

ASSEMBLY, No. 5681

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MAY 12, 2021

Sponsored by:

Assemblyman ANDREW ZWICKER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

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District 7 (Burlington)

Co-Sponsored by:

Assemblymen Stanley and Mukherji

SYNOPSIS

Establishes permitting process for testing highly automated vehicles in NJ;
establishes Highly Automated Vehicle Interagency Advisory Committee.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/12/2021)

1 **AN ACT** concerning highly automated vehicles and supplementing
2 Title 39 of the Revised Statutes.

3

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

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

9 “Automated driving system” means the hardware and software
10 that are collectively capable of performing all aspects of the dynamic
11 driving task within its specific operational design domain, if any.

12 “Commission” means the New Jersey Motor Vehicle Commission.

13 “Committee” means the Highly Automated Vehicle Interagency
14 Advisory Committee established pursuant to section 3 of P.L. , c,
15 (C.) (pending before the Legislature as this bill).

16 “Dynamic driving task” means the operational aspects of driving
17 a motor vehicle and the tactical aspects of driving a motor vehicle,
18 but not the strategic aspects of the driving task.

19 “Highly automated vehicle” means a motor vehicle equipped with
20 an automated driving system capable of performing all aspects of the
21 dynamic driving task within its operational design domain, if any,
22 including achieving a minimal risk condition, without any
23 intervention or supervision by a conventional human driver.

24 “Highly automated vehicle tester” means any natural person, firm,
25 co-partnership, association, or corporation that has received a permit
26 from the commission authorizing the natural person, firm, co-
27 partnership, association, or corporation to test highly automated
28 vehicles on public roadways in New Jersey.

29 “Highly automated vehicle testing permit” means a letter issued
30 and signed by the Chief Administrator of the New Jersey Motor
31 Vehicle Commission granting a highly automated vehicle tester
32 permission to test highly automated vehicles on New Jersey public
33 roadways in a manner consistent with the information presented in
34 the permit application and any conditions imposed as part of the
35 permitting process.

36 “Minimal risk condition” means an operating mode where an
37 automated driving system brings a highly automated vehicle to a safe
38 stop or safe operating condition because of an automated driving
39 system malfunction, a failed request for a safety driver to intervene,
40 or other occurrence that prohibits the automated driving system from
41 fully and completely performing the dynamic driving task.

42 “Operational aspects of driving a vehicle” include but are not
43 limited to steering, braking, accelerating, monitoring the vehicle, and
44 monitoring the roadway.

45 “Operational design domain” means the definition of the
46 conditions in which the automated driving system, or the differing
47 automated components thereof, is intended to operate with respect to
48 public road types, geographical location, speed, range, lighting

1 conditions for operation, weather conditions, and other operational
2 domain constraints, including a description of how the automated
3 driving system provides for object and event detection and response
4 under normal driving scenarios, expected hazards, and unspecified
5 events that could occur within the operational domain.

6 “State” means a state of the United States, the District of
7 Columbia, the Commonwealth of Puerto Rico, or any other territory
8 or possession of the United States.

9 “Strategic aspect of the driving task” includes but is not limited to
10 determining destinations and waypoints,

11 “Tactical aspects of driving a vehicle” include but are not limited
12 to responding to events on the roadway and determining when to
13 change lanes, turn, and use signals.

14 “Test” means the operation of a highly automated vehicle on
15 public roadways for the purpose of assessing, demonstrating, and
16 validating the highly automated vehicle’s capabilities.

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18 2. a. Notwithstanding the provisions of any law, rule,
19 regulation, or order to the contrary, the New Jersey Motor Vehicle
20 Commission shall establish a procedure for the application for and
21 issuance of a highly automated vehicle testing permit to test highly
22 automated vehicles on public roadways in the State. The commission
23 shall consult the Highly Automated Vehicle Interagency Advisory
24 Committee established pursuant to section 3 of P.L. , c. (C.)
25 (pending before the Legislature as this bill) in determining whether
26 to approve or deny an application for a highly automated vehicle
27 testing permit.

28 b. A person or entity shall not test or operate highly automated
29 vehicles on public roadways in this State unless the person or entity
30 has received and maintains a valid highly automated vehicle testing
31 permit from the commission.

32 c. The commission shall issue a highly automated vehicle testing
33 permit to a highly automated vehicle tester that holds valid approval
34 from another state to test highly automated vehicles in that state. The
35 commission shall issue a highly automated vehicle testing permit
36 pursuant to this subsection only if the standards and requirements to
37 test highly automated vehicles in the other state are similar to the
38 standards and requirements established by the commission to test
39 highly automated vehicles in this State, as determined by the
40 commission in consultation with the Highly Automated Vehicle
41 Interagency Advisory Committee established pursuant to section 3 of
42 P.L. , c. (C.) (pending before the Legislature as this bill).

43
44 3. a. There is established in, but not of, the Department of
45 Transportation, a Highly Automated Vehicle Interagency Advisory
46 Committee for the purpose of encouraging the safe testing of highly
47 automated vehicles in this State by fostering collaboration between
48 State government and stakeholders and promoting public acceptance

1 of highly automated vehicles, which shall consist of 13 voting
2 members as follows:

3 (1) the Commissioner of Transportation, ex officio, or the
4 commissioner's designated representative;

5 (2) the Chief Administrator of the New Jersey Motor Vehicle
6 Commission, ex officio, or the chief administrator's designated
7 representative;

8 (3) the Director of the Division of Highway Traffic Safety in the
9 Department of Law and Public Safety, ex officio, or the director's
10 designated representative;

11 (4) the Commissioner of the Department of Human Services, ex
12 officio, or the commissioner's designated representative;

13 (5) the Executive Director of the New Jersey Transit Corporation,
14 ex officio, or the executive director's designated representative;

15 (6) the Commissioner of the Department of Banking and
16 Insurance, ex officio, or the commissioner's designated
17 representative;

18 (7) the Superintendent of the Division of State Police, ex officio,
19 or the superintendent's designated representative;

20 (8) the Chief Executive Officer of the New Jersey Economic
21 Development Authority, ex officio, or the chief executive officer's
22 designated representative;

23 (9) the Commissioner of the Department of Labor and Workforce
24 Development, ex officio, or the commissioner's designated
25 representative; and

26 (10) four members of the public to be appointed by the Governor,
27 in consultation with the Commissioner of Transportation, one who
28 has expertise in the design and operation of highly automated
29 vehicles and one who has expertise in policy and regulation
30 concerning the operation of highly automated vehicles on public
31 roadways.

32 b. The public members shall serve for a term of four years from
33 the date of their appointment and until their successors are appointed
34 and qualified. Any vacancy in the membership of the committee
35 shall be filled by appointment in the same manner as the original
36 appointment, but for the unexpired term only.

37 c. The committee shall organize as soon as possible after the
38 appointment of a majority of the committee's members and shall
39 elect from among its members a chairperson and a vice-chairperson.

40 d. The committee shall adopt by-laws for the regulation of its
41 affairs and the conduct of its business.

42 e. The committee shall meet at least four times per year and shall
43 comply with the provisions of the "Senator Byron M. Baer Open
44 Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.).

45

46 4. The purpose of the committee shall be to study, examine, and
47 review the testing and use of highly automated vehicles in New
48 Jersey and to advise the Governor, Legislature, and various State

- 1 agencies on policies, programs, research, and priorities to advance
2 the use and testing of highly automated vehicles throughout the State.
3 To fulfill this purpose, the committee shall:
- 4 a. review and provide a recommendation on each application for
5 a highly automated vehicle testing permit;
 - 6 b. meet with highly automated vehicle testers on a quarterly basis,
7 or more often as necessary, to monitor safety performance, discuss
8 lessons learned, and address any issues and concerns related to
9 testing in New Jersey;
 - 10 c. make recommendations as needed to the Governor and
11 Legislature regarding policy, regulations, and other matters
12 pertaining to highly automated vehicle testing and operation in New
13 Jersey; and
 - 14 d. perform other functions deemed appropriate by the committee
15 to fulfill its duties under P.L. , c. (C.) (pending before the
16 Legislature as this bill).
- 17
- 18 5. The committee shall be entitled to call to its assistance and
19 avail itself of the services of officials and employees of the State and
20 its political subdivisions and their departments, boards, bureaus,
21 commissions, and agencies as it may require and as may be available
22 to it for the purposes of the committee and may expend those funds
23 as may be appropriated or otherwise made available to it for the
24 purposes of P.L. , c. (C.) (pending before the Legislature as
25 this bill).
- 26
- 27 6. The committee shall report to the Governor and, pursuant to
28 section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature
29 concerning its activities pursuant to section 4 of P.L. , c. (C.)
30 (pending before the Legislature as this bill) no later than one year
31 following the first meeting of the committee. Thereafter, the
32 committee shall submit annually a report to the Governor and,
33 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the
34 Legislature concerning its activities pursuant to section 4 of P.L. ,
35 c. (C.) (pending before the Legislature as this bill).
- 36
- 37 7. The Chief Administrator of the New Jersey Motor Vehicle
38 Commission shall adopt, pursuant to the provisions of the
39 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
40 seq.), rules and regulations to effectuate the provisions of P.L. , c.
41 (C.) (pending before the Legislature as this bill).
- 42
- 43 8. This act shall take effect on the first day of the 13th month
44 after enactment. The Chief Administrator of the New Jersey Motor
45 Vehicle Commission may take such anticipatory actions as may be
46 necessary for the timely implementation of this act.

STATEMENT

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This bill requires the New Jersey Motor Vehicle Commission (commission) to establish a procedure for the application for and issuance of highly automated vehicle testing permits to test highly automated vehicles on public roadways in New Jersey. The commission is required to consult the Highly Automated Vehicle Interagency Advisory Committee in determining whether to approve or deny an application for a highly automated vehicle testing permit.

The commission is required to issue a highly automated vehicle testing permit to a highly automated vehicle tester that holds valid approval from another state to test highly automated vehicles, provided that the standards and requirements established by the other state to test highly automated vehicles are similar to those established by the commission.

The bill establishes the Highly Automated Vehicle Interagency Advisory Committee (committee) to encourage the safe testing of highly automated vehicles in New Jersey by fostering collaboration between State government and stakeholders and promoting public acceptance of highly automated vehicles. The committee is to study, examine, and review the testing and use of highly automated vehicles in New Jersey and to advise the Governor, Legislature, and various State agencies on policies, programs, research, and priorities to advance the use and testing of highly automated vehicles throughout the State. The committee is required to submit a report annually to the Governor and Legislature concerning its activities.