

# Department of Finance and Administration

## Legislative Impact Statement

**Bill: HB1561**

**Bill Subtitle: TO AUTHORIZE THE OPERATION OF AUTONOMOUS VEHICLES OR FULLY AUTONOMOUS VEHICLES ON THE STREETS AND HIGHWAYS OF THIS STATE UNDER AN AUTONOMOUS VEHICLE PILOT PROGRAM; AND TO DECLARE AN EMERGENCY.**

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### **Basic Change :**

**Sponsors: Rep. McCollum and Sen. Pitsch**

HB1561 adds a new section to the Arkansas Code, § 27-51-1410, to provide an autonomous vehicle pilot program. The bill will authorize the operation of autonomous vehicles or fully autonomous vehicles on the streets and highways of this state under a pilot program for testing and operation.

Under the bill, an “autonomous vehicle” means a vehicle equipped with an automated driving system that can drive the vehicle for any duration of time without the active physical control of monitoring of a human operator.” A “fully autonomous vehicle” means a vehicle equipped with an automated driving system designed to function as a level four ‘high automation’ or level five ‘full automation’ system under Society of Automobile Engineers ‘Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles’ and may be designed to function solely by use of the automated driving system, or when the automated driving system is not engaged, to permit operation by a human operator.

### **Revenue Impact :**

None.

### **Taxpayer Impact :**

An autonomous vehicle pilot program would be authorized.

### **Resources Required :**

None.

### **Time Required :**

None.

### **Procedural Changes :**

None.

### **Other Comments :**

None.

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### Legal Analysis :

HB1561 creates a new Arkansas Code section, § 27-51-1410, to create a pilot program for autonomous vehicles equipped with an automated driving system that can drive the vehicle without the active physical control or monitoring by a human operator. In the new § 27-51-1410, definitions are provided for "automated driving system", "autonomous vehicle", "dynamic driving task", "fully autonomous vehicle", "minimal risk condition", "operational design domain", and "person".

HB1561 provides that an autonomous vehicle or a fully autonomous vehicle may be operated on public roads in Arkansas under an autonomous vehicle pilot program approved by the State Highway Commission. Once a program is submitted to the commission for review, approval is automatically granted after sixty (60) days.

Requirements for the pilot program submission include:

1. A statement of the commercial purpose of the pilot program.
2. The identification of any additional requirements for proof of insurance under the Motor Vehicle Safety Responsibility Act; and
3. A statement acknowledging that:
  - (A) The autonomous vehicle or fully autonomous vehicle is capable of complying with all applicable traffic and motor vehicle safety laws of this state and rules adopted by the Office of Motor Vehicle;
  - (B) The fully autonomous vehicle is capable of achieving a reasonable safe state if a failure of the automated driving system occurs that renders the automated driving system unable to perform the entire dynamic driving task;
  - (C) A fully autonomous vehicle involved in an accident is capable of meeting the requirements of §§ 27-53-101, 27-53-102, and 27-53-105; and
  - (D) A description of how a fully autonomous vehicle is capable of meeting the requirement of proposed § 27-51-1410(c)(3)(C).

§ 27-53-101 pertains to accidents involving death or personal injuries, and provides that the driver shall immediately stop the vehicle at the scene of the accident and remain at the scene to fulfill the requirements of § 27-53-103, duty to give information and render aid. § 27-53-102 pertains to accidents involving damage only to the vehicle, wherein the driver shall immediately stop and remain at the scene to fulfill duty to give information, but shall remove vehicle from the roadway. § 27-53-105 pertains to striking a fixture or other property on or adjacent to highway, wherein the driver shall take steps to locate and notify owner of the damaged property.

The requirement of proposed § 27-51-1410(c)(3)(C) could be problematic for law enforcement as the referenced code sections, §§ 27-53-101, -102, and -105 impose requirements on "the driver of any vehicle" and fully autonomous vehicles that function at a level four or level five can perform all driving functions without a human operator. The term "driver" is not defined in this bill for instances of operating a fully autonomous vehicle which could leave responsibility for compliance ambiguous for law enforcement.

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As detailed in this bill, a fully autonomous vehicle is not required to be equipped with seat belts, a steering wheel, or a rearview mirror. The exemption from seat belts may contradict the requirement of seat belt use for each driver and front seat passenger under § 27-37-702. While a fully autonomous vehicle might not always have a driver, when a driver is present, a seat belt would still be required. Under § 27-34-104, a seat belt would be required for certain child passengers as well. Exempting individuals from this requirement only in certain vehicles and under the determination of the State Highway Commission may create an inconsistency in the existing state vehicle safety laws that address passengers rather than drivers and in the determination of whether a motor vehicle has the requisite safety features.

Further, under HB1561 each person can operate a maximum of three (3) autonomous vehicles or fully autonomous vehicles simultaneously on the public roads of this state. The bill also gives the commission rule-making authority to implement these provisions.

Other concerns regarding this bill:

- No driver license or operator requirement. The bill does not require that a natural person that possesses driving privileges in Arkansas to be associated with the operation of an autonomous vehicle for liability purposes.
- This bill does not provide whether or not vehicle registration is required for an autonomous vehicle. This could be problematic for law enforcement regarding the tracking of the vehicle and could create difficulty for the Department of Finance and Administration to assure that lawfully due sales or use tax has been paid to the State of Arkansas upon delivery of the vehicle to this state for operation and use.
- The bill does not discuss any limitations concerning the operation of autonomous vehicles on public roads.