

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 965 Session of 2022

INTRODUCED BY LANGERHOLC, SCAVELLO, FONTANA, STEFANO, PITTMAN, SCHWANK, MENSCH, DiSANTO, AUMENT, ROBINSON, COSTA AND VOGEL, JANUARY 5, 2022

SENATOR LANGERHOLC, TRANSPORTATION, AS AMENDED, JANUARY 26, 2022

AN ACT

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

27 The General Assembly of the Commonwealth of Pennsylvania
28 hereby enacts as follows:

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

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

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

8 * * *

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

15 * * *

16 "Highly automated vehicle." A motor vehicle equipped with an
17 ADS AND OWNED BY A FIRM, COPARTNERSHIP, ASSOCIATION, CORPORATION <--
18 OR RESEARCH INSTITUTION.

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

20 (1) ~~Drives or is in actual physical control of a highly~~ <--
21 ~~automated vehicle located on board the~~ PERFORMS ALL OR PART <--
22 OF THE DYNAMIC DRIVING TASK FOR A highly automated vehicle
23 LOCATED ON BOARD in the driver's position or in a remote <--
24 location.

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

27 * * *

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

1 Automotive Engineers (SAE) International in April 2021.

2 * * *

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

6 § 1106. Content and effect of certificate of title.

7 * * *

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

12 * * *

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

14 [or]

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

18 (12) a highly automated vehicle.

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

23 * * *

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

27 § 3317. Platooning.

28 * * *

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

1 * * *

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

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

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

17 Section 4. Sections 3742, 3743, 3744, 3745, 3746, 4103, 4702
18 and 4921 of Title 75 are amended by adding subsections to read:
19 § 3742. Accidents involving death or personal injury.

20 * * *

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

29 * * *

30 § 3743. Accidents involving damage to attended vehicle or

1 property.

2 * * *

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

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

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

20 * * *

21 § 3744. Duty to give information and render aid.

22 * * *

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

24 (1) If a vehicle under subsection (a) is a highly
25 automated vehicle operating with an ADS engaged or without a
26 highly automated vehicle driver on board, the requirements of
27 this section are satisfied if the owner or registrant of the
28 highly automated vehicle, a person on behalf of the owner or
29 registrant or the highly automated vehicle immediately
30 contacts the nearest office of a duly authorized police

1 department to report the accident and communicates the
2 registration and financial responsibility information for the
3 highly automated vehicle to the police department.

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

10 * * *

11 § 3745. Accidents involving damage to unattended vehicle or
12 property.

13 * * *

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

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

27 (2) The highly automated vehicle shall remain at the
28 scene of the accident or as close thereto as possible until a
29 police officer confirms to the owner or registrant of the
30 highly automated vehicle, or a person on behalf of the owner

1 or registrant, that the requirements of section 3744 are
2 fulfilled.

3 * * *

4 § 3746. Immediate notice of accident to police department.

5 * * *

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

14 * * *

15 § 4103. Promulgation of vehicle equipment standards.

16 * * *

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

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

24 (2) are not relevant for an ADS.

25 § 4702. Requirement for periodic inspection of vehicles.

26 * * *

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

1 (relating to promulgation of vehicle equipment standards).

2 * * *

3 § 4921. Width of vehicles.

4 * * *

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

13 * * *

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

16 § 8501. Definitions.

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

20 * * *

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

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

30 (1) Lateral vehicle motion control via steering.

1 (2) Longitudinal motion control via acceleration and
2 deceleration.

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

6 (4) Object and event response execution.

7 (5) Maneuver planning.

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

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

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

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

24 Section 6. Title 75 is amended by adding ~~sections~~ A SECTION <--
25 to read:

26 § 8501.1. Construction.

27 ~~Nothing in this chapter shall be construed to prohibit a~~ <--

28 EXCEPT FOR THE PROVISIONS OF SECTION 8510.1 (RELATING TO <--
29 REGULATIONS), NOTHING IN THIS CHAPTER SHALL BE CONSTRUED TO:

30 (1) PROHIBIT A highly automated vehicle driver from

1 operating a highly automated vehicle to control all or part
2 of the DDT-; OR <--

3 (2) PROHIBIT A HIGHLY AUTOMATED VEHICLE FROM OPERATING
4 WITHOUT A HIGHLY AUTOMATED VEHICLE DRIVER.

5 SECTION 6.1. SECTION 8503 OF TITLE 75 IS AMENDED BY ADDING A
6 SUBSECTION TO READ:

7 § 8503. HIGHLY AUTOMATED VEHICLE ADVISORY COMMITTEE.

8 * * *

9 (J) SPECIAL REPORTS.--BEGINNING AS SOON AS PRACTICABLE, BUT
10 NO LATER THAN 18 MONTHS AFTER THE EFFECTIVE DATE OF THIS
11 SECTION, THE ADVISORY COMMITTEE SHALL PROVIDE SPECIAL REPORTS TO
12 THE GENERAL ASSEMBLY, AND POST THE REPORTS ON THE DEPARTMENT'S
13 PUBLICLY ACCESSIBLE INTERNET WEBSITE, THAT:

14 (1) EVALUATE THE BENEFITS AND IMPLICATIONS TO THE
15 COMMONWEALTH'S WORKFORCE.

16 (2) EVALUATE IMPROVEMENTS TO ACCESSIBILITY AND MOBILITY
17 FOR PERSONS WITH DISABILITIES.

18 SECTION 6.2. TITLE 75 IS AMENDED BY ADDING SECTIONS TO READ:

19 § 8504. Operation of highly automated vehicles without a highly
20 automated vehicle driver ~~on board~~. <--

21 A highly automated vehicle with an ADS engaged ~~or without,~~ <--
22 INCLUDING a highly automated vehicle WITHOUT A HIGHLY AUTOMATED <--
23 VEHICLE driver ~~on board~~ may operate on highways if the following <--
24 apply:

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

30 (2) If required under Federal law, the highly automated

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

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

12 ~~(4) The highly automated vehicle driver in a remote~~ <--
13 ~~location is licensed to operate a motor vehicle under this~~
14 ~~title.~~

15 § 8505. Operation of highly automated vehicles with a highly
16 automated vehicle driver on board. <--

17 The highly automated vehicle driver on board OR IN A REMOTE <--
18 LOCATION must be properly licensed under this title to operate
19 the appropriate type and class of motor vehicle on highways.

20 § 8506. Operation of highly automated motor carrier vehicles.

21 A highly automated vehicle that is also a motor carrier
22 vehicle requiring a commercial driver's license under section
23 1606 (relating to requirement for commercial driver's license)
24 may operate on highways with an ADS engaged or without a highly
25 automated vehicle driver on board. The highly automated vehicle
26 shall operate under Federal and State laws governing commercial
27 drivers AND THE OPERATION OF COMMERCIAL MOTOR VEHICLES, except <--
28 any provision which by its nature reasonably applies only to a
29 driver shall not apply to a highly automated vehicle with an ADS <--
30 engaged or without a highly automated vehicle driver on board.

1 This section shall not apply to a school bus.

2 § 8507. Operation of highly automated transportation network
3 service.

4 If a transportation network service is authorized under the
5 laws of this Commonwealth, a highly automated vehicle with an
6 ADS engaged or without a highly automated vehicle driver on
7 board may operate in a transportation network service or in
8 combination with other authorized vehicles in the transportation
9 network service. Any provision of law which by its nature
10 reasonably applies only to a driver shall not apply to a highly
11 automated vehicle with an ADS engaged or without a highly
12 automated vehicle driver on board while logged onto a digital
13 network of a transportation network service.

14 § 8508. Licensing and registration.

15 The following shall apply:

16 (1) The ADS is considered the driver of a highly
17 automated vehicle when the ADS is engaged for the purpose of
18 assessing compliance under this title and is considered to be
19 a driver licensed to operate the motor vehicle under section
20 1501 (relating to drivers required to be licensed). If a
21 police officer must issue a citation, a police officer shall
22 cite the owner or registrant of the highly automated vehicle.

23 (2) The highly automated vehicle driver in a remote
24 location is considered the driver of a highly automated
25 vehicle for the purpose of assessing compliance under this
26 title and is considered to be a driver licensed to operate
27 the motor vehicle under section 1501. If a police officer
28 issues a citation, a police officer shall cite the highly
29 automated vehicle driver.

30 (3) The requirements under this title relating to

1 exhibiting a driver's license and registration card are
2 satisfied if a vehicle registration card is in the highly
3 automated vehicle, physically or electronically and available
4 for inspection by a police officer.

5 § 8509. Insurance.

6 Before a highly automated vehicle with an ADS engaged or
7 without a highly automated vehicle driver on board operates on
8 highways, the owner of the highly automated vehicle shall submit
9 proof of financial responsibility to the department self-
10 certifying that the highly automated vehicle is covered by
11 insurance or proof of self-insurance in an amount not to exceed <--
12 ~~\$5,000,000~~ THE MINIMUM AMOUNT OF \$1,000,000, which shall satisfy <--
13 the applicable laws of this Commonwealth.

14 § 8510. Control.

15 In accordance with section 6101 (relating to applicability
16 and uniformity of title), this chapter preempts and supersedes
17 all ordinances relating to highly automated vehicles. A
18 political subdivision of the Commonwealth may not adopt or
19 enforce a policy, rule or ordinance that sets standards or
20 otherwise burdens, prohibits, limits or regulates the operation
21 of a highly automated vehicle.

22 § 8510.1. Regulations.

23 (a) General rule.--In order to facilitate the prompt
24 implementation of this subchapter, the department may promulgate
25 regulations or publish guidelines which are consistent with this
26 title. THAT INCLUDES THE FOLLOWING: <--

27 (1) THE PROCESS FOR RECEIPT REVIEW, AND APPROVAL OF A
28 REQUEST FOR A HIGHLY AUTOMATED VEHICLE TESTING AUTHORIZATION
29 WITH OR WITHOUT A HIGHLY AUTOMATED VEHICLE DRIVER ON BOARD.

30 (2) THE PROCESS FOR RECEIPT AND REVIEW OF A SELF-

1 CERTIFICATION PRIOR TO COMMERCIAL DEPLOYMENTS OF A HIGHLY
2 AUTOMATED VEHICLE. THE DEPARTMENT MUST PROVIDE A RESPONSE
3 WITHIN 30 DAYS.

4 (3) THE TYPE AND AMOUNT OF INFORMATION THAT IS NECESSARY
5 FOR ADEQUATE REVIEW OF AND RESPONSE TO EACH STAGE OF REQUEST
6 FOR TESTING APPROVAL OR COMMERCIAL DEPLOYMENT.

7 (4) THE PROCESS AN EMERGENCY SERVICE RESPONDER MUST
8 FOLLOW WHEN A HIGHLY AUTOMATED VEHICLE WITHOUT A HIGHLY
9 AUTOMATED VEHICLE DRIVER ON BOARD IS INVOLVED IN AN EMERGENCY
10 RESPONSE AREA.

11 (A.1) GUIDELINES.--THE DEPARTMENT SHALL CONSULT WITH THE
12 ADVISORY COMMITTEE BEFORE PUBLISHING GUIDELINES UNDER SUBSECTION
13 (A).

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

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

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

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

30 (c) Publication.--The department shall transmit any

1 temporary regulations promulgated under subsection (b) to the
2 Legislative Reference Bureau for publication in the Pennsylvania
3 Bulletin.

4 Section 7. This act shall take effect in 90 days.