**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 12 TO TITLE 56 SO AS TO DEFINE THE TERM “AUTONOMOUS VEHICLE” AND OTHER TERMS RELATED TO THE MANUFACTURE AND OPERATION OF AN “AUTONOMOUS VEHICLE”, AND TO PROVIDE A PROCEDURE FOR THE TESTING AND OPERATION OF AUTONOMOUS VEHICLES IN THIS STATE.

Whereas, the purpose of this act is to insure public safety in the research and development of the fledgling autonomous vehicle industry by setting forth a statutory framework that protects the public while encouraging research, innovation, and economic development opportunities within South Carolina in coordination with other national and global initiatives. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Title 56 of the 1976 Code is amended by adding:

“CHAPTER 12

Autonomous Vehicles

Section 56‑12‑10. As used in this chapter:

(1) ‘Autonomous technology’ means technology that has the capability to drive a vehicle without the active physical control or monitoring by a human operator.

(2) ‘Autonomous vehicle’ means any vehicle equipped with autonomous technology that has been integrated into that vehicle. An autonomous vehicle does not include a vehicle that is equipped with one or more collision avoidance systems, including, but not limited to, electronic blind spot assistance, automated emergency braking systems, park assist, adaptive cruise control, lane keep assist, lane departure warning, traffic jam and queuing assist, or other similar systems that enhance safety or provide driver assistance, but are not capable, collectively or singularly, of driving the vehicle without the active control or monitoring of a human operator.

(3) ‘Department’ means the Department of Motor Vehicles.

(4) An ‘operator’ of an autonomous vehicle means the person who is seated in the driver’s seat, or if there is no person in the driver’s seat, causes the autonomous technology to engage.

(5) A ‘manufacturer’ of autonomous technology means the person that originally manufactures a vehicle and equips autonomous technology on the originally completed vehicle or, in the case of a vehicle not originally equipped with autonomous technology by the vehicle manufacturer, the person that modifies the vehicle by installing autonomous technology to convert it to an autonomous vehicle after the vehicle was originally manufactured.

Section 56‑12‑20. An autonomous vehicle may be operated on a public highway for testing purposes by a driver who possesses the proper class of license for the type of vehicle being operated if all of the following requirements are met:

(1) The autonomous vehicle is being operated on a public highway in this State solely by employees, contractors, or other persons designated by the manufacturer of the autonomous technology.

(2) The driver is seated in the driver’s seat, monitoring the safe operation of the autonomous vehicle, and capable of taking over immediate manual control of the autonomous vehicle in the event of an autonomous technology failure or other emergency.

(3) Prior to the start of testing in this State, the manufacturer performing the testing shall obtain an instrument of insurance, surety bond, or proof of self‑insurance in the amount of five million dollars, and shall provide evidence of the insurance, surety bond, or self‑insurance to the department in the form and manner required by the department pursuant to the regulations adopted pursuant to Section 56‑12‑80.

Section 56‑12‑30. Except as provided in Section 56‑12‑20, an autonomous vehicle shall not be operated on a public highway until the manufacturer submits an application to the department, and that application is approved by the department pursuant to the regulations adopted under Section 56‑12‑80. The application shall contain, at a minimum, a certification by the manufacturer that the autonomous vehicle:

(1) has a mechanism to engage and disengage the autonomous technology that is easily accessible to the operator;

(2) has a visual indicator inside the cabin to indicate when the autonomous technology is engaged;

(3) has a system to safely alert the operator if an autonomous technology failure is detected while the autonomous technology is engaged, and when an alert is given, the system shall do either of the following:

(a) require the operator to take control of the autonomous

vehicle; or

(b) if the operator does not or is unable to take control of the autonomous vehicle, the autonomous vehicle shall be capable of coming to a complete stop;

(4) has a certification that the manufacturer has tested the autonomous technology on a public highway and has complied with the testing standards, if any, established by the department pursuant to Section 56‑12‑80; and

(5) has a certification that the manufacturer will maintain a surety bond, or proof of self‑insurance as specified in regulations adopted by the department pursuant to Section 56‑12‑80, in an amount of five million dollars.

Section 56‑12‑40. The autonomous vehicle shall allow the operator to take control in multiple manners, including, without limitation, through the use of the brake, the accelerator pedal, or the steering wheel, and it shall alert the operator that the autonomous technology has been disengaged.

Section 56‑12‑50. The autonomous vehicle’s autonomous technology must meet Federal Motor Vehicle Safety Standards for the vehicle’s model year and all other applicable safety standards and performance requirements set forth in state and federal law and the regulations promulgated pursuant to those laws.

Section 56‑12‑60. The autonomous technology shall not make inoperative any Federal Motor Vehicle Safety Standards for the vehicle’s model year and any other applicable safety standards and performance requirements contained in state and federal law, and the regulations promulgated pursuant to those laws.

Section 56‑12‑70. The autonomous vehicle must have a separate mechanism, in addition to, and separate from, any other mechanism required by law, to capture and store the autonomous technology sensor data for at least thirty seconds before a collision occurs between the autonomous vehicle and another vehicle, object, or natural person while the vehicle is operating in autonomous mode. The autonomous technology sensor data must be captured and stored in a read‑only format by the mechanism so that the data is retained until extracted from the mechanism by an external device capable of downloading and storing the data. The data shall be preserved for three years after the date of the collision.

Section 56‑12‑80. By January 1, 2015, the department shall adopt regulations setting forth requirements for the submission of evidence of insurance, surety bond, or self‑insurance required by Section 56‑12‑20, and the submission and approval of an application to operate an autonomous vehicle pursuant to Section 56‑12‑30. The regulations shall include any testing, equipment, and performance standards, in addition to those established for purposes of Section 56‑12‑20, that the department considers necessary to ensure the safe operation of autonomous vehicles on public highways, with or without the presence of a driver inside the vehicle. In developing these regulations, the department may consult with any other entity identified by the department that has expertise in automotive technology, automotive safety, and autonomous system design. The department may establish additional requirements by the adoption of regulations, which it determines, in consultation with

the Department Public Safety, are necessary to ensure the safe operation of autonomous vehicles on public highways, including, but not limited to, regulations regarding the aggregate number of deployments of autonomous vehicles on the State’s public highways, regulations for the registration of autonomous vehicles, new license requirements for operators of autonomous vehicles, and regulations for revocation, suspension, or denial of a license or an approval of license issued pursuant to this chapter.

Section 56‑12‑90. The department shall hold public hearings on the adoption of any regulation applicable to the operation of an autonomous vehicle without the presence of a driver inside the vehicle.

Section 56‑12‑100. The department shall approve an application submitted by a manufacturer pursuant to Section 56‑12‑30 if it finds that the applicant has submitted all information and completed testing necessary to satisfy the department that the autonomous vehicle is safe to operate on a public highway and the applicant has complied with all requirements specified in the regulations adopted by the department.

Section 56‑12‑110. Notwithstanding Section 56‑12‑100, if the application seeks approval for autonomous vehicles capable of operating without the presence of a driver inside the vehicle, the department may impose additional requirements it considers necessary to ensure the safe operation of these vehicles, and may require the presence of a driver in the driver’s seat of these vehicles if it determines, based on its review pursuant to Section 56‑12‑100, that this requirement is necessary to ensure the safe operation of these vehicles on a public highway. The department shall notify the Senate Transportation Committee and the House Education and Public Works Committee of the receipt of an application from a manufacturer seeking approval to operate an autonomous vehicle capable of operating without the presence of a driver inside the vehicle and approval of the application. Approval of the application shall be effective no sooner than one hundred eighty days after the date the application is submitted.

Section 56‑12‑120. Nothing in this chapter shall limit or expand the existing authority to operate autonomous vehicles on a public highway, until one hundred twenty days after the department adopts the regulations required by Section 56‑12‑80.

Section 56‑12‑130. Federal regulations promulgated by the National Highway Traffic Safety Administration shall supersede the provisions of this chapter when found to be in conflict with any other state law or regulation.

Section 56‑12‑140. The manufacturer of the autonomous technology installed on a vehicle shall provide a written disclosure to the purchaser of an autonomous vehicle that describes any information collected by the autonomous technology equipped on the vehicle. The department may promulgate regulations to assess a fee upon a manufacturer that submits an application pursuant to Section 56‑12‑30 to operate autonomous vehicles on a public highway in an amount necessary to recover all costs reasonably incurred by the department to process the application.”

SECTION 2. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑