

House Bill 3119

Sponsored by COMMITTEE ON TRANSPORTATION POLICY

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

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

1
2 Relating to automated motor vehicles; creating new provisions; and amending ORS 221.485, 221.495,
3 811.720, 811.745, 811.748 and 825.017.

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

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

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

8 (1) **"Automated driving system"** means technology installed on a motor vehicle that en-
9 ables the operation of the motor vehicle without supervision of the driving environment by
10 a human operator, whether or not a human operator is in the vehicle.

11 (2) **"Automated motor vehicle"** means a motor vehicle that is equipped with an auto-
12 mated driving system.

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

16 (4) **"Manufacturer"** means any person that builds an automated motor vehicle or installs
17 an automated driving system in a motor vehicle that was not originally built as an automated
18 motor vehicle.

19 (5) **"On-demand automated motor vehicle network"** means a digital network, software
20 application or other means to provide a passenger with access to an automated motor vehi-
21 cle.

22 **SECTION 3. Certificate of compliance. (1) A manufacturer may operate an automated**
23 **motor vehicle on the highways of this state and premises open to the public if the man-**
24 **ufacturer submits a certificate of compliance to the Department of Transportation certifying**
25 **that:**

26 (a) **The automated motor vehicle and the automated driving system meet all require-**
27 **ments of section 4 of this 2017 Act;**

28 (b) **The automated motor vehicle will be operated only in the manner prescribed by sec-**
29 **tion 5 of this 2017 Act;**

30 (c) **The automated motor vehicle is insured in accordance with the motor vehicle liability**

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 insurance requirements under ORS chapter 806;

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

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

8 (2) The department by rule shall establish fees for certifications made under this section.
9 The fees must be in an amount adequate to pay all administrative costs incurred by the de-
10 partment in administering sections 2 to 10 of this 2017 Act.

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

13 (1) The automated motor vehicle and its automated driving system comply with applica-
14 ble state and federal law;

15 (2) The automated motor vehicle has a system that captures and stores the automated
16 driving system sensor data for a period specified by the manufacturer before a collision oc-
17 curs. The data capture and storage system described in this subsection must store data in
18 a read-only format for a period of not less than three years after the date of the collision;

19 (3) The automated motor vehicle is equipped with automatic crash notification technol-
20 ogy; and

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

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

25 (1) Determine the geographical boundaries within which the manufacturer will operate
26 the automated motor vehicle;

27 (2) Determine the geographical boundaries within which the manufacturer will provide
28 public access to the automated motor vehicle; and

29 (3) Provide written notice of the boundaries determined under this section to the De-
30 partment of Transportation in a manner provided by the department by rule.

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

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

36 (b) Maintain incident records and provide periodic summaries in the manner provided by
37 the department by rule regarding the safety record of the automated motor vehicles operated
38 by the manufacturer; and

39 (c) Make publicly available the manufacturer's privacy statement disclosing its data
40 handling practices in connection with the automated motor vehicle.

41 (2) An individual passenger using an on-demand automated motor vehicle network is
42 deemed to consent to the collection of data as described in the manufacturer's privacy
43 statement.

44 **SECTION 7. On-demand automated motor vehicle network.** A manufacturer that has
45 submitted a certificate of compliance under section 3 of this 2017 Act may make the auto-

1 mated motor vehicle available to the public, including through an on-demand automated
2 motor vehicle network.

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

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

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

7 (c) Has the same rights and duties as a human driver concerning the rules of the road,
8 insurance requirements, vehicle equipment requirements and abandoned vehicles, except:

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

10 (B) When those provisions by their very nature can have no application.

11 (2) A human driver is not required to be in an automated motor vehicle while the auto-
12 mated driving system is engaged.

13 **SECTION 9. Liability of manufacturer.** Unless a manufacturer consents, the manufac-
14 turer is immune from any liability for damages or equitable relief arising out of any modifi-
15 cation made by another person to:

16 (1) An automated motor vehicle; or

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

18 **SECTION 10. Applicability.** Sections 2 to 9 of this 2017 Act do not apply to a motor vehicle
19 solely by reason that the motor vehicle has systems for collision avoidance, electronic blind
20 spot assistance, automated emergency braking, park assist, adaptive cruise control, lane
21 keep assist, lane departure warning or other similar systems that enhance safety or provide
22 driver assistance but that are not capable of operating the motor vehicle without the active
23 physical control or monitoring of a driver.

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

25 811.720. (1) Except as provided in subsection (4) of this section, any accident occurring on a
26 highway or upon premises open to the public resulting in injury or death to any person is subject
27 to the reporting requirements under the following sections:

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

29 (b) The reporting requirements for occupants of vehicles in accidents under ORS 811.735.

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

31 (2) Except as provided in subsection (4) of this section, an accident occurring on a highway or
32 upon premises open to the public resulting in damage to the property of any person in excess of
33 \$1,500 is subject to the following reporting requirements:

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

36 (b) The owner of a vehicle that has more than \$1,500 damage must report the accident in the
37 manner specified in ORS 811.730 and under the circumstances specified in ORS 811.730.

38 (c) If the property damage is to property other than a vehicle involved in the accident, each
39 driver involved in the accident must report the accident in the manner specified under ORS 811.725
40 and each owner of a vehicle involved in the accident must report the accident in the manner spec-
41 ified in ORS 811.730 and under the circumstances specified in ORS 811.730.

42 (d) If a vehicle involved in the accident is damaged to the extent that the vehicle must be towed
43 from the scene of the accident, each driver involved in the accident must report the accident in the
44 manner specified under ORS 811.725 and each owner of a vehicle involved in the accident must re-
45 port the accident in the manner specified in ORS 811.730 and under the circumstances specified in

1 ORS 811.730.

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

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

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

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

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

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

17 (ii) With the Department of State Police or the Criminal Justice Division of the Department of
 18 Justice;

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

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

22 (B) "Lawful intervention technique" means a method by which one motor vehicle causes, or at-
 23 tempts to cause, another motor vehicle to stop.

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

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

26 811.748. (1) The driver of a vehicle commits the offense of driver failure to report an accident
 27 if the driver is driving any vehicle that is involved in an accident required to be reported under
 28 ORS 811.745 and the driver, if physically capable, does not give notice of the accident immediately
 29 to a police officer or a law enforcement agency by the quickest means available.

30 (2) Notwithstanding subsection (1) of this section, a driver does not commit the offense of driver
 31 failure to report an accident if:

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

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

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

37 (3) The offense described in this section, driver failure to report an accident, is a Class A traffic
 38 violation.

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

40 811.745. (1) Except as provided in subsection (4) of this section, any accident occurring on a
 41 highway or upon premises open to the public resulting in injury or death to any person is subject
 42 to the reporting requirements under the following sections:

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

44 (b) The reporting requirements for occupants of vehicles in accidents under ORS 811.750.

45 (2) Except as provided in subsection (4) of this section, an accident occurring on a highway or

1 upon premises open to the public resulting in damage to the property of any person in excess of
 2 \$1,500 is subject to the following reporting requirements:

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

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

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

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

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

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

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

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

22 (i) As a peace officer commissioned by a city, port, university that has established a police de-
 23 partment under ORS 352.121 or 353.125, school district, mass transit district, county or service dis-
 24 trict authorized to provide law enforcement services under ORS 451.010;

25 (ii) With the Department of State Police or the Criminal Justice Division of the Department of
 26 Justice; or

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

29 (B) "Lawful intervention technique" means a method by which one motor vehicle causes, or at-
 30 tempts to cause, another motor vehicle to stop.

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

32 (5) The reporting requirements under this section are in addition to, and not in lieu of, the re-
 33 porting requirements under ORS 811.720.

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

35 825.017. Except as provided in this section and ORS 825.026 and 825.030, this chapter does not
 36 apply to the persons or vehicles described in this section. The exemption under this section applies
 37 to the following persons and vehicles:

38 (1) Vehicles being used by, or under contract with, any school board, district or person respon-
 39 sible for the administration of elementary or secondary school activities, and engaged exclusively
 40 in transporting students or combinations of students and other persons to or from school, to or from
 41 authorized school activities or other activities sponsored by the governing board of a public uni-
 42 versity listed in ORS 352.002, or for purposes provided under ORS 332.427. This exemption shall not
 43 be affected by the charging of a fee to cover the costs of the transportation.

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

- 1 (a) Is a passenger vehicle with a passenger seating capacity that does not exceed five;
- 2 (b) Carries passengers for hire where the destination and route traveled may be controlled by
- 3 a passenger and the fare is calculated on the basis of any combination of an initial fee, distance
- 4 traveled or waiting time; and
- 5 (c) Is transporting persons or property, or both, between points in Oregon.
- 6 (3) Vehicles being used for the transportation of property by private carrier by means of a single
- 7 vehicle or combination of vehicles with a combined weight that does not exceed 8,000 pounds.
- 8 (4) Vehicles being used in operating implements of husbandry.
- 9 (5) Vehicles being used as a hearse or ambulance.
- 10 (6) Vehicles being used over any private road or thoroughfare.
- 11 (7) Vehicles being used on any road, thoroughfare or property, other than a state highway,
- 12 county road or city street, for the removal of forest products as defined in ORS 321.005, or the
- 13 product of forest products converted to a form other than logs at or near the harvesting site, or
- 14 when used for the construction or maintenance of the road, thoroughfare or property, pursuant to
- 15 a written agreement or permit authorizing the use, construction or maintenance of the road,
- 16 thoroughfare or property, with:
- 17 (a) An agency of the United States;
- 18 (b) The State Board of Forestry;
- 19 (c) The State Forester; or
- 20 (d) A licensee of an agency named in this subsection.
- 21 (8) Vehicles being used on any county road for the removal of forest products as defined in ORS
- 22 321.005, or the products of forest products converted to a form other than logs at or near the har-
- 23 vesting site, if:
- 24 (a) The use is pursuant to a written agreement entered into with the State Board of Forestry,
- 25 the State Forester or an agency of the United States, authorizing the owner of the motor vehicle
- 26 to use the road and requiring the owner to pay for or to perform the construction or maintenance
- 27 of the county road, including any operator of a motor vehicle retained to transport logs, poles and
- 28 piling for the owners who are exempt under this section;
- 29 (b) The board, officer or agency that entered into the agreement or granted the permit, by con-
- 30 tract with the county court or board of county commissioners, has assumed the responsibility for the
- 31 construction or maintenance of the county road; and
- 32 (c) Copies of the agreements or permits required by this subsection are filed with the Director
- 33 of Transportation.
- 34 (9) Vehicles being used in transporting persons with disabilities, with or without their supervi-
- 35 sors or assistants, to or from rehabilitation facilities or child care services if the motor vehicle is
- 36 a passenger motor vehicle with a seating capacity of not more than 12 passengers. The exemption
- 37 provided by this subsection applies only when the motor vehicle is operated by or under contract
- 38 with any person responsible for the administration of rehabilitation facilities as defined in ORS
- 39 344.710 to 344.730 or child care services provided by a facility licensed under ORS 329A.030 and
- 40 329A.250 to 329A.450.
- 41 (10) Vehicles owned or operated by the United States or by any governmental jurisdiction within
- 42 the United States except as provided in ORS 825.022. This chapter does apply to vehicles when
- 43 owned or operated:
- 44 (a) As a carrier of property for hire;
- 45 (b) By a transportation district organized under ORS 267.510 to 267.650;

1 (c) By a county service district authorized to provide public transportation under ORS 451.010;
2 or

3 (d) By an intergovernmental body formed by two or more public bodies, as defined in ORS
4 174.109, to provide public transportation.

5 (11) Vehicles owned or operated by a mass transit district organized under ORS 267.010 to
6 267.390.

7 (12) Vehicles owned or operated by, or under contract with, a person responsible for the con-
8 struction or reconstruction of a highway under contract with the Department of Transportation or
9 with an agency of the United States when operated within the immediate construction project as
10 described in the governmental agency contract during the construction period.

11 (13) Vehicles owned or operated by, or under contract with, a charitable organization when ex-
12 clusively engaged in performing transportation, either one way or round trip, necessary to the op-
13 eration of the charitable organization. As used in this subsection, "charitable organization" means
14 an organization that has no capital stock and no provision for making dividends or profits, but de-
15 rives its funds principally from public and private charity and holds them in trust for the promotion
16 of the welfare of others and not for profit. Any organization claiming an exemption under this sub-
17 section shall file an affidavit with the department stating that it is organized and operated in ac-
18 cordance with the requirements of this subsection.

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

21 (15) A vehicle that is used in a limousine service operation in which the destination and route
22 traveled may be controlled by the passenger and the fare is calculated on the basis of any combi-
23 nation of initial fee, distance traveled and waiting time if the vehicle:

- 24 (a) Is a passenger vehicle with a passenger seating capacity that does not exceed eight;
- 25 (b) Carries passengers for hire between points in Oregon; and
- 26 (c) Operates on an irregular route basis.

27 (16) Fire trucks and rescue vehicles that are designated as emergency vehicles by the Depart-
28 ment of Transportation under ORS 801.260, while involved in emergency and related operations.

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

- 31 (a) Provide or operate a motor vehicle for the movement of the household goods; and
- 32 (b) Act as an agent for any person who does provide or operate a motor vehicle for the move-
33 ment of the household goods.

34 **SECTION 15. Local government preemption. A city, county or other local government**
35 **may not enact or enforce any charter provision, ordinance, resolution or other provision**
36 **regulating automated motor vehicles, as defined in section 2 of this 2017 Act.**

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

38 221.485. The Legislative Assembly finds and declares that privately owned taxicabs, limousines
39 and other vehicles for hire are a vital part of the transportation system within this state and provide
40 necessary services in response to the needs of state residents, tourists and business representatives
41 from outside this state. Consequently, the safety and reliability of such vehicles and the economic
42 well-being and stability of their owners and operators are matters of public concern. The regulation
43 of such vehicles is an essential government function and, therefore, it is the intent of the Legislative
44 Assembly to reaffirm the authority, **except as provided in section 15 of this 2017 Act**, of political
45 subdivisions in this state to regulate the operation of privately owned taxicabs, limousines and other

1 vehicles for hire and to exempt such regulation from liability under federal antitrust laws.

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

3 221.495. **Except as provided in section 15 of this 2017 Act,** cities and counties in this state
4 are authorized to grant franchises, to license, control and regulate privately owned taxicabs, lim-
5 ousines and other vehicles for hire that operate within their respective jurisdictions. The power to
6 regulate granted under this section includes, but is not limited to:

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

8 (2) Requiring a license or permit as a condition for operation of taxicabs, limousines and other
9 vehicles for hire and revoking, canceling or refusing to reissue a license or permit for failure to
10 comply with regulatory requirements.

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

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

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

15 (6) Establishing any other requirements necessary to assure safe and reliable service by such
16 vehicles.

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

20