



# Uniform Law Commission

NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS

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U.S. Department of Transportation  
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Washington, DC 20590-0001

RE: Docket No. NHTSA-2019-0036

Dear Acting Administrator King:

The Uniform Law Commission (ULC) appreciates the opportunity to comment on the advance notice of proposed rulemaking for removing regulatory barriers for vehicles with automated driving systems.

The Uniform Law Commission urges the National Highway Traffic and Safety Administration and the U.S. Department of Transportation to respect the role of the states when removing regulatory barriers for vehicles with automated driving systems. Eliminating barriers should not interfere with a state's traditional role of regulating drivers and driving on public roadways. The Uniform Law Commission also urges NHTSA and USDOT to refrain from interfering with a state's ability to impose reasonable conditions on vehicle owners and drivers when registering automated vehicles for use on public roadways.

### Introduction:

The purpose of the ULC (also known as the National Conference of Commissioners on Uniform State Laws) is to promote uniformity in state law when uniformity is desirable and practicable. The ULC seeks to improve the law by providing states with non-partisan, carefully considered, and well-drafted legislation that brings clarity and stability to critical areas of the law. To accomplish this, Commissioners participate in drafting acts and endeavor to secure enactment of approved acts in the various states.

The ULC was organized in 1892 to promote uniformity in law through voluntary action of each state government. Since its organization, the ULC has drafted more than 300 uniform laws on numerous subjects and in various fields of law, including the Uniform Commercial Code, the Uniform Partnership and Limited Partnership Acts, acts on anatomical gifts, declaratory judgments and enforcement of foreign judgments, interstate family support, real property and trust and estate law, and on

a range of other subjects.

With the development of interstate transportation and electronic transactions, the states have become increasingly interdependent socially and economically. Confusion or variation of laws among the several states may present, in some fields, a deterrent to the free flow of goods, credit, services, technologies, and persons among the states; restrain full economic and social development; disrupt personal planning; and generate pressures for federal intervention to compel uniformity. The ULC seeks to alleviate these problems in areas of law traditionally left to the states.

### **Advance Notice of Proposed Rulemaking:**

This advance notice of proposed rulemaking seeks public comment on the near- and long-term challenges of testing and verifying compliance with existing crash avoidance (100-series) Federal Motor Vehicle Safety Standards (FMVSSs) for Automated Driving System-Dedicated Vehicles (ADS-DVs) that lack traditional manual controls necessary for a human driver to maneuver the vehicle and other features intended to facilitate operation of a vehicle by a human driver, but that are otherwise traditional vehicles with typical seating configurations.

### **Role of the States:**

The ULC formed the Study Committee on State Regulation of Driverless Cars in 2014 to study technological, legislative and policy developments in the automated driving marketplace. When the Study Committee was formed, four states and the District of Columbia had enacted legislation concerning some aspect of state regulations for automated vehicles.

In September 2016, NHTSA issued its Federal Automated Vehicles Policy which included a Model State Policy in an effort to “create a consistent, unified national framework for regulation of motor vehicles with all levels of automated technology, including highly automated vehicles (HAVs).” NHTSA’s Model State Policy confirmed that states will retain their traditional responsibilities for vehicle licensing and registration, traffic laws and enforcement, and motor vehicle insurance and liability regimes.

In January 2017, the ULC Study Committee on State Regulation of Driverless Cars unanimously recommended the establishment of a Drafting Committee for an Act on Highly Automated Vehicles, and that the Drafting Committee’s charge primarily include the deployment of HAVs, rather than the testing of HAVs. The Study Committee also recommended the Drafting Committee exclude from its charge regulation of heavy trucks and similar HAVs.

The Highly Automated Vehicles Drafting Committee was formed in 2017 to draft a uniform law

covering the deployment of automated driving systems (SAE levels 3 through 5). The Drafting Committee considered addressing a number of legal and policy issues raised by automated driving, including driver licensing, vehicle registration, insurance, vehicle equipment, and rules of the road.

After two years of drafting, the Highly Automated Vehicles Drafting Committee finalized the Uniform Automated Operation of Vehicles Act. The scope of the final draft primarily regulates traffic laws and enforcement, vehicle registration, driver licensing, and resolves potential conflicts with existing state motor vehicle laws. The Uniform Law Commission formally adopted the Uniform Automated Operation of Vehicles Act at the Commission's Annual Meeting in July 2019 in Anchorage, Alaska. A copy of the Uniform Automated Operation of Vehicles Act is attached to this comment.

The Uniform Law Commission urges the National Highway Traffic and Safety Administration and the U.S. Department of Transportation to respect the role of the states when removing regulatory barriers for vehicles with automated driving systems. Eliminating barriers should not interfere with a state's traditional role of regulating drivers and driving on public roadways. The Uniform Law Commission also urges NHTSA and USDOT to refrain from interfering with a state's ability to impose reasonable conditions on vehicle owners and drivers when registering automated vehicles for use on public roadways.

Respectfully submitted,

A handwritten signature in black ink, consisting of several overlapping loops and lines, positioned below the text "Respectfully submitted,".

Carl H. Lisman  
President, Uniform Law Commission

# UNIFORM AUTOMATED OPERATION OF VEHICLES ACT\*

Drafted by the

NATIONAL CONFERENCE OF COMMISSIONERS  
ON UNIFORM STATE LAWS

and by it

APPROVED AND RECOMMENDED FOR ENACTMENT  
IN ALL THE STATES

at its

ANNUAL CONFERENCE  
MEETING IN ITS ONE-HUNDRED-AND-TWENTY-EIGHTH YEAR  
ANCHORAGE, ALASKA  
JULY 12 - JULY 18, 2019

*WITHOUT PREFATORY NOTE OR COMMENTS*

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By

NATIONAL CONFERENCE OF COMMISSIONERS  
ON UNIFORM STATE LAWS

July 17, 2019

\*The following text is subject to revision by the Committee on Style of the National Conference of Commissioners on Uniform State Laws.

## **UNIFORM AUTOMATED OPERATION OF VEHICLES ACT**

**SECTION 1. SHORT TITLE.** This [act] may be cited as the Uniform Automated Operation of Vehicles Act.

**SECTION 2. DEFINITIONS.** In this [act]:

(1) “Associated automated vehicle” means an automated vehicle that an automated driving provider designates pursuant to Section 7.

(2) “Automated driving provider” means a person that makes a declaration to [the relevant state agency] under Section 6.

(3) “Automated driving system” means the hardware and software collectively capable of performing the entire dynamic driving task on a sustained basis.

(4) “Automated operation” means the performance of the entire dynamic driving task by an automated driving system. Automated operation begins upon the performance of the entire dynamic driving task by the automated driving system and continues until a human driver or human operator other than the automated driving provider terminates the automated operation.

(5) “Automated vehicle” means a motor vehicle with an automated driving system.

(6) “Completely automated trip” means travel in an automated vehicle that, from the point of departure until the point of arrival, is under automated operation by means of an automated driving system designed to achieve a minimal risk condition.

(7) “Dedicated automated vehicle” means an automated vehicle designed for exclusively automated operation when used for transportation on a [road open to the public].

(8) “Drive” has the meaning in [the state’s vehicle code], except that an automated driving provider exclusively drives an associated automated vehicle under automated operation.

(9) “Driver” has the meaning in [the state’s vehicle code], except that an automated

driving provider is the exclusive driver of an associated automated vehicle under automated operation.

(10) “Dynamic driving task” means controlling lateral and longitudinal vehicle motion, monitoring the driving environment, executing responses to objects and events, planning vehicle maneuvers, and enhancing vehicle conspicuity, as required to operate a vehicle in on-road traffic.

(11) “Minimal risk condition” means a condition to which a vehicle user or an automated driving system may bring a vehicle to reduce the risk of a crash when a trip cannot or should not be continued.

(12) “Operate” has the meaning in [the state’s vehicle code], except that an automated driving provider exclusively operates an associated automated vehicle under automated operation.

(13) “Operator” has the meaning in [the state’s vehicle code], except that an automated driving provider is the exclusive operator of an associated automated vehicle under automated operation.

(14) “Person” has the meaning in [the state’s vehicle code] [means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity].

***Legislative Note:***

*If the state merges this act with the state’s vehicle code, these definitions should be codified in the general definitions.*

*The “relevant state agency” referred to in paragraph (2) may be a department or division of motor vehicles or another state agency responsible for the registration of motor vehicles or the licensing of drivers.*

*States use a variety of terms to describe a “road open to the public” as used in paragraph (7), including road, roadway, and highway. This term may also encompass some privately or publicly operated parking facilities. If the state consistently uses a term to refer to such a road, it should be used here.*

*The phrase “the state’s vehicle code” as used in paragraphs (8), (9), (12), (13), and (14) refers to a state’s laws on, inter alia, the licensing of drivers and the titling, registration, and operation of motor vehicles. These laws are generally statutory but may be regulatory. They generally include and are broader than the rules of the road.*

*Paragraphs (8), (9), (12), and (13) provide definitions for terms that may already be used in state vehicle law and, if so, may or may not already be defined statutorily. If a term is not used in statute or case law, it may be omitted, although a state may wish to retain all four terms to reduce future interpretive ambiguity and increase interstate consistency. If a term is already defined statutorily, that definition may be amended directly rather than by reference.*

*In paragraph (14), the second bracketed definition for “person” should be used only if the term is not already defined statutorily for the purpose of state vehicle law or is defined statutorily to mean only a natural person.*

### **SECTION 3. APPLICATION; CONSTRUCTION; GOVERNING LAW.**

(a) This [act] applies to the ownership, registration, and operation of an automated vehicle, even if the ownership, registration, and operation of the vehicle complied with laws other than this [act] before [the effective date of this [act]].

(b) Except as otherwise provided in this [act], [the state’s vehicle code] applies with respect to an automated vehicle.

(c) [The state’s vehicle code] must be interpreted to accommodate the development and deployment of automated vehicles in a way that maintains or improves traffic safety.

[(d) The [relevant state agency or agencies] may [make rules, issue interpretations, conduct investigations, and take other actions to] administer and enforce this [act] in accordance with [the state’s administrative law].]

(e) If the applicable law of a jurisdiction other than this state is substantially similar to this [act], then with respect to an automated vehicle that is registered in that jurisdiction:

(1) an automated driving provider in that jurisdiction is an automated driving provider under this [act]; and

(2) an associated automated vehicle in that jurisdiction is an associated automated

vehicle under this [act].

(f) This [act] does not preclude remedies under law other than this [act].

***Legislative Note:***

*If the state merges this act with the state’s vehicle code, these provisions should be codified in a new section on automated driving generally.*

*Subsection (b) clarifies that state vehicle law, including, inter alia, rules for vehicle ownership, registration, insurance, and operation, still applies with respect to automated vehicles. This act should be codified accordingly.*

*The agencies in subsection (d) may include those responsible for registration of motor vehicles, licensing of drivers, and enforcement of rules of the road, among others. Because this subsection is intended to confer the kind of authority that the adopting state typically confers on its agencies to administer its statutes, the subsection may be omitted or modified if it is unnecessary or inconsistent with state practice.*

*In adopting this act, a state may wish to identify, review, and consider modifying or repealing prior legislation that specifically addresses automated driving.*

*The state should adhere to its requirements and conventions for codifying violations and punishments to ensure that they are legally enforceable.*

**SECTION 4. DRIVER LICENSING.**

(a) An individual is not required to hold a [driving license] to take a completely automated trip.

(b) An automated driving provider is not required to hold a [driving license] to drive or operate an automated vehicle under automated operation.

***Legislative Note:***

*If the state merges this act with the state’s vehicle code, these provisions should be codified in the driver licensing section.*

*The particular term used by the state should be substituted for “driving license” in this section.*

**SECTION 5. VEHICLE REGISTRATION.**

(a) The [owner] of an automated vehicle shall comply with [the state’s requirements for registration of motor vehicles].



(b) If a motor vehicle that is not registered as an automated vehicle becomes an automated vehicle, the [owner] shall obtain a new registration for the vehicle before automated operation and in accordance with the requirements for an automated vehicle.

(c) At registration of a motor vehicle, the [owner] shall indicate to [the relevant state agency] whether the vehicle is an automated vehicle. This indication does not bind [the relevant state agency] to register the vehicle as an automated vehicle.

(d) [The relevant state agency] may grant, maintain, or renew the registration of an automated vehicle only if an automated driving provider designates the vehicle under Section 6 as an associated automated vehicle.

(e) [The relevant state agency] may decline, suspend, revoke, or decline to renew the registration of an automated vehicle that is not an associated automated vehicle, not associated with an automated driving provider recognized by [the relevant state agency], not properly maintained, not insured in accordance with applicable law, not compliant with a registration requirement, or otherwise not fit to be operated.

(f) If [the relevant state agency] declines, suspends, revokes, or declines to renew the registration of an automated vehicle, [the relevant state agency] may grant a temporary registration that applies to the vehicle only when it is not under automated operation.

(g) [The relevant state agency] may grant, maintain, or renew the registration of a motor vehicle that is no longer an automated vehicle only if the registrant represents under penalty of perjury to [the relevant state agency] that the vehicle cannot and will not be used under automated operation on a [road open to the public].

(h) Registration of an automated vehicle does not create a presumption as to the safety of the vehicle or its equipment.

***Legislative Note:***

*If the state merges this act with the state’s vehicle code, these provisions should be codified in the vehicle registration section.*

*This section applies to all persons that are required to register a vehicle under state law. If the state requires or allows a motor vehicle to be registered by a person other than the owner of the vehicle (such as the lessee of the vehicle), references to “owner” should be modified accordingly. Existing rules for determining whether a motor vehicle must be registered in the state also apply to automated vehicles.*

*The state may wish to modify language in this section to be consistent with existing usage of the term “registration,” which, depending on the state, could refer either to a request by a person to register a vehicle or to the issuance of that registration by the relevant state agency.*

*The state may wish to compare and reconcile the language in subsection (e) with similar language already used in the state’s vehicle code.*

**SECTION 6. AUTOMATED DRIVING PROVIDERS.**

(a) To qualify as an automated driving provider, a person must:

(1) have participated in a substantial manner in the development of an automated driving system;

(2) have submitted to the United States National Highway Traffic Safety Administration a safety self-assessment or equivalent report for the automated driving system as required or permitted by the United States National Highway Traffic Safety Administration; or

(3) be registered as a manufacturer of motor vehicles or motor vehicle equipment under the requirements of the United States National Highway Traffic Safety Administration.

(b) A person is an automated driving provider only if the person makes a declaration recognized by [the relevant state agency] that the person is an automated driving provider.

(c) To make a declaration under subsection (b), a person must in a form acceptable to [the relevant state agency]:

(1) represent under penalty of perjury that the person qualifies as an automated driving provider;

(2) represent under penalty of perjury that the person is capable of undertaking the responsibilities of an automated driving provider;

(3) represent under penalty of perjury that sufficient evidence demonstrates that the automated driving system of each associated automated vehicle is capable of complying with [the state's rules of the road];

(4) irrevocably appoint [the relevant state agency] as a lawful agent for service of process in an action arising from the automated operation of an associated automated vehicle; and

(5) pay a fee specified by [the relevant state agency] for processing the automated driving provider declaration.

(d) A person that makes a declaration under subsection (b):

(1) has the burden of proving its qualifications and representations to the satisfaction of [the relevant state agency];

(2) shall submit to an investigation under subsection (e);

(3) shall provide all information requested by [the relevant state agency];

(4) shall pay the actual costs incurred by [the relevant state agency] in the investigation; and

(5) has no vested rights in the recognition of the declaration.

(e) [The relevant state agency] may at any time:

(1) decline, delay, or rescind recognition of a declaration made under subsection (b); or

(2) investigate the qualifications or representations of a person that makes a declaration under subsection (b).

***Legislative Note:***

*If the state integrates this act into the state's vehicle code, these provisions should be codified in a new section on automated driving providers.*

**SECTION 7. ASSOCIATED AUTOMATED VEHICLES.**

(a) An automated vehicle is an associated automated vehicle only if an automated driving provider designates the automated vehicle under subsection (b).

(b) To designate an associated automated vehicle, an automated driving provider must provide notice in a form acceptable to [the relevant state agency].

(c) Once designated under subsection (b), an automated vehicle remains an associated automated vehicle unless:

(1) [the relevant state agency], under section 6(e), declines, delays, or rescinds recognition of the declaration of the automated driving provider;

(2) the automated driving provider dissolves; or

(3) the automated driving provider disassociates the automated vehicle.

(d) To disassociate an associated automated vehicle, an automated driving provider must provide notice in a form acceptable to [the relevant state agency].

***Legislative Note:***

*If the state merges this act with the state's vehicle code, these provisions should be codified in a new section on associated automated vehicles.*

**SECTION 8. EQUIPMENT.**

[(a) [The state's vehicle equipment requirements] must be interpreted to accommodate the development and deployment of automated vehicles in a way that maintains or improves traffic safety.]

(b) An automated vehicle must be properly maintained. A violation of this subsection is a violation [as specified in the state's vehicle code].

(c) A provision of [the state’s vehicle equipment requirements] requiring equipment that is necessary only for the performance of the dynamic driving task by a human driver or human operator does not apply to a dedicated automated vehicle.

(d) A provision of [the state’s vehicle equipment requirements] prohibiting an electronic device in a vehicle, other than a device used to evade law enforcement, does not apply with respect to a dedicated automated vehicle.

(e) A provision of [this state’s vehicle equipment requirements] prohibiting an electronic device in a vehicle, other than a device used to evade law enforcement, may not be enforced with respect to an automated vehicle under automated operation.

***Legislative Note:***

*Because of subsection 3(c), subsection (a) should be included only if the state’s vehicle equipment requirements are not codified in the state’s vehicle code.*

*If the state merges this act with the state’s vehicle code, these provisions should be codified in the section pertaining to the condition of and equipment on vehicles.*

*The state may wish to compare and reconcile the language in subsection (b) with similar language already used in the state’s vehicle code.*

*If the state codifies this act by merging it with the state’s vehicle code, the existing vehicle code provisions addressed in subsections (c), (d), and (e) can be directly amended.*

**SECTION 9. RULES OF THE ROAD.**

[(a) [The state’s rules of the road] must be interpreted to accomodate the development and deployment of automated vehicles in a way that maintains or improves traffic safety.]

(b) An automated driving provider shall take reasonable steps to comply with [the state’s rules of the road] during automated operation of an associated automated vehicle.

(c) An automated driving provider is responsible for a violation of [the state’s rules of the road] by an associated automated vehicle under automated operation.

(d) A person may not operate an automated vehicle on a [road open to the public] if the

vehicle is not properly maintained, not insured in accordance with applicable law, not compliant with a registration requirement, or otherwise not fit to be operated. A violation of this subsection is a violation [as specified in the state’s vehicle code].

(e) A prohibition under [the state’s vehicle code] on unattended or abandoned vehicles does not apply to an automated vehicle under automated operation solely because an individual is not in or near the vehicle, unless the vehicle is not lawfully registered, poses a risk to public safety, or unreasonably obstructs other road users.

[(f) A child, incapacitated person, or animal in an automated vehicle is not considered attended solely because the automated vehicle is under automated operation.]

(g) A restriction under [the state’s vehicle code] on the use of an electronic device in a vehicle, other than a device used to evade law enforcement, does not apply if the automated vehicle is under automated operation.

[(h) A requirement under [the state’s vehicle code] that imposes a minimum following distance other than a reasonable and prudent distance does not apply to the automated operation of an automated vehicle.]

***Legislative Note:***

*Because of subsection 3(c), subsection (a) should be included only if the state’s vehicle equipment requirements are not codified in the state’s vehicle code.*

*If the state merges this act with the state’s vehicle code, these provisions should be codified in the section containing the rules of the road.*

*The phrase “the state’s rules of the road” refers to state laws on the operation of motor vehicles. These laws, which may be statutory or regulatory, are generally only one part of a vehicle code.*

*The state may wish to compare and reconcile the language in subsection (d) with similar language already used in the state’s vehicle code.*

*The state may wish to revisit the laws referenced in subsection (f) in light of automated driving.*

*If the state codifies this act by merging it with the state’s vehicle code, the existing vehicle*

*provisions addressed in subsections (e), (f), (g), and (h) can be directly amended.*

*If the state does not specify numerical minimums for following distance or following time, subsection (h) may be omitted.*

**SECTION 10. UNIFORMITY OF APPLICATION AND CONSTRUCTION.** In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

***Legislative Note:***

*If the state merges this act with the general vehicle code, this provision should be codified in a new section on automated driving generally.*

**[SECTION 11. SEVERABILITY.** If a provision of this [act] or its application to a person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this [act] which can be given effect without the invalid provision or application, and to this end the provisions of this [act] are severable.]

***Legislative Note:***

*Include this section only if this state lacks a general severability statute or a decision by the highest court of this state stating a general rule of severability.*

*If the state merges this act with the state's vehicle code, this provision should be codified in a new section on automated driving generally.*

**SECTION 12. EFFECTIVE DATE.** This [act] takes effect . . . .