vehicle; AND

(II) AN AV/CV VEHICLE.

(b) “Motor vehicle” does not include:

(1) A moped, as defined in § 11–134.1 of this subtitle;

(2) A motor scooter, as defined in § 11–134.5 of this subtitle; or

(3) An electric bicycle, as defined in § 11–117.1 of this subtitle.

13-101.1.

Except as provided in § 13-102 of this subtitle, the owner of each vehicle that is in this State and for which the Administration has not issued a certificate of title shall apply to the Administration for a certificate of title of the vehicle.

13-402.

(a) (1) Except as otherwise provided in this section or elsewhere in the Maryland Vehicle Law, each motor vehicle, trailer, semitrailer, and pole trailer driven on a highway shall be registered under this subtitle.

13-939.3.

(A) WHEN REGISTERED WITH THE ADMINISTRATION, EVERY AUTONOMOUS AND CONNECTED VEHICLE IS A CLASS S (AV/CV) VEHICLE.

(B) FOR EACH CLASS S (AV/CV) VEHICLE, THE ANNUAL REGISTRATION FEE IS \$50.50.

(C) THE ADMINISTRATION SHALL ISSUE A SPECIAL AV/CV VEHICLE REGISTRATION PLATE OF THE SIZE AND DESIGN THAT THE ADMINISTRATION DETERMINES.

21-1130.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “AUTOMATIC CRASH NOTIFICATION TECHNOLOGY” MEANS A VEHICLE SERVICE THAT INTEGRATES WIRELESS COMMUNICATIONS AND VEHICLE LOCATION TECHNOLOGY TO DETERMINE THE NEED FOR OR FACILITATE EMERGENCY MEDICAL OR LAW ENFORCEMENT RESPONSE TO A VEHICLE CRASH.

(3) “ON-DEMAND AUTOMATED MOTOR VEHICLE NETWORK” MEANS A DIGITAL NETWORK, SOFTWARE APPLICATION, OR OTHER MEANS TO CONNECT PASSENGERS TO AV/CV VEHICLES TO FACILITATE TRANSPORTATION BETWEEN POINTS SELECTED BY THE PASSENGER.

(4) “PARTICIPATING FLEET” MEANS THE AV/CV VEHICLES OPERATING ON HIGHWAYS IN THE STATE AS PART OF A SAVE PROJECT IMPLEMENTED BY AN AV/CV VEHICLE MANUFACTURER.

(5) “SAFE AUTONOMOUS VEHICLE PROJECT” AND “SAVE PROJECT” MEAN A PROJECT UNDER WHICH ELIGIBLE MOTOR VEHICLE MANUFACTURERS MAY SUPERVISE THE DRIVING OF AV/CV VEHICLES ON HIGHWAYS IN THE STATE IN A MANNER DETERMINED BY THE MANUFACTURER.

(6) “TWO-WAY VEHICLE COMMUNICATION TECHNOLOGY” MEANS A VEHICLE SERVICE PROVIDED THROUGH A WIRELESS COMMUNICATION DEVICE EMBEDDED IN A VEHICLE THAT ENABLES TWO-WAY COMMUNICATION BETWEEN A VEHICLE OCCUPANT AND THE VEHICLE MANUFACTURER.

(B) (1) THIS SECTION APPLIES TO AN AV/CV VEHICLE MANUFACTURER THAT:

(I) MANUFACTURES AV/CV VEHICLES IN THE UNITED STATES THAT COMPLY WITH FEDERAL LAW;

(II) HAS OPERATED AV/CV VEHICLES USING A TEST DRIVER AND WITH THE AUTOMATED DRIVING SYSTEM ACTIVATED ON PUBLIC ROADS IN THE UNITED STATES FOR AT LEAST 1,000,000 MILES; AND

(III) HAS:

1. OBTAINED LIABILITY INSURANCE, A SURETY BOND, OR SELF-INSURANCE IN AN AMOUNT OF AT LEAST \$10,000,000; AND

2. PROVIDED EVIDENCE OF THE LIABILITY INSURANCE, SURETY BOND, OR SELF-INSURANCE TO THE ADMINISTRATION IN A FORM AND MANNER REQUIRED BY THE ADMINISTRATION.

(2) AN AV/CV VEHICLE MANUFACTURER MAY ESTABLISH A SAVE PROJECT.

(3) BEFORE AN AV/CV VEHICLE MANUFACTURER MAY IMPLEMENT A SAVE PROJECT, THE MANUFACTURER SHALL CERTIFY TO THE ADMINISTRATION THAT:

(I) THE PARTICIPATING FLEET IS OWNED OR CONTROLLED BY THE AV/CV VEHICLE MANUFACTURER;

(II) EACH AV/CV VEHICLE IN THE PARTICIPATING FLEET IS EQUIPPED WITH:

1. AN AUTOMATED DRIVING SYSTEM;

2. AUTOMATIC CRASH NOTIFICATION TECHNOLOGY;

3. AN ON-DEMAND AUTOMATED MOTOR VEHICLE NETWORK;

4. TWO-WAY VEHICLE COMMUNICATION TECHNOLOGY; AND

5. A DATA RECORDING SYSTEM THAT RECORDS:

A. THE STATUS OF THE AUTOMATED DRIVING SYSTEM; AND

B. THE SPEED, DIRECTION, AND LOCATION OF THE AV/CV VEHICLE FOR A SPECIFIED TIME PERIOD BEFORE A CRASH AS DETERMINED BY THE AV/CV VEHICLE MANUFACTURER;

(III) EACH AV/CV VEHICLE IN THE PARTICIPATING FLEET COMPLIES WITH STATE AND FEDERAL LAW; AND

(IV) EACH AV/CV VEHICLE IN THE PARTICIPATING FLEET IS CAPABLE OF BEING OPERATED IN COMPLIANCE WITH THE MARYLAND VEHICLE LAW.

(4) AN AV/CV VEHICLE MANUFACTURER MAY IMPLEMENT MORE THAN ONE SAVE PROJECT.

(C) NOTWITHSTANDING ANY OTHER PROVISION OF THE MARYLAND VEHICLE LAW, AN AV/CV VEHICLE MAY BE OPERATED ON A HIGHWAY IN THE STATE WITH THE AUTOMATED DRIVING SYSTEM ACTIVATED ONLY:

(1) IF THE AV/CV VEHICLE IS PROPERLY TITLED AND REGISTERED; AND

(2) AS PART OF A SAVE PROJECT.

(D) (1) AN AV/CV VEHICLE MANUFACTURER MAY INITIATE A SAVE PROJECT AT ANY TIME AFTER THE MANUFACTURER:

(I) COMPLIES WITH SUBSECTION (B)(3) OF THIS SECTION; AND

(II) NOTIFIES THE ADMINISTRATION OF THE GEOGRAPHIC BOUNDARIES FOR THE SAVE PROJECT.

(2) AN AV/CV VEHICLE MANUFACTURER SHALL DETERMINE THE GEOGRAPHIC BOUNDARIES FOR A SAVE PROJECT, WHICH MAY BE IN THE FORM OF:

(I) HIGHWAYS WITHIN A DESIGNATED AREA OF THE STATE;

(II) A COUNTY OR MUNICIPALITY;

(III) AREAS MAINTAINED BY REGIONAL AUTHORITIES;

(IV) CAMPUSES OF INSTITUTIONS OF HIGHER EDUCATION;

(V) COMMUNITIES THAT CATER TO SENIOR CITIZENS; OR

(VI) THE BOUNDARIES FOR ANY OTHER SIMILAR GEOGRAPHIC OR DEMOGRAPHIC AREA.

(3) AN AV/CV VEHICLE IN A PARTICIPATING FLEET MAY BE OPERATED ONLY WITHIN THE BOUNDARIES SELECTED BY THE AV/CV VEHICLE MANUFACTURER FOR THE SAVE PROJECT.

(4) (I) FOR THE DURATION OF THE SAVE PROJECT, THE AV/CV VEHICLE MANUFACTURER SHALL MAINTAIN CRASH AND SAFETY RECORDS AND PROVIDE QUARTERLY SUMMARIES OF THESE RECORDS FOR THE PARTICIPATING FLEET TO THE ADMINISTRATION AND THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION.

(II) AN INDIVIDUAL WHO PARTICIPATES IN A SAVE PROJECT IS DEEMED TO HAVE CONSENTED TO THE COLLECTION OF DATA WHILE THE INDIVIDUAL IS IN AN AV/CV VEHICLE AS PART OF THE SAVE PROJECT AND TO THE LATER DISSEMINATION OF ANONYMIZED VERSIONS OF THE DATA TO THE ADMINISTRATION AND THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION.

(III) AN AV/CV VEHICLE MANUFACTURER THAT IMPLEMENTS A SAVE PROJECT SHALL PUBLICLY DISCLOSE ITS DATA-HANDLING POLICIES AND PRACTICES IN CONNECTION WITH THE SAVE PROJECT BEFORE IMPLEMENTING AND FOR THE DURATION OF THE SAVE PROJECT.

(E) (1) NOTWITHSTANDING ANY OTHER PROVISION OF THE MARYLAND VEHICLE LAW, IF THE AUTOMATED DRIVING SYSTEM OF AN AV/CV VEHICLE IN A PARTICIPATING FLEET IS ACTIVATED:

(I) THE AUTOMATED DRIVING SYSTEM SHALL BE DEEMED TO BE:

1. THE DRIVER OF THE AV/CV VEHICLE FOR THE PURPOSE OF DETERMINING COMPLIANCE WITH THE MARYLAND VEHICLE LAW; AND

2. VALIDLY LICENSED TO DRIVE A MOTOR VEHICLE ON A HIGHWAY IN THE STATE; AND

(II) A LICENSED HUMAN DRIVER DOES NOT NEED TO BE PRESENT IN OR DRIVING THE AV/CV VEHICLE.

(2) AN AV/CV VEHICLE MANUFACTURER SHALL INSURE EACH VEHICLE IN A PARTICIPATING FLEET AS REQUIRED UNDER STATE LAW.

(3) AN AV/CV VEHICLE MANUFACTURER:

(I) IS LIABLE, IN ACCORDANCE WITH STATE LAW, FOR ALL DAMAGES ARISING OUT OF INCIDENTS FOR WHICH THE AUTOMATED DRIVING SYSTEM WAS ACTIVATED AND AT FAULT; AND

(II) IS IMMUNE FROM LIABILITY FOR DAMAGES THAT ARISE OUT OF ANY MODIFICATION MADE BY ANOTHER PERSON TO THE AV/CV VEHICLE OR A SYSTEM OR COMPONENT OF THE AV/CV VEHICLE WITHOUT THE WRITTEN CONSENT OF THE MANUFACTURER.

(4) AN AV/CV VEHICLE FOR WHICH THE AUTOMATIC CRASH NOTIFICATION TECHNOLOGY PROMPTLY CONNECTS A REPRESENTATIVE OF THE AV/CV VEHICLE MANUFACTURER WITH THE APPROPRIATE LAW ENFORCEMENT AGENCY TO REPORT A CRASH IS DEEMED IN COMPLIANCE WITH §§ 20–102 THROUGH 20–106 OF THIS ARTICLE.

(5) THE SEAT BELT AND CHILD SAFETY SEAT REQUIREMENTS UNDER §§ 22–412.2 AND 22–412.3 OF THIS ARTICLE APPLY ONLY TO HUMAN OCCUPANTS OF AN AV/CV VEHICLE.

(6) THE PROHIBITIONS GOVERNING UNATTENDED MOTOR VEHICLES UNDER § 21–1101 OF THIS SUBTITLE DO NOT APPLY TO AN AV/CV VEHICLE.

(F) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO A FINE NOT EXCEEDING \$10,000.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.