

2019 Regular Session

HOUSE BILL NO. 455

BY REPRESENTATIVES TERRY LANDRY, ADAMS, BAGNERIS, BILLIOT, CARMODY, CARPENTER, GARY CARTER, CREWS, DUPLESSIS, GLOVER, HORTON, JACKSON, JEFFERSON, JORDAN, LARVADAIN, MARINO, MOORE, NORTON, PIERRE, THOMAS, WHITE, AND WRIGHT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

MOTOR VEHICLES: Provides relative to autonomous commercial motor vehicles

1 AN ACT

2 To enact Part IX of Chapter 1 of Title 32 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 32:400.1 through 400.8, relative to autonomous commercial motor
4 vehicles; to provide for definitions; to establish the controlling authority for
5 autonomous commercial motor vehicles; to provide relative to applications to
6 operate an autonomous commercial motor vehicle; to provide relative to
7 requirements of operators; to establish the reporting requirements following an
8 accident; to provide relative to remote drivers and teleoperations systems; to provide
9 relative to liability and jurisdiction; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Part IX of Chapter 1 of Title 32 of the Louisiana Revised Statutes of 1950,
12 to be comprised of R.S. 32:400.1 through 400.8, is hereby enacted to read as follows:

13 PART IX. AUTONOMOUS COMMERCIAL MOTOR VEHICLES

14 §400.1. Definitions

15 When used in this Part, the following words and phrases have the meanings
16 ascribed to them, unless the context clearly indicates a different meaning:

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

1 (2) "Autonomous motor vehicle" means a commercial motor vehicle used
2 in commerce and equipped with an automated driving system, including those
3 designed to function without a driver.

4 (3) "Commerce" means transportation for the purpose of compensation,
5 remuneration, employment, trade, or payment of any thing of value.

6 (4) "Commercial motor vehicle" means a motor vehicle or combination of
7 motor vehicles used in commerce to transport passengers or property if the motor
8 vehicle has a gross combination weight rating of twenty-six thousand one or more
9 pounds inclusive of a towed unit with a gross vehicle weight rating of more than ten
10 thousand pounds.

11 (5) "Conventional human driver" means a driver who manually exercises in-
12 vehicle braking, accelerating, steering, and transmission gear selection input devices
13 in order to operate a vehicle.

14 (6) "Dynamic driving task" means all of the real-time operational and tactical
15 functions required to operate a vehicle in on-road traffic excluding strategic
16 functions such as trip scheduling and selection of destinations and waypoints.

17 (7) "Minimal risk condition" means a condition to which a user or an
18 automated driving system may bring a vehicle in order to reduce the risk of a crash
19 upon experiencing a failure of the vehicle's automated driving system that renders
20 the vehicle unable to perform the entire dynamic driving task.

21 (8) "Operational design domain" means a description of the specific
22 operating domain in which an autonomous commercial motor vehicle is designed to
23 properly operate, including but not limited to roadway types, speed, environmental
24 conditions, and other domain constraints.

25 (9) "Remote driver" means a natural person who is seated in an autonomous
26 commercial motor vehicle, but is able to perform the entire dynamic driving task.

27 (10) "Teleoperation system" means hardware and software installed on a
28 motor vehicle that allow a remote driver to operate the vehicle.

1 §400.2. Controlling authority; compliance

2 A. Notwithstanding any provision of law to the contrary, autonomous
3 commercial motor vehicles, including any commercial use or operations, and
4 automated driving systems, shall be governed exclusively by this Part.

5 B. Notwithstanding any provision of law to the contrary, the Department of
6 Transportation and Development shall be the sole and exclusive agency with
7 jurisdiction over autonomous commercial motor vehicles and automated driving
8 systems and shall implement the provisions of this Part.

9 C. The provisions of this Section shall not be construed to limit the
10 applicability of state dealer franchise laws under the provisions of R.S. 32:1251
11 through 1269.

12 §400.3. Operation; criteria

13 A. Notwithstanding any other provision of law to the contrary, an
14 autonomous commercial motor vehicle may operate in this state without a
15 conventional driver physically present in the vehicle if the autonomous commercial
16 motor vehicle meets all of the following criteria:

17 (1) Is capable of operating in compliance with applicable federal law and the
18 traffic and motor vehicle laws of this state including but not limited to applicable
19 laws concerning the capability to safely navigate and negotiate railroad crossings.

20 (2) Is properly registered and titled in accordance with R.S. 32:701 et seq.,
21 and R.S. 47:463.

22 (3) Is certified in accordance with 49 CFR Part 567 as being in compliance
23 with federal motor vehicle safety standards and bears the required certification label
24 or labels, including reference to any exemption granted under applicable federal law.

25 (4) Is capable of achieving a minimal risk condition if a failure occurs
26 rendering the vehicle unable to perform the dynamic driving task relevant to its
27 intended operational design domain or if the vehicle exits its operational design
28 domain.

1 (5) Is covered by motor vehicle liability coverage in an amount not less than
2 two million dollars.

3 B. The registration of an autonomous commercial motor vehicle shall not be
4 interpreted to abrogate or amend any statutory or regulatory provisions or any
5 aspects of law pertaining to liability for any harm or injury caused.

6 C. Prior to commencing the operation of an autonomous commercial motor
7 vehicle without a conventional driver present in the cab, a person or entity shall
8 submit a written statement to the Department of Transportation and Development
9 certifying that the vehicle meets the requirements of this Section.

10 §400.4. Owners and operators of an autonomous commercial motor vehicle

11 The automated driving system of an autonomous commercial motor vehicle
12 and the person or entity required to submit a statement to the Department of
13 Transportation and Development pursuant to the provisions of R.S. 32:400.3(C) shall
14 be subject to all applicable laws, rules, ordinances, and statutes of this state and will
15 be considered to be licensed to operate the vehicle. The person or entity operating
16 the autonomous commercial motor vehicle may be issued a traffic citation or other
17 applicable penalty if the vehicle fails to comply with any traffic or motor vehicle
18 laws of this state.

19 §400.5. Reporting an accident

20 If an accident occurs involving an autonomous commercial motor vehicle
21 while the automated driving system is engaged, the autonomous commercial motor
22 vehicle shall remain at the scene of the accident and the operator or any person on
23 behalf of the operator of the autonomous commercial motor vehicle shall comply
24 with the provisions of R.S. 32:398 relative to contacting the appropriate law
25 enforcement agency and furnishing all relevant information.

26 §400.6. Remote drivers; teleoperations; compliance

27 A. When a remote driver is operating a commercial motor vehicle, the
28 remote driver shall be considered to be the operator of the vehicle for the purpose of

1 assessing compliance with applicable traffic or motor vehicle laws, including the
2 rules of the road.

3 B. The remote driver shall hold the proper class of license required for a
4 conventional driver to operate the vehicle.

5 C. If an accident occurs involving a commercial motor vehicle equipped with
6 a teleoperation system while the teleoperation system is engaged, the vehicle shall
7 remain at the scene of the accident and the owner or remote driver shall comply with
8 the provisions of R.S. 32:398 relative to contacting the appropriate law enforcement
9 agency and furnishing all relevant information.

10 §400.7. Teleoperations; operation; criteria

11 A. Notwithstanding any other provision of law to the contrary, a commercial
12 motor vehicle equipped with a teleoperation system may operate in this state without
13 a conventional driver physically present in the vehicle if a remote driver is operating
14 the vehicle and the commercial motor vehicle meets all of the following criteria:

15 (1) Is properly registered.

16 (2) Is in compliance with applicable federal law.

17 (3) Is certified in accordance with 49 CFR Part 567 as being in compliance
18 with federal motor vehicle safety standards and bears the required certification label
19 or labels, including reference to any exemption granted under applicable federal law.

20 (4) Is capable of being operated in compliance with the applicable traffic and
21 motor vehicle laws of this state, regardless of whether the vehicle is operated by a
22 remote driver including but not limited to applicable laws concerning the capability
23 to safely navigate and negotiate railroad crossings.

24 (5) Is covered by motor vehicle liability coverage in an amount not less than
25 two million dollars.

26 (6) Is capable of achieving a reasonably safe state, such as bringing the
27 vehicle to a stop, if a failure of the teleoperation system occurs that renders the
28 remote driver unable to perform the entire dynamic driving task for the vehicle.

1 B. Prior to commencing the operation of a commercial motor vehicle without
2 a conventional driver present in the cab, an owner, a remote driver, or the remote
3 driver's employer shall submit a written statement to the Department of
4 Transportation and Development certifying that the vehicle meets the requirements
5 of this Section.

6 §400.8. Liability; jurisdiction

7 The provisions of this Part shall not be construed to repeal, modify, or
8 preempt any liability that may be incurred pursuant to existing law applicable to a
9 vehicle owner, operator, manufacturer, component part supplier, or retailer, including
10 any law that may apply to jurisdiction for any bodily injury or property damage
11 claims arising out of this Part. All choice of law conflicts, with respect to bodily
12 injury or property damage claims, shall be resolved in accordance with Louisiana
13 law.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 455 Reengrossed

2019 Regular Session

Terry Landry

Abstract: Provides relative to the operation of autonomous commercial motor vehicles.

Proposed law defines "automated driving system" as the hardware and software that are collectively capable of performing the entire dynamic driving task on a sustained basis, regardless of whether it is limited to a specific operational design domain.

Proposed law defines "autonomous commercial motor vehicle" as a motor vehicle used in commerce and equipped with an automated driving system, including those designed to function without a driver.

Proposed law defines "commerce" as transportation for the purpose of compensation, remuneration, employment, trade, or payment of any thing of value.

Proposed law defines "commercial motor vehicle" as a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds.

Proposed law defines "conventional human driver" as a driver who manually exercises in-vehicle braking, accelerating, steering, and transmission gear selection input devices in order to operate a vehicle.

Proposed law defines "dynamic driving task" as all of the real-time operational and tactical functions required to operate a vehicle in on-road traffic, excluding strategic functions such as trip scheduling and selection of destinations and waypoints.

Proposed law defines "minimal risk condition" as a condition to which a user or an automated driving system may bring a vehicle in order to reduce the risk of a crash upon experiencing a failure of the vehicle's automated driving system that renders the vehicle unable to perform the entire dynamic driving task.

Proposed law defines "operational design domain" as a description of the specific operating domain in which an autonomous commercial motor vehicle is designed to properly operate, including but not limited to roadway types, speed, environmental conditions, and other domain constraints.

Proposed law defines "remote driver" as a natural person who is seated in an autonomous commercial motor vehicle, but is able to perform the entire dynamic driving task.

Proposed law defines "teleoperation system" as hardware and software installed on a motor vehicle that allow a remote driver to operate the vehicle.

Proposed law provides that autonomous commercial motor vehicles, including any commercial use or operations, and automated driving systems are governed exclusively by proposed law.

Proposed law specifies that the Dept. of Transportation and Development (DOTD) is the sole and exclusive agency with jurisdiction over autonomous commercial motor vehicles and automated driving systems.

Proposed law clarifies that the provisions of proposed law must not be construed to limit the applicability of state dealer franchise laws pursuant to present law.

Proposed law authorizes autonomous commercial motor vehicles to operate in this state without a conventional driver physically present in the vehicle if the autonomous commercial motor vehicle meets all of the following criteria:

- (1) Is capable of operating in compliance with applicable federal law and the traffic and motor vehicle laws of this state including but not limited to applicable laws concerning the capability to safely navigate and negotiate railroad crossings.
- (2) Is properly registered and titled in accordance with present law.
- (3) Is certified in accordance with federal law as being in compliance with federal motor vehicle safety standards and bears the required certification label or labels, including reference to any exemption granted under applicable federal law.
- (4) Is capable of achieving a minimal risk condition if a failure occurs rendering the vehicle unable to perform the dynamic driving task relevant to its intended operational design domain or if the vehicle exits its operational design domain.
- (5) Is covered by motor vehicle liability coverage in an amount not less than \$2,000,000.

Proposed law prohibits the registration of an autonomous commercial motor vehicle from being interpreted to abrogate or amend any statutory or regulatory provisions or any aspects of law pertaining to liability for any harm or injury caused.

Proposed law requires a person or entity to submit a written statement to the DOTD certifying that the vehicle meets the requirements of proposed law prior to commencing the

operation of an autonomous commercial motor vehicle without a conventional driver present in the cab.

Proposed law specifies that the automated driving system of an autonomous commercial motor vehicle and a person or entity required to submit a statement to the DOTD are subject to all applicable laws, rules, ordinances, and statutes of that state and will be considered a licensed operator of the vehicle.

Proposed law specifies that the person or entity operating the autonomous commercial motor vehicle may be issued a traffic citation or other applicable penalty for failure to comply with any traffic or motor vehicle laws.

Proposed law specifies that if an accident occurs involving an autonomous commercial motor vehicle, while the automated driving system is engaged, the autonomous commercial motor vehicle must remain at the scene of the accident and the operator or any person on behalf of the operator of the autonomous commercial motor vehicle must comply with the provisions of present law relative to contacting the appropriate law enforcement agency and furnishing all relevant information.

Proposed law specifies that when a remote driver is operating a commercial motor vehicle, the remote driver will be considered the operator of the vehicle for the purpose of assessing compliance with applicable traffic or motor vehicle laws, including the rules of the road.

Proposed law requires the remote driver to hold the proper class of license required for a conventional driver to operate the vehicle.

Proposed law requires that an autonomous commercial motor vehicle remain at the scene of an accident and comply with the provisions of present law relative to contacting the appropriate law enforcement agency and furnishing all relevant information if an accident occurs involving a commercial motor vehicle equipped with a teleoperation system while the teleoperation system is engaged.

Proposed law authorizes a commercial motor vehicle equipped with a teleoperation system to operate in this state without a conventional driver physically present in the vehicle if a remote driver is operating the vehicle and the commercial motor vehicle meets all of the following criteria:

- (1) Is properly registered.
- (2) Is in compliance with applicable federal law.
- (3) Is certified in accordance with federal law as being in compliance with federal motor vehicle safety standards and bears the required certification label or labels, including reference to any exemption granted under applicable federal law.
- (4) Is capable of being operated in compliance with the applicable traffic and motor vehicle laws of this state, regardless of whether the vehicle is operated by a remote driver including but not limited to applicable laws concerning the capability to safely navigate and negotiate railroad crossings.
- (5) Is covered by motor vehicle liability coverage in an amount not less than \$2,000,000.
- (6) Is capable of achieving a reasonably safe state, such as bringing the vehicle to a stop, if a failure of the teleoperation system occurs that renders the remote driver unable to perform the entire dynamic driving task for the vehicle.

Proposed law requires that an owner, remote driver, or the remote driver's employer submit a written statement to the DOTD certifying that the vehicle meets the requirements of

proposed law prior to commencing the operation of a commercial motor vehicle without a conventional driver present in the cab.

Proposed law specifies that the provisions of proposed law must not be construed to repeal, modify, or preempt any liability that may be incurred pursuant to present law applicable to a vehicle owner, operator, manufacturer, component part supplier, or retailer, including any law that may apply to jurisdiction for any bodily injury or property damage claims arising out of proposed law.

Proposed law specifies that all choice of law conflicts, with respect to bodily injury or property damage claims, must be resolved in accordance with La. law.

(Adds R.S. 32:400.1-400.8)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the original bill:

1. Name the Dept. of Transportation and Development as the sole and exclusive agency with jurisdiction over autonomous commercial motor vehicles instead of the Dept. of Public Safety and Corrections, office of motor vehicles.
2. Delete the provision that authorize the Dept. of Public Safety and Corrections, office of motor vehicles, to promulgate rules and regulations establishing procedures for the application process.
3. Delete the requirements relative to manufacturers of autonomous commercial motor vehicles.
4. Require the operator of an autonomous commercial motor vehicle to submit proof of insurance and a statement certifying compliance with certain federal and state motor vehicle and traffic laws to the Dept. of Transportation and Development prior to operating the autonomous commercial motor vehicle.
5. Clarify that state dealer franchise laws will apply to the provisions of proposed law.
6. Clarify that the owner or operator or any person on behalf of the owner or operator of an autonomous commercial motor vehicle is required to comply with the provisions of present law relative to contacting the appropriate law enforcement agency and furnishing all relevant information following an accident or incident involving the autonomous commercial motor vehicle.
7. Make technical changes.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Modify the definitions of "automated driving system", "autonomous commercial motor vehicle", "conventional human driver", "dynamic driving task", "minimal risk condition", "remote human driver", and "teleoperation system".
3. Add the definition of "commerce" and define it as transportation for the purpose of compensation, remuneration, employment, trade, or payment of any thing of value.

4. Add the definition of "commercial motor vehicle" and define it as a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds.
5. Clarify that the provisions of proposed law must not be construed to limit the applicability of state dealer franchise laws under present law.
6. Establish criteria for an autonomous commercial motor vehicle to operate in this state without a conventional driver physically present in the vehicle.
7. Specify that the registration of an autonomous commercial motor vehicle cannot be interpreted to abrogate or amend any statutory or regulatory provisions relative to liability for any harm or injury caused.
8. Require that a person or entity submit a written statement to the Dept. of Transportation and Development certifying that the vehicle meets the requirements of proposed law prior to commencing the operation of an autonomous commercial motor vehicle without a conventional driver present in the cab.
9. Specify that the automated driving system of an autonomous commercial motor vehicle and a person or entity required to submit a statement to the Dept. of Transportation and Development are subject to all applicable laws, rules, ordinances, and statutes of that state and will be considered a licensed operator of the vehicle.
10. Specify that the person or entity operating the autonomous commercial motor vehicle may be issued a traffic citation or other applicable penalty for failure to comply with any traffic or motor vehicle laws.
11. Specify that when a remote driver is operating a commercial motor vehicle, the remote driver will be considered to be the operator of the vehicle for the purpose of assessing compliance with applicable traffic or motor vehicle laws, including the rules of the road.
12. Require the remote driver to hold the proper class of license required for a conventional driver to operate the vehicle.
13. Require that an autonomous commercial motor vehicle remain at the scene of an accident and comply with the provisions of present law relative to contacting the appropriate law enforcement agency and furnishing all relevant information if an accident occurs involving a commercial motor vehicle equipped with a teleoperation system while the teleoperation system is engaged.
14. Establish criteria for a commercial motor vehicle equipped with a teleoperation system to operate in this state without a conventional driver physically present in the vehicle if a remote driver is operating the vehicle.
15. Require that an owner, remote driver, or the remote driver's employer submit a written statement to the Dept. of Transportation and Development certifying that the vehicle meets the requirements of proposed law prior to commencing the operation of a commercial motor vehicle without a conventional driver present in the cab.
16. Specify that the provisions of proposed law must not be construed to repeal, modify, or preempt any liability that may be incurred pursuant to present law

applicable to a vehicle owner, operator, manufacturer, component part supplier, or retailer, including any law that may apply to jurisdiction for any bodily injury or property damage claims arising out of proposed law.

17. Specify that all choice of law conflicts, with respect to bodily injury or property damage claims, must be resolved in accordance with La. law.