

## AMENDMENTS TO HOUSE BILL NO. 2398

Sponsor: REPRESENTATIVE ROTHMAN

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1 Amend Bill, page 1, lines 1 through 25, by striking out all  
2 of said lines and inserting  
3 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
4 Statutes, in general provisions, further providing  
5 definitions; in certificate of title and security interests,  
6 further providing for content and effect of certificate of  
7 title; in licensing of drivers, further providing for persons  
8 ineligible for licensing, license issuance to minors and  
9 junior driver's license; in financial responsibility, further  
10 providing for proof of financial responsibility following  
11 accident; in rules of the road in general, repealing  
12 provisions relating to platooning; in miscellaneous  
13 provisions relating to accidents and accident reports,  
14 further providing for accidents involving death or personal  
15 injury, for accidents involving damage to attended vehicle or  
16 property, for duty to give information and render aid, for  
17 accidents involving damage to unattended vehicle or property,  
18 for accident scene clearance, for immediate notice of  
19 accident to police department and for written report of  
20 accident by driver or owner; in equipment standards, further  
21 providing for promulgation of vehicle equipment standards; in  
22 inspection of vehicles, further providing for requirement for  
23 periodic inspection of vehicles; in size, weight and load,  
24 further providing for width of vehicles; in powers of  
25 department and local authorities, further providing for  
26 specific powers of department and local authorities; and, in  
27 highly automated vehicles, further providing for definitions,  
28 for highly automated vehicles and for Highly Automated  
29 Vehicle Advisory Committee, providing for authorization  
30 required, for powers of department, for self-certification  
31 application, for authorization issuance, for operation  
32 requirements, for commercial operation, for preemption, for  
33 enforcement and penalties, for regulations and guidelines,  
34 for confidential records, for appeals and for interstate  
35 agreements; adding provisions relating to other automated  
36 vehicles; and making editorial changes.

37 Amend Bill, page 1, line 28; pages 2 through 13, lines 1

through 30; page 14, lines 1 through 26; by striking out all of said lines on said pages and inserting

Section 1. The definitions of "highly automated work zone vehicle" and "platoon" in section 102 of Title 75 of the Pennsylvania Consolidated Statutes are amended and the section is amended by adding definitions to read:  
§ 102. Definitions.

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

\* \* \*

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

\* \* \*

"Bodily injury." Impairment of physical condition or substantial pain.

\* \* \*

"Highly automated vehicle" or "HAV." A motor vehicle equipped with an automated driving system. The term excludes a personal delivery device.

"Highly automated vehicle driver." An individual who performs all or part of the dynamic driving task for a highly automated vehicle and is:

(1) on board the highly automated vehicle; or

(2) in a remote location within the United States and is capable of monitoring and controlling the highly automated vehicle.

["Highly automated work zone vehicle." A motor vehicle used in an active work zone, as implemented by the department or the Pennsylvania Turnpike Commission, as applicable, which is:

(1) equipped with an automated driving system; or

(2) connected by wireless communication or other technology to another vehicle allowing for coordinated or controlled movement.]

\* \* \*

["Platoon." A group of buses, military vehicles or motor carrier vehicles traveling in a unified manner at electronically coordinated speeds at following distances that are closer than would be reasonable and prudent without the coordination. The term does not include a school bus or a school vehicle.]

\* \* \*

"SAE J3016." Surface Vehicle Recommended Practice Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles published by the Society of

Automotive Engineers (SAE) International in April 2021 and as it  
existed on the effective date of this definition or such  
subsequent date as may be provided by the department through  
regulation and consistent with Subch. B of Ch. 85 (relating to  
highly automated vehicles).

\* \* \*

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

§ 1106. Content and effect of certificate of title.

\* \* \*

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

\* \* \*

(10) bearing a VIN plate differing from its original;  
[or]

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

(12) a highly automated vehicle.

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

\* \* \*

Section 3. Sections 1503(b) and 1785 of Title 75 are amended to read:

§ 1503. Persons ineligible for licensing; license issuance to minors; junior driver's license.

\* \* \*

(b) License issuance to minors.--The department shall issue a driver's license to a person 17 years of age who:

(1) has successfully completed a driver's training course approved by the department; and

(2) for a period of 12 months after passing the examination under section 1505(e) (relating to learners' permits) and receiving a junior driver's license:

(i) has not been involved in an accident reportable under section 3746(a) (relating to [immediate] notice of accident to police department) for which they are partially or fully responsible in the opinion of the department; or

(ii) has not been convicted of any violation of this title.

\* \* \*

§ 1785. Proof of financial responsibility following accident.

If the department determines that the owner of a motor vehicle involved in an accident requiring notice to a police department pursuant to section 3746 (relating to [immediate]

1 notice of accident to police department) did not maintain  
2 financial responsibility on the motor vehicle at the time of the  
3 accident, the department shall suspend the operating privilege  
4 of the owner, where applicable, and the department shall revoke  
5 the registration of the vehicle.

6 Section 4. Section 3317 of Title 75 is repealed:

7 [§ 3317. Platooning.

8 (a) General rule.--The department shall be the lead  
9 Commonwealth agency on platooning.

10 (b) Exception.--Nonlead vehicles in a platoon shall not be  
11 subject to section 3310 (relating to following too closely).

12 (c) Visual identifier.--Each vehicle in a platoon must be  
13 marked with a visual identifier on the power unit. The  
14 department, after consultation with the Pennsylvania State  
15 Police and the Pennsylvania Turnpike Commission, shall establish  
16 the criteria and placement of the visual identifier under  
17 subsection (e).

18 (d) Restrictions.--A platoon shall observe the following  
19 restrictions:

20 (1) A maximum of three vehicles shall be in a platoon.

21 (2) Vehicles in a platoon shall travel only on limited  
22 access highways or interstate highways, unless otherwise  
23 permitted by the department or the Pennsylvania Turnpike  
24 Commission, as applicable.

25 (3) The department or the Pennsylvania Turnpike  
26 Commission, as applicable under paragraph (2), may restrict  
27 vehicle movement under this section for operational or safety  
28 reasons, including, but not limited to, emergency conditions.

29 (4) A driver shall be in each vehicle of a platoon.

30 (e) Plan for general platoon operations.--A person may  
31 operate a platoon on a highway of this Commonwealth if the  
32 person files a plan for general platoon operations with the  
33 department. The department shall review the plan in consultation  
34 with the Pennsylvania State Police and the Pennsylvania Turnpike  
35 Commission, as applicable. If the plan is not rejected by the  
36 department within 30 days after receipt of the plan, the person  
37 may operate the platoon.]

38 Section 5. Sections 3742, 3743, 3744 and 3745 of Title 75  
39 are amended by adding subsections to read:

40 § 3742. Accidents involving death or personal injury.

41 \* \* \*

42 (a.1) Highly automated vehicles.--If a vehicle under  
43 subsection (a) is a highly automated vehicle operating with an  
44 ADS engaged or without a highly automated vehicle driver on  
45 board, the requirements of this section are satisfied if the  
46 highly automated vehicle stops at the scene of an accident or as  
47 close to the scene as safely as possible and remains at the  
48 scene until the requirements of section 3744 have been  
49 fulfilled.

50 \* \* \*

51 § 3743. Accidents involving damage to attended vehicle or

property.

\* \* \*

(a.1) Highly automated vehicles.--

(1) If a vehicle under subsection (a) is a highly automated vehicle operating with an ADS engaged or without a highly automated vehicle driver on board, the requirements of this section are satisfied if the highly automated vehicle stops at the scene of the accident or as close to the scene as safely as possible and the owner of the highly automated vehicle or a person on behalf of the owner of the highly automated vehicle promptly contacts the nearest office of a duly authorized police department to report the accident.

(2) The highly automated vehicle shall remain at the scene or as close to the scene as safely as possible until the requirements of section 3744 are fulfilled.

\* \* \*

§ 3744. Duty to give information and render aid.

\* \* \*

(a.1) Highly automated vehicles.--

(1) If a vehicle under subsection (a) is a highly automated vehicle operating with an ADS engaged or without a highly automated vehicle driver on board, the requirements of this section are satisfied if the owner of the highly automated vehicle, a person on behalf of the owner of the highly automated vehicle or the highly automated vehicle promptly contacts the nearest office of a duly authorized police department to report the accident and communicates the registration and financial responsibility information for the highly automated vehicle to the police department.

(2) The highly automated vehicle shall remain at the scene of the accident or as close to the scene as safely as possible until the requirements of this section are fulfilled.

\* \* \*

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

\* \* \*

(a.1) Highly automated vehicles.--

(1) If a vehicle under subsection (a) is a highly automated vehicle operating with an ADS engaged or without a highly automated vehicle driver on board, the requirements of this section are satisfied if the highly automated vehicle stops at the scene of the accident or as close to the scene as safely as possible and the owner of the highly automated vehicle, a person on behalf of the owner of the highly automated vehicle or the highly automated vehicle promptly contacts the nearest office of a duly authorized police department to report the accident and communicates the registration and financial responsibility information for the highly automated vehicle to the police department.

(2) The highly automated vehicle shall remain at the

1 scene or as close to the scene as safely as possible until  
2 the requirements of section 3744 (relating to duty to give  
3 information and render aid) are fulfilled.

4 \* \* \*

5 Section 6. Section 3745.1(e) of Title 75 is amended to read:  
6 § 3745.1. Accident scene clearance.

7 \* \* \*

8 (e) Other driver duties.--Compliance with this section shall  
9 not affect a driver's duty to comply with section 3742 (relating  
10 to accidents involving death or personal injury), 3743 (relating  
11 to accidents involving damage to attended vehicle or property),  
12 3744 (relating to duty to give information and render aid), 3745  
13 (relating to accidents involving damage to unattended vehicle or  
14 property), 3746 (relating to [immediate] notice of accident to  
15 police department) or 3747 (relating to written report of  
16 accident by driver or owner).

17 \* \* \*

18 Section 7. Section 3746 heading of Title 75 is amended and  
19 the section is amended by adding a subsection to read:  
20 § 3746. [Immediate notice] Notice of accident to police  
21 department.

22 \* \* \*

23 (a.1) Highly automated vehicles.--If a vehicle under  
24 subsection (a) is a highly automated vehicle operating with an  
25 ADS engaged or without a highly automated vehicle driver on  
26 board, the requirements of this section are satisfied if the  
27 owner of the highly automated vehicle, a person on behalf of the  
28 owner of the highly automated vehicle or the highly automated  
29 vehicle promptly contacts the nearest office of a duly  
30 authorized police department to report the accident.

31 \* \* \*

32 Section 8. Section 3747(a) of Title 75 is amended to read:  
33 § 3747. Written report of accident by driver or owner.

34 (a) General rule.--If a police officer does not investigate  
35 an accident required to be investigated by section 3746  
36 (relating to [immediate] notice of accident to police  
37 department), the driver of a vehicle which is in any manner  
38 involved in the accident shall, within five days of the  
39 accident, forward a written report of the accident to the  
40 department.

41 \* \* \*

42 Section 9. Sections 4103, 4702 and 4921 of Title 75 are  
43 amended by adding subsections to read:

44 § 4103. Promulgation of vehicle equipment standards.

45 \* \* \*

46 (f) Highly automated vehicles.--A highly automated vehicle  
47 that is designed to operate exclusively by the ADS or a highly  
48 automated vehicle driver in a remote location for all trips is  
49 not subject to motor vehicle equipment laws or regulations of  
50 this Commonwealth that:

51 (1) relate to or support motor vehicle operation by a

1 driver seated in the vehicle; and  
2 (2) are not relevant for an ADS.  
3 § 4702. Requirement for periodic inspection of vehicles.

4 \* \* \*

5 (c.2) Safety inspection criteria for highly automated  
6 vehicles.--The standards established by the department under  
7 subsection (a) shall apply to highly automated vehicles only in  
8 a manner consistent with the provisions of section 4103(f)  
9 (relating to promulgation of vehicle equipment standards).

10 \* \* \*

11 § 4921. Width of vehicles.

12 \* \* \*

13 (e.3) Highly automated vehicles.--If a highly automated  
14 vehicle is operating on highways of this Commonwealth, a rear  
15 visibility system comprised of a set of devices or components,  
16 that together perform the function of producing the rearview  
17 image, shall be considered a mirror or a similar device to a  
18 mirror, and shall be excluded from the measurement of the width  
19 of the highly automated vehicle consistent with applicable  
20 Federal and State laws.

21 \* \* \*

22 Section 10. Section 6109(a)(13) of Title 75 is amended to  
23 read:

24 § 6109. Specific powers of department and local authorities.

25 (a) Enumeration of police powers.--The provisions of this  
26 title shall not be deemed to prevent the department on State-  
27 designated highways and local authorities on streets or highways  
28 within their physical boundaries from the reasonable exercise of  
29 their police powers. The following are presumed to be reasonable  
30 exercises of police power:

31 \* \* \*

32 (13) Prohibiting or regulating the use of designated  
33 streets by any class or kind of traffic, provided that a  
34 prohibition or regulation of a local authority may not be  
35 specific to or discriminate against a highly automated  
36 vehicle.

37 \* \* \*

38 Section 11. Section 8501 of Title 75 is amended by adding  
39 definitions to read:

40 § 8501. Definitions.

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

44 \* \* \*

45 "Certificate holder." A person or an educational institution  
46 holding a valid certificate of compliance.

47 "Certificate of compliance." A certificate authorizing the  
48 operation of a highly automated vehicle in accordance with  
49 Subch. B (relating to highly automated vehicles).

50 "DDT fallback." A response by a highly automated vehicle  
51 driver or ADS to either perform a DDT or achieve a minimal-risk

1 condition after occurrence of a DDT performance-relevant system  
2 failure or upon an operational design domain exit.

3 "Dynamic driving task" or "DDT." Real-time operational and  
4 tactical functions required to operate a motor vehicle on a  
5 highway, excluding strategic functions such as trip scheduling  
6 and selection of destinations and waypoints, and including,  
7 without limitation:

8 (1) Lateral vehicle motion control via steering.

9 (2) Longitudinal motion control via acceleration and  
10 deceleration.

11 (3) Monitoring the driving environment via object and  
12 event detection, recognition, classification and response  
13 preparation.

14 (4) Object and event response execution.

15 (5) Maneuver planning.

16 (6) Enhancing conspicuity via lighting, signaling and  
17 gesturing.

18 "Highly automated work zone vehicle." A motor vehicle used  
19 in an active work zone as implemented by the department or the  
20 Pennsylvania Turnpike Commission, as applicable, for purposes  
21 related to the active work zone that is:

22 (1) equipped with an automated driving system; or

23 (2) connected by wireless communication or other  
24 technology to another vehicle allowing for coordinated or  
25 controlled movement.

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

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

36 "Platoon." A group of buses, military vehicles or motor  
37 carrier vehicles traveling in a unified manner at electronically  
38 coordinated speeds at following distances that are closer than  
39 would be reasonable and prudent without the coordination. The  
40 term does not include a school bus or a school vehicle.

41 Section 12. Section 8502 of Title 75 is amended to read:  
42 § 8502. Highly automated vehicles.

43 [(a) General rule.--]The department shall be the lead  
44 Commonwealth agency on highly automated vehicles.

45 [(b) Highly automated work zone vehicles.--The department or  
46 the Pennsylvania Turnpike Commission, as applicable, shall  
47 authorize the locations in Pennsylvania on a periodic basis to  
48 implement the deployment of a highly automated work zone  
49 vehicle. A driver may be required in a highly automated work  
50 zone vehicle when used in an active work zone.]

51 Section 13. Section 8503(b)(9) of Title 75 is amended and



1 the section is amended by adding a subsection to read:

2 § 8503. Highly Automated Vehicle Advisory Committee.

3 \* \* \*

4 (b) Composition.--The advisory committee shall consist of  
5 the following members:

6 \* \* \*

7 (9) The following members to be appointed by the  
8 Governor:

9 (i) One member representing a transit authority  
10 located in this Commonwealth.

11 (ii) One member representing [a transportation,] an  
12 educational or research institution located in this  
13 Commonwealth engaged in developing highly automated  
14 vehicles.

15 (iii) One member representing a technology company  
16 engaged in developing highly automated vehicles.

17 (iv) One member representing a vehicle manufacturer  
18 engaged in developing highly automated vehicles.

19 (v) One member representing bicyclists, pedestrians  
20 or motorcyclists in this Commonwealth.

21 (vi) One member representing drivers or consumers in  
22 this Commonwealth.

23 (vii) One member representing a municipality of this  
24 Commonwealth.

25 (viii) One member representing platoon operations.

26 (ix) One member representing an insurance company,  
27 association or exchange who is authorized to transact the  
28 business of motor vehicle insurance in this Commonwealth.

29 (x) Two members representing different labor  
30 organizations in this Commonwealth.

31 \* \* \*

32 (j) Special reports.--Beginning as soon as practicable, but  
33 no later than 18 months after the effective date of this  
34 subsection, the advisory committee shall submit an annual report  
35 that evaluates the impact of highly automated vehicles  
36 authorized by this chapter on this Commonwealth. The report  
37 shall be submitted to the chairperson and minority chairperson  
38 of the Transportation Committee of the Senate and the  
39 chairperson and minority chairperson of the Transportation  
40 Committee of the House of Representatives and posted on the  
41 department's publicly accessible Internet website. The report  
42 shall evaluate the following with respect to highly automated  
43 vehicles authorized by this chapter:

44 (1) Benefits and implications to this Commonwealth's  
45 workforce.

46 (2) Economic benefits and implications to this  
47 Commonwealth.

48 (3) Improvements to accessibility and mobility for  
49 persons with disabilities.

50 (4) Improvements to mobility options for the general  
51 public.

1       (5) Suggested changes to the laws of this Commonwealth.  
2       Section 14. Title 75 is amended by adding sections to read:  
3       § 8504. Certificate of compliance required.

4       (a) Prohibition.--Except as provided in subsection (b), no  
5 person may operate on a highway in this Commonwealth a highly  
6 automated vehicle, unless:

7       (1) the person is a certificate holder or is an  
8 automated vehicle driver approved by a certificate holder to  
9 operate a highly automated vehicle on behalf of the  
10 certificate holder; and

11       (2) the highly automated vehicle is operated in  
12 accordance with this subchapter.

13       (b) Applicability.--Subsection (a) shall not apply to:

14       (1) A highly automated work zone vehicle operated in  
15 accordance with section 8531 (relating to highly automated  
16 work zone vehicles).

17       (2) A platoon operated in accordance with section 8532  
18 (relating to platooning).

19       (3) A vehicle that is also a highly automated vehicle  
20 and is approved for noncommercial use on public highways  
21 under Federal law or regulation.

22       (4) A highly automated vehicle registered in another  
23 state operating in this Commonwealth under an interstate  
24 agreement in accordance with section 8510.5 (relating to  
25 interstate agreements).

26       § 8505. Powers of department.

27       (a) General powers.--To ensure the safety of motorists and  
28 the general public, except as permitted under section 8509  
29 (relating to commercial operation), the department has sole  
30 regulatory authority over the operation of highly automated  
31 vehicles on highways within this Commonwealth consistent with  
32 this subchapter and Federal law or regulation.

33       (b) Specific powers and duties.--Except as provided for in  
34 subsection (c), the department has the following specific powers  
35 and duties:

36       (1) By order of the secretary, to prohibit the use of a  
37 highly automated vehicle on a highway where the secretary  
38 determines that the operation of the highly automated vehicle  
39 would constitute a hazard.

40       (2) To require a certificate holder to self-report to  
41 the department an accident in this Commonwealth involving the  
42 certificate holder's highly automated vehicle if the accident  
43 resulted in bodily injury, serious bodily injury, death or  
44 damage to property. The department shall establish the time  
45 frame in which to self-report an accident to the department,  
46 provided that the time frame is no less than six hours from  
47 the occurrence of the accident.

48       (3) To display on the department's publicly accessible  
49 Internet website, the following:

50               (i) A list of certificate holders.

51               (ii) Orders issued by the secretary under paragraph

1       (1).  
2       (iii) Policies, regulations or guidelines issued by  
3       the department under this subchapter.

4       (4) To establish policies, guidelines and regulations  
5       reasonably necessary to implement this subchapter.

6       (c) Restriction.--Notwithstanding subsection (b), the  
7       department is prohibited from establishing a policy, guideline  
8       or regulation under this subchapter that:

9       (1) requires a highly automated vehicle driver to obtain  
10       another additional license, approval or similar  
11       authorization, other than the appropriate driver's license  
12       and endorsement, according to the type and class of motor  
13       vehicle equipped with an automated driving system that the  
14       highly automated vehicle driver operates;

15       (2) is inconsistent with Federal law or regulation  
16       relating to highly automated vehicles;

17       (3) prohibits or restricts a highly automated vehicle  
18       driver from operating a certificate holder's highly automated  
19       vehicle to control all or part of the DDT unless the highly  
20       automated vehicle driver has been convicted of one or more  
21       moving violations within the past 365 days; or

22       (4) prohibits or restricts a certificate holder's highly  
23       automated vehicle from operating without a highly automated  
24       vehicle driver in a manner that is inconsistent with the  
25       provisions of section 8508(b) and (e) (relating to operation  
26       requirements) and section 8510.1(b) (relating to enforcement  
27       and penalties).

28       § 8506. Self-certification.

29       (a) Form.--A self-certification for a certificate of  
30       compliance shall be submitted on a form and in a manner  
31       determined by the department. The form shall be consistent with  
32       this subchapter and may not impose any additional requirements  
33       upon the operation of a highly automated vehicle that are  
34       inconsistent with this subchapter or Federal law or regulation.

35       (b) Contents of form.--A self-certification form submitted  
36       to the department under subsection (a) shall include information  
37       necessary certifying that the applicant's highly automated  
38       vehicle or the automated driving system installed in the highly  
39       automated vehicle, as applicable, meets the requirements of this  
40       subchapter.

41       § 8507. Self-certification review.

42       (a) Review and issuance.--The department shall review a  
43       self-certification form submitted under section 8506 (relating  
44       to self-certification). If a self-certification form is not  
45       rejected by the department within 30 days of the date of receipt  
46       by the department, the self-certification form shall be  
47       considered complete and a certificate of compliance shall be  
48       issued to the applicant. The department may only reject a self-  
49       certification form for any of the following reasons:

50       (1) The form is incomplete.

51       (2) The information contained in the form does not

1 certify that that the applicant's highly automated vehicle or  
2 the automated driving system installed in the highly  
3 automated vehicle, as applicable, meets the requirements of  
4 this subchapter.

5 (3) The form contains materially inaccurate information  
6 and the applicant is not responsive to clarifying questions.  
7 (b) Effective period.--

8 (1) The department may not require renewal of a  
9 certificate of compliance issued under this subchapter.

10 (2) An applicant for a certificate of compliance who,  
11 prior to the effective date of this section, operated a  
12 highly automated vehicle in accordance with automated vehicle  
13 testing guidance established by the department prior to the  
14 effective date of this section, may continue to operate the  
15 highly automated vehicle without a certificate of compliance  
16 on highways pending the review of a self-certification form  
17 if the following criteria are met:

18 (i) The applicant has submitted a self-certification  
19 form for a certificate of compliance to the department.

20 (ii) The department has not denied the self-  
21 certification form.

22 (iii) The department has not issued a notice, in  
23 writing, to the applicant prohibiting continued HAV  
24 operation while the department reviews the self-  
25 certification form.

26 (iv) The highly automated vehicle is operated in  
27 accordance with this subchapter.

28 (c) Duty of certificate holders.--A certificate holder shall  
29 continue to provide information or records that may be required  
30 by the department and reasonably necessary for the  
31 administration and enforcement of this subchapter.

32 § 8508. Operation requirements.--

33 (a) General rule.--A certificate holder may operate, subject  
34 to the operation requirements of this section, a highly  
35 automated vehicle with or without a highly automated vehicle  
36 driver on a highway in this Commonwealth.

37 (b) Driverless operation.--A highly automated vehicle may  
38 operate on a highway without a highly automated vehicle driver,  
39 subject to the following:

40 (1) The ADS must be engaged.

41 (2) The HAV must be capable of operating in compliance  
42 with applicable traffic and motor vehicle safety provisions  
43 of this title, unless the exemption has been granted by the  
44 department.

45 (3) If a failure of an ADS occurs which renders the ADS  
46 unable to perform the entire DDT within the intended ODD, the  
47 highly automated vehicle must achieve a minimal risk  
48 condition.

49 (c) Operation with driver.--A highly automated vehicle may  
50 operate on highway with a highly automated vehicle driver,  
51 subject to the following:

1       (1) A highly automated vehicle driver may control all or  
2       part of a highly automated vehicle's DDT.

3       (2) If a failure of an ADS renders the ADS unable to  
4       perform the entire DDT within the intended ODD, the highly  
5       automated vehicle or the highly automated vehicle driver must  
6       achieve a minimal risk condition.

7       (d) Vehicle markings.--When required under Federal law or  
8       regulation, a highly automated vehicle shall bear any required  
9       manufacturer's certification labels indicating that the highly  
10       automated vehicle has been certified to be in compliance with  
11       all applicable Federal motor vehicle safety standards, including  
12       reference to any exemption granted by the National Highway  
13       Traffic Safety Administration.

14       (e) HAV drivers.--A highly automated vehicle driver shall be  
15       properly licensed under this title to operate the appropriate  
16       type and class of motor vehicle.

17       (f) Insurance required.--A highly automated vehicle with an  
18       ADS engaged with or without a highly automated vehicle driver  
19       may not operate on a highway in this Commonwealth unless the  
20       vehicle is covered by insurance or self-insurance in the minimum  
21       amount of \$1,000,000 for death, bodily injury or property  
22       damage, which shall satisfy the financial responsibility  
23       requirements of this title.

24       (g) Low-speed HAVs.--

25       (1) A low-speed HAV may not be operated on a highway  
26       with a posted speed limit greater than 35 miles-per-hour,  
27       except when:

28       (i) the low-speed HAV is engaged in a legal crossing  
29       of the highway; or

30       (ii) the low-speed HAV is permitted, by order of the  
31       secretary, to be operated on the highway.

32       (2) A low-speed HAV may not be operated on a freeway.

33       (3) As used in this subsection, the term "low-speed HAV"  
34       shall mean a highly automated vehicle that is in compliance  
35       with the Federal safety standards established in 49 CFR  
36       571.500 (relating to standard number 500; low-speed  
37       vehicles), including any exemptions by the National Highway  
38       Traffic Safety Administration, and designed to be operated  
39       without an occupant and used to transport goods. The term  
40       does not include a neighborhood electric vehicle and shall be  
41       considered by the department as a passenger car or truck for  
42       the purposes of title and registration, in accordance with  
43       section 1106(b)(12) (relating to content and effect of  
44       certificate of title).

45       (h) HAV title required.--A highly automated vehicle may not  
46       operate on a highway in this Commonwealth unless the vehicle is  
47       titled as a highly automated vehicle in accordance with section  
48       1106(b)(12) or under the laws or regulations of another  
49       jurisdiction of the United States.  
50       § 8509. Commercial operation.

1 (a) Motor carriers.--A highly automated vehicle that is also  
2 a motor carrier vehicle that requires a commercial driver's  
3 license under section 1606 (relating to requirement for  
4 commercial driver's license) may operate on highways as a motor  
5 carrier with or without a highly automated vehicle driver. A  
6 highly automated vehicle operated without a highly automated  
7 vehicle driver shall operate under Federal and State law or  
8 regulation governing the operation of commercial vehicles and  
9 drivers, except provisions that by their nature reasonably apply  
10 only to a driver shall not apply to a highly automated vehicle.

11 (b) Applicability of Public Utility Code.--

12 (1) The provisions 66 Pa.C.S. (relating to public  
13 utilities) shall apply to a certificate holder and the  
14 certificate holder's highly automated vehicles, except for  
15 provisions that by their nature reasonably apply only to a  
16 driver shall not apply to a highly automated vehicle.

17 (2) Except as provided for in paragraph (3), nothing  
18 contained in this subchapter shall be construed to prohibit  
19 the Pennsylvania Public Utility Commission from requiring an  
20 authorization, license or approval from a certificate holder  
21 for the operation of a highly automated vehicle if the  
22 authorization, license or approval requirement is consistent  
23 with 66 Pa.C.S. and does not discriminate against a highly  
24 automated vehicle.

25 (3) Notwithstanding paragraph (2), the Pennsylvania  
26 Public utility Commission may not require an authorization,  
27 license or approval from a certificate holder if the  
28 certificate holder:

29 (i) is not directly providing a commercial service  
30 regulated by the Pennsylvania Public Utility Commission;  
31 and

32 (ii) is only providing a highly automated vehicle to  
33 another person that holds an authorization, license or  
34 approval from the Pennsylvania Public Utility Commission  
35 for use in a commercial service regulated by the  
36 Pennsylvania Utility Commission.

37 (4) Except as provided for in subsection (c), a  
38 transportation network company licensed by the Pennsylvania  
39 Public Utility Commission may utilize a certificate holder's  
40 highly automated vehicle to provide transportation network  
41 services under 66 Pa.C.S. Ch. 26 (relating to transportation  
42 network service).

43 (c) Cities of the first class.--

44 (1) A transportation network company licensed by a  
45 parking authority of a city of the first class may utilize a  
46 certificate holder's highly automated vehicle to provide  
47 transportation network services under 53 Pa.C.S. Ch. 57A  
48 (relating to transportation network companies).

49 (2) The provisions of 53 Pa.C.S. Ch. 57A shall apply to  
50 a highly automated vehicle as described in paragraph (1),  
51 except for provisions that by their nature do not apply to a

1 driver of a highly automated vehicle when the highly  
2 automated vehicle is operated without a highly automated  
3 vehicle driver.

4 (d) Limitation.--The Pennsylvania Public Utility Commission  
5 under subsection (b) and a parking authority of a city of the  
6 first class under subsection (c) may not require, including as a  
7 requirement of an authorization, license or approval:

8 (1) A highly automated vehicle to be operated with a  
9 highly automated vehicle driver.

10 (2) Additional testing requirements for a highly  
11 automated vehicle.

12 (3) Operational standards for a highly automated vehicle  
13 that are substantially dissimilar to operational standards  
14 for a motor vehicle operating without an automated driving  
15 system.

16 (4) Compliance with additional standards related to a  
17 highly automated vehicle's automated driving system, ODD, DDT  
18 or DDT fallback.

19 (e) Commercial restrictions.--A highly automated vehicle may  
20 not:

21 (1) be operated as a school bus or school vehicle; or

22 (2) carry hazardous materials as defined in section 102  
23 (relating to definitions) provided, however, that this  
24 prohibition does not apply to transporting articles and  
25 substances prepared in accordance with 49 C.F.R. 172.315  
26 (relating to limited quantities) or that otherwise do not  
27 require placarding pursuant to the Federal Hazardous  
28 Materials Regulations (49 C.F.R. Part 100 et seq.).

29 § 8510. Preemption.

30 (a) Local preemption.--

31 (1) This subchapter preempts and supersedes all  
32 ordinances relating to highly automated vehicles. A local  
33 authority may not adopt or enforce a policy, rule or  
34 ordinance that sets standards or otherwise burdens,  
35 prohibits, limits or regulates the operation of a highly  
36 automated vehicle.

37 (2) Except as provided for in subsection (b), a local  
38 authority that enforces or enacts an ordinance in violation  
39 of this subsection shall be considered to be in violation of  
40 section 6101 (relating to applicability and uniformity of  
41 title).

42 (b) Construction.--

43 (1) Nothing in subsection (a) shall be construed to  
44 prohibit local authorities on streets or highways within  
45 their physical boundaries from the reasonable exercise of  
46 their police powers specified in section 6109 (relating to  
47 specific powers of department and local authorities),  
48 provided that the exercise of the police powers does not  
49 specifically target or discriminate against highly automated  
50 vehicles.

51 (2) A policy, rule or ordinance that affects the

1 operation of the highly automated vehicle as a member of a  
2 type or class of vehicle, motor vehicle or traffic shall not  
3 be a violation of subsection (a).

4 § 8510.1. Enforcement and penalties.

5 (a) Enforcement of title.--

6 (1) The ADS is considered the driver of a highly  
7 automated vehicle when the ADS is engaged and no highly  
8 automated vehicle driver is on board or in a remote location  
9 for the purpose of assessing compliance under any provision  
10 of this title relating to a driver of a vehicle or motor  
11 vehicle, subject to the following:

12 (i) The ADS is considered to be a driver licensed to  
13 operate the motor vehicle under this title.

14 (ii) If a police officer issues a citation, the  
15 police officer shall cite the certificate holder.

16 (iii) The requirements of this title relating to  
17 exhibiting a driver's license and registration card are  
18 satisfied if a vehicle registration card is in the highly  
19 automated vehicle and physically or electronically  
20 available for inspection by a police officer.

21 (2) The highly automated vehicle driver is considered  
22 the driver of a highly automated vehicle when on board the  
23 HAV or in a remote location for the purpose of assessing  
24 compliance under this title, subject to the following:

25 (i) If a police officer issues a citation for a  
26 violation of this title by a highly automated vehicle  
27 with a highly automated vehicle driver, the police  
28 officer shall cite the highly automated vehicle driver.

29 (ii) The requirements of this title relating to  
30 exhibiting a registration card are satisfied if a vehicle  
31 registration card is in the highly automated vehicle and  
32 physically or electronically available for inspection by  
33 a police officer.

34 (iii) A highly automated vehicle driver operating an  
35 HAV from a remote location shall electronically or  
36 physically exhibit a driver's license to a police officer  
37 upon request if a physical copy or electronic copy of the  
38 driver's license is not located within the highly  
39 automated vehicle.

40 (b) Enforcement by department.--

41 (1) The department may only suspend or limit a  
42 certificate of compliance for the following reasons:

43 (i) The certificate holder's highly automated  
44 vehicle or automated driving system does not meet the  
45 applicable requirements of this subchapter.

46 (ii) The certificate holder submitted materially  
47 false information on the self-certification form  
48 submitted to the department under section 8506 (relating  
49 to self-certification).

50 (2) The department may only revoke a certificate of  
51 compliance for the following reasons:



1       (i) The certificate holder knowingly operated a  
2       highly automated vehicle during a time period when the  
3       certificate holder's certificate of compliance was  
4       suspended under paragraph (1).

5       (ii) The certificate holder knowingly operated a  
6       highly automated vehicle in a manner that violated a  
7       certificate of compliance limitation established by the  
8       department under paragraph (1).

9       (iii) The certificate holder was convicted of any of  
10       the following violations with respect to a violation of  
11       this title by the certificate holder's highly automated  
12       vehicle when the ADS was engaged and no highly automated  
13       vehicle driver was on board or in a remote location:

14               (A) Section 3732 (relating to homicide by  
15               vehicle).

16               (B) Section 3732.1 (relating to aggravated  
17               assault by vehicle).

18       (3) Nothing contained in this subchapter shall be  
19       construed to allow the department to suspend, limit or revoke  
20       a certificate of compliance except for the instances  
21       specifically authorized in paragraphs (1) and (2).

22       (4) The department shall provide a notice and an  
23       opportunity for an administrative hearing to a certificate  
24       holder whose certificate of compliance is suspended, limited  
25       or revoked under paragraphs (1) and (2).

26       (c) Penalties.--

27               (1) Except as provided for in paragraphs (2) and (3), a  
28               certificate holder that violates a provision of this  
29               subchapter shall be guilty of a summary offense and shall,  
30               upon conviction, be sentenced to pay a fine of not less than  
31               \$25 and not more than \$1,000.

32               (2) Except as provided for in paragraph (3), a person  
33               that violates section 8504 (relating to certificate of  
34               compliance required) shall be guilty of a summary offense and  
35               shall, upon conviction, be sentenced to pay a fine of not  
36               less than \$500.

37               (3) A person that knowingly violates section 8504 and  
38               whose certificate of compliance was suspended or revoked by  
39               the department shall be guilty of a summary offense and  
40               shall, upon conviction, be sentenced to pay a fine of not  
41               less than \$1,000.

42       § 8510.2. Regulations and guidelines.

43               (a) General rule.--In order to facilitate the prompt  
44               implementation of this subchapter, the department may promulgate  
45               regulations and publish guidelines that are consistent with:

46                       (1) this subchapter; and

47                       (2) Federal law or regulations relating to highly  
48               automated vehicles.

49               (b) Temporary regulations.--Notwithstanding any other  
50               provision of law, regulations promulgated by the department  
51               under this subchapter during the two years following the

1 effective date of this section shall be deemed temporary  
2 regulations, which shall expire no later than three years  
3 following the effective date of this section or upon  
4 promulgation of final regulations. The temporary regulations  
5 shall not be subject to:

6 (1) Section 612 of the act of April 9, 1929 (P.L.177,  
7 No.175), known as The Administrative Code of 1929.

8 (2) Sections 201, 202, 203, 204 and 205 of the act of  
9 July 31, 1968 (P.L.769, No.240), referred to as the  
10 Commonwealth Documents Law.

11 (3) Sections 204(b) and 301(10) of the act of October  
12 15, 1980 (P.L.950, No.164), known as the Commonwealth  
13 Attorneys Act.

14 (4) The act of June 25, 1982 (P.L.633, No.181), known as  
15 the Regulatory Review Act.

16 (c) Publication.--The department shall transmit temporary  
17 regulations promulgated under subsection (b) to the Legislative  
18 Reference Bureau for publication in the Pennsylvania Bulletin.

19 (d) Consultation required.--Prior to promulgating  
20 regulations or publishing guidelines and policies under this  
21 subchapter, the department shall consult with the advisory  
22 committee.

23 § 8510.3. Confidential records.

24 Information, data or records obtained by the department under  
25 this chapter shall not be subject to the act of February 14,  
26 2008 (P.L.6, No.3), known as the Right-to-Know Law, if:

27 (1) The information, data or records constitute or  
28 reveal a trade secret or confidential proprietary  
29 information.

30 (2) Disclosure of the information, data or records could  
31 affect the safe operation of highly automated vehicles.

32 § 8510.4. Appeals.

33 A certificate holder may appeal an action taken by the  
34 department under this subchapter in accordance with 2 Pa.C.S.  
35 Chs. 5 Subch. A (relating to practice and procedure of  
36 Commonwealth agencies) and 7 Subch. A (relating to judicial  
37 review of Commonwealth agency action).

38 § 8510.5. Interstate agreements.

39 (a) Agreements authorized.--The department may negotiate one  
40 or more interstate agreements on behalf of the Commonwealth with  
41 regulatory agencies of other states for the interstate operation  
42 of highly automated vehicles and platoons approved for operation  
43 in the Commonwealth under this chapter and for highly automated  
44 vehicles and platoons approved for operation in states that are  
45 parties to the agreement.

46 (b) Approval required.--An interstate agreement negotiated  
47 by the department under subsection (a) shall become effective  
48 upon approval by the Governor.

49 (c) Regulations.--The department may promulgate regulations  
50 governing the interstate operation of highly automated vehicles  
51 and platoons consistent with this chapter and the interstate

1 agreement.

2 (d) Limitation.--An interstate agreement shall only be  
3 approved by the Governor if permitted under Federal law or  
4 regulation and shall be consistent with Federal law or  
5 regulation.

6 Section 15. Chapter 85 of Title 75 is amended by adding a  
7 subchapter to read:

8 SUBCHAPTER D  
9 OTHER AUTOMATED VEHICLES

10 Sec.

11 8531. Highly automated work zone vehicles.

12 8532. Platooning.

13 § 8531. Highly automated work zone vehicles.

14 The department or the Pennsylvania Turnpike Commission, as  
15 applicable, shall authorize locations in this Commonwealth on a  
16 periodic basis where a highly automated work zone vehicle may be  
17 deployed. A driver may be required in a highly automated work  
18 zone vehicle when used in an active work zone.

19 § 8532. Platooning.

20 (a) General rule.--The department shall be the lead  
21 Commonwealth agency on platooning.

22 (b) Exception.--Nonlead vehicles in a platoon shall not be  
23 subject to section 3310 (relating to following too closely).

24 (c) Visual identifier.--Each vehicle in a platoon shall be  
25 marked with a visual identifier on the power unit. The  
26 department, after consultation with the Pennsylvania State  
27 Police and the Pennsylvania Turnpike Commission, shall establish  
28 the criteria and placement of the visual identifier.

29 (d) Restrictions.--A platoon shall observe the following  
30 restrictions:

31 (1) A maximum of three vehicles shall be in a platoon.

32 (2) Vehicles in a platoon shall travel only on limited-  
33 access highways or interstate highways, unless otherwise  
34 permitted by the department or the Pennsylvania Turnpike  
35 Commission, as applicable.

36 (3) The department or the Pennsylvania Turnpike  
37 Commission, as applicable under paragraph (2), may restrict  
38 vehicle movement under this section for operational or safety  
39 reasons, including emergency conditions.

40 (4) Except as provided under paragraph (5), a driver  
41 shall be in each vehicle of a platoon.

42 (5) Consistent with applicable Federal or State law and  
43 regulations, the lead vehicle may operate with a driver and  
44 one nonlead vehicle may operate with an ADS engaged with or  
45 without a driver.

46 (e) Plan for general platoon operations.--

47 (1) A person may operate a platoon on a highway of this  
48 Commonwealth if the person files a plan for general platoon  
49 operations with the department, in consultation with the  
50 Pennsylvania State Police and the Pennsylvania Turnpike  
51 Commission, as applicable.

1        (2) If the plan is not approved, rejected or additional  
2 information requested by the department within 30 days after  
3 receipt of the plan, the plan shall be deemed approved and  
4 the person may operate the platoon.

5 Section 16. This act shall take effect as follows:

6        (1) This section shall take effect immediately.

7        (2) The addition of 75 Pa.C.S. § 8510.2 shall take  
8 effect immediately.

9        (3) The remainder of this act shall take effect in 180  
10 days.