

Requested by Representative MCLAIN

**PROPOSED AMENDMENTS TO
HOUSE BILL 2770**

1 On page 1 of the printed bill, line 2, after “192.355,” insert “366.505,”.

2 In line 9, delete “13” and insert “13a”.

3 Delete lines 11 through 24.

4 Delete pages 2 through 4.

5 On page 5, delete lines 1 through 38 and insert:

6 **“SECTION 2. Definitions. As used in sections 2 to 13a of this 2019**

7 **Act:**

8 **“(1) ‘Automated driving system’ means the hardware and software**
9 **installed on a motor vehicle that are collectively capable of performing**
10 **the dynamic driving task on a sustained basis for at least part of the**
11 **motor vehicle’s trip.**

12 **“(2) ‘Automated mode’ means the status of a highly automated ve-**
13 **hicle when it is operating with the automated driving system engaged.**

14 **“(3) ‘Automated vehicle manufacturer’ means any person that**
15 **builds highly automated vehicles or installs automated driving systems**
16 **in motor vehicles that were not originally built as highly automated**
17 **vehicles.**

18 **“(4) ‘Conventional mode’ means the status of a highly automated**
19 **vehicle when it is under the active physical control of a natural person**
20 **operating the motor vehicle with the automated driving system dis-**
21 **engaged.**

1 “(5)(a) ‘Dynamic driving task’ means the real-time operational and
2 tactical functions required to operate a motor vehicle on a public
3 highway or on premises open to the public.

4 “(b) ‘Dynamic driving task’ includes but is not limited to monitor-
5 ing the driving environment and executing appropriate responses to
6 objects and events.

7 “(c) ‘Dynamic driving task’ does not include trip planning, includ-
8 ing decisions regarding whether, when and where to go or the route
9 to take.

10 “(6) ‘Highly automated vehicle’ means a motor vehicle equipped
11 with an automated driving system.

12 “(7) ‘Minimal risk condition’ means a condition to which an
13 onboard operator, a remote operator or an automated driving system
14 may bring a highly automated vehicle to reduce the risk of a collision
15 when a given trip cannot or should not be completed.

16 “(8)(a) ‘Onboard operator’ means a natural person who is seated in
17 a highly automated vehicle and is able to assume control of and op-
18 erate the highly automated vehicle.

19 “(b) ‘Onboard operator’ includes a remote operator who is seated
20 in the highly automated vehicle.

21 “(9) ‘Operational design domain’ means the conditions for which a
22 highly automated vehicle is specifically designed to function, including
23 but not limited to environmental, geographic and time-of-day re-
24 strictions, and the requisite presence or absence of certain traffic or
25 roadway characteristics.

26 “(10) ‘Remote operator’ means a natural person who is not seated
27 in a position to physically engage in-vehicle braking, accelerating,
28 steering and transmission gear selection input devices but is able to
29 assume control of and operate the highly automated vehicle remotely.

30 “(11) ‘Testing operator’ means an onboard operator or a remote

1 operator of a test vehicle, whether the vehicle is in automated mode
2 or conventional mode.

3 “(12) ‘Test vehicle’ means a highly automated vehicle that is
4 undergoing testing described in section 4 of this 2019 Act.

5 **“SECTION 3. Levels of driving automation.** The Department of
6 Transportation, by rule, taking into consideration the recommen-
7 dations in the Society of Automotive Engineers’ ‘Taxonomy and Defi-
8 nitions for Terms Related to Driving Automation Systems for On-Road
9 Motor Vehicles, Standard J3016,’ June 2018 Edition, shall define the
10 driving automation levels of automated driving systems.

11 **“SECTION 4. Testing highly automated vehicles.** An automated ve-
12 hicle manufacturer tests a highly automated vehicle when the
13 manufacturer’s employees, contractors or designees operate a highly
14 automated vehicle on the highways of this state for the purpose of
15 assessing, demonstrating or validating the capabilities of the highly
16 automated vehicle’s automated driving system.

17 **“SECTION 5. Testing permit.** (1) Prior to testing highly automated
18 vehicles, as described in section 4 of this 2019 Act, an automated ve-
19 hicle manufacturer shall apply to the Department of Transportation
20 for a testing permit.

21 **“(2) An application submitted under this section may apply to the**
22 **manufacturer’s testing of one or more highly automated vehicles.**

23 **“(3) An application submitted under this section must:**

24 **“(a) Establish, at a minimum, that:**

25 **“(A) Each highly automated vehicle and automated driving system**
26 **meets all requirements of section 7 of this 2019 Act; and**

27 **“(B) Each highly automated vehicle will be operated only in the**
28 **manner prescribed by sections 2 to 13a of this 2019 Act and any rules**
29 **adopted by the department under sections 2 to 13a of this 2019 Act; and**

30 **“(b) Include, at a minimum, the following:**

1 **“(A) Contact information of the automated vehicle manufacturer,**
2 **any other testing entity, registered agents and facility.**

3 **“(B) Vehicle information for each highly automated vehicle, in-**
4 **cluding vehicle identification number, year, make, model, license plate**
5 **number, vehicle type and driving automation level as defined by the**
6 **department under section 3 of this 2019 Act.**

7 **“(C) A description of the operational design domain of each highly**
8 **automated vehicle and the conditions under which testing will be**
9 **conducted, including the geographic testing area.**

10 **“(D) Testing operator information, including name, date of birth,**
11 **driver license number and the name of the state that issued the li-**
12 **cense.**

13 **“(E) Information regarding the automated vehicle manufacturer’s**
14 **testing in any other jurisdictions.**

15 **“(F) Any additional information required by the department by rule.**

16 **“(4) An automated vehicle manufacturer must submit each of the**
17 **following with an application submitted under this section:**

18 **“(a) The testing permit fee described in subsection (5) of this sec-**
19 **tion.**

20 **“(b) Proof of liability insurance meeting at least the minimum fi-**
21 **nancial responsibility requirements under ORS chapter 806, and an**
22 **additional umbrella liability insurance policy in an amount of not less**
23 **than \$5 million per event.**

24 **“(c) A law enforcement and first responder interaction plan that**
25 **meets the requirements under section 10 of this 2019 Act.**

26 **“(d) The following self-certifications:**

27 **“(A) That each automated driving system is engineered to perform**
28 **in all real-world conditions in which the automated vehicle manufac-**
29 **turer intends to test the highly automated vehicles.**

30 **“(B) That each highly automated vehicle complies with all applica-**

1 ble Federal Motor Vehicle Safety Standards for new motor vehicles
2 and new motor vehicle equipment or, if not, that an exemption has
3 been granted by the National Highway Traffic Safety Administration
4 or by provision of federal law.

5 “(C) That each highly automated vehicle is capable of complying
6 with all state vehicle laws or, if not, that an exemption has been
7 granted by the department.

8 “(D) That each highly automated vehicle is capable of complying
9 with all state rules of the road within its operational design domain.

10 “(E) That each highly automated vehicle has a mechanism to en-
11 gage and disengage the automated driving system that is easily ac-
12 cessible to the testing operator.

13 “(F) That each highly automated vehicle has an indicator inside the
14 cabin to indicate when the automated driving system is engaged.

15 “(G) That a testing operator will be ready to assume control or have
16 the highly automated vehicle achieve minimal risk condition at all
17 times.

18 “(H) That each highly automated vehicle meets all appropriate and
19 applicable current industry standards or policies to defend against,
20 detect and respond to cyberattacks, unauthorized intrusions or false
21 vehicle control commands.

22 “(I) That each testing operator meets the requirements under sec-
23 tion 8 of this 2019 Act.

24 “(J) That each highly automated vehicle is capable of complying
25 with all local rules of the road within its operational design domain.

26 “(5)(a) A testing permit fee is \$3,600 and is due when an automated
27 vehicle manufacturer submits the testing permit application and when
28 the automated vehicle manufacturer renews the testing permit.

29 “(b) Each testing permit application or renewal is subject to one
30 testing permit fee, regardless of the number of highly automated ve-

1 hicles disclosed in the application or renewal.

2 “(6)(a) The department may approve an application for and issue a
3 testing permit under this section only if the automated vehicle man-
4 ufacturer has made all of the self-certifications required under sub-
5 section (4) of this section.

6 “(b) The department, at its discretion, may require an automated
7 vehicle manufacturer to provide nonconfidential documents and re-
8 cords supporting the automated vehicle manufacturer’s self-
9 certifications required under subsection (4) of this section.

10 “(7)(a) The department may deny an application for a testing permit
11 under this section and may suspend, revoke or refuse to renew any
12 testing permit issued under this section upon determining that the
13 applicant for or holder of the testing permit has done any of the fol-
14 lowing:

15 “(A) Used fraud or deception in attempting to obtain or in securing
16 the testing permit.

17 “(B) Failed to notify state police and city and local law enforcement
18 officials as required under section 9 of this 2019 Act.

19 “(C) Failed to maintain the amounts and types of insurance re-
20 quired under subsection (4) of this section.

21 “(D) Violated any provision of sections 2 to 13a of this 2019 Act or
22 any rules adopted by the department implementing sections 2 to 13a
23 of this 2019 Act.

24 “(b) The department’s denial of an application for a testing permit
25 or suspension, revocation or refusal to renew a testing permit issued
26 under this section is subject to review in the manner prescribed under
27 ORS chapter 183 for contested cases.

28 “(8) Prior to making any changes to a highly automated vehicle’s
29 driving automation level, adding any testing operators or altering any
30 testing conditions, including the geographic testing area, an auto-

1 mated vehicle manufacturer that has submitted an application for a
2 testing permit under this section shall provide notice of the changes
3 to the department and any local government, as defined in ORS
4 174.116, in whose jurisdiction the manufacturer will conduct testing.

5 “(9) A testing permit issued under this section expires two years
6 after the date of issuance.

7 “(10) A testing permit described in this section is in addition to and
8 not in lieu of any other registration, title or driving privileges required
9 to operate a vehicle on the highways of this state.

10 **SECTION 6. Rules.** (1) The Department of Transportation shall
11 adopt rules for testing highly automated vehicles under sections 2 to
12 13a of this 2019 Act.

13 “(2) The rules adopted under this section must prescribe the form
14 and requirements for applications under section 5 of this 2019 Act.

15 “(3) The rules adopted under this section may provide for renewal,
16 suspension, revocation or denial of testing permits issued under sec-
17 tion 5 of this 2019 Act.

18 “(4) The rules adopted under this section may not establish a new
19 class of license or endorsement for testing highly automated vehicles.

20 **SECTION 7. Test vehicle requirements.** A highly automated vehi-
21 cle may be tested on the highways of this state only if all of the fol-
22 lowing requirements are met:

23 “(1) The automated vehicle manufacturer has a valid testing permit
24 issued under section 5 of this 2019 Act.

25 “(2) The testing operator:

26 “(a) Meets all of the requirements under section 8 of this 2019 Act;

27 “(b) Is monitoring the operation of the highly automated vehicle
28 at all times and, in the event of a failure of the automated driving
29 system or other emergency, is capable of assuming immediate control
30 of the dynamic driving tasks as an onboard operator or as a remote

1 operator; and

2 “(c) Is seated in the driver’s seat of the highly automated vehicle
3 if the highly automated vehicle is equipped with an automated driving
4 system that has a driving automation system that requires a natural
5 person to be in the vehicle and prepared to respond if the vehicle re-
6 quests that the person intervene.

7 “(3) The highly automated vehicle is equipped with all of the fol-
8 lowing:

9 “(a) A mechanism to engage and disengage the automated driving
10 system that is easily accessible to the testing operator.

11 “(b) An indicator that informs the testing operator when the auto-
12 mated driving system is engaged.

13 “(c) A system to preserve and store data from a crash or similar
14 event in a manner and for a length of time defined by the Department
15 of Transportation by rule.

16 “(d) A failure alert system that:

17 “(A) Notifies the testing operator if a system failure is detected;

18 “(B) Clearly indicates when the automated driving system is disen-
19 gaged; and

20 “(C) Allows the testing operator to assume immediate control of the
21 highly automated vehicle, or to have the vehicle achieve minimal risk
22 condition, at all times.

23 “SECTION 8. Testing operators. (1) A person may be a testing op-
24 erator only if the person:

25 “(a) Is a natural person;

26 “(b) Is an employee, contractor or other designee of an automated
27 vehicle manufacturer;

28 “(c) Has passed a criminal background check; and

29 “(d) Meets any other requirements established by the Department
30 of Transportation by rule.

1 “(2)(a) A person may not be a testing operator if the person has
2 been convicted of a traffic crime or violation, or entered into a diver-
3 sion program for a traffic crime or violation, within a period of time
4 prescribed by the department by rule.

5 “(b) The department, by rule, shall identify the traffic crimes and
6 violations that disqualify a person from becoming a testing operator.
7 Disqualifying traffic crimes or violations under this subsection may
8 not include parking or pedestrian offenses or bicycling offenses, ex-
9 clusive of a conviction, or entry into a diversion program, for driving
10 under the influence of intoxicants.

11 “(3) A testing operator must possess the proper class of license or
12 endorsement for the type of highly automated vehicle being tested.

13 “(4) A testing operator is subject to the provisions applicable to, and
14 has the same rights and duties as, the operator of any other motor
15 vehicle operating on the highways of this state except:

16 “(a) Those provisions that by their very nature can have no appli-
17 cation.

18 “(b) When otherwise specifically provided under the Oregon Vehicle
19 Code.”.

20 In line 44, delete “issued” and insert “prescribed”.

21 On page 6, line 7, after “department” insert “, in consultation with the
22 Department of State Police,”.

23 In line 28, after “Transportation” insert “, in consultation with the De-
24 partment of State Police,”.

25 In line 43, delete “issued” and insert “prescribed by the Department of
26 Transportation”.

27 After line 45, insert:

28 “SECTION 13a. Exemption to state equipment requirements. The
29 Department of Transportation may grant an automated vehicle man-
30 ufacturer that is or will be testing a highly automated vehicle, as de-

1 **scribed in section 4 of this 2019 Act, an exemption to any state**
2 **equipment requirements under ORS chapter 815 or 816.”.**

3 On page 7, delete lines 22 through 25 and insert:

4 “(c) Shall prescribe the requirements for highly automated vehicle testing
5 permit stickers that distinguish passenger vehicles, as defined by the de-
6 partment by rule, that are test vehicles, as defined in section 2 of this 2019
7 Act, from other passenger vehicles.”.

8 On page 8, line 23, delete “13” and insert “13a”.

9 In line 25, delete “13” and insert “13a”.

10 On page 9, line 17, delete “Test” and insert “Testing”.

11 Delete lines 27 through 29 and insert:

12 “(b) Notwithstanding the exceptions under paragraph (a)(C) of this sub-
13 section, a testing operator shall ensure that a highly automated vehicle re-
14 mains at the scene of an accident described in ORS 811.700 or 811.710 until
15 a police officer has arrived and has received the information required under
16 ORS 811.700 or 811.710 or, if a police officer will not arrive at the scene of
17 the accident, until the information required under ORS 811.700 or 811.710 is
18 conveyed to the other driver or any other person who is entitled to receive
19 the information as a result of the accident.

20 “(c) As used in this subsection, ‘automated vehicle manufacturer,’ ‘highly
21 automated vehicle,’ ‘onboard operator’ and ‘testing operator’ have the
22 meanings given those terms in section 2 of this 2019 Act.”.

23 On page 11, delete lines 22 and 23 and insert:

24 “(19)(a) A person who has a valid testing permit issued under section 5
25 of this 2019 Act may test a highly automated vehicle, as described in section
26 4 of this 2019 Act.”.

27 On page 22, delete lines 36 through 38 and insert:

28 “(43)(a) Personal information, as defined in ORS 802.175, of highly auto-
29 mated vehicle testing operators reported to the Department of Transportation
30 as part of an application for a testing permit under section 5 of this 2019

1 Act.

2 “(b) As used in this subsection, ‘highly automated vehicle’ and ‘testing
3 operator’ have the meanings given those terms in section 2 of this 2019
4 Act.”.

5 Delete lines 44 and 45.

6 On page 23, delete lines 1 through 19 and insert:

7 **“SECTION 26. Notwithstanding ORS 670.335, civil penalties recov-
8 ered by the Department of Transportation under section 12 of this 2019
9 Act shall be deposited in the State Highway Fund established under
10 ORS 366.505.**

11 **“SECTION 26a.** ORS 366.505 is amended to read:

12 “366.505. (1) The State Highway Fund shall consist of:

13 “(a) All moneys and revenues derived under and by virtue of the sale of
14 bonds, the sale of which is authorized by law and the proceeds thereof to be
15 dedicated to highway purposes.

16 “(b) All moneys and revenues accruing from the licensing of motor vehi-
17 cles, operators and chauffeurs.

18 “(c) Moneys and revenues derived from any tax levied upon gasoline,
19 distillate, liberty fuel or other volatile and inflammable liquid fuels, except
20 moneys and revenues described in ORS 184.642 (2)(a) that become part of the
21 Department of Transportation Operating Fund.

22 “(d) Moneys and revenues derived from the road usage charges imposed
23 under ORS 319.885.

24 “(e) Moneys and revenues derived from the use tax imposed under ORS
25 320.410.

26 **“(f) Moneys and revenues derived from the civil penalties recovered
27 by the Department of Transportation under section 12 of this 2019 Act.**

28 **“[(f)] (g)** Moneys and revenues derived from or made available by the
29 federal government for road construction, maintenance or betterment pur-
30 poses.

1 “[(g)] (h) All moneys and revenues received from all other sources which
2 by law are allocated or dedicated for highway purposes.

3 “(2) The State Highway Fund shall be deemed and held as a trust fund,
4 separate and distinct from the General Fund, and may be used only for the
5 purposes authorized by law and is continually appropriated for such pur-
6 poses.

7 “(3) Moneys in the State Highway Fund may be invested as provided in
8 ORS 293.701 to 293.857. All interest earnings on any of the funds designated
9 in subsection (1) of this section shall be placed to the credit of the highway
10 fund.

11

12

“MISCELLANEOUS

13

14 “**SECTION 27. Applicability. Sections 2 to 13a and 14 of this 2019 Act**
15 **and the amendments to ORS 192.355, 366.505, 801.026, 805.200, 806.011,**
16 **806.012, 806.060, 806.080, 807.020, 807.570 and 811.507 by sections 15 to 24**
17 **and 26a of this 2019 Act do not apply to a motor vehicle solely by rea-**
18 **son that the motor vehicle has systems for collision avoidance, elec-**
19 **tronic blind spot detection, automatic emergency braking, parking**
20 **assist, adaptive cruise control, lane keeping assist, lane departure**
21 **warning or other similar systems that enhance safety or assist drivers**
22 **but that are not capable of operating the motor vehicle without the**
23 **active control or monitoring of a human operator.**

24 “**SECTION 28. Operative date. (1) Sections 2 to 13a, 14, 25 and 26 of**
25 **this 2019 Act and the amendments to ORS 192.355, 366.505, 801.026,**
26 **805.200, 806.011, 806.012, 806.060, 806.080, 807.020, 807.570 and 811.507 by**
27 **sections 15 to 24 and 26a of this 2019 Act become operative January 1,**
28 **2020.**

29 “(2) The Department of Transportation may take any action before
30 the operative date specified in subsection (1) of this section that is

1 **necessary for the department to exercise, on and after the operative**
2 **date specified in subsection (1) of this section, all of the duties, func-**
3 **tions and powers conferred on the department by sections 2 to 13a, 14,**
4 **25 and 26 of this 2019 Act and the amendments to ORS 192.355, 366.505,**
5 **801.026, 805.200, 806.011, 806.012, 806.060, 806.080, 807.020, 807.570 and**
6 **811.507 by sections 15 to 24 and 26a of this 2019 Act.”.**

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