

SENATE BILL No. 546

By Committee on Federal and State Affairs

3-7

1 AN ACT concerning motor vehicles; relating to autonomous motor
2 vehicles; providing for the use and regulation thereof; establishing the
3 autonomous vehicle advisory committee; amending K.S.A. 2021 Supp.
4 8-2106 and 8-2204 and repealing the existing sections.
5

6 *Be it enacted by the Legislature of the State of Kansas:*

7 New Section 1. As used in sections 1 through 10, and amendments
8 thereto, unless the context otherwise requires:

9 (a) "ADS-equipped vehicle" means a motor vehicle equipped with an
10 automated driving system.

11 (b) "Automated driving system" or "ADS" means the hardware and
12 software collectively capable of performing the entire dynamic driving
13 task on a sustained basis, regardless of whether the system is limited to a
14 specific operational design domain, if any.

15 (c) "Conventional human driver" means a natural person who
16 manually controls the in-vehicle accelerating, braking, steering and
17 transmission gear selection input devices in order to operate a motor
18 vehicle.

19 (d) "Department" means the department of transportation.

20 (e) "Driverless-capable vehicle" means an ADS-equipped vehicle
21 capable of performing the entire dynamic driving task within the
22 automated driving system's operational design domain, if any, including,
23 but not limited to, achievement of a minimal risk condition without
24 intervention or supervision by a conventional human driver.

25 (f) (1) "Dynamic driving task" means all real-time operational and
26 tactical functions required to operate a motor vehicle on a highway in
27 traffic within an automated driving system's specific operational design
28 domain, if any.

29 (2) "Dynamic driving task" does not include any strategic function
30 such as trip scheduling or the selection of destinations and waypoints.

31 (g) "Minimal risk condition" means a reasonably safe state to which
32 an automated driving system brings an ADS-equipped vehicle upon
33 experiencing a performance-relevant failure of the system that renders the
34 system unable to perform the entire dynamic driving task, including, but
35 not limited to, removing the vehicle to the nearest shoulder if the vehicle is
36 capable of doing so, bringing the vehicle to a complete stop and activating

1 the vehicle's emergency signal lamps.

2 (h) "On-demand driverless-capable vehicle network" means a
3 transportation network company as defined in K.S.A. 8-2702, and
4 amendments thereto, that uses a software application or other digital
5 means to dispatch driverless-capable vehicles for the purposes of
6 transporting persons or goods, including, but not limited to, transportation
7 for hire and public transportation.

8 (i) "Operational design domain" means a set of operating conditions
9 under which a given ADS or ADS feature is specifically designed to
10 function. "Operational design domain" includes, but is not limited to,
11 environmental, geographical and time-of-day restrictions or the requisite
12 presence or absence of certain traffic or roadway characteristics.

13 (j) "Transportation for hire" means all transportation of property or
14 passengers made available by a person for compensation.

15 New Sec. 2. (a) A driverless-capable vehicle may operate on the
16 public highways of this state without a conventional human driver with the
17 automated driving system engaged if the vehicle meets all of the following
18 conditions:

19 (1) The vehicle is capable of achieving a minimal risk condition if a
20 malfunction of the automated driving system occurs that renders the
21 system unable to perform the entire dynamic driving task within the
22 system's intended operational design domain, if any;

23 (2) while in driverless operation, the vehicle is capable of operating in
24 compliance with the applicable traffic and motor vehicle safety laws and
25 regulations of this state that govern the performance of the dynamic
26 driving task, unless an exemption has been granted to the vehicle by the
27 department;

28 (3) when required by federal law, the vehicle bears the required
29 manufacturer's certification label indicating that at the time of manufacture
30 the vehicle has been certified to be in compliance with all applicable
31 federal motor vehicle safety standards, including any reference to any
32 exception granted by the national highway traffic safety administration;
33 and

34 (4) a conventional human driver shall be required to be physically
35 present in every driverless-capable vehicle placed into service in Kansas
36 for the first year from the date that such entity places a driverless-capable
37 vehicle into service in this state.

38 (b) Prior to operating a driverless-capable vehicle on the public roads
39 of this state without a conventional human driver, the owner of such
40 driverless-capable vehicle shall submit a law enforcement interaction plan
41 to the department of transportation that describes:

42 (1) How to communicate with a fleet support specialist who is
43 available during the times the vehicle is in operation;

1 (2) how to safely remove the driverless-capable vehicle from the
2 roadway and steps to safely tow the vehicle;

3 (3) how to recognize whether the driverless-capable vehicle is in
4 autonomous mode; and

5 (4) any additional information the manufacturer or owner deems
6 necessary regarding hazardous conditions or public safety risks associated
7 with the operation of the driverless-capable vehicle.

8 (c) (1) The operation of an ADS-equipped vehicle capable of
9 performing the entire dynamic driving task within the automated driving
10 system's operational design domain on the public highways of this state
11 while a conventional human driver is present and expected to respond to a
12 request to intervene shall be lawful. During such operation, the
13 conventional human driver shall possess a valid driver's license pursuant to
14 K.S.A. 8-234b, and amendments thereto, and shall be subject to the
15 required insurance, self-insurance or other financial security required
16 pursuant to K.S.A. 40-3104, and amendments thereto. The conventional
17 human driver shall operate the ADS-equipped vehicle according to the
18 manufacturer's requirements and specifications and shall regain manual
19 control of the vehicle when prompted by the automated driving system.

20 (2) An automated driving system, while engaged, shall be designed to
21 operate within the system's operational design domain in compliance with
22 the applicable traffic and motor vehicle safety laws and regulations of this
23 state that govern the performance of the dynamic driving task, unless an
24 exemption has been granted to the vehicle by the department.

25 (d) Except as provided in this section, the motor vehicle laws of this
26 state shall not be construed to require a conventional human driver to
27 operate a driverless-capable vehicle that is being operated by an automated
28 driving system. The automated driving system, while engaged, shall be
29 deemed to fulfill any physical acts required of a conventional human
30 driver to perform the dynamic driving task.

31 New Sec. 3. Before an ADS-equipped vehicle is allowed to operate
32 on the public highways of this state, the owner shall obtain insurance, self-
33 insurance or other financial security coverage for the vehicle. An ADS-
34 equipped vehicle shall not operate on the highways of this state unless
35 insurance, self-insurance or other financial security coverage is in effect
36 for the vehicle and unless proof of coverage is carried in the vehicle
37 pursuant K.S.A. 40-3104, and amendments thereto.

38 New Sec. 4. In the event of an accident crash that would otherwise be
39 subject to K.S.A. 8-1602 through 8-1609, and amendments thereto, such
40 provisions shall not apply to a driverless-capable vehicle operating without
41 a conventional human driver if:

42 (a) The vehicle owner, or a person acting on behalf of the vehicle
43 owner, promptly contacts the applicable law enforcement agency to report

1 the accident;

2 (b) for a vehicle that has the capability of promptly alerting a law
3 enforcement agency or emergency services, the vehicle alerts a law
4 enforcement agency or emergency services to the crash; or

5 (c) the vehicle remains at the scene or in the immediate vicinity of the
6 crash until law enforcement arrives or vehicle registration and insurance
7 information is provided to the parties affected by the accident.

8 New Sec. 5. A person may operate an on-demand driverless-capable
9 vehicle network, with the exception that any provision of K.S.A. 8-2701 et
10 seq., and amendments thereto, that reasonably applies only to a
11 conventional human driver would not apply to the operation of a
12 driverless-capable vehicle with the automated driving system engaged on
13 an on-demand driverless-capable vehicle network. An on-demand
14 driverless-capable vehicle network may be used to facilitate the
15 transportation of persons or goods, including, but not limited to,
16 transportation for hire and public transportation. An on-demand driverless-
17 capable vehicle network may connect passengers to driverless-capable
18 vehicles either exclusively or as part of a digital network that also connects
19 passengers to conventional human drivers who provide transportation
20 services, pursuant to K.S.A. 8-2701 et seq., and amendments thereto, or
21 any other applicable laws, in vehicles that are not driverless-capable
22 vehicles.

23 New Sec. 6. (a) (1) Automated driving systems and ADS-equipped
24 vehicles shall be governed by:

25 (A) Sections 1 through 10, and amendments thereto; and

26 (B) all applicable traffic and motor vehicle safety laws.

27 (2) Automated driving systems and ADS-equipped vehicles shall be
28 regulated exclusively by the department.

29 (b) A political subdivision of the state shall not impose requirements,
30 including, but not limited to, performance standards specific to the
31 operation of ADS-equipped vehicles, automated driving systems or on-
32 demand driverless-capable vehicle networks that are in addition to the
33 requirements set forth pursuant to sections 1 through 10, and amendments
34 thereto. A political subdivision of the state shall not impose a tax on ADS-
35 equipped vehicles, automated driving systems or on-demand driverless-
36 capable vehicle networks if such tax relates specifically to the operation of
37 ADS-equipped vehicles, automated driving systems or on-demand
38 driverless-capable vehicle networks.

39 New Sec. 7. (a) A driverless-capable vehicle shall be properly
40 registered in accordance with K.S.A. 8-127, and amendments thereto. If a
41 driverless-capable vehicle is registered in this state, the vehicle shall be
42 identified on the registration as a fully autonomous vehicle.

43 (b) A driverless-capable vehicle shall be properly titled in accordance

1 with K.S.A. 8-135, and amendments thereto. If a driverless-capable
2 vehicle is titled in this state, the vehicle shall be identified on the title as a
3 driverless-capable vehicle.

4 New Sec. 8. A driverless-capable vehicle that is also a commercial
5 motor vehicle pursuant to K.S.A. 8-143m, and amendments thereto, may
6 operate pursuant to state laws governing the operation of commercial
7 motor vehicles, except that:

8 (a) Any provision that by its nature reasonably applies only to a
9 conventional human driver does not apply to such a vehicle operating with
10 the automated driving system engaged; and

11 (b) such a vehicle shall not carry hazardous materials as defined in
12 K.S.A. 48-904, and amendments thereto. The provisions of this subsection
13 do not apply to transporting articles and substances prepared in accordance
14 with 49 C.F.R. § 172.315 or that otherwise do not require placarding
15 pursuant to the federal hazardous materials regulations provided in 49
16 C.F.R. parts 100 through 110. The provision of this subsection shall expire
17 shall expire on January 1, 2025.

18 New Sec. 9. The uniform act regulating traffic on highways, to the
19 extent practicable, shall be interpreted and applied for the use of a
20 driverless-capable vehicle. Such provisions shall not require any additional
21 provisions, including, but not limited to, operation by a conventional
22 human driver seated in the vehicle.

23 New Sec. 10. (a) There is created the autonomous vehicle advisory
24 committee that will include the following members:

25 (1) Two members of the senate to be appointed by the president of the
26 senate;

27 (2) one member of the senate to be appointed by the minority leader
28 of the senate;

29 (3) two members of the house of representatives to be appointed by
30 the speaker of the house of representatives;

31 (4) one member of the house of representatives to be appointed by the
32 minority leader of the house of representatives;

33 (5) the director of vehicles or the director's designee;

34 (6) the secretary of transportation or the secretary's designee;

35 (7) the superintendent of the highway patrol or the superintendent's
36 designee;

37 (8) two members appointed by the governor from labor organizations;
38 and

39 (9) two members appointed by the governor from the autonomous
40 vehicle industry.

41 (b) The speaker of the house of representatives shall select one
42 member of the autonomous vehicle advisory committee who is a member
43 of the house of representatives to serve as co-chairperson of the advisory

1 committee. The president of the senate shall select one member of the
2 autonomous vehicle advisory committee who is a member of the senate to
3 serve as co-chairperson of the advisory committee.

4 (c) Members of the autonomous vehicle advisory committee shall
5 serve without compensation.

6 (d) The autonomous vehicle advisory committee may meet in an open
7 meeting at any time upon the call of either co-chairperson.

8 (e) On or before July 1, 2023, the autonomous vehicle advisory
9 committee shall submit to the governor, president of the senate and
10 speaker of the house of representatives a report of activities and any
11 recommendations regarding the use or regulation of autonomous motor
12 vehicles in this state.

13 (f) The provisions of this section shall expire on July 1, 2023.

14 Sec. 11. K.S.A. 2021 Supp. 8-2106 is hereby amended to read as
15 follows: 8-2106. (a) A law enforcement officer may prepare and deliver to
16 a person a written traffic citation on a form approved by the division of
17 motor vehicles, if the law enforcement officer stops the person for a
18 violation of:

19 (1) The uniform act regulating traffic on highways, which violation is
20 a misdemeanor or a traffic infraction;

21 (2) K.S.A. 8-262, 8-287, 8-2,144, 8-1599, 40-3104, 40-3106, 41-715,
22 41-724, 41-727, 47-607, 66-1,111, 66-1,129, 66-1,139, 66-1,140, 66-273,
23 66-1314, 66-1324, 66-1330, 66-1331, 66-1332, 68-2104, 68-2106 or
24 ~~subsection (b) of K.S.A. 79-34,122(b), or K.S.A. 2021 Supp. subsection~~
25 ~~(a) of 21-5607(a), 21-5810, 21-5815, 21-5816, subsection (a) of 21-~~
26 ~~5817(a) or 21-6203, and amendments thereto;~~

27 (3) K.S.A. 31-155, and amendments thereto, involving transportation
28 of bottle rockets;

29 (4) K.S.A. 66-1314 or 66-1328, and amendments thereto, and any
30 rules and regulations adopted pursuant thereto;

31 (5) any rules and regulations adopted pursuant to K.S.A. 2-1212, 68-
32 2001 or 31-146, and amendments thereto;

33 (6) any rules and regulations adopted pursuant to K.S.A. 31-133, and
34 amendments, thereto relating to transportation of materials or fuel; ~~or~~

35 (7) K.S.A. 8-1343 through 8-1347, and amendments thereto, relating
36 to the child passenger safety act; or

37 (8) K.S.A. 8-2501 through 8-2507, and amendments thereto, relating
38 to the safety belt use act.

39 (b) The citation shall contain a notice to appear in court, the name and
40 address of the person, the type of vehicle the person was driving, whether
41 hazardous materials were being transported, whether an accident occurred,
42 the state registration number of the person's vehicle, if any, a statement
43 whether the vehicle is a commercial vehicle, whether the person is

1 licensed to drive a commercial motor vehicle, the offense or offenses
2 charged, the time and place when and where the person shall appear in
3 court, the signature of the law enforcement officer; and any other pertinent
4 information.

5 (c) The time specified in the notice to appear shall be at least five
6 days after the alleged violation unless the person charged with the
7 violation demands an earlier hearing.

8 (d) The place specified in the notice to appear shall be before a judge
9 of the district court within the county in which the offense is alleged to
10 have been committed.

11 (e) Except in the circumstances to which ~~subsection (a) of K.S.A. 8-~~
12 ~~2104(a)~~, and amendments thereto, apply, in the discretion of the law
13 enforcement officer, a person charged with a misdemeanor may give
14 written promise to appear in court by signing at least one copy of the
15 written citation prepared by the law enforcement officer, in which event
16 the law enforcement officer shall deliver a copy of the citation to the
17 person and shall not take the person into physical custody.

18 (f) When a person is charged with a traffic infraction, the notice to
19 appear shall provide a place where the person may make a written entry of
20 appearance, waive the right to a trial and plead guilty or no contest. Such
21 notice to appear shall contain a provision that the person's failure to either
22 pay such fine and court costs or appear at the specified time may result in
23 suspension of the person's drivers' license as provided in K.S.A. 8-2110,
24 and amendments thereto. The notice to appear shall provide a space where
25 the law enforcement officer shall enter the appropriate fine specified in the
26 uniform fine schedule contained in K.S.A. 8-2118, and amendments
27 thereto, for the violation charged and court costs in the amount provided
28 by law. If the notice to appear does not do so, the law enforcement officer
29 shall provide a person charged with a traffic infraction a form explaining
30 the person's right to appear and right to a trial and the person's right to pay
31 the appropriate fine and court costs prior to the appearance date. The law
32 enforcement officer shall provide the person with the address of the court
33 to which the written entry of appearance, waiver of trial, plea of guilty or
34 no contest and payment of fine and court costs shall be mailed.

35 (g) Any officer violating any of the provisions of subsection (f) is
36 guilty of misconduct in office and shall be subject to removal from office.

37 (h) *A law enforcement officer shall deliver the written traffic citation*
38 *to a person charged with a traffic infraction to the owner of the driverless-*
39 *capable vehicle operating without a conventional human driver as such*
40 *terms are defined by section 1, and amendments thereto, by sending the*
41 *citation by certified mail to the address of the owner.*

42 Sec. 12. K.S.A. 2021 Supp. 8-2204 is hereby amended to read as
43 follows: 8-2204. This act shall be known and may be cited as the uniform

1 act regulating traffic on highways. The uniform act regulating traffic on
2 highways includes ~~K.S.A. 8-1560a through 8-1560d~~; all sections located in
3 articles 10, 14 through 22 and 25 of chapter 8 of the Kansas Statutes
4 Annotated; *and amendments thereto*, K.S.A. 8-1,129, 8-1,130a, 8-1428a,
5 ~~8-1560a through 8-1560d, 8-1599, 8-1742a; and 8-2118 and K.S.A. 8-~~
6 ~~1599~~, and amendments thereto, *and sections 1 through 10, and*
7 *amendments thereto*.

8 Sec. 13. K.S.A. 2021 Supp. 8-2106 and 8-2204 are hereby repealed.

9 Sec. 14. This act shall take effect and be in force from and after its
10 publication in the statute book.