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ASSEMBLY, No. 5681

STATE OF NEW JERSEY

219th LEGISLATURE

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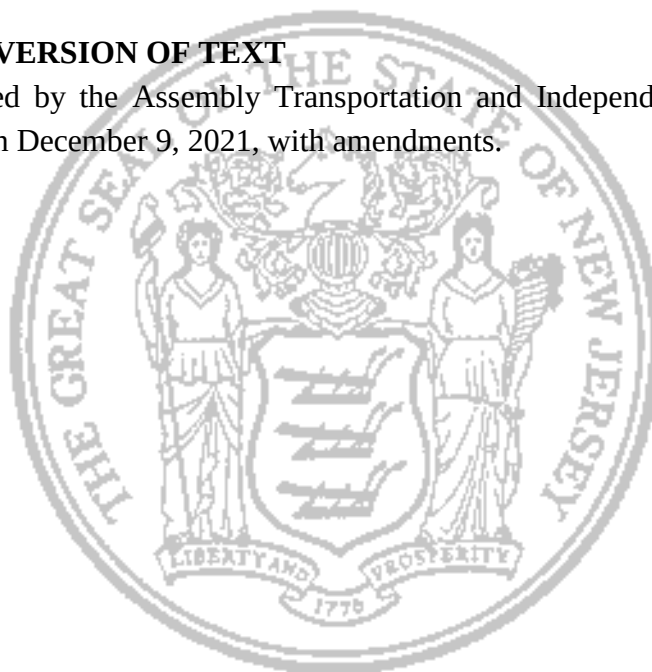
Assemblymen Stanley and Mukherji

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Assembly Transportation and Independent Authorities Committee on December 9, 2021, with amendments.



(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:*

6
 7 1. As used in P.L. , c. (C.) (pending before the
 8 Legislature as this bill):

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

13 “Commission” means the New Jersey Motor Vehicle
 14 Commission.

15 “Committee” means the Highly Automated Vehicle Interagency
 16 Advisory Committee established pursuant to section 3 of P.L. , c
 17 **‘[L.]’** (C.) (pending before the Legislature as this bill).

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

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

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

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

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

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ATR committee amendments adopted December 9, 2021.

1 “Operational aspects of driving a vehicle” include but are not
2 limited to steering, braking, accelerating, monitoring the vehicle,
3 and monitoring the roadway.

4 “Operational design domain” means the definition of the
5 conditions in which the automated driving system, or the differing
6 automated components thereof, is intended to operate with respect
7 to public road types, geographical location, speed, range, lighting
8 conditions for operation, weather conditions, and other operational
9 domain constraints, including a description of how the automated
10 driving system provides for object and event detection and response
11 under normal driving scenarios, expected hazards, and unspecified
12 events that could occur within the operational domain.

13 “State” means a state of the United States, the District of
14 Columbia, the Commonwealth of Puerto Rico, or any other territory
15 or possession of the United States.

16 “Strategic aspect of the driving task” includes but is not limited
17 to determining destinations and waypoints **‘L.1’**

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

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

24

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

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

39 c. The commission shall issue a highly automated vehicle testing
40 permit to a highly automated vehicle tester that holds valid approval
41 from another state to test highly automated vehicles in that state.
42 The commission shall issue a highly automated vehicle testing
43 permit pursuant to this subsection only if the standards and
44 requirements to test highly automated vehicles in the other state are
45 similar to the standards and requirements established by the
46 commission to test highly automated vehicles in this State, as
47 determined by the commission in consultation with the Highly
48 Automated Vehicle Interagency Advisory Committee established

1 pursuant to section 3 of P.L. , c. (C.) (pending before the
2 Legislature as this bill).

3

4 3. a. There is established in, but not of, the Department of
5 Transportation, a Highly Automated Vehicle Interagency Advisory
6 Committee for the purpose of encouraging the safe testing of highly
7 automated vehicles in this State by fostering collaboration between
8 State government and stakeholders and promoting public
9 acceptance of highly automated vehicles, which shall consist of
10 ¹~~13~~ 16 voting members as follows:

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

13 (2) the Chief Administrator of the New Jersey Motor Vehicle
14 Commission, ex officio, or the chief administrator's designated
15 representative;

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

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

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

24 (6) the Commissioner of the Department of Banking and
25 Insurance, ex officio, or the commissioner's designated
26 representative;

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

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

32 (9) the Commissioner of the Department of Labor and
33 Workforce Development, ex officio, or the commissioner's
34 designated representative; ¹~~and~~ ¹

35 (10) ¹~~four~~ five members of the public to be appointed by the
36 Governor, in consultation with the Commissioner of Transportation,
37 one who has expertise in the design and operation of highly
38 automated vehicles ¹~~and~~ ¹, one who has expertise in policy and
39 regulation concerning the operation of highly automated vehicles on
40 public roadways ¹, and one from the Alan M. Voorhees
41 Transportation Center at Rutgers, the State University of New
42 Jersey;

43 (11) one member of the public to be appointed by the Speaker of
44 the General Assembly; and

45 (12) one member of the public to be appointed by the Senate
46 President ¹.

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

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

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

11 e. The committee shall meet at least four times per year and
12 shall comply with the provisions of the "Senator Byron M. Baer
13 Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.).
14

15 4. The purpose of the committee shall be to study, examine,
16 and review the testing and use of highly automated vehicles in New
17 Jersey and to advise the Governor, Legislature, and various State
18 agencies on policies, programs, research, and priorities to advance
19 the use and testing of highly automated vehicles throughout the
20 State. To fulfill this purpose, the committee shall:

21 a. review and provide a recommendation on each application for
22 a highly automated vehicle testing permit;

23 b. meet with highly automated vehicle testers on a quarterly
24 basis, or more often as necessary, to monitor safety performance,
25 discuss lessons learned, and address any issues and concerns related
26 to testing in New Jersey;

27 c. make recommendations as needed to the Governor and
28 Legislature regarding policy, regulations, and other matters
29 pertaining to highly automated vehicle testing and operation in New
30 Jersey; and

31 d. perform other functions deemed appropriate by the committee
32 to fulfill its duties under P.L. , c. (C.) (pending before the
33 Legislature as this bill).
34

35 5. The committee shall be entitled to call to its assistance and
36 avail itself of the services of officials and employees of the State
37 and its political subdivisions and their departments, boards,
38 bureaus, commissions, and agencies as it may require and as may be
39 available to it for the purposes of the committee and may expend
40 those funds as may be appropriated or otherwise made available to
41 it for the purposes of P.L. , c. (C.) (pending before the
42 Legislature as this bill).
43

44 6. The committee shall report to the Governor and, pursuant to
45 section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature
46 concerning its activities pursuant to section 4 of P.L. , c.
47 (C.) (pending before the Legislature as this bill) no later than
48 one year following the first meeting of the committee. Thereafter,

1 the committee shall submit annually a report to the Governor and,
2 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the
3 Legislature concerning its activities pursuant to section 4 of P.L. ,
4 c. (C.) (pending before the Legislature as this bill).

5
6 7. The Chief Administrator of the New Jersey Motor Vehicle
7 Commission shall adopt, pursuant to the provisions of the
8 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
9 seq.), rules and regulations to effectuate the provisions of P.L. , c.
10 (C.) (pending before the Legislature as this bill).

11
12 8. This act shall take effect on the first day of the 13th month
13 after enactment. The Chief Administrator of the New Jersey Motor
14 Vehicle Commission may take such anticipatory actions as may be
15 necessary for the timely implementation of this act.