

SENATE, No. 3877

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JUNE 3, 2021

Sponsored by:

Senator NELLIE POU

District 35 (Bergen and Passaic)

Senator THOMAS H. KEAN, JR.

District 21 (Morris, Somerset and Union)

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: 6/3/2021)

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. ,
17 c. (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.

45 “Operational aspects of driving a vehicle” include but are not
46 limited to steering, braking, accelerating, monitoring the vehicle,
47 and monitoring the roadway.

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

10 “State” means a state of the United States, the District of
11 Columbia, the Commonwealth of Puerto Rico, or any other territory
12 or possession of the United States.

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

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

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

21

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

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

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

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

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

10 (2) the Chief Administrator of the New Jersey Motor Vehicle
11 Commission, ex officio, or the chief administrator's designated
12 representative;

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

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

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

21 (6) the Commissioner of the Department of Banking and
22 Insurance, ex officio, or the commissioner's designated
23 representative;

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

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

29 (9) the Commissioner of the Department of Labor and
30 Workforce Development, ex officio, or the commissioner's
31 designated representative; and

32 (10) four members of the public to be appointed by the
33 Governor, in consultation with the Commissioner of Transportation,
34 one who has expertise in the design and operation of highly
35 automated vehicles and one who has expertise in policy and
36 regulation concerning the operation of highly automated vehicles on
37 public roadways.

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

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

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

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

5 4. The purpose of the committee shall be to study, examine,
6 and review the testing and use of highly automated vehicles in New
7 Jersey and to advise the Governor, Legislature, and various State
8 agencies on policies, programs, research, and priorities to advance
9 the use and testing of highly automated vehicles throughout the
10 State. To fulfill this purpose, the committee shall:

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

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

17 c. make recommendations as needed to the Governor and
18 Legislature regarding policy, regulations, and other matters
19 pertaining to highly automated vehicle testing and operation in New
20 Jersey; and

21 d. perform other functions deemed appropriate by the
22 committee to fulfill its duties under P.L. , c. (C.) (pending
23 before the Legislature as this bill).
24

25 5. The committee shall be entitled to call to its assistance and
26 avail itself of the services of officials and employees of the State
27 and its political subdivisions and their departments, boards,
28 bureaus, commissions, and agencies as it may require and as may be
29 available to it for the purposes of the committee and may expend
30 those funds as may be appropriated or otherwise made available to
31 it for the purposes of P.L. , c. (C.) (pending before the
32 Legislature as this bill).
33

34 6. The committee shall report to the Governor and, pursuant to
35 section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature
36 concerning its activities pursuant to section 4 of P.L. ,
37 c. (C.) (pending before the Legislature as this bill) no later
38 than one year following the first meeting of the committee.
39 Thereafter, the committee shall submit annually a report to the
40 Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-
41 19.1), to the Legislature concerning its activities pursuant to section
42 4 of P.L. , c. (C.) (pending before the Legislature as this
43 bill).
44

45 7. The Chief Administrator of the New Jersey Motor Vehicle
46 Commission shall adopt, pursuant to the provisions of the
47 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et

1 seq.), rules and regulations to effectuate the provisions of P.L. ,
2 c. (C.) (pending before the Legislature as this bill).

3

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

8

9

10 STATEMENT

11

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

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

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