

Sixty-sixth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1418

Introduced by

Representative D. Ruby

Senator Rust

1 A BILL for an Act to create and enact chapter 8-12 and section 39-01-01.2 of the North Dakota
2 Century Code, relating to automated vehicle network companies and autonomous vehicle
3 operations; ~~and to amend and reenact subsection 1 of section 39-06.1-08 of the North Dakota~~
4 ~~Century Code, relating to nonmoving violations.~~

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

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

8 **8-12-01. Definitions.**

9 As used in the chapter:

- 10 1. "Autonomous vehicle" means a vehicle equipped with an automated driving system.
- 11 2. "Client" means a person requesting service from an on-demand autonomous vehicle
12 network. The term includes a passenger, a shipper, as defined by section 41-07-02, a
13 person entitled under the document, as defined by section 41-07-02, or similar
14 individual or commercial enterprise.
- 15 3. "On-demand autonomous vehicle network" means a transportation service network
16 that uses a software application or other digital means to dispatch or otherwise enable
17 the prearrangement of transportation with autonomous vehicles for purposes of
18 transporting persons or goods, including for-hire transportation, transportation for
19 compensation, and public transportation.

20 **8-12-02. General provisions.**

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

- 1 b. Public transportation; and
- 2 c. Transportation for multiple passengers who agree to share the ride.
- 3 2. An on-demand autonomous vehicle network may connect passengers to autonomous
- 4 vehicles without human drivers in compliance with subdivision a of subsection 3 of
- 5 section 39-01-01.2 exclusively, or subdivision b of subsection 3 of section 39-01-01.2
- 6 as part of a digital network that also connects passengers to human drivers who
- 7 provide transportation services, consistent with applicable law.
- 8 3. Unless otherwise provided in this chapter and notwithstanding any other provision of
- 9 law, autonomous vehicles and automated driving systems without human drivers are
- 10 governed by subsection 3 of section 39-01-01.2.
- 11 a. A state agency or political subdivision may not impose requirements, including
- 12 performance standards specific to the operation of an autonomous vehicle or
- 13 automated driving systems without human drivers in compliance with
- 14 subsection 3 of section 39-01-01.2.
- 15 b. A state or local agency or political subdivision may not impose a tax, fee, or other
- 16 requirement specific to the operation of an autonomous vehicle that is in
- 17 compliance with subsection 3 of section 39-01-01.2, an automated driving
- 18 system, or an on-demand vehicle network. This prohibition does not affect vehicle
- 19 registration and titling fees otherwise required by law.
- 20 4. This chapter may not be construed to modify, limit, or restrict any statutory provision
- 21 affecting liability, including chapter 26.1-40, 26.1-41, 28-01.3, 32-03.2, or 39-16.1.

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

24 **39-01-01.2. Autonomous vehicle operations.**

- 25 1. As used in this section:
- 26 a. "Automated driving system" means hardware and software collectively capable of
- 27 performing the entire dynamic driving task for the vehicle on a sustained basis
- 28 when installed on a motor vehicle and engaged regardless of whether it is limited
- 29 to a specific operational design domain.
- 30 b. "Autonomous vehicle" means a vehicle equipped with an automated driving
- 31 system.

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

5 d. "Human driver" means an individual with a valid license to operate a motor
6 vehicle who ~~controls all or part of the dynamic driving task~~ manually exercises
7 in-vehicle braking, accelerating, steering, and transmission gear selection input
8 devices to operate a vehicle.

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

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

18 ~~g. "Operator" means an individual who drives or is in actual physical control of a~~
19 ~~motor vehicle upon a highway or who is exercising control over or steering a~~
20 ~~vehicle being towed by a motor vehicle.~~

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

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

1 4. An individual using an autonomous vehicle in which the automated driving system is
2 completing the entire dynamic driving task is not driving or in actual physical control of
3 the autonomous vehicle and, therefore, is exempt from licensing requirements- if:

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

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

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

11 ~~SECTION 3. AMENDMENT. Subsection 1 of section 39-06.1-08 of the North Dakota~~
12 ~~Century Code is amended and reenacted as follows:—~~

13 ~~— 1. A violation of section 39-04-11, subsection 1 of section 39-04-37 by an individual~~
14 ~~by becoming a resident of this state, subsection 4 of section 39-06-17, and section-~~
15 ~~39-06-44, 39-06-45, 39-10-47, 39-10-49, 39-10-50, 39-10-51, 39-10-54.1, 39-21-08,~~
16 ~~39-21-10, 39-21-11, or 39-21-14, or a violation of any municipal ordinance equivalent~~
17 ~~to the foregoing sections.~~