

# ASSEMBLY, No. 4573

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED OCTOBER 15, 2018

**Sponsored by:**

**Assemblyman ANDREW ZWICKER**

**District 16 (Hunterdon, Mercer, Middlesex and Somerset)**

**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

**Assemblyman JAMEL C. HOLLEY**

**District 20 (Union)**

**Co-Sponsored by:**

**Assemblywoman Jones and Assemblyman Karabinchak**

**SYNOPSIS**

Establishes fully autonomous vehicle pilot program.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 2/8/2019)**

1 AN ACT establishing a fully autonomous vehicle pilot program and  
2 supplementing Title 39 of the Revised Statutes.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6

7 1. As used in this act:

8 “Automated driving system” means the hardware and software  
9 that are collectively capable of performing the entire dynamic  
10 driving task on a sustained basis, regardless of whether the  
11 automated driving system is limited to a specific operational design  
12 domain.

13 “Autonomous vehicle manufacturer” means: a person or entity  
14 that builds or sells fully autonomous vehicles; a person or entity  
15 that installs automated driving systems in motor vehicles that are  
16 not originally built as fully autonomous vehicles; or a person or  
17 entity that develops automated driving systems in fully autonomous  
18 vehicles or motor vehicles that are not originally built as fully  
19 autonomous vehicles.

20 “Autonomous vehicle tester” means an autonomous vehicle  
21 manufacturer, institution of higher education, fleet service provider,  
22 or automotive equipment or technology provider.

23 “Chief administrator” means the Chief Administrator of the New  
24 Jersey Motor Vehicle Commission.

25 “Commission” means the New Jersey Motor Vehicle  
26 Commission.

27 “Department” means the Department of Transportation.

28 “Dynamic driving task” means the real-time operational and  
29 tactical functions required to operate a motor vehicle on highways,  
30 excluding the strategic functions such as trip scheduling and  
31 selection of destinations and waypoints.

32 “Fleet service provider” means a person or entity that owns or  
33 leases a fully autonomous vehicle and operates the fully  
34 autonomous vehicle for commercial or public use.

35 “Fort Monmouth” means the formerly federally owned and  
36 operated military installation located in the municipalities of the  
37 Borough of Eatontown, Borough of Oceanport, and Borough of  
38 Tinton Falls under the jurisdiction of the Fort Monmouth Economic  
39 Revitalization Authority, established pursuant to P.L.2010, c.51  
40 (C.52:27I-18 et seq.).

41 “Fully autonomous vehicle” means a motor vehicle that is  
42 equipped with an automated driving system, designed to function  
43 without an operator, and has a level of automation that is classified  
44 as a level four automation or level five automation.

45 “Highway” has the same meaning as provided in R.S.39:1-1.

46 “Institution of higher education” has the same meaning as  
47 provided in section 2 of P.L.1977, c.123 (C.18A:68-11.2).

48 “Level five automation” means the operation of a vehicle by an  
49 automated driving system that performs all aspects of the dynamic

1 driving task under all roadway and environmental conditions that  
2 can be managed by an operator.

3 “Level four automation” means the operation of a vehicle by an  
4 automated driving system that performs all aspects of the dynamic  
5 driving task even if the operator does not respond appropriately to a  
6 request by the automated driving system to promptly begin or  
7 resume performance of the dynamic driving task.

8 “Operational design domain” means the specific conditions  
9 under which an automated driving system is designed to function,  
10 including, but not limited to, geographic, roadway, environmental,  
11 and speed limitations.

12 “Operator” means the person seated in the driver’s seat of a fully  
13 autonomous vehicle.

14

15 2. a. The New Jersey Motor Vehicle Commission, in  
16 consultation with the Department of Transportation, shall establish  
17 a one-year pilot program to be known as the “New Jersey Fully  
18 Autonomous Vehicle Pilot Program” to allow autonomous vehicle  
19 testers to operate fully autonomous vehicles on the highways of the  
20 State. The pilot program shall commence 90 days following the  
21 effective date of this act. The commission shall require an  
22 autonomous vehicle tester to submit an application to the  
23 commission for approval to participate in the pilot program, in a  
24 form and manner determined by the commission. An autonomous  
25 vehicle shall not be tested or operated in the State unless the  
26 autonomous vehicle tester has been authorized by the commission  
27 to participate in the pilot program and complies with the provisions  
28 of this act.

29 b. The commission shall enter into a written agreement with  
30 each autonomous vehicle tester participating in the pilot program,  
31 which shall, at a minimum:

32 (1) specify the locations and routes where fully autonomous  
33 vehicles may operate, which shall include a provision authorizing  
34 the operation of fully autonomous vehicles on the highways within  
35 the boundaries of Fort Monmouth;

36 (2) prohibit the operation of fully autonomous vehicles outside  
37 such locations and routes except in the case of an emergency;

38 (3) identify each fully autonomous vehicle that will be operated  
39 by the identification number, make, year, and model of the fully  
40 autonomous vehicle; and

41 (4) specify the hours during which fully autonomous vehicles  
42 may be operated.

43 c. An autonomous vehicle tester shall not operate a fully  
44 autonomous vehicle in the State unless:

45 (1) the operator: is seated in the driver’s seat of the fully  
46 autonomous vehicle; is monitoring the operation of the fully  
47 autonomous vehicle; is capable of taking immediate manual control  
48 of the fully autonomous vehicle; is an employee, independent  
49 contractor, or other person designated and trained by the

1 autonomous vehicle tester concerning the capabilities and  
2 limitations of the fully autonomous vehicle; and is a holder of a  
3 valid basic driver's license;

4 (2) the autonomous vehicle tester: registers each fully  
5 autonomous vehicle to be operated with the commission; and  
6 submits to the commission, in a manner and form determined by the  
7 commission, proof of liability insurance, self-insurance, or a surety  
8 bond of at least \$5,000,000 for damages by reason of bodily injury,  
9 death, or property damage caused by the fully autonomous vehicle;  
10 and

11 (3) the operator and autonomous vehicle tester: comply with any  
12 provision of Title 39 of the Revised Statutes or any other law of this  
13 State concerning the operation of a motor vehicle; comply with  
14 standards established by the National Highway Traffic Safety  
15 Administration regarding fully autonomous vehicles; and satisfy  
16 any other requirement as determined by the chief administrator, in  
17 consultation with the Commissioner of Transportation, as necessary  
18 to ensure the safe operation of fully autonomous vehicles in the  
19 State.

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21 3. The chief administrator may immediately prohibit an  
22 operator or autonomous vehicle tester from operating a fully  
23 autonomous vehicle if the chief administrator determines that the  
24 operation of a fully autonomous vehicle by the operator or  
25 autonomous vehicle tester poses a risk to public safety or that the  
26 operator or autonomous vehicle tester fails to comply with the  
27 provisions of this act or with the requirements of the pilot program.

28

29 4. An autonomous vehicle tester that participates in the pilot  
30 program shall provide information to the chief administrator that  
31 the chief administrator deems to be appropriate for measuring the  
32 performance of the pilot program. The autonomous vehicle tester  
33 may withhold any commercially valuable, confidential, or  
34 proprietary information.

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36 5. No later than six months after completion of the one-year  
37 pilot program, the chief administrator shall submit to the Governor  
38 and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the  
39 Legislature a report that evaluates the pilot program and includes  
40 recommendations that facilitate the safe integration of fully  
41 autonomous vehicles on the highways of this State.

42

43 6. The commission shall adopt, in consultation with the  
44 department and pursuant to the "Administrative Procedure Act,"  
45 P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations to  
46 effectuate the purposes of this act.

1       7. This act shall take effect immediately and shall expire upon  
2 the submission of the report required to be submitted pursuant to  
3 section 5 of this act.

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STATEMENT

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7       This bill requires the New Jersey Motor Vehicle Commission  
8 (commission), in consultation with the Department of  
9 Transportation to establish a one-year “New Jersey Fully  
10 Autonomous Vehicle Pilot Program.” The pilot program is to  
11 commence 90 days following the bill’s effective date and is to allow  
12 autonomous vehicle testers to operate fully autonomous vehicles on  
13 the highways of this State.

14       The commission is to enter into a written agreement with each  
15 autonomous vehicle tester participating in the pilot program that is  
16 to, at a minimum, (1) specify the locations and routes where fully  
17 autonomous vehicles may operate and is to include a provision  
18 authorizing the operation of fully autonomous vehicles on the  
19 highways within the boundaries of Fort Monmouth, as that term is  
20 defined in the bill; (2) prohibit the operation of fully autonomous  
21 vehicles outside of these locations and routes except in the case of  
22 an emergency; (3) identify each fully autonomous vehicle that will  
23 be operated by the identification number, make, year, and model of  
24 the fully autonomous vehicle; and (4) specify the hours during  
25 which fully autonomous vehicles may be operated. In order for an  
26 autonomous vehicle tester to operate a fully autonomous vehicle in  
27 the State, the operator of the fully autonomous vehicle, the  
28 autonomous vehicle tester, and the operator and autonomous  
29 vehicle tester are to comply with certain requirements specified in  
30 the bill.

31       The bill authorizes the Chief Administrator of the New Jersey  
32 Motor Vehicle Commission (chief administrator) to prohibit an  
33 operator or autonomous vehicle tester from operating a fully  
34 autonomous vehicle if the chief administrator determines that the  
35 operation of a fully autonomous vehicle by the operator or  
36 autonomous vehicle tester poses a risk to public safety or the  
37 operator or autonomous vehicle tester fails to comply with the  
38 provisions of the bill or the requirements of the pilot program. The  
39 bill requires an autonomous vehicle tester that participates in the  
40 pilot program to provide information to the chief administrator that  
41 the chief administrator deems appropriate for measuring the  
42 performance of the pilot program. The chief administrator is  
43 required, within six months from the end of the pilot program, to  
44 submit to the Governor and Legislature a report evaluating the pilot  
45 program. The provisions of the bill are to expire upon submission  
46 of the report.