

ASSEMBLY, No. 3745

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED MAY 19, 2016

Sponsored by:

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District 6 (Burlington and Camden)

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District 14 (Mercer and Middlesex)

Assemblyman DECLAN J. O'SCANLON, JR.

District 13 (Monmouth)

SYNOPSIS

Permits testing and use of autonomous vehicles on State roadways under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/13/2016)

1 AN ACT concerning the testing and use of autonomous vehicles and
2 supplementing Title 39 of the Revised Statutes.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. As used in P.L. , c. (C.) (pending before the
8 Legislature as this bill):

9 “Autonomous mode” means the operation of an autonomous
10 vehicle without the active control of a human being.

11 “Autonomous technology” means technology that has the
12 capability to drive a motor vehicle without active physical control
13 or monitoring by an operator.

14 “Autonomous vehicle” means a motor vehicle that uses
15 autonomous technology, including sensors, global positioning
16 system coordinates, or any other technology to perform the
17 mechanical operations of driving.

18 “Commission” means the New Jersey Motor Vehicle
19 Commission, or successor agency.

20 “Manufacturer” means the person that originally manufactures
21 the autonomous technology and equips autonomous technology on a
22 non-autonomous motor vehicle or, in the case of a motor vehicle not
23 originally equipped with autonomous technology by the motor
24 vehicle manufacturer, the person that modifies the motor vehicle by
25 installing autonomous technology to convert the motor vehicle to an
26 autonomous vehicle.

27 “Operator” means a person who is seated in the driver’s seat of
28 an autonomous vehicle, or if there is no person in the driver’s seat,
29 causes the autonomous technology to engage.

30 “Sensors” include, without limitation, any cameras, lasers, radar,
31 or other technology used in the operation of an autonomous vehicle.

32

33 2. An autonomous vehicle may be operated on any public
34 highway, road, or street within this State for testing purposes by an
35 operator who possesses the proper class of license, as determined by
36 the commission, for the type of vehicle being operated, provided
37 that the following requirements are met:

38 a. the autonomous vehicle is being operated on a public
39 highway, road, or street in this State solely by employees,
40 contractors, or other persons designated by the manufacturer of the
41 autonomous technology or autonomous vehicle;

42 b. the operator is seated in the driver’s seat, monitoring the safe
43 operation of the autonomous vehicle, and is capable of taking over
44 immediate manual control of the autonomous vehicle in the event of
45 an autonomous technology failure or other emergency; and

46 c. prior to the start of testing in this State, the manufacturer
47 performing the testing obtains an instrument of insurance, surety
48 bond, or proof of self-insurance in the amount of \$5,000,000, and

1 shall provide evidence of the insurance, surety bond, or self-
2 insurance to the commission, in a form and manner determined by
3 the commission.

4

5 3. An autonomous vehicle shall not be operated on a public
6 highway, road, or street in this State for testing purposes until the
7 commission approves an application submitted by the manufacturer
8 to the commission, in a form and manner determined by the
9 commission. The application shall contain requirements that
10 include, but are not limited to:

11 (1) a certification by the manufacturer that the autonomous
12 technology satisfies the following requirements:

13 (a) the autonomous technology has the ability to be easily
14 engaged or disengaged by the operator;

15 (b) the autonomous vehicle has a visual indicator inside the
16 cabin of the vehicle to indicate when the autonomous technology is
17 engaged;

18 (c) the autonomous vehicle has a system to safely alert the
19 operator if an autonomous technology failure is detected while the
20 autonomous technology is engaged, and when an alert is given, the
21 autonomous vehicle shall do either:

22 (i) require the operator to take control of the autonomous
23 vehicle; or

24 (ii) be capable of coming to a complete stop if the operator does
25 not or is unable to take control of the autonomous vehicle.

26 (d) the autonomous vehicle shall allow the operator to take
27 control in multiple ways, including, but not limited to, the use of the
28 brake, the accelerator pedal, or the steering wheel, and shall alert
29 the operator that the autonomous technology has been disengaged;

30 (e) the autonomous vehicle and autonomous technology meet
31 the safety and performance standards provided in State and federal
32 law for the vehicle's model year; and

33 (f) the autonomous vehicle has a separate mechanism, in
34 addition to, and separate from, any other mechanism required by
35 law, to capture and store the autonomous technology sensor data for
36 at least 30 seconds before a collision occurs between the
37 autonomous vehicle and another vehicle, object, or person while the
38 vehicle is operating in autonomous mode. The autonomous
39 technology sensor data shall be stored for three years from the date
40 of the collision and captured and stored in a read-only format by the
41 mechanism so that the data is retained until extracted from the
42 mechanism by an external device capable of downloading and
43 storing the data.

44 (2) A certification that the manufacturer has tested the
45 autonomous technology on private roads, lots, or tracks, or out-of-
46 State public highways, roads, and streets, and has complied with
47 other testing standards, if any, established by the commission.

1 (3) A certification that the manufacturer will maintain a surety
2 bond, or proof of self-insurance as specified in regulations adopted
3 by the commission, in an amount of \$5,000,000.

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5 4. The commission shall approve an application submitted by a
6 manufacturer pursuant to section 2 of P.L. , c. (C.) (pending
7 before the Legislature as this bill) if the commission finds that the
8 applicant has submitted all required information and completed
9 testing necessary to satisfy the commission that the autonomous
10 vehicle is safe to operate on the public highways, roads, and streets
11 of this State for testing purposes and the applicant has complied
12 with the regulations adopted by the commission pursuant to P.L. ,
13 c. (C.) (pending before the Legislature as this bill).

14
15 5. The manufacturer of the autonomous technology installed on
16 an autonomous vehicle shall provide a written disclosure to the
17 purchaser of the autonomous vehicle that describes what
18 information, including personal information, is collected by the
19 autonomous technology equipped on the vehicle.

20
21 6. The commission shall adopt, pursuant to the "Administrative
22 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and
23 regulations to effectuate the purposes of P.L. , c. (C.)
24 (pending before the Legislature as this bill).

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26 7. This act shall take effect immediately.

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29 STATEMENT

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31 This bill permits the testing and use of autonomous vehicles on
32 the public highways, roads, and streets of this State. An
33 autonomous vehicle may be operated on any highway, road, or
34 street within this State for testing purposes by a driver who
35 possesses the proper class of license, as determined by the New
36 Jersey Motor Vehicle Commission (commission), for the type of
37 vehicle being operated if: the autonomous vehicle is being operated
38 on a public highway, road, or street in this State solely by
39 employees, contractors, or other persons designated by the
40 manufacturer of the autonomous technology; the operator is seated
41 in the driver's seat, monitoring the safe operation of the
42 autonomous vehicle, and capable of taking over immediate manual
43 control of the autonomous vehicle in the event of an autonomous
44 technology failure or other emergency; and, prior to the start of
45 testing in this State, the manufacturer performing the testing obtains
46 an instrument of insurance, surety bond, or proof of self-insurance
47 in the amount of \$5,000,000, and is to provide evidence of the

1 insurance, surety bond, or self-insurance to the commission, in a
2 form and manner determined by the commission.

3 The bill provides that an autonomous vehicle is not to be
4 operated on a highway, road, or street in this State for testing
5 purposes until the manufacturer submits an application to the
6 commission in a form and manner determined by the commission.
7 The application is to contain requirements that include: a
8 certification by the manufacturer that the autonomous technology
9 satisfies all of the following requirements: the autonomous
10 technology that is easily engaged or disengaged by the operator; the
11 autonomous vehicle has a visual indicator inside the cabin to
12 indicate when the autonomous technology is engaged; and the
13 autonomous vehicle has a system to safely alert the operator if an
14 autonomous technology failure is detected while the autonomous
15 technology is engaged, and when an alert is given, the system is to
16 either require the operator to take control of the autonomous vehicle
17 or be capable of coming to a complete stop if the operator does not
18 or is unable to take control of the autonomous vehicle.

19 The application is to also include that: the autonomous vehicle is
20 to allow the operator to take control of the vehicle in multiple ways,
21 including, but not limited to, use of the brake, the accelerator pedal,
22 or the steering wheel, and it is to alert the operator that the
23 autonomous technology has been disengaged; the autonomous
24 vehicle and autonomous technology meet the safety and
25 performance standards provided in State and federal law for the
26 vehicle's model year; and the autonomous vehicle has a separate
27 mechanism, in addition to, and separate from, any other mechanism
28 required by law, to capture and store the autonomous technology
29 sensor data for at least 30 seconds before a collision occurs between
30 the autonomous vehicle and another vehicle, object, or person while
31 the vehicle is operating in autonomous mode. The autonomous
32 technology sensor data is to be stored for three years from the date
33 of the collision and be captured and stored in a read-only format by
34 the mechanism so that the data is retained until extracted from the
35 mechanism by an external device capable of downloading and
36 storing the data.

37 The commission is to also require a certification that the
38 manufacturer has tested the autonomous technology on private
39 roads, lots, or tracks, or out-of-State public highways, roads, and
40 streets, has complied with any other testing standards established by
41 the commission, and a certification that the manufacturer will
42 maintain a surety bond, or proof of self-insurance as specified in
43 regulations adopted by the commission, in an amount of
44 \$5,000,000.

45 This bill provides that the commission is to approve an
46 application submitted by a manufacturer pursuant this bill if the
47 commission finds that the applicant has submitted all information
48 and completed testing necessary to satisfy the commission that the

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1 autonomous vehicle is safe to operate on the highways, roads, and
2 streets of this State for testing purposes and the applicant has
3 complied with the regulations adopted by the commission.

4 Finally, this bill requires the manufacturer of the autonomous
5 technology installed on a vehicle to provide a written disclosure to
6 the purchaser of an autonomous vehicle that describes what
7 information, including personal information, is collected by the
8 autonomous technology equipped on the vehicle.