**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 2, TITLE 56 SO AS TO ENACT THE “SOUTH CAROLINA AUTONOMOUS VEHICLE ACT”, WHICH PROVIDES FOR THE OPERATION OF AUTONOMOUS MOTOR VEHICLES ALONG THE STATE’S HIGHWAYS.

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

SECTION 1. Chapter 2, Title 56 of the 1976 Code is amended by adding:

“Article 3

Autonomous Motor Vehicles

Section 56‑2‑3110. This article shall be known and cited as the ‘South Carolina Autonomous Vehicle Act’.

Section 56‑2‑3120. An autonomous motor vehicle shall not be operated on a public roadway in this State in automatic mode unless it is fully compliant with the provisions of this article.

Section 56‑2‑3130. For purposes of this article, the following words and phrases are defined as follows:

(1) ‘Autonomous technology’ means technology which is installed on a motor vehicle and which has the capability to drive the motor vehicle without the active control or monitoring of a human operator. The term does not include an active safety system or a system for driver assistance, including without limitation, a system to provide electronic blind spot detection, crash avoidance, emergency braking, parking assistance, adaptive cruise control, lane keeping assistance, lane departure warning, or traffic jam and queuing assistance, unless any such system, alone or in combination with any other system, enables the vehicle on which the system is installed to be driven without the active control or monitoring of a human operator. The department may by regulation add to the list of ‘active safety system or a system of driver assistance’ technologies that demonstrate a high level of safety, or generate wide acceptance as safe throughout the automotive industry, or both. In addition, nothing in this definition shall be construed to limit technologies approved by the federal government.

(2) ‘Autonomous motor vehicle’ means a motor vehicle that is equipped with autonomous technology that has been integrated into the motor vehicle. The autonomous vehicle must comply with requirements contained in this article.

(3) ‘Automatic mode’ means the mode of operating an autonomous motor vehicle when autonomous technology is engaged to enable the motor vehicle to operate without any control or monitoring by an operator.

(4) ‘Department’, unless otherwise specified, means the South Carolina Department of Motor Vehicles.

(5) ‘Autonomous vehicle manufacturer’ means the person or entity that originally manufactures a vehicle and equips autonomous technology on the originally completed vehicle.

(6) ‘Autonomous technology manufacturer’ means a manufacturer or producer of one or more components or subcomponent systems, including software program producers, that develops or produces autonomous technology as defined in this article that is incorporated into an autonomous vehicle.

(7) ‘Vehicle upfitter’ means the person or entity, that modifies the motor vehicle by installing autonomous technology to convert a motor vehicle into an autonomous motor vehicle after the motor vehicle was originally manufactured without autonomous technology by the original manufacturer.

(8) ‘Operator’ means the properly qualified human being in the autonomous vehicle that meets the further requirements of this article and that person must be positioned to monitor the autonomous vehicle’s performance, and if necessary, immediately assume control of the autonomous vehicle’s operation.

(9) ‘Public roadway’ means public rights‑of‑way under the jurisdiction of the federal, state or local government. Expressly excluded from this definition are roads, closed routes, test tracks or otherwise specifically designated roads that are ‘grade separated’ from vehicular, pedestrian, or animal traffic at either elevated or ground levels regardless of ownership that are at that time dedicated to the purpose of operating, testing, development, training and experimentation with automated vehicle or autonomous vehicle technology.

Section 56‑2‑3140. (A) An autonomous vehicle may not be operated on a public roadway of this State unless registered with the department. It must not be registered in this State unless the autonomous vehicle meets all state and federal laws, standards and regulations that are applicable to an autonomous motor vehicle as determined by the department.

(B) An autonomous vehicle must not be tested or operated on a public roadway within this State unless the autonomous vehicle is:

(1) equipped with a means to engage and disengage the autonomous technology which is easily accessible to the human operator of the autonomous vehicle;

(2) equipped with a visual indicator located inside the autonomous vehicle which indicates when autonomous technology is operating the autonomous vehicle;

(3) equipped with a means to alert the human operator to take manual control of the autonomous vehicle if a failure of the autonomous technology has been detected and the failure affects the ability of the autonomous technology to operate the autonomous vehicle safely; and

(4) capable of being operated in compliance with the applicable motor vehicle laws, traffic laws, and regulations of this State and the federal government.

(C) The autonomous vehicle must be labeled clearly as an autonomous vehicle with easily readable lettering of no less than eight inches in height on all exterior sides of the vehicle, except top and bottom. The lettering must, at a minimum include the words in capital letters, ‘SELF‑DRIVING VEHICLE’.

(D) The autonomous vehicle must have a distinctive special license plate as designated and issued by the department.

Section 56‑2‑3150. In addition to the requirements of the Motor Vehicle Financial Responsibility Act contained in Chapter 9 of this title, before a person or entity begins testing or operating an autonomous vehicle in autonomous mode on a public roadway of this State, either the manufacturer of autonomous technology installed in a motor vehicle under this section, or the manufacturer of autonomous technology performing that research or testing: (1) shall submit proof of financial responsibility to the department that is acceptable to the department in the total amount of $5,000,000; or (2) make a cash deposit or post and maintain a surety bond or other acceptable form of security with the department in the amount of $5,000,000.

Section 56‑2‑3160. (A) The operator of an autonomous vehicle must:

(1) be certified by the manufacturer of the autonomous vehicle; and

(2) possess a driver’s license endorsement from the department for the operation of an autonomous vehicle on the roadways of this State. The driver’s license endorsement described in this section must recognize the fact that a person is authorized to actively operate an autonomous vehicle.

(B) Nothing in this article prohibits an operator from being charged with, convicted of, found responsible for, ordered to pay a fine or costs, or punished for a violation of law arising out of his operation of the autonomous vehicle under his control.

(C) Neither the operator, nor any other party, whether it is a person or entity, is exempt from civil liability by virtue of this article.

Section 56‑2‑3170. (A) As soon as practicable, but no later than January 1, 2016, the department shall adopt regulations carrying forth the requirements of this article and such further items as shall be enumerated herein. The regulations shall:

(1) take appropriate steps to protect the public in its interaction with autonomous vehicles and prevent crashes, while promoting research and development of autonomous vehicle technology;

(2) provide for the submission of certification of insurance, surety bond, or self‑insurance required by Section 56‑2‑3150;

(3) provide for the requirements, forms and procedures for the submission and approval of an application to operate an autonomous vehicle on a public roadway pursuant to Section 56‑2‑3140;

(4) establish driver’s license requirements and endorsements for the operation of an autonomous vehicle on the public roadways of this State. The driver’s license endorsement described in this item must recognize the fact that a person is not required to actively drive, but may simply be monitoring an autonomous vehicle;

(5) provide details for compliance for autonomous vehicle identification and appropriate display to the public;

(6) set forth autonomous vehicle license plating requirements as outlined in Section 56‑2‑3140(D)(4);

(7) foster efforts to maximize fuel efficiency; and

(8) encourage development of Vehicle to Vehicle (V2V) technologies to coordinate highway safety and avoid traffic congestion.

(B) The regulation shall include any testing, equipment, and performance standards, in addition to those established for purposes that the department concludes are necessary to ensure the safe operation of autonomous vehicles on public roads. In developing the regulations, the department shall consult with the South Carolina Department of Transportation.

(C) The department may establish additional requirements by the adoption of regulations, which it determines, in consultation with the Department of Public Safety, are necessary to ensure the safe operation of autonomous vehicles on public roads including, but not limited to, regulations regarding the aggregate number of deployments of autonomous vehicles on public roads, special rules for the registration of autonomous vehicles, new license requirements for operators of autonomous vehicles, and rules for revocation, suspension, or denial of any license or any approval issued pursuant to law or regulation.

Section 56‑2‑3180. The department shall approve an application submitted by a manufacturer if it finds that the applicant has submitted all information and completed testing necessary to satisfy the department that the autonomous vehicles are safe to operate on public roads and the applicant has complied with all requirements specified in the regulations adopted by the department pursuant to this article.

Section 56‑2‑3190. Federal regulations promulgated by the National Highway Traffic Safety Administration shall supersede the provisions of this article when found to be in conflict with any other state law or regulation.

Section 56‑2‑3200. A person who violates the provisions of this article is guilty of a misdemeanor, and upon conviction, must be fined five hundred dollars or imprisoned not more than thirty days.”

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

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