

IN THE SENATE

SENATE BILL NO. 1108, As Amended

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO AUTONOMOUS DRIVEN VEHICLES; AMENDING TITLE 49, IDAHO CODE, BY  
2 THE ADDITION OF A NEW CHAPTER 37, TITLE 49, IDAHO CODE, TO PROVIDE A TI-  
3 TLE, TO PROVIDE LEGISLATIVE INTENT, TO PROVIDE INSURANCE REQUIREMENTS,  
4 TO PROVIDE REQUIREMENTS FOR TESTING AUTONOMOUS DRIVEN VEHICLES, TO PRO-  
5 VIDE THAT AUTONOMOUS DRIVEN VEHICLES SHALL MEET FEDERAL STANDARDS AND  
6 REGULATIONS, TO PROVIDE REQUIREMENTS FOR AUTONOMOUS DRIVEN VEHICLES  
7 PRIOR TO TESTING OR OPERATION ON HIGHWAYS WITHIN THE STATE, TO PROVIDE  
8 AN EXEMPTION FROM LIABILITY FOR MANUFACTURERS AND DEALERS UNDER CERTAIN  
9 CONDITIONS, TO PROVIDE THAT ALL HIGHWAYS SHALL BE OPEN FOR TESTING AND  
10 TO PROVIDE EXCEPTIONS; AND AMENDING SECTION 49-102, IDAHO CODE, TO DE-  
11 FINE TERMS.  
12

13 Be It Enacted by the Legislature of the State of Idaho:

14 SECTION 1. That Title 49, Idaho Code, be, and the same is hereby amended  
15 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-  
16 ter 37, Title 49, Idaho Code, and to read as follows:

17 CHAPTER 37

18 THE OPERATION FOR TESTING PURPOSES OF AUTONOMOUS DRIVEN VEHICLES

19 49-3701. LEGISLATIVE INTENT. It is the intent of the legislature  
20 that this act facilitate and provide for the operation of autonomous driven  
21 vehicles in the state of Idaho for testing purposes.

22 49-3702. TESTING AUTONOMOUS DRIVEN VEHICLE -- REQUIREMENT FOR INSUR-  
23 ANCE. Prior to the start of testing in the state, the entity performing the  
24 testing shall submit to the department proof of general commercial liability  
25 and motor vehicle liability insurance in the amount of one million dollars  
26 (\$1,000,000).

27 49-3703. TESTING AUTONOMOUS DRIVEN VEHICLE -- REQUIREMENTS FOR SAFETY  
28 AND CONTROL OF VEHICLE. If an autonomous driven vehicle is being tested on  
29 a highway within the state, the test driver must be:

- 30 (1) Eighteen (18) years of age or older;
- 31 (2) In possession of a valid driver's license issued in their name and  
32 insured by vehicle liability insurance as required by law;
- 33 (3) An employee, contractor or other person designated by manufactur-  
34 ers of autonomous technology, or by research organizations associated with  
35 accredited educational institutions, for the purpose of testing autonomous  
36 driven vehicle technology, or the owner of a private company developing au-  
37 tonomous driven vehicle technology, their employee, contractor or designee;
- 38 (4) Monitoring the safe operation of the autonomous driven vehicle;
- 39 and

1 (5) Capable of taking over immediate manual control of the autonomous  
2 driven vehicle in the event of a failure of the autonomous technology or  
3 other emergency.

4 49-3704. VEHICLE TO MEET FEDERAL STANDARDS AND REGULATIONS --  
5 REQUIREMENTS FOR OPERATION FOR TESTING PURPOSES UPON HIGHWAYS IN THE  
6 STATE. (1) An autonomous driven vehicle shall not be operated in the state  
7 unless the autonomous driven vehicle meets all federal standards and regula-  
8 tions that are applicable to a motor vehicle.

9 (2) An autonomous driven vehicle shall not be tested or operated on a  
10 highway within the state unless the autonomous driven vehicle is:

11 (a) Capable of being operated in compliance with the applicable motor  
12 vehicle laws and traffic laws of the state; and

13 (b) Equipped with a separate mechanism to capture and store the vehi-  
14 cle's technology sensor data for at least the thirty (30) seconds be-  
15 fore a collision occurs between the autonomous vehicle operating in au-  
16 tonomous mode and another vehicle, object or natural person. The tech-  
17 nology sensor data shall be captured and stored in a read-only format  
18 and shall be preserved for three (3) years after the date of a collision.

19 49-3705. MANUFACTURER AND DEALER NOT LIABLE FOR CERTAIN DAM-  
20 AGES. The manufacturer or dealer of a motor vehicle that has been converted  
21 by a third party into an autonomous driven vehicle is not liable for damages  
22 to any person injured due to a defect caused by the conversion of the motor  
23 vehicle or by any equipment installed to facilitate the conversion unless,  
24 as to the manufacturer, the defect that caused the injury was present in the  
25 vehicle as originally manufactured.

26 49-3706. HIGHWAYS OPEN FOR TESTING. All highways shall be open for au-  
27 tonomous driven vehicle testing unless designated as closed due to public  
28 safety or other concerns. The state or any political subdivision, that has  
29 administrative jurisdiction over a highway, shall be authorized to desig-  
30 nate the highway as closed for testing.

31 SECTION 2. That Section 49-102, Idaho Code, be, and the same is hereby  
32 amended to read as follows:

33 49-102. DEFINITIONS -- A. (1) "Abandon" means to leave a vehicle on  
34 private property without the permission of the person having rights to the  
35 possession of the property, or on a highway or other property open to the  
36 public for the purposes of vehicular traffic or parking, or upon or within  
37 the right-of-way of any highway, for twenty-four (24) hours or longer.

38 (2) "Abandoned vehicle" means any vehicle observed by an authorized of-  
39 ficer or reported by a member of the public to have been left within the lim-  
40 its of any highway or upon the property of another without the consent of the  
41 property owner for a period of twenty-four (24) hours or longer, except that  
42 a vehicle shall not be considered abandoned if its owner-operator is unable  
43 to remove it from the place where it is located and has notified a law en-  
44 forcement agency and requested assistance.

1 (3) "Accident" means any event that results in an unintended injury or  
2 property damage attributable directly or indirectly to the motion of a motor  
3 vehicle or its load, a snowmobile or special mobile equipment.

4 (4) "Actual physical control" means being in the driver's position of a  
5 motor vehicle with the motor running or the vehicle moving.

6 (5) "Administrator" means the federal highway administrator, the chief  
7 executive of the federal highway administration, an agency within the U.S.  
8 department of transportation.

9 (6) "Age of a motor vehicle" means the age determined by subtracting  
10 the manufacturer's year designation of the vehicle from the year in which the  
11 designated registration fee is paid. If the vehicle has the same manufac-  
12 turer's year designation as the year in which the fee is paid, or if a vehicle  
13 has a manufacturer's year designation later than the year in which the fee is  
14 paid, the vehicle shall be deemed to be one (1) year old.

15 (7) "Air-conditioning equipment" means mechanical vapor compression  
16 refrigeration equipment which is used to cool the driver's or passenger com-  
17 partment of any motor vehicle.

18 (8) "Alcohol or alcoholic beverage" means:

19 (a) Beer as defined in 26 U.S.C. section 5052(a), of the Internal Rev-  
20 enue Code;

21 (b) Wine of not less than one-half of one percent (.005%) of alcohol by  
22 volume; or

23 (c) Distilled spirits as defined in section 5002(a)(8), of the Internal  
24 Revenue Code.

25 (9) "Alley" means a public way of limited use intended only to provide  
26 access to the rear or side of lots or buildings in urban districts.

27 (10) "All-terrain vehicle" or "ATV" means an all-terrain vehicle or ATV  
28 as defined in section 67-7101, Idaho Code.

29 (11) "Amateur radio operator." (See "Radio operator, amateur," section  
30 49-119, Idaho Code)

31 (12) "Ambulance" means a motor vehicle designed and used primarily for  
32 the transportation of injured, sick, or deceased persons, on stretchers,  
33 cots, beds, or other devices for carrying persons in a prone position.

34 (13) "Applicant" means an individual who applies to obtain, transfer,  
35 upgrade, or renew a driver's license.

36 (14) "Approved driver training course" means a training course from a  
37 school licensed under the provisions of chapter 21 of this title or a driver  
38 training course approved by another United States jurisdiction provided the  
39 course was taken while an individual was a resident of that United States ju-  
40 risdiction.

41 (15) "Approved testing agency" means a person, firm, association, part-  
42 nership or corporation approved by the director of the Idaho state police  
43 which is:

44 (a) In the business of testing equipment and systems;

45 (b) Recognized by the director as being qualified and equipped to do ex-  
46 perimental testing; and

47 (c) Not under the jurisdiction or control of any single manufacturer or  
48 supplier for an affected industry.

49 (16) "Armed forces" means the army, navy, marine corps, coast guard and  
50 the air force of the United States.

1 (17) "Authorized emergency vehicle." (See "Vehicle," section 49-123,  
2 Idaho Code)

3 (18) "Authorized officer" means any member of the Idaho state police, or  
4 any regularly employed and salaried deputy sheriff, or other county employee  
5 designated to perform the function of removing abandoned vehicles or junk  
6 vehicles by the board of county commissioners of the county in which a vehi-  
7 cle is located, or any regularly employed and salaried city peace officer or  
8 other city employee designated to perform the function of removing abandoned  
9 vehicles or junk vehicles by the city council, or a qualified person depu-  
10 tized or appointed by the proper authority as reserve deputy sheriff or city  
11 policeman, authorized within the jurisdiction in which the abandoned vehi-  
12 cle or junk vehicle is located.

13 (19) "Authorized transportation department employee" means any em-  
14 ployee appointed by the board to perform duties relating to enforcement of  
15 vehicle laws as have been specifically defined and approved by order of the  
16 board (see section 40-510, Idaho Code).

17 (20) "Auto transporter" means a vehicle combination constructed for the  
18 purpose of transporting vehicles.

19 (21) "Autonomous technology" means technology that is installed on a  
20 motor vehicle and that has the capability to drive the motor vehicle without  
21 the active control or monitoring of a human operator. The term does not in-  
22 clude an active safety system or a system for driver assistance including,  
23 without limitation, a system to provide electronic blind spot detection,  
24 crash avoidance, emergency braking, parking assistance, adaptive cruise  
25 control, lane keeping assistance, lane departure warning or traffic jam and  
26 queuing assistance, unless any such system, alone or in combination with  
27 any other system, enables the vehicle on which the system is installed to be  
28 driven without the active control or monitoring of a human operator.

29 (22) "Autonomous driven vehicle" means a motor vehicle that is equipped  
30 with autonomous technology.