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MEMORANDUM

To: House Committee on Transportation
From: Office of Revisor of Statutes
Date: March 28, 2022
Subject: Bill Brief – SB 546

Summary

SB 546 authorizes and regulates the use of autonomous motor vehicles.

Section 1 – Defines terms used in the bill.

Section 2 – Grants driverless-capable vehicles the ability to operate without a human driver if:

- (1) The vehicle is capable of achieving a minimal risk condition
- (2) the vehicle is capable of operating in compliance with the applicable traffic and motor vehicle safety laws and regulations of this state;
- (3) the vehicle bears the required manufacturer's certification label;
- (4) the driverless-capable vehicle cannot exceed 34,000 pounds on tandem axles, but this provision expires on July 1, 2025;
- (5) a conventional human driver shall be required to be physically present in every driverless-capable vehicle that provides transportation network company services for the first 24 consecutive months; and
- (6) a conventional human driver was present in the vehicle for the first consecutive twelve months for the entity placing vehicles into service in this state except for a person that operates a vehicle not intended for human occupancy or that lack manual controls for operation by a conventional driver.

Owners of driverless-capable vehicles are required to submit a law enforcement interaction plan to “an agency that operates 24 hours a day and seven days a week” that contains:

- (1) How to communicate with a fleet support specialist who is available during the times the vehicle is in operation;
- (2) information regarding safety considerations for first responders in dealing with a driverless-capable vehicle as a result of collision or fire;
- (3) how to recognize whether the driverless-capable vehicle is in autonomous mode; and
- (4) any additional information the manufacturer or owner deems necessary regarding hazardous conditions or public safety risks associated with the operation of the driverless-capable vehicle.

The bill requires that if a conventional human driver is present, such person shall possess a valid driver's license and shall be subject to the insurance requirements as required by law.

Section 3 – Requires the owner of an ADS-equipped vehicle to obtain insurance or financial security prior to operating the ADS-equipped vehicle in the state.

Section 4 – Establishes the requirements for driverless-capable vehicles in the event of an accident. Certain reporting requirements would not apply to such driverless-capable vehicles if the vehicle remains at the scene or immediate vicinity of the crash until law enforcement arrives or vehicle registration and insurance information is provided to the parties affected by the accident and either:

- (1) The vehicle owner or the owner's agent promptly contacts law enforcement agency to report the accident; or
- (2) in the case of a vehicle that can promptly alert a law enforcement agency or emergency services to the crash, and the vehicle alerts a law enforcement agency "by the government departments that regulate operation and ownership of conventional human drivers."

Section 5 – Allows for the operation of an on-demand driverless-capable vehicle that can be used to transport persons or goods.

Section 6 – Establishes that automated driving systems and ADS-equipped vehicles shall be subject to applicable traffic and motor vehicle safety laws and violations are enforceable as if the vehicle has a licensed human driver on board. Additional language was added in the Senate

Committee to allow “governmental departments” to adopt rules and regulations implementing sections 1 through 10 only for those provisions under the jurisdiction of the governmental department when regulating operation and ownership of conventional human driven vehicles. Political subdivisions are prohibited from imposing requirements or taxes on ADS-equipped vehicles.

Section 7 – Requires driverless-capable vehicles to be properly registered and titled under Kansas law.

Section 8 – Allows for the operation of a driverless-capable vehicle as a commercial motor vehicle except such vehicles shall not carry hazardous materials.

Section 9 – Establishes that the Uniform Act Regulating Traffic on Highways would apply to the extent practicable for driverless-capable vehicles.

Section 10 – States that driverless-capable vehicles that are designed to be operated exclusively by the automated driving system for all trips are not subject to motor vehicle equipment laws or regulations that support motor vehicle operation by a human driver such as mirrors or windshield wipers and those that are not relevant for an automated driving system.

Section 11 – Establishes the Autonomous Vehicle Advisory Committee. The Committee is required to submit a report on or before July 1, 2023, and each July 1 thereafter, with recommendations regarding the use or regulation of autonomous motor vehicles in the state.

Section 12 – Amends K.S.A. 8-2106 by providing that the owner is considered the operator of the driverless-capable vehicle when the ADS is engaged and that law enforcement shall deliver a written citation for a traffic infraction of a driverless-capable vehicle operating without a conventional driver by mailing the citation by certified mail to the address of the owner.

Section 13 – Amends K.S.A. 8-2204 and includes New Sections 1-10 of the bill as part of the Uniform Act Regulating Traffic on Highways