

Autonomous Vehicles; SB 313

SB 313 permits operation of driverless-capable vehicles without a human driver with the automated driving system engaged under certain circumstances. Provisions added by the bill will be added to the Uniform Act Regulating Traffic on Highways.

Definitions (Section 1)

For purposes of the bill, the bill defines “automated driving system or ADS,” “ADS-equipped vehicle,” “conventional human driver,” “driverless-capable vehicle,” “dynamic driving task,” “minimal risk condition,” “on-demand driverless-capable vehicle network,” “operational design domain,” and “transportation for hire.”

Operations of Driverless-capable Vehicles (Section 2)

The bill permits operation of a driverless-capable vehicle without a conventional human driver with the ADS engaged if the vehicle:

- Is capable of achieving a minimal risk condition (meaning a reasonably safe state that renders the system unable to perform the dynamic driving task, including moving the vehicle to the shoulder, stopping, and activating emergency signal lamps) if a malfunction of the automated driving system occurs;
- Is capable of operating in compliance with applicable traffic and motor vehicle safety laws;
- Bears the required manufacturer’s certification label indicating compliance with federal motor vehicle safety standards, when required by federal law, including any reference to any exception granted by the National Highway Traffic Safety Administration;
- Does not exceed 34,000 pounds on tandem axles, until July 1, 2025; and
- Carries a conventional human driver for 12 consecutive months from the date an entity places the driverless-capable vehicle into service in Kansas, unless the vehicle is not designed, intended, or marketed for human occupancy or the vehicle lacks manual controls.

The bill requires the owner of a driverless-capable vehicle to submit a law enforcement interaction plan to the Kansas Highway Patrol (KHP) before operating the driverless-capable vehicle on public roads in Kansas. The bill requires the law enforcement interaction plan to describe:

- How to communicate with a fleet support specialist available when the vehicle is in operation and on which side of the vehicle the contact information is visible;

- Information regarding safety considerations for first responders in dealing with the driverless-capable vehicle as the result of collision or fire;
- How to recognize whether the driverless-capable vehicle is in autonomous mode; and
- Any additional information the manufacturer or owner deems necessary regarding hazardous conditions or public safety risks associated with operation of the driverless-capable vehicle.

The bill specifies requirements of the ADS and conventional human drivers:

- The bill permits the operation of an ADS-equipped vehicle capable of performing the entire dynamic driving task on public highways when a conventional human driver is present and expected to respond to a request to intervene.
 - The bill requires the conventional human driver to possess a valid driver's license for the type of vehicle used and to be subject to requirements for insurance, self-insurance, or other financial security under the Kansas Automobile Injury Reparations Act.
 - The bill requires the conventional human driver to operate the ADS-equipped vehicle according to the manufacturer's requirements and to regain manual control when prompted by the automated driving system.
- The bill requires the ADS, while engaged, to be designed to operate in compliance with applicable traffic and motor vehicle safety laws and regulations.

The bill states Kansas motor vehicle laws shall not be construed to require a conventional human driver to operate a driverless-capable vehicle being operated by an ADS, and the ADS, while engaged, shall be deemed to fulfill any physical acts required of a conventional human driver.

The bill states the sections added by the bill shall not be construed to modify the responsibilities of a conventional human driver when the ADS is not engaged.

Financial Security (Section 3)

The bill requires the owner of an ADS-equipped vehicle to obtain insurance, self-insurance, or other financial security before an ADS-equipped vehicle is allowed to operate on public highways in Kansas. The bill requires proof of financial security to be carried in the vehicle, pursuant to the Kansas Automobile Injury Reparations Act.

Duties if a Crash Occurs (Section 4)

Provisions defining responsibilities of a driver in the event of a crash are not applicable to a driverless-capable vehicle operating without a conventional human driver if the vehicle remains at or near the scene of the crash until law enforcement arrives or vehicle registration and insurance information is provided to the parties affected by the crash and:

- The vehicle owner or person acting on the owner's behalf promptly contacts the applicable law enforcement agency to report the crash; or
- A vehicle so capable alerts a law enforcement agency or emergency services to the crash.

On-demand Driverless-capable Vehicle Networks (Section 5)

The bill authorizes operation of an on-demand driverless-capable vehicle network, defined as a transportation network company using driverless-capable vehicles for transporting persons or goods. Provisions of the Transportation Network Company Services Act that by their nature apply only to a conventional human driver do not apply.

The bill authorizes use of an on-demand driverless-capable vehicle network to facilitate transportation of persons or goods, including, but not limited to, transportation for hire and public transportation. It also authorizes an on-demand driverless-capable vehicle network to connect passengers either exclusively to driverless-capable vehicles or conventional human drivers who provide transportation services, pursuant to the Transportation Network Company Services Act, in vehicles that are not driverless-capable.

Authority for Regulation (Section 6)

The bill requires ADSs and ADS-equipped vehicles to be governed by the provisions of the bill and all applicable traffic and motor vehicle safety laws. The bill states violations of state and local traffic laws are enforceable as if the vehicle has a licensed human driver on board.

The bill states ADSs and ADS-equipped vehicles shall be regulated by the KHP. It authorizes the superintendent of the KHP to adopt rules and regulations to implement all new sections of the bill specifying requirements for ADSs and ADS-equipped vehicles.

The bill prohibits a political subdivision of the State from imposing additional standards or a tax specific to an ADS, ADS-equipped vehicle, or on-demand driverless-capable vehicle network.

Vehicle Registration (Section 7)

The bill requires a driverless-capable vehicle operated in Kansas to be registered and, if registered in Kansas, to be identified on the registration as a fully autonomous vehicle.

The bill requires a driverless-capable vehicle to be titled as required for conventional vehicles and, if titled in Kansas, to be identified on the title as a driverless-capable vehicle.

Commercial Driverless-capable Vehicles (Section 8)

The bill permits a driverless-capable vehicle that is a commercial motor vehicle under law regarding an annual commercial vehicle fee to operate pursuant to state laws covering the operation of commercial motor vehicles, with these exceptions:

- Any provision that by its nature applies only to a conventional human driver does not apply to a commercial motor vehicle operating with the ADS engaged; and
- The vehicle is prohibited from carrying hazardous materials, as defined under the Kansas Emergency Management Act, unless specified federal requirements do not apply and placarding pursuant to federal hazardous materials regulations is not required; these provisions will expire January 1, 2025.

Interpreting the Uniform Act Regulating Traffic on Highways (Section 9)

The bill directs that the Uniform Act Regulating Traffic on Highways, to the extent practicable, shall be interpreted and applied to a driverless-capable vehicle. The bill prohibits provisions of the Uniform Act from requiring any additional provisions including, but not limited to, operation by a conventional human driver seated in the vehicle.

Vehicle Equipment Laws (Section 10)

The bill excludes a driverless-capable vehicle designed to be operated exclusively by the ADS for all trips from motor vehicle equipment law or regulations that support vehicle operation by a conventional human driver, such as requirements for mirrors and windshield wipers, and are not relevant for an ADS.

Autonomous Vehicle Advisory Committee (Section 11)

The bill creates the Autonomous Vehicle Advisory Committee (AV Advisory Committee).

The bill requires the membership of the AV Advisory Committee to include legislators, other appointees, and organization representatives:

- Legislators:
 - Two senators appointed by the President of the Senate;
 - One senator appointed by the Minority Leader of the Senate;
 - Two members of the House appointed by the Speaker of the House; and
 - One member of the House appointed by the Minority Leader of the House;

- Agency officials or their designees:
 - Director of Vehicles;
 - Secretary of Transportation;
 - Superintendent of the KHP; and
 - Two members appointed by the Chairperson of the Kansas Corporation Commission;
- Appointees of the Governor:
 - Two from labor organizations;
 - One each from various industry-related groups:
 - Light duty motor vehicle manufacturers, original equipment manufacturers, original equipment manufacturers trade association, heavy-duty motor vehicle manufacturers, ADS developers, ADS developers trade association, ADS manufacturers, and on-demand transportation network companies;
- Municipality organization appointees:
 - One appointed by the League of Kansas Municipalities; and
 - One appointed by the Kansas Association of Counties; and
- Organization representatives appointed by:
 - ABATE;
 - Kansas State Troopers Association;
 - Kansas Sheriffs Association;
 - Foundation for Traffic Safety; and
 - Kansas Public Transit Association.

The bill directs the Speaker of the House to select an AV Advisory Committee member appointed from the House to serve as chairperson in even-numbered years and the President of the Senate to select a senator who is a member to be chairperson during odd-numbered years. The bill authorizes the Committee to meet at any time upon the call of the chairperson.

The bill requires the AV Advisory Committee to report activities and any recommendations regarding the use or regulation of autonomous vehicles in the state on or before July 1, 2023, and each subsequent July 1. The report will be submitted to the Governor, President of the Senate, and Speaker of the House.

The provisions establishing the AV Advisory Committee will sunset July 1, 2027.

Citations (Section 12)

The bill directs law enforcement officers to deliver a written traffic citation to the owner of the driverless-capable vehicle operating without a conventional human driver by sending the citation by certified mail to the address of the owner. The bill states the registered owner shall be responsible for all applicable traffic law violations, and the owner is considered to be the operator when the ADS is engaged.