

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3317

By: Miller, **Johns**, **Hill** and
Martinez of the House

and

Rosino of the Senate

11 COMMITTEE SUBSTITUTE

12 An Act relating to motor vehicles; allowing for
13 operation of fully autonomous vehicles; stating
14 conditions for operation; requiring submission of law
15 enforcement interaction plan prior to operation;
16 describing contents of plan; authorizing the
17 Department of Public Safety to promulgate certain
18 rules; requiring fully autonomous vehicles submit
19 proof of financial responsibility of a certain
20 amount; requiring vehicle to remain on the scene of
21 certain accidents; requiring owner report certain
22 accidents; allowing certain entities to operate on-
23 demand autonomous vehicle network; making certain
24 exception; requiring registration as an autonomous
 vehicle; requiring proper titling; requiring titling
 as an autonomous vehicle; allowing for operation of
 certain autonomous vehicles under certain conditions;
 allowing for human control of autonomous vehicles;
 allowing for operation of fully autonomous commercial
 vehicles; allowing fully autonomous vehicles certain
 equipment exemptions; providing for exclusive
 governance of fully autonomous vehicles and automated
 driving systems; authorizing the promulgation of
 rules; amending 47 O.S. 2021, Section 6-102, which
 relates to persons exempt; stating that an automated
 driving system is a licensed driver of the vehicle it

1 is installed upon; amending 47 O.S. 2021, Section
2 1701, which relates to definitions; modifying
3 definitions; defining terms; amending 47 O.S. 2021,
4 Section 1702, which relates to state law preempting
county and municipal laws; updating statutory
language; providing for codification; and providing
an effective date.

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6
7 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

8 SECTION 1. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 1703 of Title 47, unless there
10 is created a duplication in numbering, reads as follows:

11 A. A person, as defined in Section 1701 of Title 47 of the
12 Oklahoma Statutes, may operate a fully autonomous vehicle on the
13 public roads of this state without a human driver provided that the
14 automated driving system is engaged and the vehicle meets the
15 following conditions:

16 1. If a failure of the automated driving system occurs that
17 renders that system unable to perform the entire dynamic driving
18 task relevant to its intended operational design domain, the fully
19 autonomous vehicle will achieve a minimal risk condition;

20 2. The fully autonomous vehicle is capable of operating in
21 compliance with the applicable traffic and motor vehicle safety laws
22 and regulations of this state, unless an exemption has been granted
23 by the Department of Public Safety or its designee; and
24

1 3. When required by federal law, the vehicle bears the required
2 manufacturer's certification label indicating that at the time of
3 its manufacture it has been certified to be in compliance with all
4 applicable Federal Motor Vehicle Safety Standards, including
5 reference to any exemption granted by the National Highway Traffic
6 Safety Administration.

7 B. Prior to operating a fully autonomous vehicle on the public
8 roads of this state without a human driver, a person shall submit to
9 the Department of Public Safety a law enforcement interaction plan
10 that contains, but shall not be limited to, information that
11 describes:

12 1. How to communicate with a fleet support specialist who is
13 available during the times the vehicle is in operation;

14 2. How to safely remove the fully autonomous vehicle from the
15 roadway;

16 3. How to recognize whether the fully autonomous vehicle is in
17 autonomous mode and steps to safely tow the vehicle; and

18 4. Any additional information the manufacturer or owner deems
19 necessary regarding the hazardous conditions or public safety risks
20 associated with the operation of the fully autonomous vehicle.

21 C. The Department is authorized to promulgate rules regarding
22 the contents of the law enforcement interaction plan described in
23 subsection B of this section.
24

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1704 of Title 47, unless there
3 is created a duplication in numbering, reads as follows:

4 Before operating a fully autonomous vehicle on public roads in
5 this state without a human driver, a person shall submit proof of
6 financial responsibility satisfactory to the Department of Public
7 Safety that the fully autonomous vehicle is covered by insurance or
8 proof of self-insurance of a least One Million Dollars
9 (\$1,000,000.00) which shall satisfy the requirements of the
10 Compulsory Insurance Law pursuant to Section 7-600 et seq. of Title
11 47 of the Oklahoma Statutes.

12 SECTION 3. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 1705 of Title 47, unless there
14 is created a duplication in numbering, reads as follows:

15 In the event of an accident:

16 1. The fully autonomous vehicle shall remain on the scene of
17 the accident when required by Section 10-107 or 10-108 of Title 47
18 of the Oklahoma Statutes, consistent with its capability under
19 Section 1 of this act; and

20 2. The owner of the fully autonomous vehicle, or a person on
21 behalf of the vehicle owner, shall report any accidents or
22 collisions consistent with Section 10-107 or 10-108 of Title 47 of
23 the Oklahoma Statutes.
24

1 SECTION 4. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1706 of Title 47, unless there
3 is created a duplication in numbering, reads as follows:

4 An on-demand autonomous vehicle network shall be permitted to
5 operate pursuant to state laws governing the operation of
6 transportation network companies, taxis, or any other ground
7 transportation for hire of passengers, with the exception that any
8 provision of the Oklahoma Transportation Network Company Services
9 Act pursuant to Section 1010 et seq. of Title 47 of the Oklahoma
10 Statutes that reasonably applies only to a human driver would not
11 apply to the operation of a fully autonomous vehicle with the
12 automated driving system engaged on an on-demand autonomous vehicle
13 network.

14 SECTION 5. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 1707 of Title 47, unless there
16 is created a duplication in numbering, reads as follows:

17 A. A fully autonomous vehicle shall be properly registered in
18 accordance with the Oklahoma Vehicle License and Registration Act
19 pursuant to Section 1101 et seq. of Title 47 of the Oklahoma
20 Statutes. If a fully autonomous vehicle is registered in this
21 state, the vehicle shall be identified on the registration as a
22 fully autonomous vehicle.

23 B. A fully autonomous vehicle shall be properly titled in
24 accordance with Oklahoma Vehicle License and Registration Act. If a

1 fully autonomous vehicle is titled in this state, the vehicle shall
2 be identified on the title as a fully autonomous vehicle.

3 SECTION 6. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1708 of Title 47, unless there
5 is created a duplication in numbering, reads as follows:

6 A. A person may operate a motor vehicle equipped with an
7 automated driving system capable of performing the entire dynamic
8 driving task if:

9 1. Such automated driving system will issue a request to
10 intervene whenever the automated driving system is not capable of
11 performing the entire dynamic driving task with the expectation that
12 the person will respond appropriately to such a request; and

13 2. The automated driving system is capable of being operated in
14 compliance with Sections 11-101 through 11-1404 of Title 47 of the
15 Oklahoma Statutes unless an exemption has been granted by the
16 Department of Public Safety.

17 B. Nothing in this act prohibits or restricts a human driver
18 from operating a fully autonomous vehicle equipped with controls
19 that allow for the human driver to control all or part of the
20 dynamic driving task.

21 SECTION 7. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 1709 of Title 47, unless there
23 is created a duplication in numbering, reads as follows:

1 A fully autonomous vehicle that is also a commercial motor
2 vehicle pursuant to Sections 161A through 230.34b of Title 47 of the
3 Oklahoma Statutes may operate pursuant to state laws governing the
4 operation of commercial motor vehicles, except that any provision
5 that by its nature reasonably applies only to a human driver does
6 not apply to such a vehicle operating with the automated driving
7 system engaged.

8 SECTION 8. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 1710 of Title 47, unless there
10 is created a duplication in numbering, reads as follows:

11 A fully autonomous vehicle that is designed to be operated
12 exclusively by the automated driving system for all trips is not
13 subject to motor vehicle equipment laws or regulations of this state
14 that:

- 15 1. Relate to or support motor vehicle operation by a human
16 driver seated in the vehicle; and
17 2. Are not relevant for an automated driving system.

18 SECTION 9. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 1711 of Title 47, unless there
20 is created a duplication in numbering, reads as follows:

21 Unless otherwise provided in this title and notwithstanding any
22 other provision of law, fully autonomous vehicles and automated
23 driving systems are governed exclusively by this act. The
24 Department of Public Safety and the Oklahoma Department of

1 Transportation are authorized to promulgate administrative rules to
2 implement the provisions of this act.

3 SECTION 10. AMENDATORY 47 O.S. 2021, Section 6-102, is
4 amended to read as follows:

5 Section 6-102. A. A nonresident who is sixteen (16) years of
6 age or older may operate a motor vehicle in this state as authorized
7 by the class, restrictions, and endorsements specified on the
8 license, if the nonresident is:

9 1. Properly licensed in the home state or country to operate a
10 commercial or noncommercial motor vehicle and who has immediate
11 possession of a valid driver license issued by the home state or
12 country; or

13 2. A member of the Armed Forces of the United States or the
14 spouse or dependent of such member who has been issued and is in
15 possession of a valid driver license issued by an overseas component
16 of the Armed Forces of the United States.

17 B. A resident who is at least fifteen (15) years of age may
18 operate a vehicle in this state without a driver license, if the
19 resident is:

20 1. Operating a vehicle pursuant to subsection B of Section 6-
21 105 of this title; or

22 2. Taking the driving skills examination as required by Section
23 6-110 of this title, when accompanied by a Driver License Examiner
24

1 of the Department of Public Safety or by a designated examiner
2 approved and certified by the Department.

3 C. Any person, while in the performance of official duties, may
4 operate any class of motor vehicle if the person possesses any class
5 of valid Oklahoma driver license or a valid driver license issued by
6 another state, if the person is:

7 1. A member of the Armed Forces of the United States who is on
8 active duty;

9 2. A member of the military reserves, not including United
10 States reserve technician;

11 3. A member of the National Guard who is on active duty,
12 including National Guard military technicians;

13 4. A member of the National Guard who is on part-time National
14 Guard training, including National Guard military technicians; or

15 5. A member of the United States Coast Guard who is on active
16 duty.

17 D. The Commissioner of Public Safety is hereby authorized to
18 adopt rules as may be necessary to enter into reciprocity agreements
19 with foreign countries. The rules shall specify that the driver
20 license standards of the foreign country shall be comparable to
21 those of this state. The rules shall also require foreign drivers,
22 who are operating a motor vehicle in Oklahoma under such a
23 reciprocity agreement, to comply with the compulsory motor vehicle
24 liability insurance and financial responsibility laws of this state.

1 E. When an automated driving system, as defined by Section 1701
2 of this title, installed on a motor vehicle is engaged, the
3 following shall apply:

4 1. The automated driving system is considered the driver or
5 operator, for the purpose of assessing compliance with applicable
6 traffic or motor vehicle laws, and shall be deemed to satisfy
7 electronically all physical acts required by a driver or operator of
8 the vehicle; and

9 2. The automated driving system is considered to be licensed to
10 operate the vehicle.

11 SECTION 11. AMENDATORY 47 O.S. 2021, Section 1701, is
12 amended to read as follows:

13 Section 1701. As used in this act:

14 A. ~~"Driving automation system"~~ "Automated driving system or
15 ADS" means hardware and software that are collectively capable of
16 performing ~~part or~~ the entire dynamic task on a sustained basis,
17 regardless of whether it is limited to a specific operational design
18 domain. ~~The term driving automation system is used generally to~~
19 ~~describe any system capable of level 1-5 driving automation, as~~
20 ~~specified in SAE International Recommended Practice J3016 including,~~
21 ~~but not limited to, core vehicle functions as listed in this~~
22 ~~section.~~

23 B. "Dynamic driving task" or "DDT" means all of the real-time
24 operational and tactical functions required to operate a vehicle in

1 on-road traffic, excluding the strategic functions such as trip
2 scheduling and selection of destinations and waypoints and including
3 without limitation:

4 1. Lateral vehicle motion control via steering;

5 2. Longitudinal vehicle motion control via acceleration and
6 deceleration;

7 3. Monitoring the driving environment via object and event
8 detection, recognition, classification and response preparation;

9 4. Object and event response execution;

10 5. Maneuver planning; and

11 6. Enhancing conspicuity via lighting, signaling and gesturing.

12 C. "DDT fallback" means the response by the person or human
13 driver to either perform the DDT or achieve a minimal risk condition
14 after occurrence of a DDT performance-relevant system failure(s) or
15 upon operation design domain exit, or the response by an automated
16 driving system to achieve minimal risk condition, given the same
17 circumstances.

18 D. "Fully autonomous vehicle" means a motor vehicle equipped
19 with an automated driving system designed to function without a
20 human driver as a level 4 or 5 system under SAE J3016B.

21 E. "Human driver" means a natural person in the vehicle with a
22 valid license to operate a motor vehicle who controls all or part of
23 the dynamic driving task.

1 F. "Minimal risk condition" means a condition to which a
2 person, human driver, or an ADS may bring a vehicle after performing
3 the DDT fallback in order to reduce the risk of a crash when a given
4 trip cannot or should not be completed.

5 G. "On-demand autonomous vehicle network" means a
6 transportation service network that uses a software application or
7 other digital means to dispatch or otherwise enable the
8 prearrangement of transportation with fully autonomous vehicles for
9 purposes of transporting passengers or goods, including for-hire
10 transportation and transportation of passengers or goods for
11 compensation.

12 H. "Operational design domain" or "ODD" means operating
13 conditions under which a given automated driving system is
14 specifically designed to function, including, but not limited to,
15 environmental, geographical, and time-of-day restrictions, and the
16 requisite presence or absence of certain traffic or roadway
17 characteristics.

18 I. "Person" means a natural person, corporation, business
19 trust, estate, trust, partnership, limited liability company,
20 association, joint venture, governmental agency, public corporation,
21 or any other legal or commercial entity.

22 J. "Request to intervene" means notification by an automated
23 driving system to a human driver that the human driver should
24

1 promptly begin or resume performance of part or all of the dynamic
2 driving task.

3 K. "SAE J3016B" means the Taxonomy and Definitions for Terms
4 Related to Driving Automation Systems for On-Road Motor Vehicles
5 published by SAE International in June 2018.

6 SECTION 12. AMENDATORY 47 O.S. 2021, Section 1702, is
7 amended to read as follows:

8 Section 1702. A. Only the State of Oklahoma may enact a law or
9 take any other action to regulate the operation of motor vehicles
10 equipped with ~~driving automation~~ automated driving systems in
11 Oklahoma.

12 B. Pursuant to subsection A of this section, the State of
13 Oklahoma:

14 1. Preempts the authority of a county or municipality to
15 prohibit, restrict or regulate the operation of motor vehicles
16 equipped with ~~driving automation~~ automated driving systems on the
17 basis of those vehicles being equipped with ~~driving automation~~
18 automated driving systems; and

19 2. Supersedes any existing law or ordinance of a county or
20 municipality that prohibits, restricts or regulates the testing or
21 operation of motor vehicles equipped with ~~driving automation~~
22 automated driving systems.

SECTION 13. This act shall become effective November 1, 2022.

COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 02/17/2022 -
DO PASS, As Amended and Coauthored.