ASSEMBLY, No. 1189

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

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SYNOPSIS

Establishes fully autonomous vehicle pilot program.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

AN ACT establishing a fully autonomous vehicle pilot program and supplementing Title 39 of the Revised Statutes.

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

1. As used in this act:

"Automated driving system" means the hardware and software that are collectively capable of performing the entire dynamic driving task on a sustained basis, regardless of whether the automated driving system is limited to a specific operational design domain.

"Autonomous vehicle manufacturer" means: a person or entity that builds or sells fully autonomous vehicles; a person or entity that installs automated driving systems in motor vehicles that are not originally built as fully autonomous vehicles; or a person or entity that develops automated driving systems in fully autonomous vehicles or motor vehicles that are not originally built as fully autonomous vehicles.

"Autonomous vehicle tester" means an autonomous vehicle manufacturer, institution of higher education, fleet service provider, or automotive equipment or technology provider.

"Chief administrator" means the Chief Administrator of the New Jersey Motor Vehicle Commission.

"Commission" means the New Jersey Motor Vehicle Commission.

"Department" means the Department of Transportation.

"Dynamic driving task" means the real-time operational and tactical functions required to operate a motor vehicle on highways, excluding the strategic functions such as trip scheduling and selection of destinations and waypoints.

"Fleet service provider" means a person or entity that owns or leases a fully autonomous vehicle and operates the fully autonomous vehicle for commercial or public use.

"Fort Monmouth" means the formerly federally owned and operated military installation located in the municipalities of the Borough of Eatontown, Borough of Oceanport, and Borough of Tinton Falls under the jurisdiction of the Fort Monmouth Economic Revitalization Authority, established pursuant to P.L.2010, c.51 (C.52:27I-18 et seq.).

"Fully autonomous vehicle" means a motor vehicle that is equipped with an automated driving system, designed to function without an operator, and has a level of automation that is classified as a level four automation or level five automation.

"Highway" has the same meaning as provided in R.S.39:1-1.

"Institution of higher education" has the same meaning as provided in section 2 of P.L.1977, c.123 (C.18A:68-11.2).

"Level five automation" means the operation of a vehicle by an

automated driving system that performs all aspects of the dynamic driving task under all roadway and environmental conditions that can be managed by an operator.

"Level four automation" means the operation of a vehicle by an automated driving system that performs all aspects of the dynamic driving task even if the operator does not respond appropriately to a request by the automated driving system to promptly begin or resume performance of the dynamic driving task.

"Operational design domain" means the specific conditions under which an automated driving system is designed to function, including, but not limited to, geographic, roadway, environmental, and speed limitations.

"Operator" means the person seated in the driver's seat of a fully autonomous vehicle.

2. a. The New Jersey Motor Vehicle Commission, in consultation with the Department of Transportation, shall establish a one-year pilot program to be known as the "New Jersey Fully Autonomous Vehicle Pilot Program" to allow autonomous vehicle testers to operate fully autonomous vehicles on the highways of the State. The pilot program shall commence 90 days following the effective date of this act. The commission shall require an autonomous vehicle tester to submit an application to the commission for approval to participate in the pilot program, in a form and manner determined by the commission. An autonomous vehicle shall not be tested or operated in the State unless the autonomous vehicle tester has been authorized by the commission to participate in the pilot program and complies with the provisions of this act.

b. The commission shall enter into a written agreement with each autonomous vehicle tester participating in the pilot program, which shall, at a minimum:

(1) specify the locations and routes where fully autonomous vehicles may operate, which shall include a provision authorizing the operation of fully autonomous vehicles on the highways within the boundaries of Fort Monmouth;

(2) prohibit the operation of fully autonomous vehicles outside such locations and routes except in the case of an emergency;

(3) identify each fully autonomous vehicle that will be operated by the identification number, make, year, and model of the fully autonomous vehicle; and

(4) specify the hours during which fully autonomous vehicles may be operated.

c. An autonomous vehicle tester shall not operate a fully autonomous vehicle in the State unless:

(1) the operator: is seated in the driver's seat of the fully autonomous vehicle; is monitoring the operation of the fully autonomous vehicle; is capable of taking immediate manual control

of the fully autonomous vehicle; is an employee, independent contractor, or other person designated and trained by the autonomous vehicle tester concerning the capabilities and limitations of the fully autonomous vehicle; and is a holder of a valid basic driver's license;

(2) the autonomous vehicle tester: registers each fully autonomous vehicle to be operated with the commission; and submits to the commission, in a manner and form determined by the commission, proof of liability insurance, self-insurance, or a surety bond of at least $5,000,000 for damages by reason of bodily injury, death, or property damage caused by the fully autonomous vehicle; and

(3) the operator and autonomous vehicle tester: comply with any provision of Title 39 of the Revised Statutes or any other law of this State concerning the operation of a motor vehicle; comply with standards established by the National Highway Traffic Safety Administration regarding fully autonomous vehicles; and satisfy any other requirement as determined by the chief administrator, in consultation with the Commissioner of Transportation, as necessary to ensure the safe operation of fully autonomous vehicles in the State.

3. The chief administrator may immediately prohibit an operator or autonomous vehicle tester from operating a fully autonomous vehicle if the chief administrator determines that the operation of a fully autonomous vehicle by the operator or autonomous vehicle tester poses a risk to public safety or that the operator or autonomous vehicle tester fails to comply with the provisions of this act or with the requirements of the pilot program.

4. An autonomous vehicle tester that participates in the pilot program shall provide information to the chief administrator that the chief administrator deems to be appropriate for measuring the performance of the pilot program. The autonomous vehicle tester may withhold any commercially valuable, confidential, or proprietary information.

5. No later than six months after completion of the one-year pilot program, the chief administrator shall submit to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature a report that evaluates the pilot program and includes recommendations that facilitate the safe integration of fully autonomous vehicles on the highways of this State.

6. The commission shall adopt, in consultation with the department and pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations to effectuate the purposes of this act.

7. This act shall take effect immediately and shall expire upon the submission of the report required to be submitted pursuant to section 5 of this act.

STATEMENT

This bill requires the New Jersey Motor Vehicle Commission (commission), in consultation with the Department of Transportation to establish a one-year "New Jersey Fully Autonomous Vehicle Pilot Program." The pilot program is to commence 90 days following the bill's effective date and is to allow autonomous vehicle testers to operate fully autonomous vehicles on the highways of this State.

The commission is to enter into a written agreement with each autonomous vehicle tester participating in the pilot program that is to, at a minimum, (1) specify the locations and routes where fully autonomous vehicles may operate and is to include a provision authorizing the operation of fully autonomous vehicles on the highways within the boundaries of Fort Monmouth, as that term is defined in the bill; (2) prohibit the operation of fully autonomous vehicles outside of these locations and routes except in the case of an emergency; (3) identify each fully autonomous vehicle that will be operated by the identification number, make, year, and model of the fully autonomous vehicle; and (4) specify the hours during which fully autonomous vehicles may be operated. In order for an autonomous vehicle tester to operate a fully autonomous vehicle in the State, the operator of the fully autonomous vehicle, the autonomous vehicle tester, and the operator and autonomous vehicle tester are to comply with certain requirements specified in the bill.

The bill authorizes the Chief Administrator of the New Jersey Motor Vehicle Commission (chief administrator) to prohibit an operator or autonomous vehicle tester from operating a fully autonomous vehicle if the chief administrator determines that the operation of a fully autonomous vehicle by the operator or autonomous vehicle tester poses a risk to public safety or the operator or autonomous vehicle tester fails to comply with the provisions of the bill or the requirements of the pilot program. The bill requires an autonomous vehicle tester that participates in the pilot program to provide information to the chief administrator that the chief administrator deems appropriate for measuring the performance of the pilot program. The chief administrator is required, within six months from the end of the pilot program, to submit to the Governor and Legislature a report evaluating the pilot program. The provisions of the bill are to expire upon submission of the report.