

HOUSE AMENDMENTS TO HOUSE BILL 2770

By JOINT COMMITTEE ON TRANSPORTATION

May 30

1 On page 1 of the printed bill, line 2, after “192.355,” insert “366.505.”

2 In line 9, delete “13” and insert “13a”.

3 Delete lines 11 through 24.

4 Delete pages 2 through 4.

5 On page 5, delete lines 1 through 38 and insert:

6 **“SECTION 2. Definitions. As used in sections 2 to 13a of this 2019 Act:**

7 **“(1) ‘Automated driving system’ means the hardware and software installed on a motor**
8 **vehicle that are collectively capable of performing the dynamic driving task on a sustained**
9 **basis for at least part of the motor vehicle’s trip.**

10 **“(2) ‘Automated mode’ means the status of a highly automated vehicle when it is oper-**
11 **ating with the automated driving system engaged.**

12 **“(3) ‘Automated vehicle manufacturer’ means any person that builds highly automated**
13 **vehicles or installs automated driving systems in motor vehicles that were not originally**
14 **built as highly automated vehicles.**

15 **“(4) ‘Conventional mode’ means the status of a highly automated vehicle when it is under**
16 **the active physical control of a natural person operating the motor vehicle with the auto-**
17 **mated driving system disengaged.**

18 **“(5)(a) ‘Dynamic driving task’ means the real-time operational and tactical functions re-**
19 **quired to operate a motor vehicle on a public highway or on premises open to the public.**

20 **“(b) ‘Dynamic driving task’ includes but is not limited to monitoring the driving envi-**
21 **ronment and executing appropriate responses to objects and events.**

22 **“(c) ‘Dynamic driving task’ does not include trip planning, including decisions regarding**
23 **whether, when and where to go or the route to take.**

24 **“(6) ‘Highly automated vehicle’ means a motor vehicle equipped with an automated driv-**
25 **ing system.**

26 **“(7) ‘Minimal risk condition’ means a condition to which an onboard operator, a remote**
27 **operator or an automated driving system may bring a highly automated vehicle to reduce the**
28 **risk of a collision when a given trip cannot or should not be completed.**

29 **“(8)(a) ‘Onboard operator’ means a natural person who is seated in a highly automated**
30 **vehicle and is able to assume control of and operate the highly automated vehicle.**

31 **“(b) ‘Onboard operator’ includes a remote operator who is seated in the highly automated**
32 **vehicle.**

33 **“(9) ‘Operational design domain’ means the conditions for which a highly automated ve-**
34 **hicle is specifically designed to function, including but not limited to environmental, ge-**
35 **ographic and time-of-day restrictions, and the requisite presence or absence of certain traffic**

1 or roadway characteristics.

2 “(10) ‘Remote operator’ means a natural person who is not seated in a position to phys-
3 ically engage in-vehicle braking, accelerating, steering and transmission gear selection input
4 devices but is able to assume control of and operate the highly automated vehicle remotely.

5 “(11) ‘Testing operator’ means an onboard operator or a remote operator of a test vehi-
6 cle, whether the vehicle is in automated mode or conventional mode.

7 “(12) ‘Test vehicle’ means a highly automated vehicle that is undergoing testing described
8 in section 4 of this 2019 Act.

9 “SECTION 3. Levels of driving automation. The Department of Transportation, by rule,
10 taking into consideration the recommendations in the Society of Automotive Engineers’
11 ‘Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road
12 Motor Vehicles, Standard J3016,’ June 2018 Edition, shall define the driving automation levels
13 of automated driving systems.

14 “SECTION 4. Testing highly automated vehicles. An automated vehicle manufacturer
15 tests a highly automated vehicle when the manufacturer’s employees, contractors or
16 designees operate a highly automated vehicle on the highways of this state for the purpose
17 of assessing, demonstrating or validating the capabilities of the highly automated vehicle’s
18 automated driving system.

19 “SECTION 5. Testing permit. (1) Prior to testing highly automated vehicles, as described
20 in section 4 of this 2019 Act, an automated vehicle manufacturer shall apply to the Depart-
21 ment of Transportation for a testing permit.

22 “(2) An application submitted under this section may apply to the manufacturer’s testing
23 of one or more highly automated vehicles.

24 “(3) An application submitted under this section must:

25 “(a) Establish, at a minimum, that:

26 “(A) Each highly automated vehicle and automated driving system meets all require-
27 ments of section 7 of this 2019 Act; and

28 “(B) Each highly automated vehicle will be operated only in the manner prescribed by
29 sections 2 to 13a of this 2019 Act and any rules adopted by the department under sections 2
30 to 13a of this 2019 Act; and

31 “(b) Include, at a minimum, the following:

32 “(A) Contact information of the automated vehicle manufacturer, any other testing en-
33 tity, registered agents and facility.

34 “(B) Vehicle information for each highly automated vehicle, including vehicle identifica-
35 tion number, year, make, model, license plate number, vehicle type and driving automation
36 level as defined by the department under section 3 of this 2019 Act.

37 “(C) A description of the operational design domain of each highly automated vehicle and
38 the conditions under which testing will be conducted, including the geographic testing area.

39 “(D) Testing operator information, including name, date of birth, driver license number
40 and the name of the state that issued the license.

41 “(E) Information regarding the automated vehicle manufacturer’s testing in any other
42 jurisdictions.

43 “(F) Any additional information required by the department by rule.

44 “(4) An automated vehicle manufacturer must submit each of the following with an ap-
45 plication submitted under this section:

1 “(a) The testing permit fee described in subsection (5) of this section.

2 “(b) Proof of liability insurance meeting at least the minimum financial responsibility
3 requirements under ORS chapter 806, and an additional umbrella liability insurance policy in
4 an amount of not less than \$5 million per event.

5 “(c) A law enforcement and first responder interaction plan that meets the requirements
6 under section 10 of this 2019 Act.

7 “(d) The following self-certifications:

8 “(A) That each automated driving system is engineered to perform in all real-world con-
9 ditions in which the automated vehicle manufacturer intends to test the highly automated
10 vehicles.

11 “(B) That each highly automated vehicle complies with all applicable Federal Motor Ve-
12 hicle Safety Standards for new motor vehicles and new motor vehicle equipment or, if not,
13 that an exemption has been granted by the National Highway Traffic Safety Administration
14 or by provision of federal law.

15 “(C) That each highly automated vehicle is capable of complying with all state vehicle
16 laws or, if not, that an exemption has been granted by the department.

17 “(D) That each highly automated vehicle is capable of complying with all state rules of
18 the road within its operational design domain.

19 “(E) That each highly automated vehicle has a mechanism to engage and disengage the
20 automated driving system that is easily accessible to the testing operator.

21 “(F) That each highly automated vehicle has an indicator inside the cabin to indicate
22 when the automated driving system is engaged.

23 “(G) That a testing operator will be ready to assume control or have the highly auto-
24 mated vehicle achieve minimal risk condition at all times.

25 “(H) That each highly automated vehicle meets all appropriate and applicable current
26 industry standards or policies to defend against, detect and respond to cyberattacks, unau-
27 thorized intrusions or false vehicle control commands.

28 “(I) That each testing operator meets the requirements under section 8 of this 2019 Act.

29 “(J) That each highly automated vehicle is capable of complying with all local rules of the
30 road within its operational design domain.

31 “(5)(a) A testing permit fee is \$3,600 and is due when an automated vehicle manufacturer
32 submits the testing permit application and when the automated vehicle manufacturer renews
33 the testing permit.

34 “(b) Each testing permit application or renewal is subject to one testing permit fee, re-
35 gardless of the number of highly automated vehicles disclosed in the application or renewal.

36 “(6)(a) The department may approve an application for and issue a testing permit under
37 this section only if the automated vehicle manufacturer has made all of the self-certifications
38 required under subsection (4) of this section.

39 “(b) The department, at its discretion, may require an automated vehicle manufacturer
40 to provide nonconfidential documents and records supporting the automated vehicle
41 manufacturer’s self-certifications required under subsection (4) of this section.

42 “(7)(a) The department may deny an application for a testing permit under this section
43 and may suspend, revoke or refuse to renew any testing permit issued under this section
44 upon determining that the applicant for or holder of the testing permit has done any of the
45 following:

1 “(A) Used fraud or deception in attempting to obtain or in securing the testing permit.
2 “(B) Failed to notify state police and city and local law enforcement officials as required
3 under section 9 of this 2019 Act.
4 “(C) Failed to maintain the amounts and types of insurance required under subsection
5 (4) of this section.
6 “(D) Violated any provision of sections 2 to 13a of this 2019 Act or any rules adopted by
7 the department implementing sections 2 to 13a of this 2019 Act.
8 “(b) The department’s denial of an application for a testing permit or suspension, revo-
9 cation or refusal to renew a testing permit issued under this section is subject to review in
10 the manner prescribed under ORS chapter 183 for contested cases.
11 “(8) Prior to making any changes to a highly automated vehicle’s driving automation
12 level, adding any testing operators or altering any testing conditions, including the ge-
13 ographic testing area, an automated vehicle manufacturer that has submitted an application
14 for a testing permit under this section shall provide notice of the changes to the department
15 and any local government, as defined in ORS 174.116, in whose jurisdiction the manufacturer
16 will conduct testing.
17 “(9) A testing permit issued under this section expires two years after the date of issu-
18 ance.
19 “(10) A testing permit described in this section is in addition to and not in lieu of any
20 other registration, title or driving privileges required to operate a vehicle on the highways
21 of this state.
22 “**SECTION 6. Rules.** (1) The Department of Transportation shall adopt rules for testing
23 highly automated vehicles under sections 2 to 13a of this 2019 Act.
24 “(2) The rules adopted under this section must prescribe the form and requirements for
25 applications under section 5 of this 2019 Act.
26 “(3) The rules adopted under this section may provide for renewal, suspension, revocation
27 or denial of testing permits issued under section 5 of this 2019 Act.
28 “(4) The rules adopted under this section may not establish a new class of license or
29 endorsement for testing highly automated vehicles.
30 “**SECTION 7. Test vehicle requirements.** A highly automated vehicle may be tested on the
31 highways of this state only if all of the following requirements are met:
32 “(1) The automated vehicle manufacturer has a valid testing permit issued under section
33 5 of this 2019 Act.
34 “(2) The testing operator:
35 “(a) Meets all of the requirements under section 8 of this 2019 Act;
36 “(b) Is monitoring the operation of the highly automated vehicle at all times and, in the
37 event of a failure of the automated driving system or other emergency, is capable of as-
38 suming immediate control of the dynamic driving tasks as an onboard operator or as a re-
39 mote operator; and
40 “(c) Is seated in the driver’s seat of the highly automated vehicle if the highly automated
41 vehicle is equipped with an automated driving system that has a driving automation system
42 that requires a natural person to be in the vehicle and prepared to respond if the vehicle
43 requests that the person intervene.
44 “(3) The highly automated vehicle is equipped with all of the following:
45 “(a) A mechanism to engage and disengage the automated driving system that is easily

1 accessible to the testing operator.

2 “(b) An indicator that informs the testing operator when the automated driving system
3 is engaged.

4 “(c) A system to preserve and store data from a crash or similar event in a manner and
5 for a length of time defined by the Department of Transportation by rule.

6 “(d) A failure alert system that:

7 “(A) Notifies the testing operator if a system failure is detected;

8 “(B) Clearly indicates when the automated driving system is disengaged; and

9 “(C) Allows the testing operator to assume immediate control of the highly automated
10 vehicle, or to have the vehicle achieve minimal risk condition, at all times.

11 **“SECTION 8. Testing operators. (1) A person may be a testing operator only if the per-
12 son:**

13 “(a) Is a natural person;

14 “(b) Is an employee, contractor or other designee of an automated vehicle manufacturer;

15 “(c) Has passed a criminal background check; and

16 “(d) Meets any other requirements established by the Department of Transportation by
17 rule.

18 “(2)(a) A person may not be a testing operator if the person has been convicted of a
19 traffic crime or violation, or entered into a diversion program for a traffic crime or violation,
20 within a period of time prescribed by the department by rule.

21 “(b) The department, by rule, shall identify the traffic crimes and violations that dis-
22 qualify a person from becoming a testing operator. Disqualifying traffic crimes or violations
23 under this subsection may not include parking or pedestrian offenses or bicycling offenses,
24 exclusive of a conviction, or entry into a diversion program, for driving under the influence
25 of intoxicants.

26 “(3) A testing operator must possess the proper class of license or endorsement for the
27 type of highly automated vehicle being tested.

28 “(4) A testing operator is subject to the provisions applicable to, and has the same rights
29 and duties as, the operator of any other motor vehicle operating on the highways of this
30 state except:

31 “(a) Those provisions that by their very nature can have no application.

32 “(b) When otherwise specifically provided under the Oregon Vehicle Code.”

33 In line 44, delete “issued” and insert “prescribed”.

34 On page 6, line 7, after “department” insert “, in consultation with the Department of State
35 Police,”.

36 In line 28, after “Transportation” insert “, in consultation with the Department of State
37 Police,”.

38 In line 43, delete “issued” and insert “prescribed by the Department of Transportation”.

39 After line 45, insert:

40 **“SECTION 13a. Exemption to state equipment requirements. The Department of Trans-
41 portation may grant an automated vehicle manufacturer that is or will be testing a highly
42 automated vehicle, as described in section 4 of this 2019 Act, an exemption to any state
43 equipment requirements under ORS chapter 815 or 816.”.**

44 On page 7, delete lines 22 through 25 and insert:

45 “(c) Shall prescribe the requirements for highly automated vehicle testing permit stickers that

1 distinguish passenger vehicles, as defined by the department by rule, that are test vehicles, as de-
2 fined in section 2 of this 2019 Act, from other passenger vehicles.”.

3 On page 8, line 23, delete “13” and insert “13a”.

4 In line 25, delete “13” and insert “13a”.

5 On page 9, line 17, delete “Test” and insert “Testing”.

6 Delete lines 27 through 29 and insert:

7 “(b) Notwithstanding the exceptions under paragraph (a)(C) of this subsection, a testing operator
8 shall ensure that a highly automated vehicle remains at the scene of an accident described in ORS
9 811.700 or 811.710 until a police officer has arrived and has received the information required under
10 ORS 811.700 or 811.710 or, if a police officer will not arrive at the scene of the accident, until the
11 information required under ORS 811.700 or 811.710 is conveyed to the other driver or any other
12 person who is entitled to receive the information as a result of the accident.

13 “(c) As used in this subsection, ‘automated vehicle manufacturer,’ ‘highly automated vehicle,’
14 ‘onboard operator’ and ‘testing operator’ have the meanings given those terms in section 2 of this
15 2019 Act.”.

16 On page 11, delete lines 22 and 23 and insert:

17 “(19)(a) A person who has a valid testing permit issued under section 5 of this 2019 Act may test
18 a highly automated vehicle, as described in section 4 of this 2019 Act.”.

19 On page 22, delete lines 36 through 38 and insert:

20 “(43)(a) Personal information, as defined in ORS 802.175, of highly automated vehicle testing
21 operators reported to the Department of Transportation as part of an application for a testing per-
22 mit under section 5 of this 2019 Act.

23 “(b) As used in this subsection, ‘highly automated vehicle’ and ‘testing operator’ have the
24 meanings given those terms in section 2 of this 2019 Act.”.

25 Delete lines 44 and 45.

26 On page 23, delete lines 1 through 19 and insert:

27 “**SECTION 26. Notwithstanding ORS 670.335, civil penalties recovered by the Department**
28 **of Transportation under section 12 of this 2019 Act shall be deposited in the State Highway**
29 **Fund established under ORS 366.505.**

30 “**SECTION 26a.** ORS 366.505 is amended to read:

31 “366.505. (1) The State Highway Fund shall consist of:

32 “(a) All moneys and revenues derived under and by virtue of the sale of bonds, the sale of which
33 is authorized by law and the proceeds thereof to be dedicated to highway purposes.

34 “(b) All moneys and revenues accruing from the licensing of motor vehicles, operators and
35 chauffeurs.

36 “(c) Moneys and revenues derived from any tax levied upon gasoline, distillate, liberty fuel or
37 other volatile and inflammable liquid fuels, except moneys and revenues described in ORS 184.642
38 (2)(a) that become part of the Department of Transportation Operating Fund.

39 “(d) Moneys and revenues derived from the road usage charges imposed under ORS 319.885.

40 “(e) Moneys and revenues derived from the use tax imposed under ORS 320.410.

41 “(f) **Moneys and revenues derived from the civil penalties recovered by the Department**
42 **of Transportation under section 12 of this 2019 Act.**

43 “[f)] (g) Moneys and revenues derived from or made available by the federal government for
44 road construction, maintenance or betterment purposes.

45 “[g)] (h) All moneys and revenues received from all other sources which by law are allocated

1 or dedicated for highway purposes.

2 “(2) The State Highway Fund shall be deemed and held as a trust fund, separate and distinct
3 from the General Fund, and may be used only for the purposes authorized by law and is continually
4 appropriated for such purposes.

5 “(3) Moneys in the State Highway Fund may be invested as provided in ORS 293.701 to 293.857.
6 All interest earnings on any of the funds designated in subsection (1) of this section shall be placed
7 to the credit of the highway fund.

8
9 **“MISCELLANEOUS**

10
11 **“SECTION 27. Applicability. Sections 2 to 13a and 14 of this 2019 Act and the amendments**
12 **to ORS 192.355, 366.505, 801.026, 805.200, 806.011, 806.012, 806.060, 806.080, 807.020, 807.570 and**
13 **811.507 by sections 15 to 24 and 26a of this 2019 Act do not apply to a motor vehicle solely**
14 **by reason that the motor vehicle has systems for collision avoidance, electronic blind spot**
15 **detection, automatic emergency braking, parking assist, adaptive cruise control, lane keeping**
16 **assist, lane departure warning or other similar systems that enhance safety or assist drivers**
17 **but that are not capable of operating the motor vehicle without the active control or moni-**
18 **toring of a human operator.**

19 **“SECTION 28. Operative date. (1) Sections 2 to 13a, 14, 25 and 26 of this 2019 Act and the**
20 **amendments to ORS 192.355, 366.505, 801.026, 805.200, 806.011, 806.012, 806.060, 806.080, 807.020,**
21 **807.570 and 811.507 by sections 15 to 24 and 26a of this 2019 Act become operative January**
22 **1, 2020.**

23 **“(2) The Department of Transportation may take any action before the operative date**
24 **specified in subsection (1) of this section that is necessary for the department to exercise,**
25 **on and after the operative date specified in subsection (1) of this section, all of the duties,**
26 **functions and powers conferred on the department by sections 2 to 13a, 14, 25 and 26 of this**
27 **2019 Act and the amendments to ORS 192.355, 366.505, 801.026, 805.200, 806.011, 806.012,**
28 **806.060, 806.080, 807.020, 807.570 and 811.507 by sections 15 to 24 and 26a of this 2019 Act.”.**