

**SENATE BILL No. 546**

By Committee on Federal and State Affairs

3-7

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1 AN ACT concerning motor vehicles; relating to autonomous motor  
2 vehicles; providing for the use and regulation thereof; establishing the  
3 autonomous vehicle advisory committee; amending K.S.A. 2021 Supp.  
4 8-2106 and 8-2204 and repealing the existing sections.

5  
6 *Be it enacted by the Legislature of the State of Kansas:*

7 New Section 1. As used in sections 1 through 10, and amendments  
8 thereto, unless the context otherwise requires:

9 (a) "ADS-equipped vehicle" means a motor vehicle equipped with an  
10 automated driving system.

11 (b) "Automated driving system" or "ADS" means the hardware and  
12 software collectively capable of performing the entire dynamic driving  
13 task on a sustained basis, regardless of whether the system is limited to a  
14 specific operational design domain, if any.

15 (c) "Conventional human driver" means a natural person who  
16 manually controls the in-vehicle accelerating, braking, steering and  
17 transmission gear selection input devices in order to operate a motor  
18 vehicle.

19 ~~(d) "Department" means the department of transportation.~~

20 ~~(e)~~ "Driverless-capable vehicle" means an ADS-equipped vehicle  
21 capable of performing the entire dynamic driving task within the  
22 automated driving system's operational design domain, if any, including,  
23 but not limited to, achievement of a minimal risk condition without  
24 intervention or supervision by a conventional human driver.

25 ~~(e)~~(1) "Dynamic driving task" means all real-time operational and  
26 tactical functions required to operate a motor vehicle on a highway in  
27 traffic within an automated driving system's specific operational design  
28 domain, if any.

29 (2) "Dynamic driving task" does not include any strategic function  
30 such as trip scheduling or the selection of destinations and waypoints.

31 ~~(e)~~(f) "Minimal risk condition" means a reasonably safe state to  
32 which an automated driving system brings an ADS-equipped vehicle upon  
33 experiencing a performance-relevant failure of the system that renders the  
34 system unable to perform the entire dynamic driving task, including, but

1 not limited to, removing the vehicle to the nearest shoulder if the vehicle is  
2 capable of doing so, bringing the vehicle to a complete stop and activating  
3 the vehicle's emergency signal lamps.

4 ~~(h)~~(g) "On-demand driverless-capable vehicle network" means a  
5 transportation network company as defined in K.S.A. 8-2702, and  
6 amendments thereto, that uses a software application or other digital  
7 means to dispatch driverless-capable vehicles for the purposes of  
8 transporting persons or goods, including, but not limited to, transportation  
9 for hire and public transportation.

10 ~~(i)~~(h) "Operational design domain" means a set of operating  
11 conditions under which a given ADS or ADS feature is specifically  
12 designed to function. "Operational design domain" includes, but is not  
13 limited to, environmental, geographical and time-of-day restrictions or the  
14 requisite presence or absence of certain traffic or roadway characteristics.

15 ~~(j)~~(i) "Transportation for hire" means all transportation of property or  
16 passengers made available by a person for compensation.

17 New Sec. 2. (a) A driverless-capable vehicle may operate on the  
18 public highways of this state without a conventional human driver with the  
19 automated driving system engaged if the vehicle meets all of the following  
20 conditions:

21 (1) The vehicle is capable of achieving a minimal risk condition if a  
22 malfunction of the automated driving system occurs that renders the  
23 system unable to perform the entire dynamic driving task within the  
24 system's intended operational design domain, if any;

25 (2) while in driverless operation, the vehicle is capable of operating in  
26 compliance with the applicable traffic and motor vehicle safety laws and  
27 regulations of this state that govern the performance of the dynamic  
28 driving task, ~~unless an exemption has been granted to the vehicle by the~~  
29 ~~department;~~

30 (3) when required by federal law, the vehicle bears the required  
31 manufacturer's certification label indicating that at the time of manufacture  
32 the vehicle has been certified to be in compliance with all applicable  
33 federal motor vehicle safety standards, including any reference to any  
34 exception granted by the national highway traffic safety administration;  
35 and

36 (4) *the driverless-capable vehicle cannot exceed 34,000 pounds on*  
37 *tandem axles. The provisions of this paragraph shall expire and have no*  
38 *effect on and after July 1, 2025; and*

39 (5) *{a conventional human driver shall be required to be physically*  
40 *present in every driverless-capable vehicle that provides transportation*  
41 *services for riders pursuant to K.S.A. 8-2701 et seq., and amendments*  
42 *thereto, for the first 24 consecutive months from the date that an entity*  
43 *places driverless-capable vehicles into service in this state; and*

1       **(6) except as otherwise provided in paragraph (5),** a conventional  
2 human driver shall be required to be physically present in every driverless-  
3 capable vehicle placed into service in Kansas for the ~~first year~~ **twelve**  
4 **consecutive months** from the date that such entity places a driverless-  
5 capable vehicle into service in this state. **The provision of this paragraph**  
6 **shall not apply to a person that operates:**

7       **(A) A vehicle that is not designed, intended or marketed for human**  
8 **occupancy; or**

9       **(B) a dedicated driverless-capable vehicle that lacks manual**  
10 **controls for operation by a conventional human driver.**

11       (b) Prior to operating a driverless-capable vehicle on the public roads  
12 of this state without a conventional human driver, the owner of such  
13 driverless-capable vehicle shall submit a law enforcement interaction plan  
14 to ~~the department of transportation~~ **an agency that operates 24 hours a**  
15 **day and seven days a week** that describes:

16       (1) How to communicate with a fleet support specialist who is  
17 available during the times the vehicle is in operation, **and on which side of**  
18 **the vehicle contact information of the fleet support specialist is readily**  
19 **visible;**

20       (2) ~~how to safely remove the driverless-capable vehicle from the~~  
21 ~~roadway and steps to safely tow the vehicle~~ **information regarding safety**  
22 **considerations for first responders in dealing with a driverless-capable**  
23 **vehicle as the result of collision or fire;**

24       (3) how to recognize whether the driverless-capable vehicle is in  
25 autonomous mode; and

26       (4) any additional information the manufacturer or owner deems  
27 necessary regarding hazardous conditions or public safety risks associated  
28 with the operation of the driverless-capable vehicle.

29       (c) (1) The operation of an ADS-equipped vehicle capable of  
30 performing the entire dynamic driving task within the automated driving  
31 system's operational design domain on the public highways of this state  
32 while a conventional human driver is present and expected to respond ~~to a~~  
33 ~~request to intervene,~~ **when it is reasonably foreseeable that a human**  
34 **should respond,** shall be lawful. During such operation, the conventional  
35 human driver shall possess a valid driver's license pursuant to K.S.A. 8-  
36 234b, and amendments thereto, and shall be subject to the required  
37 insurance, self-insurance or other financial security required pursuant to  
38 K.S.A. 40-3104, and amendments thereto. The conventional human driver  
39 shall operate the ADS-equipped vehicle according to the manufacturer's  
40 requirements and specifications and shall regain manual control of the  
41 vehicle when ~~prompted by the automated driving system~~ **it is reasonably**  
42 **foreseeable that a human should respond.**

43       (2) An automated driving system, while engaged, shall be designed to

1 operate within the system's operational design domain in compliance with  
2 the applicable traffic and motor vehicle safety laws and regulations of this  
3 state that govern the performance of the dynamic driving task, ~~unless an~~  
4 ~~exemption has been granted to the vehicle by the department.~~

5 (d) Except as provided in this section, the motor vehicle laws of this  
6 state shall not be construed to require a conventional human driver to  
7 operate a driverless-capable vehicle that is being operated by an automated  
8 driving system. The automated driving system, while engaged, shall be  
9 deemed to fulfill any physical acts required of a conventional human  
10 driver to perform the dynamic driving task.

11 ***(e) Sections 1 through 10, and amendments thereto, shall not be***  
12 ***construed to modify the responsibilities of a conventional human driver***  
13 ***that operates a system-equipped vehicle when the automated driving***  
14 ***system is not engaged.***

15 New Sec. 3. Before an ADS-equipped vehicle is allowed to operate  
16 on the public highways of this state, the owner shall obtain insurance, self-  
17 insurance or other financial security coverage for the vehicle. An ADS-  
18 equipped vehicle shall not operate on the highways of this state unless  
19 insurance, self-insurance or other financial security coverage is in effect  
20 for the vehicle and unless proof of coverage is carried in the vehicle  
21 pursuant K.S.A. 40-3104, and amendments thereto.

22 New Sec. 4. In the event of an accident crash that would otherwise be  
23 subject to K.S.A. 8-1602 through ~~8-1606~~ ***and*** 8-1609, and amendments  
24 thereto, such provisions shall not apply to a driverless-capable vehicle  
25 operating without a conventional human driver ***if the vehicle remains at***  
26 ***the scene or in the immediate vicinity of the crash until law enforcement***  
27 ***arrives or vehicle registration and insurance information is provided to***  
28 ***the parties affected by the accident, and either:***

29 (a) The vehicle owner, or a person acting on behalf of the vehicle  
30 owner, promptly contacts the applicable law enforcement agency to report  
31 the accident; ***or***

32 (b) for a vehicle that has the capability of promptly alerting a law  
33 enforcement agency or emergency services, the vehicle alerts a law  
34 enforcement agency or emergency services to the crash; ~~or~~

35 ~~(c) the vehicle remains at the scene or in the immediate vicinity of the~~  
36 ~~crash until law enforcement arrives or vehicle registration and insurance~~  
37 ~~information is provided to the parties affected by the accident~~ ***by the***  
38 ***governmental departments that regulate operation and ownership of***  
39 ***conventional human driver vehicles.***

40 New Sec. 5. ***{Subject to the provisions of section 2, and***  
41 ***amendments thereto,}*** a person may operate an on-demand driverless-  
42 capable vehicle network, with the exception that any provision of K.S.A.  
43 8-2701 et seq., and amendments thereto, that ~~reasonably~~ ***by its nature***

1 applies only to a conventional human driver would not apply to the  
2 operation of a driverless-capable vehicle with the automated driving  
3 system engaged on an on-demand driverless-capable vehicle network. An  
4 on-demand driverless-capable vehicle network may be used to facilitate  
5 the transportation of persons or goods, including, but not limited to,  
6 transportation for hire and public transportation. An on-demand driverless-  
7 capable vehicle network may connect passengers to driverless-capable  
8 vehicles either exclusively or as part of a digital network that also connects  
9 passengers to conventional human drivers who provide transportation  
10 services, pursuant to K.S.A. 8-2701 et seq., and amendments thereto, or  
11 any other applicable laws, in vehicles that are not driverless-capable  
12 vehicles.

13 New Sec. 6. (a) (1) Automated driving systems and ADS-equipped  
14 vehicles shall be governed by:

15 (A) Sections 1 through 10, and amendments thereto; and

16 (B) all applicable traffic and motor vehicle safety laws.

17 (2) Automated driving systems and ADS-equipped vehicles shall be  
18 regulated exclusively by the department. ***Violations of state and local***  
19 ***traffic laws are enforceable as if the vehicle has a licensed human driver***  
20 ***on board.***

21 ***(3) Governmental departments may adopt rules and regulations***  
22 ***implementing sections 1 through 10, and amendments thereto.***  
23 ***Governmental departments are limited to adopting rules and regulations***  
24 ***to implement sections 1 through 10, and amendments thereto, for those***  
25 ***provisions under the jurisdiction of the governmental department when***  
26 ***regulating operation and ownership of conventional human driven***  
27 ***vehicles.***

28 (b) A political subdivision of the state shall not impose requirements,  
29 including, but not limited to, performance standards specific to the  
30 operation of ADS-equipped vehicles, automated driving systems or on-  
31 demand driverless-capable vehicle networks that are in addition to the  
32 requirements set forth pursuant to sections 1 through 10, and amendments  
33 thereto. A political subdivision of the state shall not impose a tax on ADS-  
34 equipped vehicles, automated driving systems or on-demand driverless-  
35 capable vehicle networks if such tax relates specifically to the operation of  
36 ADS-equipped vehicles, automated driving systems or on-demand  
37 driverless-capable vehicle networks.

38 New Sec. 7. (a) A driverless-capable vehicle shall be properly  
39 registered in accordance with K.S.A. 8-127, and amendments thereto. If a  
40 driverless-capable vehicle is registered in this state, the vehicle shall be  
41 identified on the registration as a fully autonomous vehicle.

42 (b) A driverless-capable vehicle shall be properly titled in accordance  
43 with K.S.A. 8-135, and amendments thereto. If a driverless-capable

1 vehicle is titled in this state, the vehicle shall be identified on the title as a  
2 driverless-capable vehicle.

3 New Sec. 8. A driverless-capable vehicle that is also a commercial  
4 motor vehicle pursuant to K.S.A. 8-143m, and amendments thereto, may  
5 operate pursuant to state laws governing the operation of commercial  
6 motor vehicles, except that:

7 (a) Any provision that by its nature—~~reasonably~~ applies only to a  
8 conventional human driver does not apply to such a vehicle operating with  
9 the automated driving system engaged; and

10 (b) such a vehicle shall not carry hazardous materials as defined in  
11 K.S.A. 48-904, and amendments thereto. The provisions of this subsection  
12 do not apply to transporting articles and substances prepared in accordance  
13 with 49 C.F.R. § 172.315 or that otherwise do not require placarding  
14 pursuant to the federal hazardous materials regulations provided in 49  
15 C.F.R. parts 100 through 110. The provision of this subsection shall expire  
16 ~~shall expire~~ on January 1, 2025.

17 New Sec. 9. The uniform act regulating traffic on highways, to the  
18 extent practicable, shall be interpreted and applied for the use of a  
19 driverless-capable vehicle. Such provisions shall not require any additional  
20 provisions, including, but not limited to, operation by a conventional  
21 human driver seated in the vehicle.

22 *New Sec. 10. A driverless-capable vehicle that is designed to be*  
23 *operated exclusively by the automated driving system for all trips is not*  
24 *subject to motor vehicle equipment laws or regulations of this state that:*

25 *(1) Support motor vehicle operation by a conventional human*  
26 *driver seated in the vehicle, including, but not limited to, mirrors,*  
27 *windshields and windshield wipers; and*

28 *(2) are not relevant for an automated driving system.*

29 ~~10.~~ 11. (a) There is created the autonomous vehicle  
30 advisory committee that will include the following members:

31 (1) Two members of the senate to be appointed by the president of the  
32 senate;

33 (2) one member of the senate to be appointed by the minority leader  
34 of the senate;

35 (3) two members of the house of representatives to be appointed by  
36 the speaker of the house of representatives;

37 (4) one member of the house of representatives to be appointed by the  
38 minority leader of the house of representatives;

39 (5) the director of vehicles or the director's designee;

40 (6) the secretary of transportation or the secretary's designee;

41 (7) the superintendent of the highway patrol or the superintendent's  
42 designee;

43 (8) two members appointed by the governor from labor organizations;

1 and

2 (9) ~~two members appointed by the governor from the autonomous~~  
3 ~~vehicle industry~~ **two members appointed by the chairperson of the state**  
4 **corporation commission;**

5 (10) **one member appointed by the Kansas league of municipalities;**

6 (11) **one member appointed by the Kansas association of counties;**

7 (12) **one member appointed by the governor from the light-duty**  
8 **motor vehicle manufacturers;**

9 (13) **one member appointed by the governor from the original**  
10 **equipment manufacturers;**

11 (14) **one member appointed by the governor from the original**  
12 **equipment manufacturers trade association;**

13 (15) **one member appointed by the governor from the heavy-duty**  
14 **motor vehicle manufacturers;**

15 (16) **one member appointed by the governor from the automated**  
16 **driving system developers;**

17 (17) **one member appointed by the governor from the automated**  
18 **driving system developers trade association;**

19 (18) **one member appointed by the governor from the automated**  
20 **driving system manufacturers;**

21 (19) **one member appointed by the governor from the on-demand**  
22 **transportation network companies;**

23 (20) **one member appointed by the Kansas sheriffs' association;**

24 (21) **one member appointed by the Kansas state troopers**  
25 **association; and**

26 (22) **one member appointed by ABATE of Kansas.**

27 (b) The speaker of the house of representatives shall select one  
28 member of the autonomous vehicle advisory committee who is a member  
29 of the house of representatives to serve as ~~co-chairperson~~ **chairperson** of  
30 the advisory committee **during even-numbered calendar years**. The  
31 president of the senate shall select one member of the autonomous vehicle  
32 advisory committee who is a member of the senate to serve as ~~co-~~  
33 ~~chairperson~~ **chairperson** of the advisory committee **during odd-numbered**  
34 **calendar years**.

35 (c) Members of the autonomous vehicle advisory committee shall  
36 serve without compensation.

37 (d) The autonomous vehicle advisory committee may meet in an open  
38 meeting at any time upon the call of either co-chairperson.

39 (e) On or before July 1, 2023, **and each year July 1 thereafter**, the  
40 autonomous vehicle advisory committee shall submit to the governor,  
41 president of the senate and speaker of the house of representatives a report  
42 of activities and any recommendations regarding the use or regulation of  
43 autonomous motor vehicles in this state.

1 (f) The provisions of this section shall expire on July 1, ~~2023~~ **2027**.

2 Sec. ~~H~~. **12**. K.S.A. 2021 Supp. 8-2106 is hereby amended to read as  
3 follows: 8-2106. (a) A law enforcement officer may prepare and deliver to  
4 a person a written traffic citation on a form approved by the division of  
5 motor vehicles, if the law enforcement officer stops the person for a  
6 violation of:

7 (1) The uniform act regulating traffic on highways, which violation is  
8 a misdemeanor or a traffic infraction;

9 (2) K.S.A. 8-262, 8-287, 8-2,144, 8-1599, 40-3104, 40-3106, 41-715,  
10 41-724, 41-727, 47-607, 66-1,111, 66-1,129, 66-1,139, 66-1,140, 66-273,  
11 66-1314, 66-1324, 66-1330, 66-1331, 66-1332, 68-2104, 68-2106 or  
12 subsection (b) of K.S.A. 79-34,122(b), or K.S.A. 2021 Supp. subsection  
13 (a) of 21-5607(a), 21-5810, 21-5815, 21-5816, ~~subsection (a) of 21-~~  
14 ~~5817(a)~~ or 21-6203, and amendments thereto;

15 (3) K.S.A. 31-155, and amendments thereto, involving transportation  
16 of bottle rockets;

17 (4) K.S.A. 66-1314 or 66-1328, and amendments thereto, and any  
18 rules and regulations adopted pursuant thereto;

19 (5) any rules and regulations adopted pursuant to K.S.A. 2-1212, 68-  
20 2001 or 31-146, and amendments thereto;

21 (6) any rules and regulations adopted pursuant to K.S.A. 31-133, and  
22 amendments, thereto relating to transportation of materials or fuel; ~~or~~

23 (7) K.S.A. 8-1343 through 8-1347, and amendments thereto, relating  
24 to the child passenger safety act; or

25 (8) K.S.A. 8-2501 through 8-2507, and amendments thereto, relating  
26 to the safety belt use act.

27 (b) The citation shall contain a notice to appear in court, the name and  
28 address of the person, the type of vehicle the person was driving, whether  
29 hazardous materials were being transported, whether an accident occurred,  
30 the state registration number of the person's vehicle, if any, a statement  
31 whether the vehicle is a commercial vehicle, whether the person is  
32 licensed to drive a commercial motor vehicle, the offense or offenses  
33 charged, the time and place when and where the person shall appear in  
34 court, the signature of the law enforcement officer; and any other pertinent  
35 information.

36 (c) The time specified in the notice to appear shall be at least five  
37 days after the alleged violation unless the person charged with the  
38 violation demands an earlier hearing.

39 (d) The place specified in the notice to appear shall be before a judge  
40 of the district court within the county in which the offense is alleged to  
41 have been committed.

42 (e) Except in the circumstances to which ~~subsection (a) of~~ K.S.A. 8-  
43 2104(a), and amendments thereto, apply, in the discretion of the law

1 enforcement officer, a person charged with a misdemeanor may give  
2 written promise to appear in court by signing at least one copy of the  
3 written citation prepared by the law enforcement officer, in which event  
4 the law enforcement officer shall deliver a copy of the citation to the  
5 person and shall not take the person into physical custody.

6 (f) When a person is charged with a traffic infraction, the notice to  
7 appear shall provide a place where the person may make a written entry of  
8 appearance, waive the right to a trial and plead guilty or no contest. Such  
9 notice to appear shall contain a provision that the person's failure to either  
10 pay such fine and court costs or appear at the specified time may result in  
11 suspension of the person's drivers' license as provided in K.S.A. 8-2110,  
12 and amendments thereto. The notice to appear shall provide a space where  
13 the law enforcement officer shall enter the appropriate fine specified in the  
14 uniform fine schedule contained in K.S.A. 8-2118, and amendments  
15 thereto, for the violation charged and court costs in the amount provided  
16 by law. If the notice to appear does not do so, the law enforcement officer  
17 shall provide a person charged with a traffic infraction a form explaining  
18 the person's right to appear and right to a trial and the person's right to pay  
19 the appropriate fine and court costs prior to the appearance date. The law  
20 enforcement officer shall provide the person with the address of the court  
21 to which the written entry of appearance, waiver of trial, plea of guilty or  
22 no contest and payment of fine and court costs shall be mailed.

23 (g) Any officer violating any of the provisions of subsection (f) is  
24 guilty of misconduct in office and shall be subject to removal from office.

25 *(h) A driverless-capable vehicle's registered owner shall be*  
26 *responsible for all applicable traffic law violations when the automated*  
27 *driving system is engaged. For the purposes of prosecution of traffic law*  
28 *violations, the owner is considered to be the operator of the vehicle when*  
29 *the automated driving system is engaged. A law enforcement officer shall*  
30 *deliver the written traffic citation to a person charged with a traffic*  
31 *infraction to the owner of the driverless-capable vehicle operating without*  
32 *a conventional human driver as such terms are defined by section 1, and*  
33 *amendments thereto, by sending the citation by certified mail to the*  
34 *address of the owner.*

35 ~~Sec. 12. 13.~~ K.S.A. 2021 Supp. 8-2204 is hereby amended to read as  
36 follows: 8-2204. This act shall be known and may be cited as the uniform  
37 act regulating traffic on highways. The uniform act regulating traffic on  
38 highways includes ~~K.S.A. 8-1560a through 8-1560d~~; all sections located in  
39 articles 10, 14 through 22 and 25 of chapter 8 of the Kansas Statutes  
40 Annotated; *and amendments thereto*, K.S.A. 8-1,129, 8-1,130a, 8-1428a,  
41 *8-1560a through 8-1560d, 8-1599, 8-1742a; and 8-2118* ~~and K.S.A. 8-~~  
42 ~~1599~~, and amendments thereto, *and sections 1 through 10, and*  
43 *amendments thereto.*

1       Sec.—~~13~~. **14.** K.S.A. 2021 Supp. 8-2106 and 8-2204 are hereby  
2 repealed.

3       Sec.—~~14~~. **15.** This act shall take effect and be in force from and after  
4 its publication in the statute book.