

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2398 Session of
2022

INTRODUCED BY OBERLANDER, ROTHMAN, MERCURI, MIZGORSKI, HELM,
SMITH, ROWE, KAIL, STEPHENS, MAJOR, ORTITAY, GAYDOS, LEWIS
DELROSSO, E. NELSON, MUSTELLO, BROOKS, MARSHALL, MASSER, COX
AND ARMANINI, MARCH 10, 2022

SENATOR LANGERHOLC, TRANSPORTATION, IN SENATE, AS AMENDED,
OCTOBER 18, 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 licensing of drivers, further providing for persons <--~~
6 ~~ineligible for licensing, license issuance to minors and~~
7 ~~junior driver's license; in financial responsibility, further~~
8 ~~providing for proof of financial responsibility following~~
9 ~~accident; in rules of the road in general, repealing~~
10 provisions relating to platooning; IN MISCELLANEOUS <--
11 PROVISIONS, PROVIDING FOR THEFT OF CATALYTIC CONVERTER; in
12 miscellaneous provisions relating to accidents and accident
13 reports, further providing for accidents involving death or
14 personal injury, for accidents involving damage to attended
15 vehicle or property, for duty to give information and render
16 aid, for accidents involving damage to unattended vehicle or
17 property, ~~for accident scene clearance, AND for immediate <--~~
18 notice of accident to police department ~~and for written <--~~
19 ~~report of accident by driver or owner; in equipment~~
20 standards, further providing for promulgation of vehicle
21 equipment standards; in inspection of vehicles, further
22 providing for requirement for periodic inspection of
23 vehicles; in size, weight and load, further providing for
24 width of vehicles; in powers of department and local
25 authorities, further providing for specific powers of
26 department and local authorities; and, in highly automated
27 vehicles, further providing for definitions, for highly
28 automated vehicles and for Highly Automated Vehicle Advisory
29 Committee, providing for certificate of compliance required,
30 for powers of department, for self-certification application,

1 for self-certification review, for operation requirements,
2 for commercial operation, for preemption, for enforcement and
3 penalties, for regulations and guidelines, for confidential
4 records, for appeals and for interstate agreements; AND <--
5 adding provisions relating to other automated vehicles; and <--
6 ~~making editorial changes.~~

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

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

13 § 102. Definitions.

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

19 * * *

20 "Automated driving system" or "ADS." The hardware and
21 software collectively capable of performing the entire dynamic
22 driving task on a sustained basis, regardless of whether limited
23 within a specific operational design domain and whether a Level
24 3, 4 or 5 driving automation system under SAE J3016.

25 * * *

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

28 * * *

29 "Certificate holder." A ~~person or an~~ FIRM, COPARTNERSHIP, <--
30 ASSOCIATION, CORPORATION OR educational OR RESEARCH institution <--
31 holding a valid certificate of compliance in accordance with
32 Subchapter B of Chapter 85 (relating to highly automated
33 vehicles).

1 * * *

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

5 "Highly automated vehicle driver." An individual who
6 performs IS AN AUTHORIZED EMPLOYEE OR CONTRACTOR OF A <--
7 CERTIFICATE HOLDER AND WHO IS RESPONSIBLE FOR all or part of the
8 dynamic driving task for a highly automated vehicle and is:

9 (1) on board the highly automated vehicle; or

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

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

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

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

20 * * *

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

26 * * *

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

1 existed on the effective date of this definition or such
2 subsequent date as may be provided by the department through
3 regulation and consistent with Subch. B of Ch. 85 (relating to <--
4 highly automated vehicles) SUBCHAPTER B OF CHAPTER 85. <--

5 * * *

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

9 § 1106. Content and effect of certificate of title.

10 * * *

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

15 * * *

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

17 [or]

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

21 (12) a highly automated vehicle.

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

26 * * *

27 ~~Section 3. Sections 1503(b) and 1785 of Title 75 are amended~~ <--
28 ~~to read:~~

29 ~~§ 1503. Persons ineligible for licensing; license issuance to~~
30 ~~minors; junior driver's license.~~

1 * * *

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

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

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

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

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

16 * * *

17 ~~§ 1785. Proof of financial responsibility following accident.~~

18 ~~If the department determines that the owner of a motor~~
19 ~~vehicle involved in an accident requiring notice to a police~~
20 ~~department pursuant to section 3746 (relating to [immediate]~~
21 ~~notice of accident to police department) did not maintain~~
22 ~~financial responsibility on the motor vehicle at the time of the~~
23 ~~accident, the department shall suspend the operating privilege~~
24 ~~of the owner, where applicable, and the department shall revoke~~
25 ~~the registration of the vehicle.~~

26 Section 4 3. Section 3317 of Title 75 is repealed:

<--

27 [§ 3317. Platooning.]

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

30 (b) Exception.--Nonlead vehicles in a platoon shall not be

1 subject to section 3310 (relating to following too closely).

2 (c) Visual identifier.--Each vehicle in a platoon must be
3 marked with a visual identifier on the power unit. The
4 department, after consultation with the Pennsylvania State
5 Police and the Pennsylvania Turnpike Commission, shall establish
6 the criteria and placement of the visual identifier under
7 subsection (e).

8 (d) Restrictions.--A platoon shall observe the following
9 restrictions:

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

11 (2) Vehicles in a platoon shall travel only on limited
12 access highways or interstate highways, unless otherwise
13 permitted by the department or the Pennsylvania Turnpike
14 Commission, as applicable.

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

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

20 (e) Plan for general platoon operations.--A person may
21 operate a platoon on a highway of this Commonwealth if the
22 person files a plan for general platoon operations with the
23 department. The department shall review the plan in consultation
24 with the Pennsylvania State Police and the Pennsylvania Turnpike
25 Commission, as applicable. If the plan is not rejected by the
26 department within 30 days after receipt of the plan, the person
27 may operate the platoon.]

28 SECTION 3.1. TITLE 75 IS AMENDED BY ADDING A SECTION TO

29 READ:

30 § 3723. THEFT OF CATALYTIC CONVERTER.

<--

1 (A) OFFENSE DEFINED.--A PERSON COMMITS THE OFFENSE OF THEFT
2 OF A CATALYTIC CONVERTER IF THE PERSON UNLAWFULLY TAKES OR
3 ATTEMPTS TO TAKE POSSESSION OF, CARRIES AWAY OR EXERCISES
4 UNLAWFUL CONTROL OVER A CATALYTIC CONVERTER WITH INTENT TO
5 DEPRIVE THE RIGHTFUL OWNER OF THE CATALYTIC CONVERTER.

6 (B) GRADING.--EXCEPT AS PROVIDED UNDER SUBSECTION (C):

7 (1) AN OFFENSE UNDER THIS SECTION CONSTITUTES A
8 MISDEMEANOR OF THE THIRD DEGREE IF THE VALUE OF THE CATALYTIC
9 CONVERTER UNLAWFULLY OBTAINED IS LESS THAN \$50.

10 (2) AN OFFENSE UNDER THIS SECTION CONSTITUTES A
11 MISDEMEANOR OF THE SECOND DEGREE IF THE VALUE OF THE
12 CATALYTIC CONVERTER UNLAWFULLY OBTAINED IS \$50 OR MORE BUT
13 LESS THAN \$200.

14 (3) AN OFFENSE UNDER THIS SECTION CONSTITUTES A
15 MISDEMEANOR OF THE FIRST DEGREE IF THE VALUE OF THE CATALYTIC
16 CONVERTER UNLAWFULLY OBTAINED IS \$200 OR MORE BUT LESS THAN
17 \$1,000.

18 (4) AN OFFENSE UNDER THIS SECTION CONSTITUTES A FELONY
19 OF THE THIRD DEGREE IF THE VALUE OF THE CATALYTIC CONVERTER
20 UNLAWFULLY OBTAINED IS \$1,000 OR MORE.

21 (C) THIRD OR SUBSEQUENT OFFENSES.--AN OFFENSE UNDER THIS
22 SECTION CONSTITUTES A FELONY OF THE THIRD DEGREE IF THE OFFENSE
23 IS A THIRD OR SUBSEQUENT OFFENSE, REGARDLESS OF THE VALUE OF THE
24 CATALYTIC CONVERTER. FOR PURPOSES OF THIS SUBSECTION, A FIRST
25 AND SECOND OFFENSE INCLUDE A CONVICTION, ACCEPTANCE OF OR OTHER
26 FORM OF PRELIMINARY DISPOSITION BEFORE THE SENTENCING ON THE
27 PRESENT VIOLATION FOR AN OFFENSE UNDER THIS SECTION.

28 Section 5 4. Sections 3742, 3743, 3744 ~~and 3745~~, 3745, 3746, <--
29 4103, 4702 AND 4921 of Title 75 are amended by adding
30 subsections to read:

1 § 3742. Accidents involving death or personal injury.

2 * * *

3 (a.1) Highly automated vehicles.--If a vehicle under
4 subsection (a) is a highly automated vehicle operating with an
5 ADS engaged or without a highly automated vehicle driver on
6 board, the requirements of this section are satisfied if the
7 highly automated vehicle stops at the scene of an accident or as
8 close to the scene as safely as THERETO AS IS SAFELY possible <--
9 and remains at the scene until the requirements of section 3744
10 have been fulfilled.

11 * * *

12 § 3743. Accidents involving damage to attended vehicle or
13 property.

14 * * *

15 (a.1) Highly automated vehicles.--
16 (1) If a vehicle under subsection (a) is a highly
17 automated vehicle operating with an ADS engaged or without a
18 highly automated vehicle driver on board, the requirements of
19 this section are satisfied if the highly automated vehicle
20 stops at the scene of the accident or as close to the scene <--
21 as safely as THERETO AS IS SAFELY possible and the <--
22 certificate holder for the highly automated vehicle or a
23 person on behalf of the certificate holder for the highly
24 automated vehicle promptly OR THE HIGHLY AUTOMATED VEHICLE <--
25 IMMEDIATELY contacts the nearest office of a duly authorized <--
26 police department to report the accident.

27 (2) The highly automated vehicle shall remain at the
28 scene OF THE ACCIDENT or as close to the scene as safely as <--
29 THERETO AS IS SAFELY possible until the requirements of <--
30 section 3744 are fulfilled.

1 * * *

2 § 3744. Duty to give information and render aid.

3 * * *

4 (a.1) Highly automated vehicles.--

5 (1) If a vehicle under subsection (a) is a highly
6 automated vehicle operating with an ADS engaged or without a
7 highly automated vehicle driver on board, the requirements of
8 this section are satisfied if the certificate holder for the
9 highly automated vehicle, a person on behalf of the
10 certificate holder for the highly automated vehicle or the
11 highly automated vehicle ~~promptly~~ IMMEDIATELY contacts the <--
12 ~~nearest office of~~ a duly authorized police department to
13 report the accident and communicates the registration and
14 financial responsibility information for the highly automated
15 vehicle to the police department.

16 (2) The highly automated vehicle shall remain at the
17 scene of the accident or as close to the scene as safely as <--
18 THERE TO AS IS SAFELY possible until the requirements of this <--
19 section are fulfilled.

20 * * *

21 § 3745. Accidents involving damage to unattended vehicle or
22 property.

23 * * *

24 (a.1) Highly automated vehicles.--

25 (1) If a vehicle under subsection (a) is a highly
26 automated vehicle operating with an ADS engaged or without a
27 highly automated vehicle driver on board, the requirements of
28 this section are satisfied if the highly automated vehicle
29 IMMEDIATELY stops at the scene of the accident or as close to <--
30 the scene as safely as THERE TO AS IS SAFELY possible and the <--

1 certificate holder for the highly automated vehicle, a person
2 on behalf of the certificate holder for the highly automated
3 vehicle or the highly automated vehicle ~~promptly~~ IMMEDIATELY <--
4 contacts ~~the nearest office of a duly authorized police~~ <--
5 department to report the accident and communicates the
6 registration and financial responsibility information for the
7 highly automated vehicle to the police department.

8 (2) The highly automated vehicle shall remain at the
9 scene OF THE ACCIDENT or as close to the scene as safely as <--
10 THERE TO AS IS SAFELY possible until the requirements of <--
11 section 3744 (relating to duty to give information and render
12 aid) are fulfilled.

13 * * *

14 ~~Section 6. Section 3745.1(e) of Title 75 is amended to read:~~ <--
15 ~~§ 3745.1. Accident scene clearance.~~

16 * * *

17 ~~(e) Other driver duties. Compliance with this section shall~~
18 ~~not affect a driver's duty to comply with section 3742 (relating~~
19 ~~to accidents involving death or personal injury), 3743 (relating~~
20 ~~to accidents involving damage to attended vehicle or property),~~
21 ~~3744 (relating to duty to give information and render aid), 3745~~
22 ~~(relating to accidents involving damage to unattended vehicle or~~
23 ~~property), 3746 (relating to [immediate] notice of accident to~~
24 ~~police department) or 3747 (relating to written report of~~
25 ~~accident by driver or owner).~~

26 * * *

27 ~~Section 7. Section 3746 heading of Title 75 is amended and~~
28 ~~the section is amended by adding a subsection to read:~~

29 ~~§ 3746. {Immediate notice}~~ Notice of accident to police <--
30 department.

1 * * *

2 (a.1) Highly automated vehicles.--If a vehicle under
3 subsection (a) is a highly automated vehicle operating with an
4 ADS engaged or without a highly automated vehicle driver on
5 board, the requirements of this section are satisfied if the
6 certificate holder for the highly automated vehicle, a person on
7 behalf of the certificate holder for the highly automated
8 vehicle or the highly automated vehicle promptly IMMEDIATELY <--
9 contacts the nearest office of a duly authorized police <--
10 department to report the accident.

11 * * *

12 ~~Section 8. Section 3747(a) of Title 75 is amended to read:~~ <--
13 ~~§ 3747. Written report of accident by driver or owner.~~

14 ~~(a) General rule. If a police officer does not investigate~~
15 ~~an accident required to be investigated by section 3746~~
16 ~~(relating to [immediate] notice of accident to police~~
17 ~~department), the driver of a vehicle which is in any manner~~
18 ~~involved in the accident shall, within five days of the~~
19 ~~accident, forward a written report of the accident to the~~
20 ~~department.~~

21 * * *

22 ~~Section 9. Sections 4103, 4702 and 4921 of Title 75 are~~
23 ~~amended by adding subsections to read:~~
24 ~~§ 4103. Promulgation of vehicle equipment standards.~~

25 * * *

26 ~~(f) Highly automated vehicles. A highly automated vehicle~~ <--
27 ~~that is designed to operate exclusively by the ADS or a highly~~
28 ~~automated vehicle driver in a remote location for all trips is~~
29 ~~not subject to motor vehicle equipment laws or regulations of~~
30 ~~this Commonwealth that:~~

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

~~(2) are not relevant for an ADS.~~

(F) HIGHLY AUTOMATED VEHICLES.--

<--

(1) A HIGHLY AUTOMATED VEHICLE THAT IS DESIGNED TO OPERATE EXCLUSIVELY BY THE ADS OR A HIGHLY AUTOMATED VEHICLE DRIVER IN A REMOTE LOCATION FOR ALL TRIPS IS NOT SUBJECT TO MOTOR VEHICLE EQUIPMENT LAWS OR REGULATIONS OF THIS COMMONWEALTH THAT RELATE TO OR SUPPORT MOTOR VEHICLE OPERATION BY A DRIVER SEATED IN THE VEHICLE AND ARE NOT RELEVANT FOR AN ADS.

(2) NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED TO EXEMPT AN ENTIRE HIGHLY AUTOMATED VEHICLE FROM THE PERIODIC INSPECTION OF VEHICLES UNDER SECTION 4702 (RELATING TO REQUIREMENT FOR PERIODIC INSPECTION OF VEHICLES).

§ 4702. Requirement for periodic inspection of vehicles.

* * *

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

* * *

§ 4921. Width of vehicles.

* * *

(e.3) Highly automated vehicles.--If a highly automated vehicle is operating on highways of this Commonwealth, a rear visibility system comprised of a set of devices or components, that together perform the function of producing the rearview image, shall be considered a mirror or a similar device to a

mirror, and shall be excluded from the measurement of the width
of the highly automated vehicle consistent with applicable
Federal and State laws.

* * *

Section ~~40~~ 5. Section 6109(a)(13) of Title 75 is amended to <--
read:

§ 6109. Specific powers of department and local authorities.

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

* * *

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

* * *

Section ~~44~~ 6. Section 8501 of Title 75 is amended by adding <--
definitions to read:

§ 8501. Definitions.

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

* * *

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

1 "DDT fallback." A response by a highly automated vehicle
2 driver or ADS to either perform a DDT or achieve a minimal-risk
3 condition after occurrence of a DDT performance-relevant system
4 failure or upon an operational design domain exit.

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

10 (1) Lateral vehicle motion control via steering.

11 (2) Longitudinal motion control via acceleration and
12 deceleration.

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

16 (4) Object and event response execution.

17 (5) Maneuver planning.

18 (6) Enhancing conspicuity via lighting, signaling and
19 gesturing.

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

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

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

28 "Minimal risk condition." A stable, stopped condition to
29 which an individual, a highly automated vehicle driver or ADS
30 may bring a highly automated vehicle after performing a DDT

1 fallback in order to reduce the risk of a crash when a given
2 trip cannot or should not be continued.

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

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

13 Section ~~42~~ 7. Section 8502 of Title 75 is amended to read: <--
14 § 8502. Highly automated vehicles.

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

17 [(b) Highly automated work zone vehicles.--The department or
18 the Pennsylvania Turnpike Commission, as applicable, shall
19 authorize the locations in Pennsylvania on a periodic basis to
20 implement the deployment of a highly automated work zone
21 vehicle. A driver may be required in a highly automated work
22 zone vehicle when used in an active work zone.]

23 Section ~~13~~ 8. Section ~~8503(b)(9)~~ of Title 75 is 8503(B) AND <--
24 (H) OF TITLE 75 ARE amended and the section is amended by adding
25 a subsection to read:

26 § 8503. Highly Automated Vehicle Advisory Committee.

27 * * *

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

30 * * *

<--

1 (1) THE SECRETARY, WHO SHALL SERVE AS THE CHAIRPERSON OF <--
2 THE ADVISORY COMMITTEE.

3 (2) THE SECRETARY OF COMMUNITY AND ECONOMIC DEVELOPMENT.

4 (3) THE INSURANCE COMMISSIONER.

5 (4) THE SECRETARY OF LABOR AND INDUSTRY.

6 (5) THE COMMISSIONER OF PENNSYLVANIA STATE POLICE.

7 (6) THE CHIEF EXECUTIVE OFFICER OF THE PENNSYLVANIA
8 TURNPIKE COMMISSION.

9 (6.1) THE CHAIRPERSON OF THE PENNSYLVANIA PUBLIC UTILITY
10 COMMISSION.

11 (7) THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE
12 TRANSPORTATION COMMITTEE OF THE SENATE.

13 (8) THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE
14 TRANSPORTATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

15 (9) The following members to be appointed by the
16 Governor:

17 (i) One member representing a transit authority
18 located in this Commonwealth.

19 (ii) One member representing [a transportation,] an
20 educational or research institution located in this
21 Commonwealth engaged in developing highly automated
22 vehicles.

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

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

27 (v) One member representing bicyclists, pedestrians
28 or motorcyclists in this Commonwealth.

29 (vi) One member representing drivers or consumers in
30 this Commonwealth.

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

(viii) One member representing platoon operations.

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

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

(XI) ONE MEMBER REPRESENTING PENNSYLVANIANS WITH DISABILITIES.

<--

(XII) ONE MEMBER REPRESENTING A COMPANY ENGAGED IN THE DEVELOPMENT OF HIGHLY AUTOMATED MOTOR CARRIER VEHICLES.

* * *

(H) POWERS.--THE ADVISORY COMMITTEE SHALL HAVE THE POWER TO ADVISE AND CONSULT THE SECRETARY ON EACH ASPECT OF HIGHLY AUTOMATED VEHICLES AND PLATOONING IN THIS COMMONWEALTH AND MAY UNDERTAKE ANY OF THE FOLLOWING:

(1) DEVELOPING TECHNICAL GUIDANCE.

(2) EVALUATING BEST PRACTICES.

(3) REVIEWING EXISTING LAWS, REGULATIONS AND [POLICIES] GUIDELINES.

(4) ENGAGING IN CONTINUED RESEARCH AND EVALUATION OF CONNECTED AND AUTOMATED SYSTEMS TECHNOLOGY NECESSARY TO ENSURE SAFE TESTING, DEPLOYMENT AND CONTINUED INNOVATION IN THIS COMMONWEALTH.

(5) EVALUATING ACCIDENTS, BASED ON SUMMARIES PREPARED BY THE DEPARTMENT, IF THE CERTIFICATE HOLDER OR HIGHLY AUTOMATED VEHICLE DRIVER WAS DETERMINED TO BE AT FAULT.

(6) EVALUATING WORKFORCE IMPACTS, BASED ON SUMMARIES

1 PREPARED BY THE DEPARTMENT IN CONSULTATION WITH THE
2 DEPARTMENT OF LABOR AND INDUSTRY, AND HOW THE FEDERAL
3 GOVERNMENT AND THE COMMONWEALTH ARE SUPPORTING THE WORKFORCE
4 AS A RESULT OF AUTOMATION.

5 * * *

6 (j) Special reports.--Beginning as soon as practicable, but
7 no later than 18 months after the effective date of this
8 subsection, the advisory committee shall submit an annual report
9 that evaluates the impact of highly automated vehicles
10 authorized by this chapter on this Commonwealth. The report
11 shall be submitted to the chairperson and minority chairperson
12 of the Transportation Committee of the Senate and the
13 chairperson and minority chairperson of the Transportation
14 Committee of the House of Representatives and posted on the
15 department's publicly accessible Internet website. The report
16 shall evaluate the following with respect to highly automated
17 vehicles authorized by this chapter:

18 (1) Benefits and implications to this Commonwealth's
19 workforce.

20 (2) Economic benefits and implications to this
21 Commonwealth.

22 (3) Improvements to accessibility and mobility for
23 persons with disabilities.

24 (4) Improvements to mobility options for the general
25 public.

26 (5) Suggested changes to the laws of this Commonwealth.

27 Section ~~14~~ 9. Title 75 is amended by adding sections to
28 read:

29 § 8504. Certificate of compliance required.

30 (a) Prohibition.--Except as provided in subsection (b), no

<--

1 person may operate on a highway in this Commonwealth a highly
2 automated vehicle, unless:

3 (1) the ~~person~~ FIRM, COPARTNERSHIP, ASSOCIATION, <--
4 CORPORATION OR EDUCATIONAL OR RESEARCH INSTITUTION is a
5 certificate holder or is ~~an~~ A HIGHLY automated vehicle driver <--
6 approved by a certificate holder to operate a highly
7 automated vehicle on behalf of the certificate holder; and

8 (2) the highly automated vehicle is operated in
9 accordance with this ~~subchapter~~ TITLE. <--

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

11 (1) A highly automated work zone vehicle operated in
12 accordance with section 8531 (relating to highly automated
13 work zone vehicles).

14 (2) A platoon operated in accordance with section 8532
15 (relating to platooning).

16 ~~(3) A vehicle that is also a highly automated vehicle~~ <--
17 ~~and is approved for noncommercial use on public highways~~
18 ~~under Federal law or regulation.~~

19 ~~(4)~~ (3) A highly automated vehicle registered in another <--
20 state operating in this Commonwealth under an interstate
21 agreement in accordance with section 8510.5 (relating to
22 interstate agreements).

23 § 8505. Powers of department.

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

30 (b) Specific powers and duties.--Except as provided for in

subsection (c), the department has the following specific powers and duties:

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

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

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

(i) A list of certificate holders~~-,~~ INCLUDING: <--

(A) LOCATION INFORMATION WHERE THE HIGHLY AUTOMATED VEHICLE IS EXPECTED TO OPERATE.

(B) THE NAME AND CONTACT INFORMATION FOR ACCIDENT CLAIMS, INCLUDING THE REGISTERED AGENT FOR SERVICE OF PROCESS.

(ii) Orders issued by the secretary under paragraph (1).

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

(4) BY ORDER OF THE SECRETARY, TO COLLECT THE FOLLOWING INFORMATION ON A PERIODIC BASIS: <--

(I) THE PROCESS AN EMERGENCY SERVICE RESPONDER SHOULD FOLLOW WHEN A HIGHLY AUTOMATED VEHICLE WITHOUT A

HIGHLY AUTOMATED VEHICLE DRIVER ON BOARD IS DISABLED OR INVOLVED IN AN ACCIDENT.

(II) IF APPLICABLE, THE HIGHLY AUTOMATED VEHICLE DRIVER INFORMATION, INCLUDING NAME, DRIVER'S LICENSE NUMBER, STATE OR COUNTRY ISSUED AND A SUMMARY OF ANY TRAINING RECEIVED TO OPERATE THE HIGHLY AUTOMATED VEHICLE.

(III) A DESCRIPTION OF WHETHER THE HIGHLY AUTOMATED VEHICLE WILL TRANSPORT PASSENGERS OR GOODS. IF THE HIGHLY AUTOMATED VEHICLE WILL NOT BE TRANSPORTING PASSENGERS OR GOODS, A DESCRIPTION OF THE SERVICE OR FUNCTION BEING PROVIDED BY THE HIGHLY AUTOMATED VEHICLE.

(IV) LOCATION INFORMATION, INCLUDING A LIST OF MUNICIPALITIES WHERE THE HIGHLY AUTOMATED VEHICLE IS EXPECTED TO OPERATE.

~~(4)~~ (5) To establish policies, ~~guidelines and~~ <--
~~regulations~~ REGULATIONS OR GUIDELINES reasonably necessary to <--
implement this subchapter.

(c) Restriction.--Notwithstanding subsection (b), the
department is prohibited from establishing a policy, guideline <--
or regulation REGULATION OR GUIDELINE under this subchapter <--
that:

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

(2) is inconsistent with Federal law ~~or~~, regulation OR <--
GUIDANCE relating to highly automated vehicles;

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

6 (4) prohibits or restricts a certificate holder's highly
7 automated vehicle from operating without a highly automated
8 vehicle driver in a manner that is inconsistent with the
9 provisions of section 8508(b) and (e) (relating to operation
10 requirements) and section 8510.1(b) (relating to enforcement
11 and penalties).

12 § 8506. Self-certification.

13 (a) Form.--A self-certification for a certificate of
14 compliance shall be submitted on a form and in a manner
15 determined by the department. The form shall be consistent with
16 this subchapter and may not impose any additional requirements
17 upon the operation of a highly automated vehicle that are
18 inconsistent with this title or Federal law or regulation.

19 (b) Contents of form.--A self-certification form submitted
20 to the department under subsection (a) shall include information <--
21 necessary certifying that the applicant's highly automated
22 vehicle or the automated driving system installed in the highly
23 automated vehicle, as applicable, meets the requirements of this
24 title. THE FOLLOWING: <--

25 (1) THE NAME, ADDRESS AND CONTACT INFORMATION OF THE
26 APPLICANT, INCLUDING A PRINCIPAL POINT-OF-CONTACT FOR THE
27 APPLICANT'S ACCIDENT CLAIMS AND REGISTERED AGENT FOR SERVICE
28 OF PROCESS.

29 (2) VEHICLE IDENTIFICATION INFORMATION, PROOF OF CURRENT
30 REGISTRATION AND ANY OTHER INFORMATION ORDERED BY THE

1 SECRETARY.

2 (3) PROOF OF INSURANCE AS REQUIRED UNDER SECTION 8508(F)
3 (RELATING TO OPERATION REQUIREMENTS).

4 (4) A SAFETY MANAGEMENT PLAN THAT DESCRIBES THE SAFETY
5 ELEMENTS IN THE DEVELOPMENT AND MANAGEMENT OF THE HIGHLY
6 AUTOMATED VEHICLE, INCLUDING THE SAFETY ELEMENTS OF THE
7 HIGHLY AUTOMATED VEHICLE'S OPERATIONAL DESIGN DOMAIN, ADS
8 AND, IF APPLICABLE, THE HIGHLY AUTOMATED VEHICLE DRIVER.

9 (5) NONPROPRIETARY DOCUMENTATION SUBMITTED TO THE
10 NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION FOR THE HIGHLY
11 AUTOMATED VEHICLE AND ADS, INCLUDING ANY EXEMPTIONS RECEIVED
12 FROM THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION.

13 (6) CONSENT TO THE FOLLOWING:

14 (I) THE HIGHLY AUTOMATED VEHICLE SHALL OPERATE IN
15 COMPLIANCE WITH THIS TITLE AND FEDERAL LAW OR REGULATION.

16 (II) THE JURISDICTION OF COURTS OF THIS COMMONWEALTH
17 FOR ACTIONS ARISING OUT OF OR RESULTING FROM ANY ACCIDENT
18 INVOLVING THE HIGHLY AUTOMATED VEHICLE IN THIS
19 COMMONWEALTH.

20 (7) ANY INFORMATION OR RECORDS DEEMED REASONABLY NECESSARY
21 TO AID THE DEPARTMENT'S REVIEW OF THE SUBMITTED APPLICATION AND
22 FOR THE ADMINISTRATION AND ENFORCEMENT OF AND ONGOING COMPLIANCE
23 WITH THIS TITLE.

24 § 8507. Self-certification review.

25 (a) Review and issuance.--The department shall review a
26 self-certification form submitted under section 8506 (relating
27 to self-certification). If a self-certification form is not
28 rejected by the department within 30 days of the date of receipt
29 by the department, the self-certification form shall be
30 considered complete and a certificate of compliance shall be

1 issued to the applicant. The department may only reject a self-
2 certification form for any of the following reasons:

3 (1) The form is incomplete.

4 (2) The information contained in the form does not
5 certify that that the applicant's highly automated vehicle or
6 the automated driving system installed in the highly
7 automated vehicle, as applicable, meets the requirements of
8 this title.

9 (3) The form contains materially inaccurate information
10 and the applicant is not responsive to clarifying questions.

11 (b) Effective period.--

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

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

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

24 (ii) The department has not denied the self-
25 certification form.

26 (iii) The department has not issued a notice, in
27 writing, to the applicant prohibiting continued HAV
28 operation while the department reviews the self-
29 certification form.

30 (iv) The highly automated vehicle is operated in

1 accordance with this subchapter.

2 (c) Duty of certificate holders.--A certificate holder shall
3 continue to provide information or records that may be required
4 by the department and reasonably necessary for the
5 administration and enforcement of this subchapter. BY ORDER OF <--
6 THE SECRETARY, A CERTIFICATE HOLDER SHALL PROVIDE INFORMATION OR
7 RECORDS IF THERE IS A SPECIFIC SAFETY CONCERN.

8 § 8508. Operation requirements.--

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

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

16 (1) The ADS must be engaged.

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

21 (3) If a failure of an ADS occurs which renders the ADS
22 unable to perform the entire DDT within the intended ODD, the
23 highly automated vehicle must achieve a minimal risk
24 condition.

25 (c) Operation with driver.--A highly automated vehicle may
26 operate on highway with a highly automated vehicle driver,
27 subject to the following:

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

30 (2) If a failure of an ADS renders the ADS unable to

1 perform the entire DDT within the intended ODD, the highly
2 automated vehicle or the highly automated vehicle driver must
3 achieve a minimal risk condition.

4 (d) Vehicle markings.--When required under Federal law or <--

5 THE FOLLOWING SHALL APPLY: <--

6 (1) WHEN REQUIRED UNDER FEDERAL LAW OR regulation, a
7 highly automated vehicle shall bear any required
8 manufacturer's certification labels indicating that the
9 highly automated vehicle has been certified to be in
10 compliance with all applicable Federal motor vehicle safety
11 standards, including reference to any exemption granted by
12 the National Highway Traffic Safety Administration.

13 (2) IN CONSULTATION WITH THE STATE POLICE, THE <--
14 DEPARTMENT SHALL ESTABLISH STANDARDS FOR AN EXTERNAL-FACING
15 VISUAL IDENTIFIER FOR A CERTIFICATE HOLDER'S HIGHLY AUTOMATED
16 VEHICLE THAT PROVIDES OWNER, VEHICLE AND FINANCIAL
17 RESPONSIBILITY INFORMATION FOR REPORTABLE AND NONREPORTABLE
18 ACCIDENTS.

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

22 (f) Insurance required. A highly automated vehicle with an <--
23 ADS engaged with or without a highly automated vehicle driver
24 may not operate on a highway in this Commonwealth unless the
25 vehicle is covered by insurance or self insurance in the minimum
26 amount of \$1,000,000 per incident for death, bodily injury or
27 property damage, which shall satisfy the financial
28 responsibility requirements of this title. INSURANCE AND <--

29 LIABILITY.--THE FOLLOWING SHALL APPLY:

30 (1) A CERTIFICATE HOLDER OF A HIGHLY AUTOMATED VEHICLE

1 SHALL MAINTAIN THE ABILITY TO RESPOND IN DAMAGES FOR
2 LIABILITY ON ACCOUNT OF ACCIDENTS ARISING OUT OF THE
3 MAINTENANCE OR USE OF A HIGHLY AUTOMATED VEHICLE AND IN THE
4 MINIMUM AMOUNT OF \$1,000,000 PER ACCIDENT FOR DEATH, BODILY
5 INJURY AND PROPERTY DAMAGE TO A THIRD PARTY. THE FINANCIAL
6 RESPONSIBILITY REQUIRED UNDER THIS SUBSECTION SHALL BE
7 EVIDENCED BY INSURANCE PLACED WITH EITHER AN INSURER THAT HAS
8 OBTAINED A CERTIFICATE OF AUTHORITY UNDER SECTION 208 OF THE
9 ACT OF MAY 17, 1921 (P.L.789, NO.285), KNOWN AS THE INSURANCE
10 DEPARTMENT ACT OF 1921, OR A SURPLUS LINES INSURER ELIGIBLE
11 UNDER SECTION 1605 OF THE ACT OF MAY 17, 1921 (P.L.682,
12 NO.284), KNOWN AS THE INSURANCE COMPANY LAW OF 1921, OR
13 THROUGH ANY OTHER FORM, INCLUDING SELF-INSURANCE, ACCEPTABLE
14 TO AND APPROVED BY THE DEPARTMENT, IN CONSULTATION WITH THE
15 INSURANCE DEPARTMENT. FINANCIAL RESPONSIBILITY SATISFYING THE
16 REQUIREMENTS OF THIS SUBSECTION SHALL BE DEEMED TO SATISFY
17 THE FINANCIAL RESPONSIBILITY REQUIREMENTS FOR A MOTOR VEHICLE
18 UNDER CHAPTER 17 (RELATING TO FINANCIAL RESPONSIBILITY).

19 (2) THE FINANCIAL RESPONSIBILITY UNDER THIS SUBSECTION
20 SHALL BE IN ADDITION TO ANY FINANCIAL RESPONSIBILITY
21 REQUIREMENTS UNDER 66 PA.C.S. CH. 26 (RELATING TO
22 TRANSPORTATION NETWORK SERVICE) OR 53 PA.C.S. CH. 57A
23 (RELATING TO TRANSPORTATION NETWORK COMPANIES) IF A HIGHLY
24 AUTOMATED VEHICLE PROVIDES A TRANSPORTATION NETWORK SERVICE.

25 (g) Low-speed HAVs.--

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

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

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

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

4 (3) As used in this subsection, the term "low-speed HAV"
5 shall mean a highly automated vehicle that is in compliance
6 with the Federal safety standards established in 49 CFR
7 571.500 (relating to standard number 500; low-speed
8 vehicles), including any exemptions by the National Highway
9 Traffic Safety Administration, and designed to be operated
10 without an occupant and used to transport goods. The term
11 does not include a neighborhood electric vehicle and shall be
12 considered by the department as a passenger car or truck for
13 the purposes of title and registration, in accordance with
14 section 1106 (relating to content and effect of certificate
15 of title).

16 (h) HAV title required.--A highly automated vehicle may not
17 operate on a highway in this Commonwealth unless the vehicle is
18 titled as a highly automated vehicle in accordance with section
19 1106 or under the laws or regulations of another jurisdiction of
20 the United States.

21 (I) NOTICE.--A CERTIFICATE HOLDER SHALL NOTIFY IN WRITING <--
22 THE GOVERNING BODY OF THE MUNICIPALITY OF THE INTENT TO OPERATE
23 A HIGHLY AUTOMATED VEHICLE WITHIN THE BOUNDARIES OF THE
24 MUNICIPALITY AT LEAST 10 DAYS PRIOR TO COMMENCING OPERATIONS.
25 § 8509. Commercial operation.

26 (a) Motor carriers.--A highly automated vehicle that is also
27 a motor carrier vehicle that requires a commercial driver's
28 license under section 1606 (relating to requirement for
29 commercial driver's license) may operate on highways as a motor
30 carrier with or without a highly automated vehicle driver. A

highly automated vehicle operated without a highly automated vehicle driver shall operate under Federal and State law or regulation governing the operation of commercial vehicles and drivers, except provisions that by their nature reasonably apply only to a driver shall not apply to a highly automated vehicle.

(b) Applicability of Public Utility Code.--

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

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

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

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

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

Pennsylvania Utility Commission.

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

(c) Cities of the first class.--

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

(2) The provisions of 53 Pa.C.S. Ch. 57A shall apply to a highly automated vehicle as described in paragraph (1), except for provisions that by their nature do not apply to a driver of a highly automated vehicle when the highly automated vehicle is operated without a highly automated vehicle driver.

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

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

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

(3) Operational standards for a highly automated vehicle that are substantially dissimilar to operational standards for a motor vehicle operating without an automated driving

1 system.

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

5 (e) Commercial restrictions.--A highly automated vehicle may
6 not:

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

8 (2) carry hazardous materials as defined in section 102
9 (relating to definitions) provided, however, that this
10 prohibition does not apply to transporting articles and
11 substances prepared in accordance with 49 C.F.R. 172.315
12 (relating to limited quantities) or that otherwise do not
13 require placarding pursuant to the Federal Hazardous
14 Materials Regulations (49 C.F.R. Part 100 et seq.), UNLESS <--
15 THE CERTIFICATE HOLDER RECEIVES CERTIFICATION FROM THE
16 DEPARTMENT FOLLOWING THE PROMULGATION OF REGULATIONS.

17 § 8510. Preemption. <--

18 ~~(a) Local preemption.~~

19 ~~(1) This subchapter preempts and supersedes all~~
20 ~~ordinances relating to highly automated vehicles. A local~~
21 ~~authority may not adopt or enforce a policy, rule or~~
22 ~~ordinance that sets standards or otherwise burdens,~~
23 ~~prohibits, limits or regulates the operation of a highly~~
24 ~~automated vehicle.~~

25 ~~(2) Except as provided for in subsection (b), a local~~
26 ~~authority that enforces or enacts an ordinance in violation~~
27 ~~of this subsection shall be considered to be in violation of~~
28 ~~section 6101 (relating to applicability and uniformity of~~
29 ~~title).~~ LOCAL GOVERNANCE. <--

30 (A) LOCAL PREEMPTION.--THIS SUBCHAPTER PREEMPTS AND

SUPERSEDES ALL ORDINANCES, POLICIES AND RULES OF A LOCAL
AUTHORITY RELATING TO HIGHLY AUTOMATED VEHICLES.

(b) Construction.--

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

(2) ~~A policy, rule or ordinance~~ AN ORDINANCE, POLICY OR <--
RULE that affects the operation of the highly automated
vehicle as a member of a type or class of vehicle, motor
vehicle or traffic shall not be a violation of subsection
(a).

§ 8510.1. Enforcement and penalties.

(a) Enforcement of title.--

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

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

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

~~(iii) The requirements of this title relating to
exhibiting a driver's license and registration card are~~

~~satisfied if a vehicle registration card is in the highly
automated vehicle and physically or electronically
available for inspection by a police officer.~~

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

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

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

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

~~(1) THE CERTIFICATE HOLDER IS CONSIDERED A DRIVER OF A~~ <--
~~HIGHLY AUTOMATED VEHICLE FOR THE PURPOSE OF ASSESSING~~
~~COMPLIANCE UNDER ANY PROVISION OF THIS TITLE RELATING TO A~~
~~DRIVER OF A VEHICLE OR MOTOR VEHICLE, SUBJECT TO THE~~
~~FOLLOWING:~~

~~(I) IF A POLICE OFFICER CHARGES FOR A VIOLATION OF~~
~~THIS TITLE, THE POLICE OFFICER SHALL CHARGE THE~~
~~CERTIFICATE HOLDER FOR ANY APPLICABLE OFFENSE.~~

1 (II) IF THERE IS NO HAV DRIVER ON BOARD, THE
2 REQUIREMENTS OF THIS TITLE RELATING TO EXHIBITING A
3 DRIVER'S LICENSE AND REGISTRATION CARD ARE SATISFIED IF A
4 VEHICLE REGISTRATION CARD IS IN THE HIGHLY AUTOMATED
5 VEHICLE AND PHYSICALLY OR ELECTRONICALLY AVAILABLE FOR
6 INSPECTION BY A POLICE OFFICER.

7 (2) (RESERVED).

8 (b) Enforcement by department.--

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

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

14 (ii) The certificate holder submitted materially
15 false information on the self-certification form
16 submitted to the department under section 8506 (relating
17 to self-certification).

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

20 (i) The certificate holder knowingly operated a
21 highly automated vehicle during a time period when the
22 certificate holder's certificate of compliance was
23 suspended under paragraph (1).

24 (ii) The certificate holder knowingly operated a
25 highly automated vehicle in a manner that violated a
26 certificate of compliance limitation established by the
27 department under paragraph (1).

28 (iii) The certificate holder was convicted of any of
29 the following violations with respect to a violation of
30 this title by the certificate holder's highly automated

1 vehicle when the ADS was engaged and no highly automated
2 vehicle driver was on board or in a remote location:

3 (A) Section 3732 (relating to homicide by
4 vehicle).

5 (B) Section 3732.1 (relating to aggravated
6 assault by vehicle).

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

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

15 (c) Penalties.--

16 (1) Except as provided for in paragraphs (2) and (3), a
17 certificate holder that violates a provision of this
18 subchapter shall be guilty of a summary offense and shall,
19 upon conviction, be sentenced to pay a fine of not less than
20 \$25 and not more than \$1,000.

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

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

1 (4) A CERTIFICATE HOLDER THAT VIOLATES A PROVISION OF <--
2 THIS TITLE IN WHICH THE PENALTY IS A MISDEMEANOR OR FELONY
3 SHALL BE SUBJECT TO 18 PA.C.S. § 307 (RELATING TO LIABILITY
4 OF ORGANIZATIONS AND CERTAIN RELATED PERSONS).

5 § 8510.2. Regulations and guidelines.

6 (a) General rule.--In order to facilitate the prompt
7 implementation of this subchapter, the department ~~may~~ SHALL <--
8 promulgate regulations ~~and~~ OR publish guidelines that are <--
9 consistent with:

10 (1) ~~this subchapter;~~ and THIS TITLE. <--

11 (2) Federal law or regulations relating to highly
12 automated vehicles.

13 (b) Temporary regulations.--Notwithstanding any other
14 provision of law, AND SUBJECT TO SUBSECTION (D), regulations <--
15 promulgated by the department under this subchapter during the
16 two years following the effective date of this section shall be
17 deemed temporary regulations, which shall expire no later than
18 three years following the effective date of this section or upon
19 promulgation of final regulations. The temporary regulations
20 shall not be subject to:

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

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

26 (3) Sections 204(b) and 301(10) of the act of October
27 15, 1980 (P.L.950, No.164), known as the Commonwealth
28 Attorneys Act.

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

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

4 (d) Consultation ~~required~~ AND PUBLIC COMMENT.--Prior to <--
5 promulgating regulations, TEMPORARY REGULATIONS or publishing <--
6 guidelines and policies under this subchapter, the department
7 shall consult with the advisory committee. <--
8 IN A PUBLIC MEETING. <--
9 THE DEPARTMENT SHALL CONDUCT A 10-DAY PUBLIC COMMENT PERIOD
10 BEFORE PROMULGATING TEMPORARY REGULATIONS OR PUBLISHING
11 GUIDELINES, AND THE DEPARTMENT SHALL ADHERE TO THE PUBLIC
12 COMMENT PERIOD UNDER THE REGULATORY REVIEW ACT BEFORE
13 PROMULGATING REGULATIONS.

13 § 8510.3. Confidential records.

14 (A) GENERAL RULE.--Information, data or records obtained by <--
15 the department under this chapter shall not be subject to the
16 act of February 14, 2008 (P.L.6, No.3), known as the Right-to-
17 Know Law, if:

18 (1) The information, data or records constitute or
19 reveal a trade secret or confidential proprietary
20 information.

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

23 (B) DISCLOSURE.--EXCEPT FOR INFORMATION, DATA OR RECORDS NOT <--
24 SUBJECT TO DISCLOSURE UNDER THE RIGHT-TO-KNOW LAW OR UNDER
25 SUBSECTION (A), THE DEPARTMENT SHALL PROVIDE THE INFORMATION IN
26 THE CERTIFICATE OF COMPLIANCE, ACCIDENT INFORMATION CONSISTENT
27 WITH SECTION 3746 (RELATING TO IMMEDIATE NOTICE OF ACCIDENT TO
28 POLICE DEPARTMENT) OR THE DATA AND INFORMATION COLLECTED UNDER
29 SECTION 8506(B) (RELATING TO SELF-CERTIFICATION) TO ANY
30 REQUESTING MUNICIPALITY WHERE A HIGHLY AUTOMATED VEHICLE IS

1 OPERATING.

2 § 8510.4. Appeals.

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

8 § 8510.5. Interstate agreements.

9 (a) Agreements authorized.--The department may negotiate one
10 or more interstate agreements on behalf of the Commonwealth with
11 regulatory agencies of other states for the interstate operation
12 of highly automated vehicles and platoons approved for operation
13 in the Commonwealth under this chapter and for highly automated
14 vehicles and platoons approved for operation in states that are
15 parties to the agreement.

16 (b) Approval required.--An interstate agreement negotiated
17 by the department under subsection (a) shall become effective
18 upon approval by the Governor.

19 (c) Regulations.--The department may promulgate regulations
20 governing the interstate operation of highly automated vehicles
21 and platoons consistent with this chapter and the interstate
22 agreement.

23 ~~(d) Limitation. An interstate agreement shall only be~~ <--

24 ~~(D) LIMITATION.--THE FOLLOWING SHALL APPLY:~~ <--

25 (1) AN INTERSTATE AGREEMENT SHALL ONLY BE approved by
26 the Governor if permitted under Federal law or regulation and
27 shall be consistent with Federal law or regulation.

28 (2) AN INTERSTATE AGREEMENT SHALL ENSURE THAT EVERY <--
29 HIGHLY AUTOMATED VEHICLE OPERATED WITHIN THIS COMMONWEALTH
30 UNDER THE AGREEMENT IS INSURED OR SELF-INSURED IN THE MINIMUM

1 AMOUNT AS REQUIRED BY THIS SUBCHAPTER.

2 Section ~~45~~ 10. Chapter 85 of Title 75 is amended by adding a <--
3 subchapter to read:

4 SUBCHAPTER D

5 OTHER AUTOMATED VEHICLES

6 Sec.

7 8531. Highly automated work zone vehicles.

8 8532. Platooning.

9 § 8531. Highly automated work zone vehicles.

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

15 § 8532. Platooning.

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

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

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

25 (d) Restrictions.--A platoon shall observe the following
26 restrictions:

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

28 (2) Vehicles in a platoon shall travel only on limited-
29 access highways or interstate highways, unless otherwise
30 permitted by the department or the Pennsylvania Turnpike

Commission, as applicable.

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

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

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

(e) Plan for general platoon operations.--

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

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

Section ~~16~~ 11. This act shall take effect as follows: <--

(1) This section shall take effect immediately.

(2) The amendment of 75 Pa.C.S. § 1106(b) shall take effect in one year.

(3) THE ADDITION OF 75 PA.C.S. § 3723 SHALL TAKE EFFECT <--
IN 60 DAYS.

~~(3)~~ (4) The addition of 75 Pa.C.S. § 8510.2 shall take <--
effect immediately.

~~(4)~~ (5) The remainder of this act shall take effect in <--

1 ~~180~~ 240 days.

<--