

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

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 teleoperation 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 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.

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

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

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

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

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

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

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

22 (9) "Remote driver" means a natural person who is not seated in a
23 autonomous commercial motor vehicle, but is able to perform the entire dynamic
24 driving task.

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

27 §400.2. Controlling authority; compliance

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

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

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

8 §400.3. Operation; criteria

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

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

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

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

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

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

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

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

5 §400.4. Owners and operators of an autonomous commercial motor vehicle

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

14 §400.5. Reporting an accident

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

21 §400.6. Remote drivers; teleoperations; compliance

22 A. When a remote driver is operating a commercial motor vehicle equipped
23 with a teleoperation system, the remote driver shall be considered to be the operator
24 of the vehicle for the purpose of assessing compliance with applicable traffic or
25 motor vehicle laws including the rules of the road.

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

28 C. If an accident occurs involving a commercial motor vehicle equipped with
29 a teleoperation system while the teleoperation system is engaged, the vehicle shall
30 remain at the scene of the accident and the owner or remote driver shall comply with

1 the provisions of R.S. 32:398 relative to contacting the appropriate law enforcement
2 agency and furnishing all relevant information.

3 §400.7. Teleoperations; operation; criteria

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

8 (1) Is properly registered.

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

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

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

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

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

22 B. Prior to commencing the operation of a commercial motor vehicle
23 equipped with a teleoperation system without a conventional driver present in the
24 cab, an owner, a remote driver, or the remote driver's employer shall submit a written
25 statement to the Department of Transportation and Development certifying that the
26 vehicle meets the requirements of this Section.

27 §400.8. Liability; jurisdiction

28 The provisions of this Part shall not be construed to repeal, modify, or
29 preempt any liability that may be incurred pursuant to existing law applicable to a
30 vehicle owner, operator, manufacturer, component part supplier, or retailer including

1 any law that may apply to jurisdiction for any bodily injury or property damage
2 claims arising out of this Part. All choice of law conflicts with respect to bodily
3 injury or property damage claims shall be resolved in accordance with Louisiana
4 law.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____