

D R A F T

SUMMARY

Establishes procedure for automated motor vehicle manufacturer to submit certificate of compliance to Department of Transportation.
Prescribes vehicle requirements for automated motor vehicles.
Permits operation of on-demand automated motor vehicle network.

A BILL FOR AN ACT

Relating to automated motor vehicles; creating new provisions; and amending ORS 221.485, 221.495, 811.720, 811.745, 811.748 and 825.017.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Sections 2 to 10 of this 2017 Act are added to and made a part of the Oregon Vehicle Code.

SECTION 2. Definitions. As used in sections 2 to 10 of this 2017 Act:

(1) “Automated driving system” means technology installed on a motor vehicle that enables the operation of the motor vehicle without supervision of the driving environment by a human operator, whether or not a human operator is in the vehicle.

(2) “Automated motor vehicle” means a motor vehicle that is equipped with an automated driving system.

(3) “Automatic crash notification technology” means a vehicle service that integrates wireless communications and vehicle location technology for the purpose of determining the need for or facilitating emergency medical response in the event of a vehicle crash.

(4) “Manufacturer” means any person that builds an automated motor vehicle or installs an automated driving system in a motor vehicle that was not originally built as an automated motor vehicle.

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (5) “On-demand automated motor vehicle network” means a digital
2 network, software application or other means to provide a passenger
3 with access to an automated motor vehicle.

4 SECTION 3. Certificate of compliance. (1) A manufacturer may op-
5 erate an automated motor vehicle on the highways of this state and
6 premises open to the public if the manufacturer submits a certificate
7 of compliance to the Department of Transportation certifying that:

8 (a) The automated motor vehicle and the automated driving system
9 meet all requirements of section 4 of this 2017 Act;

10 (b) The automated motor vehicle will be operated only in the man-
11 ner prescribed by section 5 of this 2017 Act;

12 (c) The automated motor vehicle is insured in accordance with the
13 motor vehicle liability insurance requirements under ORS chapter 806;

14 (d) The manufacturer has additionally obtained an instrument of
15 insurance, surety bond issued by a company authorized to issue bonds
16 in this state or self-insurance in the amount of at least \$10,000,000, and
17 has provided evidence of that insurance, surety bond or self-insurance
18 to the department in a form and manner required by the department;
19 and

20 (e) The manufacturer has self-certified under 45 U.S.C. 30115 that
21 the automated motor vehicle and equipment comply with applicable
22 Federal Motor Vehicle Safety Standards.

23 (2) The department by rule shall establish fees for certifications
24 made under this section. The fees must be in an amount adequate to
25 pay all administrative costs incurred by the department in adminis-
26 tering sections 2 to 10 of this 2017 Act.

27 SECTION 4. Vehicle requirements. An automated motor vehicle
28 may be operated on the highways of this state only if:

29 (1) The automated motor vehicle and its automated driving system
30 comply with applicable state and federal law;

31 (2) The automated motor vehicle has a system that captures and

1 stores the automated driving system sensor data for a period specified
2 by the manufacturer before a collision occurs. The data capture and
3 storage system described in this subsection must store data in a
4 read-only format for a period of not less than three years after the
5 date of the collision;

6 (3) The automated motor vehicle is equipped with automatic crash
7 notification technology; and

8 (4) The automated motor vehicle has a passenger seating capacity
9 of at least two persons and not more than five persons.

10 **SECTION 5. Boundaries.** A manufacturer that has submitted a
11 certificate of compliance under section 3 of this 2017 Act shall:

12 (1) Determine the geographical boundaries within which the man-
13 ufacturer will operate the automated motor vehicle;

14 (2) Determine the geographical boundaries within which the man-
15 ufacturer will provide public access to the automated motor vehicle;
16 and

17 (3) Provide written notice of the boundaries determined under this
18 section to the Department of Transportation in a manner provided by
19 the department by rule.

20 **SECTION 6. Data collection.** (1) A manufacturer that has submitted
21 a certificate of compliance under section 3 of this 2017 Act shall:

22 (a) Submit the automated driving system sensor data captured and
23 stored pursuant to section 4 of this 2017 Act to the Department of
24 Transportation and the Oregon State Police within 72 hours of the
25 automated motor vehicle being involved in an accident;

26 (b) Maintain incident records and provide periodic summaries in the
27 manner provided by the department by rule regarding the safety re-
28 cord of the automated motor vehicles operated by the manufacturer;
29 and

30 (c) Make publicly available the manufacturer's privacy statement
31 disclosing its data handling practices in connection with the auto-

1 mated motor vehicle.

2 (2) An individual passenger using an on-demand automated motor
3 vehicle network is deemed to consent to the collection of data as de-
4 scribed in the manufacturer's privacy statement.

5 SECTION 7. On-demand automated motor vehicle network. A
6 manufacturer that has submitted a certificate of compliance under
7 section 3 of this 2017 Act may make the automated motor vehicle
8 available to the public, including through an on-demand automated
9 motor vehicle network.

10 SECTION 8. Privileges and duties. (1) When engaged, an automated
11 driving system:

12 (a) Is the driver or operator of the vehicle;

13 (b) Has the same privileges and is subject to the same restrictions
14 as a human driver operating a motor vehicle under the authority of a
15 Class C driver license; and

16 (c) Has the same rights and duties as a human driver concerning
17 the rules of the road, insurance requirements, vehicle equipment re-
18 quirements and abandoned vehicles, except:

19 (A) When otherwise provided in the vehicle code; or

20 (B) When those provisions by their very nature can have no appli-
21 cation.

22 (2) A human driver is not required to be in an automated motor
23 vehicle while the automated driving system is engaged.

24 SECTION 9. Liability of manufacturer. Unless a manufacturer
25 consents, the manufacturer is immune from any liability for damages
26 or equitable relief arising out of any modification made by another
27 person to:

28 (1) An automated motor vehicle; or

29 (2) An automated driving system installed on an automated motor
30 vehicle.

31 SECTION 10. Applicability. Sections 2 to 9 of this 2017 Act do not

1 **apply to a motor vehicle solely by reason that the motor vehicle has**
2 **systems for collision avoidance, electronic blind spot assistance, auto-**
3 **mated emergency braking, park assist, adaptive cruise control, lane**
4 **keep assist, lane departure warning or other similar systems that en-**
5 **hance safety or provide driver assistance but that are not capable of**
6 **operating the motor vehicle without the active physical control or**
7 **monitoring of a driver.**

8 **SECTION 11.** ORS 811.720 is amended to read:

9 811.720. (1) Except as provided in subsection (4) of this section, any acci-
10 dent occurring on a highway or upon premises open to the public resulting
11 in injury or death to any person is subject to the reporting requirements
12 under the following sections:

13 (a) The reporting requirements for drivers under ORS 811.725.

14 (b) The reporting requirements for occupants of vehicles in accidents un-
15 der ORS 811.735.

16 (c) The reporting requirements for owners of vehicles under ORS 811.730.

17 (2) Except as provided in subsection (4) of this section, an accident oc-
18 ccurring on a highway or upon premises open to the public resulting in
19 damage to the property of any person in excess of \$1,500 is subject to the
20 following reporting requirements:

21 (a) The driver of a vehicle that has more than \$1,500 damage must report
22 the accident in the manner specified under ORS 811.725.

23 (b) The owner of a vehicle that has more than \$1,500 damage must report
24 the accident in the manner specified in ORS 811.730 and under the circum-
25 stances specified in ORS 811.730.

26 (c) If the property damage is to property other than a vehicle involved in
27 the accident, each driver involved in the accident must report the accident
28 in the manner specified under ORS 811.725 and each owner of a vehicle in-
29 volved in the accident must report the accident in the manner specified in
30 ORS 811.730 and under the circumstances specified in ORS 811.730.

31 (d) If a vehicle involved in the accident is damaged to the extent that the

1 vehicle must be towed from the scene of the accident, each driver involved
2 in the accident must report the accident in the manner specified under ORS
3 811.725 and each owner of a vehicle involved in the accident must report the
4 accident in the manner specified in ORS 811.730 and under the circumstances
5 specified in ORS 811.730.

6 (3) The dollar amount specified in subsection (2) of this section may be
7 increased every five years by the Department of Transportation based upon
8 any increase in the Portland-Salem Consumer Price Index for All Urban
9 Consumers for All Items as prepared by the Bureau of Labor Statistics of the
10 United States Department of Labor or its successor during the preceding
11 12-month period. The amount determined under this subsection shall be
12 rounded to the nearest \$100.

13 (4) The following are exempt from the reporting requirements of this
14 section:

15 (a) Operators of snowmobiles, Class I all-terrain vehicles or Class III
16 all-terrain vehicles.

17 (b) A law enforcement official acting in the course of official duty if the
18 accident involved a law enforcement official performing a lawful intervention
19 technique or a law enforcement official and a person acting during the
20 commission of a criminal offense. As used in this paragraph:

21 (A) "Law enforcement official" means a person who is responsible for
22 enforcing the criminal laws of this state or a political subdivision of this
23 state and who is employed or volunteers:

24 (i) As a peace officer commissioned by a city, university that has estab-
25 lished a police department under ORS 352.121 or 353.125, port, school district,
26 mass transit district, county or county service district authorized to provide
27 law enforcement services under ORS 451.010;

28 (ii) With the Department of State Police or the Criminal Justice Division
29 of the Department of Justice;

30 (iii) As an investigator of a district attorney's office, if the investigator
31 is certified as a peace officer in this state; or

1 (iv) As an authorized tribal police officer as defined in ORS 181A.680.

2 (B) “Lawful intervention technique” means a method by which one motor
3 vehicle causes, or attempts to cause, another motor vehicle to stop.

4 **(c) An automated driving system.**

5 **SECTION 12.** ORS 811.748 is amended to read:

6 811.748. (1) The driver of a vehicle commits the offense of driver failure
7 to report an accident if the driver is driving any vehicle that is involved in
8 an accident required to be reported under ORS 811.745 and the driver, if
9 physically capable, does not give notice of the accident immediately to a
10 police officer or a law enforcement agency by the quickest means available.

11 (2) Notwithstanding subsection (1) of this section, a driver does not com-
12 mit the offense of driver failure to report an accident if:

13 (a)(A) The accident required to be reported under ORS 811.745 results in
14 a serious injury or death; and

15 [(b)] (B) The driver gives notice of the accident immediately to the
16 emergency communications system by the quickest means available[.]; **or**

17 **(b) The driver is an automated driving system.**

18 (3) The offense described in this section, driver failure to report an acci-
19 dent, is a Class A traffic violation.

20 **SECTION 13.** ORS 811.745 is amended to read:

21 811.745. (1) Except as provided in subsection (4) of this section, any acci-
22 dent occurring on a highway or upon premises open to the public resulting
23 in injury or death to any person is subject to the reporting requirements
24 under the following sections:

25 (a) The reporting requirements for drivers under ORS 811.748.

26 (b) The reporting requirements for occupants of vehicles in accidents un-
27 der ORS 811.750.

28 (2) Except as provided in subsection (4) of this section, an accident oc-
29 ccurring on a highway or upon premises open to the public resulting in
30 damage to the property of any person in excess of \$1,500 is subject to the
31 following reporting requirements:

1 (a) The driver of a vehicle that has more than \$1,500 damage must report
2 the accident in the manner specified under ORS 811.748.

3 (b) If the property damage is to property other than a vehicle involved in
4 the accident, each driver involved in the accident must report the accident
5 in the manner specified under ORS 811.748.

6 (c) If a vehicle involved in the accident is damaged to the extent that the
7 vehicle must be towed from the scene of the accident, each driver involved
8 in the accident must report the accident in the manner specified under ORS
9 811.748.

10 (3) The dollar amount specified in subsection (2) of this section may be
11 increased every five years by the Department of Transportation based upon
12 any increase in the Portland-Salem Consumer Price Index for All Urban
13 Consumers for All Items as prepared by the Bureau of Labor Statistics of the
14 United States Department of Labor or its successor during the preceding
15 12-month period. The amount determined under this subsection shall be
16 rounded to the nearest \$100.

17 (4) The following are exempt from the reporting requirements of this
18 section:

19 (a) Operators of snowmobiles and Class I, Class III and Class IV all-
20 terrain vehicles.

21 (b) A law enforcement official acting in the course of official duty if the
22 accident involved a law enforcement official performing a lawful intervention
23 technique or involved a law enforcement official and a person acting during
24 the commission of a criminal offense. As used in this paragraph:

25 (A) "Law enforcement official" means a person who is responsible for
26 enforcing the criminal laws of this state or a political subdivision of this
27 state and who is employed or volunteers:

28 (i) As a peace officer commissioned by a city, port, university that has
29 established a police department under ORS 352.121 or 353.125, school district,
30 mass transit district, county or service district authorized to provide law
31 enforcement services under ORS 451.010;

1 (ii) With the Department of State Police or the Criminal Justice Division
2 of the Department of Justice; or

3 (iii) As an investigator of a district attorney's office, if the investigator
4 is certified as a peace officer in this state.

5 (B) "Lawful intervention technique" means a method by which one motor
6 vehicle causes, or attempts to cause, another motor vehicle to stop.

7 **(c) An automated driving system.**

8 (5) The reporting requirements under this section are in addition to, and
9 not in lieu of, the reporting requirements under ORS 811.720.

10 **SECTION 14.** ORS 825.017 is amended to read:

11 825.017. Except as provided in this section and ORS 825.026 and 825.030,
12 this chapter does not apply to the persons or vehicles described in this sec-
13 tion. The exemption under this section applies to the following persons and
14 vehicles:

15 (1) Vehicles being used by, or under contract with, any school board,
16 district or person responsible for the administration of elementary or sec-
17 ondary school activities, and engaged exclusively in transporting students
18 or combinations of students and other persons to or from school, to or from
19 authorized school activities or other activities sponsored by the governing
20 board of a public university listed in ORS 352.002, or for purposes provided
21 under ORS 332.427. This exemption shall not be affected by the charging of
22 a fee to cover the costs of the transportation.

23 (2) Vehicles being used in a taxicab operation **or as part of an on-**
24 **demand automated motor vehicle network** if the vehicle:

25 (a) Is a passenger vehicle with a passenger seating capacity that does not
26 exceed five;

27 (b) Carries passengers for hire where the destination and route traveled
28 may be controlled by a passenger and the fare is calculated on the basis of
29 any combination of an initial fee, distance traveled or waiting time; and

30 (c) Is transporting persons or property, or both, between points in Oregon.

31 (3) Vehicles being used for the transportation of property by private car-

1 rier by means of a single vehicle or combination of vehicles with a combined
2 weight that does not exceed 8,000 pounds.

3 (4) Vehicles being used in operating implements of husbandry.

4 (5) Vehicles being used as a hearse or ambulance.

5 (6) Vehicles being used over any private road or thoroughfare.

6 (7) Vehicles being used on any road, thoroughfare or property, other than
7 a state highway, county road or city street, for the removal of forest products
8 as defined in ORS 321.005, or the product of forest products converted to a
9 form other than logs at or near the harvesting site, or when used for the
10 construction or maintenance of the road, thoroughfare or property, pursuant
11 to a written agreement or permit authorizing the use, construction or main-
12 tenance of the road, thoroughfare or property, with:

13 (a) An agency of the United States;

14 (b) The State Board of Forestry;

15 (c) The State Forester; or

16 (d) A licensee of an agency named in this subsection.

17 (8) Vehicles being used on any county road for the removal of forest
18 products as defined in ORS 321.005, or the products of forest products con-
19 verted to a form other than logs at or near the harvesting site, if:

20 (a) The use is pursuant to a written agreement entered into with the State
21 Board of Forestry, the State Forester or an agency of the United States,
22 authorizing the owner of the motor vehicle to use the road and requiring the
23 owner to pay for or to perform the construction or maintenance of the
24 county road, including any operator of a motor vehicle retained to transport
25 logs, poles and piling for the owners who are exempt under this section;

26 (b) The board, officer or agency that entered into the agreement or
27 granted the permit, by contract with the county court or board of county
28 commissioners, has assumed the responsibility for the construction or main-
29 tenance of the county road; and

30 (c) Copies of the agreements or permits required by this subsection are
31 filed with the Director of Transportation.

1 (9) Vehicles being used in transporting persons with disabilities, with or
2 without their supervisors or assistants, to or from rehabilitation facilities
3 or child care services if the motor vehicle is a passenger motor vehicle with
4 a seating capacity of not more than 12 passengers. The exemption provided
5 by this subsection applies only when the motor vehicle is operated by or
6 under contract with any person responsible for the administration of reha-
7 bilitation facilities as defined in ORS 344.710 to 344.730 or child care services
8 provided by a facility licensed under ORS 329A.030 and 329A.250 to 329A.450.

9 (10) Vehicles owned or operated by the United States or by any govern-
10 mental jurisdiction within the United States except as provided in ORS
11 825.022. This chapter does apply to vehicles when owned or operated:

12 (a) As a carrier of property for hire;

13 (b) By a transportation district organized under ORS 267.510 to 267.650;

14 (c) By a county service district authorized to provide public transporta-
15 tion under ORS 451.010; or

16 (d) By an intergovernmental body formed by two or more public bodies,
17 as defined in ORS 174.109, to provide public transportation.

18 (11) Vehicles owned or operated by a mass transit district organized under
19 ORS 267.010 to 267.390.

20 (12) Vehicles owned or operated by, or under contract with, a person re-
21 sponsible for the construction or reconstruction of a highway under contract
22 with the Department of Transportation or with an agency of the United
23 States when operated within the immediate construction project as described
24 in the governmental agency contract during the construction period.

25 (13) Vehicles owned or operated by, or under contract with, a charitable
26 organization when exclusively engaged in performing transportation, either
27 one way or round trip, necessary to the operation of the charitable organ-
28 ization. As used in this subsection, "charitable organization" means an or-
29 ganization that has no capital stock and no provision for making dividends
30 or profits, but derives its funds principally from public and private charity
31 and holds them in trust for the promotion of the welfare of others and not

1 for profit. Any organization claiming an exemption under this subsection
2 shall file an affidavit with the department stating that it is organized and
3 operated in accordance with the requirements of this subsection.

4 (14) Passenger vehicles with a passenger seating capacity that does not
5 exceed five when used in the transportation of new telephone books.

6 (15) A vehicle that is used in a limousine service operation in which the
7 destination and route traveled may be controlled by the passenger and the
8 fare is calculated on the basis of any combination of initial fee, distance
9 traveled and waiting time if the vehicle:

10 (a) Is a passenger vehicle with a passenger seating capacity that does not
11 exceed eight;

12 (b) Carries passengers for hire between points in Oregon; and

13 (c) Operates on an irregular route basis.

14 (16) Fire trucks and rescue vehicles that are designated as emergency
15 vehicles by the Department of Transportation under ORS 801.260, while in-
16 volved in emergency and related operations.

17 (17) A person who provides services related to the packing or loading of
18 household goods if the person does not:

19 (a) Provide or operate a motor vehicle for the movement of the household
20 goods; and

21 (b) Act as an agent for any person who does provide or operate a motor
22 vehicle for the movement of the household goods.

23 **SECTION 15. Local government preemption. A city, county or other**
24 **local government may not enact or enforce any charter provision, or-**
25 **dinance, resolution or other provision regulating automated motor**
26 **vehicles, as defined in section 2 of this 2017 Act.**

27 **SECTION 16.** ORS 221.485 is amended to read:

28 221.485. The Legislative Assembly finds and declares that privately owned
29 taxicabs, limousines and other vehicles for hire are a vital part of the
30 transportation system within this state and provide necessary services in
31 response to the needs of state residents, tourists and business representatives

1 from outside this state. Consequently, the safety and reliability of such ve-
2 hicles and the economic well-being and stability of their owners and opera-
3 tors are matters of public concern. The regulation of such vehicles is an
4 essential government function and, therefore, it is the intent of the Legisla-
5 tive Assembly to reaffirm the authority, **except as provided in section 15**
6 **of this 2017 Act**, of political subdivisions in this state to regulate the op-
7 eration of privately owned taxicabs, limousines and other vehicles for hire
8 and to exempt such regulation from liability under federal antitrust laws.

9 **SECTION 17.** ORS 221.495 is amended to read:

10 221.495. **Except as provided in section 15 of this 2017 Act**, cities and
11 counties in this state are authorized to grant franchises, to license, control
12 and regulate privately owned taxicabs, limousines and other vehicles for hire
13 that operate within their respective jurisdictions. The power to regulate
14 granted under this section includes, but is not limited to:

15 (1) Regulating entry into the business of providing taxicab, limousine or
16 other similar services.

17 (2) Requiring a license or permit as a condition for operation of taxicabs,
18 limousines and other vehicles for hire and revoking, canceling or refusing
19 to reissue a license or permit for failure to comply with regulatory require-
20 ments.

21 (3) Controlling the maximum rates charged and the manner in which rates
22 are calculated and collected.

23 (4) Regulating routes for such vehicles, including restricting access to
24 airports.

25 (5) Establishing safety, equipment and insurance requirements.

26 (6) Establishing any other requirements necessary to assure safe and re-
27 liable service by such vehicles.

28 **SECTION 18. Captions.** **The section captions used in this 2017 Act**
29 **are provided only for the convenience of the reader and do not become**
30 **part of the statutory law of this state or express any legislative intent**
31 **in the enactment of this 2017 Act.**

