Sixty-sixth Legislative Assembly of North Dakota
In Regular Session Commencing Thursday, January 3, 2019

HOUSE BILL NO. 1418
(Representative D. Ruby)
(Senator Rust)

AN ACT to create and enact chapter 8-12 and section 39-01-01.2 of the North Dakota Century Code, relating to automated vehicle network companies and autonomous vehicle operations.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Chapter 8-12 of the North Dakota Century Code is created and enacted as follows:

8-12-01. Definitions.

As used in the chapter:

1. "Autonomous vehicle" means a vehicle equipped with an automated driving system.

2. "Client" means a person requesting service from an on-demand autonomous vehicle network. The term includes a passenger, a shipper, as defined by section 41-07-02, a person entitled under the document, as defined by section 41-07-02, or similar individual or commercial enterprise.

3. "On-demand autonomous vehicle network" means a transportation service network that uses a software application or other digital means to dispatch or otherwise enable the prearrangement of transportation with autonomous vehicles for purposes of transporting persons or goods, including for-hire transportation, transportation for compensation, and public transportation.

8-12-02. General provisions.

1. Notwithstanding any other provision of law, a person may operate an on-demand autonomous vehicle network. An on-demand autonomous vehicle network may provide transportation of persons or goods, including:

   a. For-hire transportation;

   b. Public transportation; and

   c. Transportation for multiple passengers who agree to share the ride.

2. An on-demand autonomous vehicle network may connect passengers to autonomous vehicles without human drivers in compliance with subdivision a of subsection 3 of section 39-01-01.2 exclusively, or subdivision b of subsection 3 of section 39-01-01.2 as part of a digital network that also connects passengers to human drivers who provide transportation services, consistent with applicable law.

3. Unless otherwise provided in this chapter and notwithstanding any other provision of law, autonomous vehicles and automated driving systems without human drivers are governed by subsection 3 of section 39-01-01.2.

   a. A state agency or political subdivision may not impose requirements, including performance standards specific to the operation of an autonomous vehicle or automated driving systems without human drivers in compliance with subsection 3 of section 39-01-01.2.

b. A state or local agency or political subdivision may not impose a tax, fee, or other requirement specific to the operation of an autonomous vehicle that is in compliance with subsection 3 of section 39-01-01.2, an automated driving system, or an on-demand vehicle network. This prohibition does not affect vehicle registration and titling fees otherwise required by law.

4. This chapter may not be construed to modify, limit, or restrict any statutory provision affecting liability, including chapter 26.1-40, 26.1-41, 28-01.3, 32-03.2, or 39-16.1.

SECTION 2. Section 39-01-01.2 of the North Dakota Century Code is created and enacted as follows:

39-01-01.2. Autonomous vehicle operations.

1. As used in this section:

   a. "Automated driving system" means hardware and software collectively capable of performing the entire dynamic driving task for the vehicle on a sustained basis when installed on a motor vehicle and engaged regardless of whether it is limited to a specific operational design domain.

   b. "Autonomous vehicle" means a vehicle equipped with an automated driving system.

   c. "Dynamic driving task" means all of the real-time operational and tactical functions required to operate a vehicle in on-road traffic within the vehicle's specific operational design domain, if any, excluding the strategic functions such as trip scheduling and selection of destinations and waypoints.

   d. "Human driver" means an individual with a valid license to operate a motor vehicle who manually exercises in-vehicle braking, accelerating, steering, and transmission gear selection input devices to operate a vehicle.

   e. "Minimal risk condition" means a low-risk operating mode in which an autonomous vehicle operating without a human driver achieves a reasonably safe state, such as bringing the vehicle to a complete stop, upon experiencing a failure of the vehicle's automated driving system that renders the vehicle unable to perform the entire dynamic driving task.

   f. "Operational design domain" means a description of the specific operating domain in which an automated driving system is designed to properly operate, including roadway types, speed range, environmental conditions, and other domain constraints.

2. An autonomous vehicle must be capable of operating in compliance with all applicable federal and state law, except to the extent exempted under applicable federal or state law, and may operate on the public highways of this state in full compliance with all vehicle registration, title, insurance, and all other applicable requirements under this title.

3. An autonomous vehicle with automated driving systems engaged does not require a human driver to operate on the public highway if the autonomous vehicle is capable of achieving a minimal risk condition in case a system failure occurs which renders the automated driving system unable to perform the entire dynamic driving task relevant to the vehicle's intended operational design domain.

4. An individual using an autonomous vehicle is not driving or in actual physical control of the autonomous vehicle and, therefore, is exempt from licensing requirements if:

   a. The automated driving system is completing the entire dynamic driving task; and

b. The autonomous vehicle is capable of achieving a minimal risk condition if a system failure occurs that renders the automated driving system unable to perform the entire dynamic driving task relevant to the vehicle's intended operational design domain.

5. This section may not be construed to modify, limit, or restrict any statutory provision affecting liability, including chapter 26.1-40, 26.1-41, 28-01.3, 32-03.2, or 39-16.1.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-sixth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1418.

House Vote:	Yeas 85	Nays 6	Absent 3
Senate Vote:	Yeas 47	Nays 0	Absent 0

Chief Clerk of the House

Received by the Governor at 3:39 PM. on April 5, 2019.

Approved at 7:49 PM. on April 10, 2019.

Governor

Filed in this office this 11th day of April, 2019,

at 10:08 o'clock A. M.

Secretary of State