

SECOND REGULAR SESSION

# SENATE BILL NO. 811

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MUNZLINGER.

Pre-filed December 20, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5354S.011

## AN ACT

To repeal section 303.040, RSMo, and to enact in lieu thereof six new sections relating to automated driving systems.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 303.040, RSMo, is repealed and six new sections  
2 enacted in lieu thereof, to be known as sections 303.040, 304.920, 304.923,  
3 304.926, 304.929, and 304.932, to read as follows:

303.040. 1. The operator or owner of every motor vehicle which is  
2 involved in an accident within this state, including a nonresident operator or  
3 owner of a motor vehicle, or the owner of a legally or illegally parked car which  
4 is in any manner involved in an accident within this state, with an uninsured  
5 motorist, upon the streets or highways thereof, or on any publicly or privately  
6 owned parking lot or parking facility generally open for use by the public, in  
7 which any person is killed or injured or in which damage to property of any one  
8 person, including himself, in excess of five hundred dollars is sustained, and the  
9 owner or operator of every motor vehicle which is involved in an accident within  
10 this state if such owner or operator does not carry motor vehicle liability  
11 insurance shall, within thirty days after such accident, report the matter in  
12 writing to the director. Such report, the form of which shall be prescribed by the  
13 director, shall provide the operator with notice of the following:

14 (1) That it is the responsibility of the operator, not the state, to bring an  
15 action at law on the claim of the operator arising out of the accident;

16 (2) That the security deposited shall only be applied to the payment of a  
17 judgment against the person or persons on whose behalf the deposit was made;

18 (3) That the department of revenue shall return the deposit to the

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

19 depositor after the expiration of one year from the date of the accident, or as  
20 otherwise provided in section 303.060. In addition, the report shall contain such  
21 information as will enable the director to determine whether the requirements for  
22 the deposit of security under section 303.030 are inapplicable by reason of the  
23 existence of insurance or other exceptions specified in this chapter, or whether  
24 the required financial responsibility has been met by the owner or operator of the  
25 motor vehicle as required by section 303.025. The director may rely upon the  
26 accuracy of such information unless and until he has reason to believe that the  
27 information is erroneous. If such operator be physically incapable of making such  
28 report, the owner of the motor vehicle involved in such accident shall, within  
29 thirty days after learning of the accident, make such report. If the operator is  
30 also the owner and is incapable of filing such report as is required by this section,  
31 then the report will be filed as soon as the operator-owner is so capable. If the  
32 report is late by reason of incapability, a doctor's certificate must accompany the  
33 report certifying same. The operator or the owner shall furnish such additional  
34 relevant information as the director shall require.

35       **2. For purposes of this section, where a vehicle equipped with an**  
36 **automated driving system, as such term is defined in section 304.920,**  
37 **operating without a conventional human driver present is involved in**  
38 **an accident requiring a motor vehicle accident report to be made under**  
39 **this section, the owner or a person on behalf of the owner shall make**  
40 **such report within thirty days after learning of the accident and shall**  
41 **be deemed to be involved in the accident for purposes of this section.**

42       **3.** If any party involved in an accident files a report under this section,  
43 the director shall notify, within ten days after receipt of the report, all other  
44 parties involved in the accident as specified in the report that a report has been  
45 filed and such other parties shall then furnish, within ten days, the director with  
46 such information as the director may request.

47       **[3.] 4.** If any party involved in an accident in this state is a nonresident  
48 uninsured motorist, the nonresident uninsured operator or owner of the motor  
49 vehicle and any law enforcement agency responding to such accident shall report  
50 the involvement of an uninsured nonresident motorist in an accident occurring  
51 in this state to the director, and any resident operator or owner of a motor vehicle  
52 involved in an accident with an uninsured nonresident motorist may report such  
53 accident to the director in accordance with the provisions of subsections 1 and 2  
54 of this section.

304.920. As used in sections 304.920 to 304.932, the following  
2 terms shall mean:

3 (1) "Automated driving system" or "ADS", the hardware and  
4 software that are collectively capable of performing an entire dynamic  
5 driving task within its specific operational design domain independent  
6 of real-time input by a conventional human driver;

7 (2) "ADS-equipped vehicle", a vehicle equipped with an  
8 automated driving system, as defined in this section;

9 (3) "Driverless-capable vehicle", a vehicle equipped with an ADS  
10 capable of performing all aspects of the dynamic driving task within its  
11 operational design domain, including achieving a minimal risk  
12 condition, without any intervention or supervision by a conventional  
13 human driver;

14 (4) "Department", the department of revenue;

15 (5) "Dynamic driving task", the combination of all of the real-time  
16 functions required to operate a vehicle within its specific operational  
17 design domain, excluding strategic functions such as trip scheduling  
18 and selection of destinations and waypoints;

19 (6) "Minimal risk condition", a reasonably safe state to which an  
20 automated driving system brings an ADS-equipped vehicle that  
21 experiences a malfunction of the ADS that renders the vehicle unable  
22 to continue performing a dynamic driving task, such as bringing the  
23 vehicle to a complete stop and activating the hazard lamps;

24 (7) "Operational design domain", the conditions in which an ADS  
25 is designed to properly operate, including but not limited to roadway  
26 types, speed range, environmental conditions such as weather and  
27 lighting, and other constraints. An ADS-equipped vehicle with no such  
28 constraints shall be deemed to always be within its operational design  
29 domain.

304.923. 1. Operation on the public roads of this state of an ADS-  
2 equipped vehicle while a conventional human driver is present shall be  
3 lawful, subject to the laws and regulations of this state applicable to a  
4 conventional human driver and conventional motor vehicle of the same  
5 classification.

6 2. A driverless-capable vehicle may operate on the public roads  
7 of this state without a conventional human driver, provided the vehicle  
8 meets the following conditions:

9           (1) While in driverless operation, the vehicle is capable of  
10 achieving a minimal risk condition if a malfunction of the ADS occurs  
11 that renders the system unable to perform the entire dynamic driving  
12 task within the scope of its operational design domain;

13           (2) While in driverless operation, the vehicle is capable of  
14 operating in compliance with the applicable traffic and motor vehicle  
15 laws and regulations of this state, unless an exemption has been  
16 granted by the department;

17           (3) The ADS feature, while engaged, is designed to operate only  
18 within its operational design domain and in compliance with the  
19 applicable traffic and motor safety laws and regulations of this state,  
20 unless an exemption has been granted by the department; and

21           (4) The vehicle has been certified to be in compliance with all  
22 applicable federal motor vehicle safety standards, except to the extent  
23 an exemption has been granted under federal law.

24           3. Except as provided in this section, no motor vehicle laws of  
25 this state shall be construed as requiring a conventional human driver  
26 to operate a driverless-capable vehicle that is being operated by an  
27 automated driving system. The automated driving system of such  
28 vehicle, when engaged, shall be deemed to perform any physical acts  
29 required of a conventional human driver to perform the dynamic  
30 driving task.

          304.926. Before an ADS-equipped vehicle may operate on public  
2 roads in this state, a person shall submit to the department proof of  
3 financial responsibility, as defined in section 303.020, for the vehicle.

          304.929. 1. Notwithstanding any state or local law to the  
2 contrary, driverless-capable vehicles may provide transportation of  
3 persons or goods for compensation, including:

4           (1) For-hire transportation;

5           (2) Public transportation;

6           (3) Prearranged rides, as defined in section 387.400; and

7           (4) Transportation for multiple passengers who agree to share  
8 the ride in whole or in part.

9           2. An entity may connect passengers to driverless-capable  
10 vehicles exclusively or as part of a digital network that also connects  
11 passengers to human drivers who provide transportation services,  
12 consistent with applicable law, in vehicles that are not driverless-

13 **capable vehicles.**

2           **304.932. 1. Except where expressly referenced, vehicles equipped**  
3 **with an automated driving system are governed exclusively by sections**  
4 **304.920 to 304.932. The director of the department of revenue may**  
5 **promulgate rules necessary to implement these sections. The**  
6 **department shall be the sole agency that may implement the provisions**  
7 **of these sections. Any rule or portion of a rule, as that term is defined**  
8 **in section 536.010 that is created under the authority delegated in this**  
9 **section shall become effective only if it complies with and is subject to**  
10 **all of the provisions of chapter 536, and, if applicable, section**  
11 **536.028. This section and chapter 536 are nonseverable and if any of**  
12 **the powers vested with the general assembly pursuant to chapter 536,**  
13 **to review, to delay the effective date, or to disapprove and annul a rule**  
14 **are subsequently held unconstitutional, then the grant of rulemaking**  
15 **authority and any rule proposed or adopted after August 28, 2018, shall**  
16 **be invalid and void.**

17           **2. No political subdivision of this state shall impose a tax or**  
18 **other requirement, including performance standards, where such tax**  
19 **or other requirement relates specifically to the operation of ADS-**  
20 **equipped vehicles, automated driving systems, or transportation**  
21 **services provided under section 304.929.**

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