

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 2398 Session of  
2022

---

INTRODUCED BY OBERLANDER, ROTHMAN, MERCURI, MIZGORSKI, HELM,  
SMITH, ROZZI, ROWE, KINKEAD, KAIL, STEPHENS, MAJOR, ORTITAY,  
GAYDOS, LEWIS DELROSSO, E. NELSON AND MUSTELLO,  
MARCH 10, 2022

---

REFERRED TO COMMITTEE ON TRANSPORTATION, MARCH 10, 2022

---

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, in general provisions, further providing for  
3 definitions; in certificate of title and security interests,  
4 further providing for content and effect of certificate of  
5 title; in rules of the road in general, further providing for  
6 platooning; in miscellaneous provisions, further providing  
7 for accidents involving death or personal injury, for  
8 accidents involving damage to attended vehicle or property,  
9 for duty to give information and render aid, for accidents  
10 involving damage to unattended vehicle or property and for  
11 immediate notice of accident to police department; in  
12 equipment standards, further providing for promulgation of  
13 vehicle equipment standards; in inspection of vehicles,  
14 further providing for requirement for periodic inspection of  
15 vehicles; in size, weight and load, further providing for  
16 width of vehicles; and, in highly automated vehicles, further  
17 providing for definitions, providing for construction,  
18 further providing for Highly Automated Vehicle Advisory  
19 Committee and providing for operation of highly automated  
20 vehicles without a highly automated vehicle driver, for  
21 operation of highly automated vehicles with a highly  
22 automated motor vehicle driver, for operation of highly  
23 automated motor carrier vehicles, for operation of highly  
24 automated transportation network service, for licensing and  
25 registration, for insurance, for control and for regulations.

26 The General Assembly of the Commonwealth of Pennsylvania

27 hereby enacts as follows:

28 Section 1. Section 102 of Title 75 of the Pennsylvania

1 Consolidated Statutes is amended by adding definitions to read:  
2 § 102. Definitions.

3 Subject to additional definitions contained in subsequent  
4 provisions of this title which are applicable to specific  
5 provisions of this title, the following words and phrases when  
6 used in this title shall have, unless the context clearly  
7 indicates otherwise, the meanings given to them in this section:

8 \* \* \*

9 "Automated driving system" or "ADS." The hardware and  
10 software collectively capable of performing the entire dynamic  
11 driving task on a sustained basis, regardless of whether it is  
12 limited within a specific operational design domain. The term  
13 describes a Level 3, 4 or 5 driving automation system under SAE  
14 J3016.

15 \* \* \*

16 "Highly automated vehicle." A motor vehicle equipped with an  
17 ADS and owned by a firm, copartnership, association, corporation  
18 or research institution.

19 "Highly automated vehicle driver." An individual who:

20 (1) Performs all or part of the dynamic driving task for  
21 a highly automated vehicle located on board in the driver's  
22 position or in a remote location.

23 (2) Is an authorized affiliate, employee or contractor  
24 of the owner of the highly automated vehicle.

25 \* \* \*

26 "SAE J3016." Surface Vehicle Recommended Practice Taxonomy  
27 and Definitions for Terms Related to Driving Automation Systems  
28 for On-Road Motor Vehicles published by the Society of  
29 Automotive Engineers (SAE) International in April 2021.

30 \* \* \*

1 Section 2. Section 1106(b)(10) and (11) of Title 75 are  
2 amended and the subsection is amended by adding a paragraph to  
3 read:

4 § 1106. Content and effect of certificate of title.

5 \* \* \*

6 (b) Indication of special use or condition.--No person shall  
7 assign a certificate of title to any vehicle unless the  
8 certificate clearly contains notice of the use or condition if  
9 the vehicle is or has been:

10 \* \* \*

11 (10) bearing a VIN plate differing from its original;

12 [or]

13 (11) a motor vehicle returned to a vehicle dealer or  
14 manufacturer pursuant to the act of March 28, 1984 (P.L.150,  
15 No.28), known as the Automobile Lemon Law[.]; or

16 (12) a highly automated vehicle.

17 Indication of the use or condition shall be deemed part of the  
18 description of the vehicle. Any person violating this subsection  
19 commits a summary offense and shall, upon conviction, be  
20 sentenced to pay a fine of \$200.

21 \* \* \*

22 Section 3. Section 3317(d)(4) and (e) of Title 75 are  
23 amended and subsection (d) is amended by adding a paragraph to  
24 read:

25 § 3317. Platooning.

26 \* \* \*

27 (d) Restrictions.--A platoon shall observe the following  
28 restrictions:

29 \* \* \*

30 (4) [A] Except as provided under paragraph (5), a driver

1 shall be in each vehicle of a platoon.

2 (5) Consistent with applicable Federal and State laws,  
3 the lead vehicle may operate with a driver and one nonlead  
4 vehicle may operate with an ADS engaged, with a highly  
5 automated vehicle driver or without a highly automated  
6 vehicle driver.

7 (e) Plan for general platoon operations.--A person may  
8 operate a platoon on a highway of this Commonwealth if the  
9 person files and reviews a plan for general platoon operations  
10 with the department[. The department shall review the plan] in  
11 consultation with the Pennsylvania State Police and the  
12 Pennsylvania Turnpike Commission, as applicable. [If the plan is  
13 not rejected by the department within 30 days after receipt of  
14 the plan, the person may operate the platoon.]

15 Section 4. Sections 3742, 3743, 3744, 3745, 3746, 4103, 4702  
16 and 4921 of Title 75 are amended by adding subsections to read:  
17 § 3742. Accidents involving death or personal injury.

18 \* \* \*

19 (a.1) Highly automated vehicles.--If a vehicle under  
20 subsection (a) is a highly automated vehicle operating with an  
21 ADS engaged or without a highly automated vehicle driver on  
22 board, the requirements of this section are satisfied if the  
23 highly automated vehicle stops at the scene of an accident or as  
24 close thereto as possible and remains at the scene of the  
25 accident until the requirements of section 3744 have been  
26 fulfilled.

27 \* \* \*

28 § 3743. Accidents involving damage to attended vehicle or  
29 property.

30 \* \* \*

1 (a.1) Highly automated vehicles.--The following shall apply:

2 (1) If a vehicle under subsection (a) is a highly  
3 automated vehicle operating with an ADS engaged or without a  
4 highly automated vehicle driver on board, the requirements of  
5 this section are satisfied if the highly automated vehicle  
6 stops at the scene of the accident or as close thereto as  
7 possible and the owner or registrant of the highly automated  
8 vehicle, a person on behalf of the owner or registrant or the  
9 highly automated vehicle immediately contacts the nearest  
10 office of a duly authorized police department to report the  
11 accident.

12 (2) The highly automated vehicle shall remain at the  
13 scene of the accident or as close thereto as possible until  
14 the owner or registrant of the highly automated vehicle or a  
15 person on behalf of the owner or registrant is informed by a  
16 police officer that the requirements of section 3744 are  
17 fulfilled.

18 \* \* \*

19 § 3744. Duty to give information and render aid.

20 \* \* \*

21 (a.1) Highly automated vehicles.--The following shall apply:

22 (1) If a vehicle under subsection (a) is a highly  
23 automated vehicle operating with an ADS engaged or without a  
24 highly automated vehicle driver on board, the requirements of  
25 this section are satisfied if the owner or registrant of the  
26 highly automated vehicle, a person on behalf of the owner or  
27 registrant or the highly automated vehicle immediately  
28 contacts the nearest office of a duly authorized police  
29 department to report the accident and communicates the  
30 registration and financial responsibility information for the

1 highly automated vehicle to the police department.

2 (2) The highly automated vehicle shall remain at the  
3 scene of the accident or as close thereto as possible until a  
4 police officer confirms to the owner or registrant of the  
5 highly automated vehicle, or a person on behalf of the owner  
6 or registrant, that the requirements of this section are  
7 fulfilled.

8 \* \* \*

9 § 3745. Accidents involving damage to unattended vehicle or  
10 property.

11 \* \* \*

12 (a.1) Highly automated vehicles.--The following shall apply:

13 (1) If a vehicle under subsection (a) is a highly  
14 automated vehicle operating with an ADS engaged or without a  
15 highly automated vehicle driver on board, the requirements of  
16 this section are satisfied if the highly automated vehicle  
17 immediately stops at the scene of the accident or as close  
18 thereto as possible and the owner or registrant of the highly  
19 automated vehicle, a person on behalf of the owner or  
20 registrant or the highly automated vehicle immediately  
21 contacts the nearest office of a duly authorized police  
22 department to report the accident and communicates the  
23 registration and financial responsibility information for the  
24 highly automated vehicle to the police department.

25 (2) The highly automated vehicle shall remain at the  
26 scene of the accident or as close thereto as possible until a  
27 police officer confirms to the owner or registrant of the  
28 highly automated vehicle, or a person on behalf of the owner  
29 or registrant, that the requirements of section 3744  
30 (relating to duty to give information and render aid) are

1 fulfilled.

2 \* \* \*

3 § 3746. Immediate notice of accident to police department.

4 \* \* \*

5 (a.1) Highly automated vehicles.--If a vehicle under  
6 subsection (a) is a highly automated vehicle operating with an  
7 ADS engaged or without a highly automated vehicle driver on  
8 board, the requirements of this section are satisfied if the  
9 owner or registrant of the highly automated vehicle, a person on  
10 behalf of the owner or registrant or the highly automated  
11 vehicle immediately contacts the nearest office of a duly  
12 authorized police department to report the accident.

13 \* \* \*

14 § 4103. Promulgation of vehicle equipment standards.

15 \* \* \*

16 (f) Highly automated vehicles.--A highly automated vehicle  
17 that is designed to operate exclusively by the ADS or a highly  
18 automated vehicle driver in a remote location for all trips is  
19 not subject to motor vehicle equipment laws or regulations of  
20 this Commonwealth which:

21 (1) relate to or support motor vehicle operation by a  
22 driver seated in the vehicle; and

23 (2) are not relevant for an ADS.

24 § 4702. Requirement for periodic inspection of vehicles.

25 \* \* \*

26 (c.2) Safety inspection criteria for highly automated  
27 vehicles.--The standards established by the department under  
28 subsection (a) shall apply to highly automated vehicles only in  
29 a manner consistent with the provisions of section 4103(f)  
30 (relating to promulgation of vehicle equipment standards).

1 \* \* \*

2 § 4921. Width of vehicles.

3 \* \* \*

4 (e.3) Highly automated vehicles.--If a highly automated  
5 vehicle is operating on highways of this Commonwealth, a rear  
6 visibility system comprised of a set of devices or components,  
7 which together perform the function of producing the rearview  
8 image, shall be considered a mirror or a similar device to a  
9 mirror, and shall be excluded from the measurement of the width  
10 of the highly automated vehicle consistent with applicable  
11 Federal and State laws.

12 \* \* \*

13 Section 5. Section 8501 of Title 75 is amended by adding  
14 definitions to read:

15 § 8501. Definitions.

16 The following words and phrases when used in this chapter  
17 shall have the meanings given to them in this section unless the  
18 context clearly indicates otherwise:

19 \* \* \*

20 "DDT fallback." The response by a highly automated vehicle  
21 driver or ADS to either perform the DDT or achieve a minimal  
22 risk condition after occurrence of a DDT performance-relevant  
23 system failure or upon operational design domain exit.

24 "Dynamic driving task" or "DDT." The real-time operational  
25 and tactical functions required to operate a motor vehicle on a  
26 highway, excluding strategic functions, such as trip scheduling  
27 and selection of destinations and waypoints, and including,  
28 without limitation:

29 (1) Lateral vehicle motion control via steering.

30 (2) Longitudinal motion control via acceleration and

1 deceleration.

2 (3) Monitoring the driving environment via object and  
3 event detection, recognition, classification and response  
4 preparation.

5 (4) Object and event response execution.

6 (5) Maneuver planning.

7 (6) Enhancing conspicuity via lighting, signaling and  
8 gesturing.

9 "Minimal risk condition." A stable, stopped condition to  
10 which an individual, a highly automated vehicle driver or ADS  
11 may bring a highly automated vehicle after performing the DDT  
12 fallback in order to reduce the risk of a crash when a given  
13 trip cannot or should not be continued.

14 "Operational design domain" or "ODD." Operating conditions  
15 under which a given ADS is specifically designed to function,  
16 including, but not limited to, environmental, geographical and  
17 time-of-day restrictions and the requisite presence or absence  
18 of certain traffic or highway characteristics.

19 "Request to intervene." Notification by an ADS to a highly  
20 automated vehicle driver that the highly automated vehicle  
21 driver should promptly begin or resume performance of part or  
22 all of the DDT or achieve a minimal risk condition.

23 Section 6. Title 75 is amended by adding a section to read:  
24 § 8501.1. Construction.

25 Except for the provisions of section 8510.1 (relating to  
26 regulations), nothing in this chapter shall be construed to:

27 (1) prohibit a highly automated vehicle driver from  
28 operating a highly automated vehicle to control all or part  
29 of the DDT; or

30 (2) prohibit a highly automated vehicle from operating

1 without a highly automated vehicle driver.

2 Section 7. Section 8503 of Title 75 is amended by adding a  
3 subsection to read:

4 § 8503. Highly Automated Vehicle Advisory Committee.

5 \* \* \*

6 (j) Special reports.--Beginning as soon as practicable, but  
7 no later than 18 months after the effective date of this  
8 section, the advisory committee shall provide special reports to  
9 the General Assembly, and post the reports on the department's  
10 publicly accessible Internet website, that:

11 (1) Evaluate the benefits and implications to the  
12 Commonwealth's workforce.

13 (2) Evaluate improvements to accessibility and mobility  
14 for persons with disabilities.

15 Section 8. Title 75 is amended by adding sections to read:

16 § 8504. Operation of highly automated vehicles without a highly  
17 automated vehicle driver.

18 A highly automated vehicle with an ADS engaged, including a  
19 highly automated vehicle without a highly automated vehicle  
20 driver, may operate on highways if the following apply:

21 (1) The highly automated vehicle is capable of operating  
22 in compliance with the applicable provisions of and  
23 regulations promulgated under this title, unless an exemption  
24 has been granted by the department or the National Highway  
25 Traffic Safety Administration.

26 (2) If required under Federal law, the highly automated  
27 vehicle bears the required manufacturer's certification label  
28 indicating that the highly automated vehicle has been  
29 certified to be in compliance with all applicable Federal  
30 Motor Vehicle Safety Standards, including reference to any

1 exemption granted by the National Highway Traffic Safety  
2 Administration.

3 (3) If a failure of an ADS occurs which renders the ADS  
4 unable to perform the entire DDT relevant to its intended  
5 ODD, the highly automated vehicle will achieve or a highly  
6 automated vehicle driver will cause the highly automated  
7 vehicle to achieve a minimal risk condition.

8 § 8505. Operation of highly automated vehicles with a highly  
9 automated vehicle driver.

10 The highly automated vehicle driver on board or in a remote  
11 location must be properly licensed under this title to operate  
12 the appropriate type and class of motor vehicle on highways.

13 § 8506. Operation of highly automated motor carrier vehicles.

14 A highly automated vehicle that is also a motor carrier  
15 vehicle requiring a commercial driver's license under section  
16 1606 (relating to requirement for commercial driver's license)  
17 may operate on highways with an ADS engaged or without a highly  
18 automated vehicle driver on board. The highly automated vehicle  
19 shall operate under Federal and State laws governing commercial  
20 drivers and the operation of commercial motor vehicles, except  
21 any provision which by its nature reasonably applies only to a  
22 driver shall not apply to a highly automated vehicle. This  
23 section shall not apply to a school bus.

24 § 8507. Operation of highly automated transportation network  
25 service.

26 If a transportation network service is authorized under the  
27 laws of this Commonwealth, a highly automated vehicle with an  
28 ADS engaged or without a highly automated vehicle driver on  
29 board may operate in a transportation network service or in  
30 combination with other authorized vehicles in the transportation

1 network service. Any provision of law which by its nature  
2 reasonably applies only to a driver shall not apply to a highly  
3 automated vehicle with an ADS engaged or without a highly  
4 automated vehicle driver on board while logged onto a digital  
5 network of a transportation network service.

6 § 8508. Licensing and registration.

7 The following shall apply:

8 (1) The ADS is considered the driver of a highly  
9 automated vehicle when the ADS is engaged for the purpose of  
10 assessing compliance under this title and is considered to be  
11 a driver licensed to operate the motor vehicle under section  
12 1501 (relating to drivers required to be licensed). If a  
13 police officer must issue a citation, a police officer shall  
14 cite the owner or registrant of the highly automated vehicle.

15 (2) The highly automated vehicle driver in a remote  
16 location is considered the driver of a highly automated  
17 vehicle for the purpose of assessing compliance under this  
18 title and is considered to be a driver licensed to operate  
19 the motor vehicle under section 1501. If a police officer  
20 issues a citation, a police officer shall cite the highly  
21 automated vehicle driver.

22 (3) The requirements under this title relating to  
23 exhibiting a driver's license and registration card are  
24 satisfied if a vehicle registration card is in the highly  
25 automated vehicle, physically or electronically and available  
26 for inspection by a police officer.

27 § 8509. Insurance.

28 Before a highly automated vehicle with an ADS engaged or  
29 without a highly automated vehicle driver on board operates on  
30 highways, the owner of the highly automated vehicle shall submit

1 proof of financial responsibility to the department self-  
2 certifying that the highly automated vehicle is covered by  
3 insurance or proof of self-insurance in the minimum amount of  
4 \$1,000,000, which shall satisfy the applicable laws of this  
5 Commonwealth.

6 § 8510. Control.

7 In accordance with section 6101 (relating to applicability  
8 and uniformity of title), this chapter preempts and supersedes  
9 all ordinances relating to highly automated vehicles. A  
10 political subdivision of the Commonwealth may not adopt or  
11 enforce a policy, rule or ordinance that sets standards or  
12 otherwise burdens, prohibits, limits or regulates the operation  
13 of a highly automated vehicle.

14 § 8510.1. Regulations.

15 (a) General rule.--In order to facilitate the prompt  
16 implementation of this subchapter, the department may promulgate  
17 regulations or publish guidelines which are consistent with this  
18 title that include the following:

19 (1) The process for receipt, review and approval of a  
20 request for a highly automated vehicle testing authorization  
21 with or without a highly automated vehicle driver on board.

22 (2) The process for receipt and review of a self-  
23 certification prior to commercial deployment of a highly  
24 automated vehicle. The department must provide a response  
25 within 30 days.

26 (3) The type and amount of information that is necessary  
27 for adequate review of and response to each stage of request  
28 for testing approval or commercial deployment.

29 (4) The process an emergency service responder must  
30 follow when a highly automated vehicle without a highly

1 automated vehicle driver on board is involved in an emergency  
2 response area.

3 (a.1) Guidelines.--The department shall consult with the  
4 advisory committee before publishing guidelines under subsection  
5 (a).

6 (b) Temporary regulations.--Notwithstanding any other  
7 provision of law, regulations promulgated by the department  
8 under this subchapter during the two years following the  
9 effective date of this section shall be deemed temporary  
10 regulations, which shall expire no later than three years  
11 following the effective date of this section or upon  
12 promulgation of final regulations. The temporary regulations  
13 shall not be subject to:

14 (1) Sections 201, 202, 203, 204 and 205 of the act of  
15 July 31, 1968 (P.L.769, No.240), referred to as the  
16 Commonwealth Documents Law.

17 (2) Sections 204(b) and 301(10) of the act of October  
18 15, 1980 (P.L.950, No.164), known as the Commonwealth  
19 Attorneys Act.

20 (3) The act of June 25, 1982 (P.L.633, No.181), known as  
21 the Regulatory Review Act.

22 (c) Publication.--The department shall transmit any  
23 temporary regulations promulgated under subsection (b) to the  
24 Legislative Reference Bureau for publication in the Pennsylvania  
25 Bulletin.

26 Section 9. This act shall take effect in 90 days.