

HOUSE BILL NO. 769

INTRODUCED BY T. WINTER

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING MOTOR VEHICLE LAWS; PROVIDING FOR THE REGULATION OF VEHICLES WITH AUTOMATED DRIVING SYSTEMS; PROVIDING LICENSING, REGISTRATION, AND INSURANCE REQUIREMENTS; PROVIDING OPERATIONAL REQUIREMENTS; PROVIDING DUTIES FOLLOWING A VEHICLE CRASH; REQUIRING ON-DEMAND AUTONOMOUS VEHICLE NETWORKS TO COMPLY WITH EXISTING STATE LAW; PROVIDING DEFINITIONS; AMENDING SECTION 69-12-101, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Definitions.** As used in [sections 1 through 6], the following definitions

apply:

(1) "Automated driving system" means the hardware and software that are collectively capable of performing the entire dynamic driving task on a sustained basis, regardless of whether the automated driving system is limited to a specific operational design domain.

(2) "Driverless operation" means the operation of a vehicle equipped with an automated driving system in which:

- (a) there is not an on-board user present; or
- (b) no on-board user is a human driver or a fallback-ready user.

(3) (a) "Dynamic driving task" means all of the real-time operational and tactical functions required to operate a motor vehicle in on-road traffic, including:

- (i) lateral vehicle motion control through steering;
- (ii) longitudinal motion control through acceleration and deceleration;
- (iii) monitoring the driving environment through object and event detection, recognition, classification, and response preparation;
- (iv) object and event response execution;
- (v) maneuver planning; and
- (vi) enhancing the conspicuousness of the vehicle with lights, signals, and gestures.

1 (b) The term does not include strategic functions such as trip scheduling and selection of destinations  
2 and waypoints.

3 (4) "Fallback-ready user" means the user of a vehicle equipped with an engaged level 3 automated  
4 driving system who is a human driver who is ready to operate the vehicle if a system failure occurs or the  
5 automated driving system issues a request to intervene.

6 (5) "Human driver" means a natural person with a valid driver's license to operate a motor vehicle of the  
7 proper class for the motor vehicle being operated and who performs in real time all or part of the dynamic driving  
8 task.

9 (6) "Level 3 automated driving system" means an automated driving system feature that:

10 (a) has the capability to perform on a sustained basis the entire dynamic driving task within its  
11 operational design domain; and

12 (b) requires a fallback-ready user to operate the vehicle after receiving a request to intervene or in  
13 response to a system failure.

14 (7) "Level 4 automated driving system" means an automated driving system feature that, without any  
15 expectation a human user will respond to a request to intervene, has the capability to perform:

16 (a) on a sustained basis the entire dynamic driving task within its operational design domain; and

17 (b) any maneuvers necessary to achieve a minimal risk condition in response to:

18 (i) an exit from the operational design domain of the automated driving system; or

19 (ii) a system failure.

20 (8) "Level 5 automated driving system" means an automated driving system feature that, without any  
21 expectation a human user will respond to a request to intervene, has the capability to perform:

22 (a) on a sustained basis the entire dynamic driving task under all conditions that can reasonably be  
23 managed by a human driver; and

24 (b) any maneuvers necessary to respond to a system failure.

25 (9) "Minimal risk condition" means a condition to which a user or an automated driving system brings  
26 a motor vehicle to reduce the risk of a crash when a trip cannot or should not be completed.

27 (10) "Object and event detection" and "object and event response" mean the subtasks of the dynamic  
28 driving tasks that include:

29 (a) monitoring the driving environment; and

30 (b) executing an appropriate response to perform the dynamic driving task.

1 (11) "On-demand autonomous vehicle network" means a transportation service network that uses a  
2 software application or other digital means to dispatch or enable the prearrangement of transportation with motor  
3 vehicles that have a level 4 automated driving system or level 5 automated driving system in driverless operation  
4 for purposes of transporting persons, including for-hire transportation and transportation for compensation.

5 (12) "Operate" means the activities performed in order to perform the entire dynamic driving task for a  
6 motor vehicle, including testing of an automated driving system, by:

7 (a) a human driver; or

8 (b) an engaged automated driving system.

9 (13) "Operational design domain" means the operating conditions under which an automated driving  
10 system or a feature of an automated driving system is specifically designed to function, including:

11 (a) speed range, environmental, geographical, and time-of-day restrictions; or

12 (b) the requisite presence or absence of certain traffic or roadway characteristics.

13 (14) "Operator" means:

14 (a) a human driver who operates a vehicle; or

15 (b) an automated driving system that operates a vehicle.

16 (15) "Passenger" means a user on board a vehicle who has no role in the operation of that vehicle.

17 (16) "Remote driver" means a human driver who is not located in a position to manually exercise  
18 in-vehicle braking, accelerating, steering, or transmission gear selection input devices while operating the vehicle.

19 (17) "Request to intervene" means the notification by an automated driving system to a fallback-ready  
20 user indicating that the fallback-ready user should promptly begin or resume operation of the vehicle.

21 (18) "Special mobile equipment" means a vehicle that is:

22 (a) not designed or used primarily for the transportation of persons or property;

23 (b) not designed to operate in traffic; and

24 (c) only incidentally operated or moved over the highways.

25 (19) "System failure" means a malfunction in a vehicle system that prevents the automated driving system  
26 from reliably performing the portion of the dynamic driving task on a sustained basis, including the complete  
27 dynamic driving task, that the automated driving system would otherwise perform.

28 (20) "User" means:

29 (a) a human driver;

30 (b) a passenger;

- 1 (c) a fallback-ready user; or
- 2 (d) a driverless operation dispatcher.

3

4 **NEW SECTION. Section 2. Operation of motor vehicle equipped with automated driving system.**

5 (1) A motor vehicle equipped with a level 3 automated driving system may operate on a highway in this state if:

6 (a) the motor vehicle is operated, whether by the automated driving system or by a human driver, in  
 7 compliance with the applicable traffic and motor vehicle safety laws and regulations of this state, unless an  
 8 exemption has been granted;

9 (b) when required by federal law, the motor vehicle:

10 (i) has been certified as being in compliance with all applicable motor vehicle safety standards; and

11 (ii) bears the required certification label, including reference to any exemption granted under federal law;

12 (c) when a system failure occurs that renders the automated driving system unable to perform the entire  
 13 dynamic driving task relevant to the intended operational design domain of the automated driving system, the  
 14 automated driving system achieves a minimal risk condition or makes a request to intervene; and

15 (d) the motor vehicle is titled and registered pursuant to [section 6].

16 (2) A motor vehicle equipped with a level 4 automated driving system or a level 5 automated driving  
 17 system may operate in driverless operation on a highway in this state if:

18 (a) the automated driving system is capable of operating in compliance with applicable traffic and motor  
 19 vehicle laws and regulations of this state, unless an exemption has been granted;

20 (b) when required by federal law, the motor vehicle:

21 (i) has been certified as being in compliance with all applicable federal motor vehicle safety standards;

22 and

23 (ii) bears the required certification label including reference to any exemption granted under federal law;

24 (c) when a system failure occurs that renders the automated driving system unable to perform the entire  
 25 dynamic driving task relevant to the intended operational design domain of the automated driving system, the  
 26 automated driving system achieves a minimal risk condition; and

27 (d) the motor vehicle is titled and registered pursuant to [section 6].

28 (3) A vehicle that is being operated by an automated driving system or by a remote driver is not  
 29 considered unattended.

30 (4) The department may revoke the registration of and the privilege to operate on a highway of the state

1 a vehicle equipped with an automated driving system if an employee or authorized agent of the department or  
2 the department of transportation determines and notifies the department that:

3 (a) the automated driving system is operating in an unsafe manner; or

4 (b) the vehicle's automated driving system is being engaged in an unsafe manner.

5 (5) Special mobile equipment that is equipped with a level 3 automated driving system, level 4 automated  
6 driving system, or level 5 automated driving system may be moved or operated incidentally over a highway.

7 (6) Nothing in [sections 1 through 6] prohibits or restricts a human driver from operating a vehicle  
8 equipped with an automated driving system and with controls that allow the human driver to perform all or part  
9 of the dynamic driving task.

10

11 **NEW SECTION. Section 3. Automated driving system -- responsibility for compliant operation.**

12 The following provisions apply for the purpose of assessing compliance with applicable traffic or motor vehicle  
13 laws:

14 (1) When an automated driving system is operating a motor vehicle:

15 (a) the automated driving system is the operator and must satisfy electronically all physical acts required  
16 by a conventional driver operating the vehicle;

17 (b) the automated driving system is responsible for the operation of the vehicle in compliance with  
18 applicable traffic and motor vehicle laws; and

19 (c) the automated driving system is not required to be licensed to operate the vehicle.

20 (2) (a) If a vehicle with an engaged level 3 automated driving system issues a request to intervene, the  
21 automated driving system is responsible for the compliant operation of the vehicle until the automated driving  
22 system is disengaged.

23 (b) If a vehicle with an engaged level 4 automated driving system or level 5 automated driving system  
24 issues a request to intervene, the automated driving system is responsible for the operation of the vehicle in  
25 compliance with the applicable traffic and motor vehicle laws until or unless a human user begins to operate the  
26 vehicle.

27 (3) For a vehicle that is designed to be operated exclusively by a level 4 automated driving system or  
28 level 5 automated driving system, the automated driving system is responsible for the operation of the vehicle  
29 in compliance with the applicable traffic and motor vehicle laws for all trips within the automated driving system's  
30 operational design domain limitations.

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2           **NEW SECTION. Section 4. Automated driving system -- duties following vehicle crash.** (1) In the  
3 event of a crash involving a vehicle with an engaged automated driving system:

4           (a) the vehicle equipped with the automated driving system must remain on the scene of the crash when  
5 required to do so under Title 61, chapter 7, part 1, consistent with the vehicle's ability to achieve a minimal risk  
6 condition pursuant to [section 3]; and

7           (b) the owner of the vehicle equipped with an automated driving system or the owner's agent shall report  
8 any crash or collision as required under Title 61, chapter 7, part 1.

9           (2) If the owner or the owner's agent is not on board the vehicle at the time of the crash, the owner shall  
10 ensure that the following information is immediately communicated or made available to any person involved or  
11 to a peace officer upon request:

12           (a) the contents of the vehicle's registration card; and

13           (b) the name of the insurance provider for the vehicle, including the phone number of the insurance agent  
14 or insurance provider.

15           (3) The department may require that an accident report filed under 61-7-109 include:

16           (a) whether a vehicle equipped with an automated driving system was involved in the accident; and

17           (b) whether the automated driving system was engaged at the time of the accident.

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19           **NEW SECTION. Section 5. On-demand autonomous vehicle network.** (1) Subject to subsection (2),  
20 an on-demand autonomous vehicle network may only operate pursuant to state laws governing the operation of  
21 ground transportation for hire under state law, including laws governing Class A motor carriers, Class B motor  
22 carriers, and Class E motor carriers under Title 69, chapter 12.

23           (2) A provision of state law that reasonably applies only to a human driver does not apply to the operation  
24 of a vehicle by an engaged level 4 automated driving system or an engaged level 5 automated driving system  
25 that is part of an on-demand autonomous vehicle network.

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27           **NEW SECTION. Section 6. Automated driving system -- registration and title -- insurance.** (1) An  
28 owner of a vehicle that is equipped with an automated driving system who is a resident of this state shall properly  
29 title and register the vehicle pursuant to the requirements of Title 61, chapter 3.

30           (2) Before a vehicle equipped with an automated driving system may operate in this state, the owner of

1 the vehicle shall ensure that the vehicle complies with the insurance requirements of Title 61, chapter 6, and, if  
 2 applicable, Title 69, chapter 12, part 3.

3

4 **Section 7.** Section 69-12-101, MCA, is amended to read:

5 **"69-12-101. Definitions.** Unless the context requires otherwise, in this chapter the following definitions  
 6 apply:

7 (1) "Automated driving system" has the meaning provided in [section 1].

8 ~~(1)~~(2) "Between fixed termini" or "over a regular route" means the termini or route between or over which  
 9 a motor carrier usually or ordinarily operates motor vehicles, even though there may be periodical or irregular  
 10 departures from the termini or route.

11 ~~(2)~~(3) "Certificate" means a certificate of public convenience and necessity or a certificate of compliance  
 12 issued under this chapter.

13 ~~(3)~~(4) "Certificate of compliance" means written authorization to operate issued by the commission for  
 14 Class A, Class B, or Class E motor carriers that transport passengers declaring that the motor carrier meets the  
 15 fitness requirements of this chapter.

16 ~~(4)~~(5) "Certificate of public convenience and necessity" means a written authorization to operate issued  
 17 by the commission for Class A and Class B motor carriers that transport property or persons and property, Class  
 18 C motor carriers, and Class D motor carriers declaring that the motor carrier service is required by the public  
 19 convenience and necessity, as provided in this chapter.

20 ~~(5)~~(6) "Charter service" means a service used for the transportation of passengers by a motor carrier  
 21 with rates not subject to approval by the commission if:

22 (a) the transportation of passengers is based on a single contract;

23 (b) the contract is entered into in advance of the transportation and does not result from a spontaneous,  
 24 curbside agreement;

25 (c) the contract includes a single fixed charge and fares are not assessed per passenger;

26 (d) the passenger or group of passengers acquires exclusive use of the motor vehicle through the  
 27 contract; and

28 (e) when applied to a group of passengers being transported, the group of passengers travels together  
 29 to a specified destination.

30 ~~(6)~~(7) "Compensation" means the charge imposed on motor carriers for the use of the highways in this

1 state by motor carriers under 69-12-421.

2 ~~(7)~~(8) "Corporation" means a corporation, company, association, or joint-stock association.

3 ~~(8)~~(9) "Digital network" means any online-enabled application, software, website, or system offered or  
4 utilized by a transportation network carrier that enables the prearrangement of rides with transportation network  
5 carrier drivers.

6 ~~(9)~~(10) "For hire" means for remuneration of any kind, paid or promised, either directly or indirectly, or  
7 received or obtained through leasing, brokering, or buy-and-sell arrangements from which a remuneration is  
8 obtained or derived for transportation service.

9 ~~(10)~~(11) "Garbage" means ashes, trash, waste, refuse, rubbish, organic or inorganic matter that is  
10 transported to a licensed transfer station, licensed landfill, licensed municipal solid waste incinerator, or licensed  
11 disposal well. The term does not include wastewater and waste tires.

12 ~~(11)~~(12) "Household goods" means any of the following:

13 (a) personal effects and property used or to be used in a dwelling when they are a part of the equipment  
14 or supply of the dwelling. The term does not include property moving from a factory or store unless the property  
15 is purchased by a householder for use in a dwelling and is transported at the request of the householder.

16 (b) furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals,  
17 or other establishments when those items are a part of the stock, equipment, or supply of the stores, offices,  
18 museums, institutions, hospitals, or other establishments. The term does not include the stock-in-trade of an  
19 establishment, whether consignor or consignee, other than used furniture and used fixtures, except when  
20 transported as incidental to moving of the establishment or a portion of the establishment from one location to  
21 another.

22 (c) articles, including objects of art, displays, and exhibitions that because of their unusual nature or  
23 value, require the specialized handling and equipment usually employed in moving household goods and other  
24 similar articles.

25 ~~(12)~~(13) "Motor carrier" means a person or corporation, or its lessees, trustees, or receivers appointed  
26 by a court, operating motor vehicles upon a public highway in this state for the transportation of passengers,  
27 household goods, or garbage for hire on a commercial basis, either as a common carrier or under private  
28 contract, agreement, charter, or undertaking. A motor carrier includes a transportation network carrier.

29 ~~(13)~~(14) "Motor vehicle" includes vehicles or machines, motor trucks, tractors, or other self-propelled  
30 vehicles used for the transportation of property or persons over the public highways of the state.



1           ~~(14)~~(15) "Person" means an individual, firm, or partnership.

2           ~~(15)~~(16) "Personal vehicle" means a vehicle that is used by a transportation network carrier driver in  
3 connection with providing a prearranged ride and is:

4           (a) owned, leased, or otherwise authorized for use by the transportation network carrier driver; and

5           (b) not a taxicab, limousine, or for-hire vehicle.

6           ~~(16)~~(17) "Prearranged ride" means transportation provided by a driver to a rider, beginning when a driver  
7 accepts a ride requested by a rider through a digital network controlled by a transportation network carrier,  
8 continuing while the driver transports a requesting rider, and ending when the last requesting rider departs from  
9 the personal vehicle. A prearranged ride does not include transportation provided using a taxicab, limousine, or  
10 other for-hire vehicle pursuant to Title 69, chapter 12.

11           ~~(17)~~(18) "Public highway" means a public street, road, highway, or way in this state.

12           ~~(18)~~(19) "Railroad" means the movement of cars on rails, regardless of the motive power used.

13           ~~(19)~~(20) "Recyclable" means any material diverted from the solid waste stream that can be reused in the  
14 production of heat or energy or as raw material for new products and for which markets exist.

15           ~~(20)~~(21) "Transportation network carrier" means an entity that uses a digital network or software  
16 application service to connect passengers to transportation network carrier services provided by transportation  
17 network carrier drivers or transportation network carrier vehicles with engaged automated driving systems. A  
18 transportation network carrier may not be deemed to control, direct, or manage the personal vehicles or  
19 transportation network carrier drivers that connect to its digital network, except where agreed to by written  
20 contract.

21           ~~(21)~~(22) "Transportation network carrier driver" or "driver" means an individual who:

22           (a) receives connections to potential riders and related services from a transportation network carrier  
23 in exchange for payment of a fee to the transportation network carrier; and

24           (b) uses a personal vehicle to provide a prearranged ride to riders upon connection through a digital  
25 network controlled by a transportation network carrier in return for compensation or payment of a fee.

26           ~~(22)~~(23) "Transportation network carrier rider" or "rider" means an individual or persons who use a  
27 transportation network carrier's digital network to connect with a transportation network carrier driver who  
28 provides prearranged rides to the rider in the driver's personal vehicle between points chosen by the rider.

29           ~~(23)~~(24) "Transportation network carrier services" means the transportation of a passenger between  
30 points chosen by the passenger and prearranged with a transportation network carrier driver through the use of

1 a transportation network carrier digital network or software application."  
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3 NEW SECTION. Section 8. Codification instruction. [Sections 1 through 6] are intended to be codified  
4 as an integral part of Title 61, and the provisions of Title 61 apply to [sections 1 through 6].  
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6 NEW SECTION. Section 9. Effective date. [This act] is effective January 1, 2020.  
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