

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Autonomous vehicles.

Sponsored by: Joint Transportation, Highways & Military
Affairs Interim Committee

A BILL

for

1 AN ACT relating to motor vehicles; providing for the
2 regulation, registration and licensing of vehicles equipped
3 with an automated driving system; providing definitions;
4 authorizing a fee; creating an account; requiring
5 rulemaking; and providing for effective dates.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 31-21-101 through 31-21-110 are
10 created to read:

11

12

Chapter 21

1

AUTONOMOUS MOTOR VEHICLES

2

3

Article 1

4

AUTOMATED DRIVING SYSTEM REGULATION

5

6

31-21-101. Definitions.

7

8

(a) As used in this chapter:

9

10

(i) "Automated driving system data recorder" or "ADS data recorder" means a mechanism, in addition to and separate from, any other mechanism required by law, installed in an ADS to record technical information about the status and operation of the vehicle's ADS for thirty (30) seconds before a collision and at least five (5) seconds after a collision or until the vehicle comes to a complete stop, whichever is later;

18

19

(ii) "Automated driving system" or "ADS" means the hardware and software that are collectively capable of performing the entire dynamic driving task on a sustained basis, regardless of whether the system is limited to a specific operational design domain. An ADS is used

23

1 specifically to describe a level 3, 4 or 5 system as the
2 standards of driving automation are defined in the SAE
3 J3016 standard;

4 *****

5 **STAFF COMMENT**

6 **The previous draft included examples of what an ADS is not.**
7 **Does the Committee wish to include that with the definition**
8 **above, which would read something like:**

9 A vehicle equipped with an ADS is not a vehicle that is
10 equipped with only one (1) or more collision avoidance
11 systems, including electronic blind spot assistance,
12 automated emergency braking systems, park assist, adaptive
13 cruise control, lane keep assist, lane departure warning,
14 traffic jam and queuing assist or other similar systems
15 that enhance safety or provide the human driver assistance,
16 but where the collision avoidance systems are not capable,
17 collectively or singularly, of driving the vehicle without
18 the active control or monitoring of a human driver;

19 *****
20

21 (iii) "Conventional driver" means a driver who
22 manually exercises in-vehicle braking, accelerating,
23 steering and transmission gear selection input devices to
24 operate a vehicle;

25

26 (iv) "Department" means the department of
27 transportation;

28

29 (v) "Dispatching entity" means an entity that
30 dispatches an ADS-equipped vehicle in driverless operation;

31

1 (vi) "Dynamic driving task" or "DDT" means all
2 of the real-time operational and tactical functions
3 required to operate a vehicle in on-road traffic, excluding
4 strategic functions such as trip scheduling and selection
5 of destinations and waypoints, and including at least all
6 of the following:

7

8 (A) Lateral vehicle motion control via
9 steering;

10

11 (B) Longitudinal motion control via
12 acceleration and deceleration;

13

14 (C) Monitoring the driving environment via
15 object and event detection, recognition, classification and
16 response preparation;

17

18 (D) Object and event response execution;

19

20 (E) Maneuver planning;

21

22 (F) Enhancing conspicuity via lighting,
23 signaling and gesturing.

1

2 (vii) Dynamic driving task fallback" or "DDT
3 fallback" means the response after a DDT performance-
4 relevant system failure or after an operational design
5 domain exit:

6

7 (A) By the fallback-ready user to perform
8 the DDT or to achieve a minimal risk condition; or

9

10 (B) By an ADS to achieve minimal risk
11 condition.

12

13 (viii) "Fallback-ready user" means the user of a
14 vehicle equipped with an engaged level 3 ADS who is able to
15 operate the vehicle and is receptive to ADS-issued requests
16 to intervene and to evident DDT performance-relevant system
17 failures in the vehicle compelling the user to perform the
18 DDT fallback;

19

20 (ix) "Highway" means as defined in
21 W.S. 31-1-101(a)(viii);

22

1 (xiii) "Operational design domain" or "ODD"
2 means the operating conditions under which a given driving
3 automation system or feature thereof is specifically
4 designed to function, including environmental,
5 geographical, and time-of-day restrictions or the requisite
6 presence or absence of certain traffic or roadway
7 characteristics;

8
9 (xiv) "Operate" means collectively, the
10 activities performed by a human driver (with or without
11 support from one (1) or more level 1 or 2 driving
12 automation features) or by an ADS to perform the entire DDT
13 for a vehicle during a trip;

14
15 (xv) "Request to intervene" means notification
16 by an ADS to a fallback-ready user indicating that the user
17 should promptly perform the DDT fallback, which may entail
18 resuming manual operation of the vehicle or achieving a
19 minimal risk condition if the vehicle is not drivable;

20
21 (xvi) "SAE J3016" means the Taxonomy and
22 Definitions for Terms Related to Driving Automation Systems
23 for On-Road Motor Vehicles published by SAE International

1 in June 2018 and any amendments thereto and any successor
2 standard publication.

3

4 **31-21-102. Operation of a vehicle equipped with an**
5 **ADS without a human driver.**

6

7 (a) A person may operate a vehicle equipped with an
8 ADS on the highways of this state without a human driver
9 provided that an operational automated driving system is
10 engaged and the vehicle meets all of the following
11 conditions:

12

13 (i) If a failure of the ADS occurs that renders
14 the system unable to perform the entire dynamic driving
15 task relevant to its intended operational design domain,
16 the vehicle equipped with an ADS will achieve a minimal
17 risk condition;

18

19 (ii) The vehicle equipped with an ADS is capable
20 of operating in compliance with all applicable traffic and
21 motor vehicle laws and regulations of this state, unless an
22 exemption has been granted by department rules;

23

1 (iii) The vehicle is in compliance with all
2 applicable federal motor vehicle safety standards for the
3 vehicle's model year or has a United States department of
4 transportation or other relevant agency-approved exemption
5 from specific compliance;

6

7 (iv) The vehicle is in compliance with all
8 applicable safety standards and performance requirements
9 required by state and federal law including applicable
10 equipment safety standards under W.S. 31-5-091 through
11 31-5-970 unless a waiver has been granted by the relevant
12 regulating agency.

13

14 (b) It is the responsibility of the person who
15 originally manufactures a vehicle and equips the vehicle
16 with an ADS or, in the case of a vehicle not originally
17 equipped with an ADS, the person who modifies the vehicle
18 by installing an ADS to convert it after the vehicle is
19 originally manufactured, to certify that a vehicle equipped
20 with an ADS meets the conditions in subsection (a) of this
21 section.

22

23 **31-21-103. Licensing.**

1

2 (a) When an automated driving system installed on a
3 motor vehicle is engaged:

4

5 (i) The automated driving system is considered
6 the driver for the purpose of assessing compliance with
7 applicable traffic or motor vehicle laws and the automated
8 driving system may satisfy electronically all physical acts
9 required by a driver of the vehicle; and

10 *****
11 STAFF COMMENT
12 Some stakeholders recommend ending paragraph (i) above at
13 line 4 after "laws".
14 *****
15

16 (ii) The automated driving system is considered
17 to be licensed to operate the vehicle if the dispatching
18 entity has a valid class of license for the type of motor
19 vehicle being operated.

20 *****
21 STAFF COMMENT
22 WYDOT recommends the following wording instead of above:
23 The automated driving system is considered to be licensed
24 to operate the vehicle when it is engaged.
25 *****
26

27 31-21-104. Insurance.

28

1 (a) Before operating a vehicle equipped with an ADS
2 on highways in this state without a human driver, the
3 vehicle owner shall submit proof of financial
4 responsibility to the county treasurer in the county where
5 the vehicle is registered that the vehicle is covered by
6 insurance, proof of self-insurance or a bond that satisfies
7 the requirements of W.S. 31-2-225(e) in amounts specified
8 as follows:

9

10 (i) Primary automobile liability insurance that
11 provides at least one million dollars (\$1,000,000.00) for
12 death, bodily injury and property damage; and

13

14 (ii) Uninsured motorist coverage as required by
15 W.S. 31-10-101.

16

17 **31-21-105. Duties after crashes involving vehicles**
18 **equipped with an ADS.**

19

20 (a) In the event of a crash involving a vehicle
21 equipped with an ADS:

22

1 (i) The vehicle equipped with an ADS shall
2 remain on the scene of the crash when required by
3 W.S. 31-5-1101 and 31-5-1102, but only where the vehicle
4 achieves a minimal risk condition as required by
5 W.S. 31-21-102(a)(i);

6
7 (ii) The vehicle owner or person acting on
8 behalf of the owner shall report the crash consistent with
9 W.S. 31-5-1104, 31-5-1105 and 31-5-1107 and shall provide
10 the information required in W.S. 31-5-1103, or if the
11 vehicle has the capability of promptly alerting law
12 enforcement or emergency services, the vehicle shall alert
13 law enforcement or emergency services to the crash;

14
15 (iii) The dispatching entity or a person acting
16 on behalf of the dispatching entity shall report the crash
17 consistent with W.S. 31-5-1104, 31-5-1105 and 31-5-1107 and
18 shall provide the information required in W.S. 31-5-1103

19
20 (b) The dispatching entity, manufacturer, or both, of
21 a vehicle equipped with an ADS that is involved in a crash
22 shall be liable if either or both are at fault for any
23 crash, each according to the same applicable local and

1 state laws that determine liability for a crash involving a
2 vehicle with a human driver.

3
4 (c) The information from an automated driving system
5 data recorder shall be accessible to law enforcement in
6 relation to a crash, traffic violation or any other
7 circumstance wherein law enforcement would interact with a
8 human driver operating a vehicle who is subject to
9 W.S. 31-5-1101 through 31-5-1009 and 31-5-1201 through
10 31-5-1214.

11 *****
12 STAFF COMMENT
13 WYDOT recommends subsection (c) to treat AVs like other
14 drivers. Other stakeholder desires elimination of
15 subsection (c) due to belief this provides a blanket
16 requirement for companies to provide EDR data—without any
17 kind of process such as a subpoena—nor does it offer any
18 limitations on time and other factors. The stakeholder
19 requests that it not be included and that the issue of data
20 access be addressed in further dialogue with legislators
21 and the agency.
22 *****
23

24 31-21-106. On-demand autonomous vehicle network;
25 commercial vehicles equipped with an ADS.

26
27 (a) An on-demand autonomous vehicle network shall be
28 permitted to operate pursuant to state laws governing the
29 operation of transportation network companies, except that

1 any statutory provision that reasonably applies only to a
2 human driver would not apply to the operation of vehicles
3 with the automated driving system engaged on an on-demand
4 autonomous vehicle network.

5

6 (b) Commercial vehicles equipped with an ADS shall be
7 permitted to operate pursuant to state laws governing the
8 operation of commercial vehicles, except that any statutory
9 provision that reasonably applies only to a human driver
10 would not apply to the operation of vehicles with the
11 automated driving system engaged.

12 *****
13 STAFF COMMENT
14 Stakeholder recommends deleting section 31-21-106 and the
15 "on-demand autonomous vehicle network" definition at the
16 beginning. WYDOT does not have a position on how the
17 legislature chooses to treat commercial AVs.
18 *****
19

20 31-21-107. Registration and title of vehicles
21 equipped with an ADS.

22

23 (a) A vehicle equipped with an ADS shall be properly
24 registered in accordance with W.S. 31-2-201 and
25 W.S. 31-18-201, if applicable. If a vehicle equipped with
26 an ADS is registered in this state, the vehicle shall be

1 identified on the registration as a vehicle equipped with
2 an ADS.

3

4 (b) A vehicle equipped with an ADS shall be properly
5 titled in accordance with W.S. 31-2-101. If a vehicle
6 equipped with an ADS is titled in this state, the vehicle
7 shall be identified on the title as a vehicle equipped with
8 an ADS.

9

10 (c) In the case of a vehicle not originally equipped
11 with an automated driving system but later modified by
12 installing an automated driving system to convert it to a
13 vehicle equipped with an ADS after the vehicle is
14 originally manufactured, the vehicle's annual registration
15 due immediately following the modification shall identify
16 the vehicle as a vehicle equipped with an ADS and the
17 vehicle's title shall be amended to identify the vehicle as
18 a vehicle equipped with an ADS. After the modification and
19 on or before the date that the annual registration is due,
20 the owner of record shall notify the county clerk and
21 county treasurer in the county in which the vehicle is:

22

1 (i) Registered that the vehicle is now a vehicle
2 equipped with an ADS and the registration shall reflect the
3 modification; and

4

5 (ii) Titled that the vehicle is now a vehicle
6 equipped with an ADS and the title shall be amended to
7 reflect the modification.

8

9 **31-21-108. Controlling authority; rights and**
10 **obligations of manufacturers.**

11

12 (a) Unless otherwise provided in this chapter,
13 vehicles equipped with an ADS are governed exclusively by
14 this chapter, applicable federal laws and department rules
15 and are subject to state and federal laws governing traffic
16 on highways and equipment. The department is the sole and
17 exclusive state agency that may implement the provisions of
18 this chapter. The department may impose any additional
19 requirements necessary to ensure the safe operation of
20 vehicles equipped with an ADS. The department shall provide
21 for the administration and enforcement of this chapter by
22 its divisions.

23

1 (b) No state agency, political subdivision, county,
2 municipality or local entity may prohibit the operation of
3 vehicles equipped with an ADS or on-demand autonomous
4 vehicle networks.

5

6 (c) Nothing in this chapter shall expand or restrict
7 the respective rights or obligations of, or limitations
8 upon, motor vehicle manufacturers and licensed motor
9 vehicle dealers as set forth in W.S. 31-16-101 through
10 31-16-127. To the extent that this chapter conflicts with
11 title 31, chapter 16 of the Wyoming statutes then Chapter
12 16 of this title shall control.

13

14 **31-21-109. Operation by a human driver of a vehicle**
15 **equipped with an ADS.**

16

17 (a) A human driver may operate a vehicle equipped
18 with an automated driving system capable of performing the
19 entire dynamic driving task if all of the following
20 conditions are true:

21

22 (i) The human driver holds the appropriate class
23 of license for the type of motor vehicle being operated;

1

2 (ii) The human driver will respond appropriately
3 to a request to intervene and then operate the vehicle as
4 if the automated driving system is not capable of
5 performing the entire dynamic driving task or the vehicle
6 exits its operational design domain;

7

8 (iii) The automated driving system is capable of
9 being operated in compliance with all applicable traffic
10 and motor vehicle laws and regulations of this state,
11 unless an exemption has been granted by department rules.

12

13 (b) A vehicle equipped with an automated driving
14 system and driven pursuant to subsection (a) of this
15 section shall allow the human driver to take control, and
16 the vehicle shall alert the human driver that the automated
17 driving system has been disengaged.

18

19 (c) Nothing in this chapter prohibits or restricts a
20 human driver from operating a vehicle equipped with an ADS
21 that allows for the human driver to control all or part of
22 the dynamic driving task.

23

1

2 **31-21-110. Temporary ADS operating permits.**

3

4 The department may develop procedures and issue temporary
5 operating permits for demonstration or testing in the state
6 of vehicles equipped with an ADS. The permits shall be
7 issued for the purpose of testing or demonstrating the use
8 of such vehicles, systems or networks under actual
9 operating conditions on the highways. The permits shall be
10 issued under the supervision of and under conditions
11 determined by the department.

12

13 **31-21-111. Rulemaking; fee; autonomous vehicle**
14 **account.**

15

16 (a) Consistent with this chapter and other applicable
17 state and federal laws, the department shall promulgate
18 rules and shall provide any forms necessary to implement
19 this chapter.

20

21 (b) If federal rules regulating vehicles equipped
22 with an ADS conflict with this chapter or any rules
23 promulgated pursuant to this chapter, the federal

1 regulations shall be given precedence over the provisions
2 of this chapter or any rules promulgated pursuant thereto.

3

4 (c) The department may assess an additional fee upon
5 an owner of a vehicle equipped with an ADS in an amount
6 necessary to recover all costs reasonably incurred by the
7 department attributable to regulation and administration to
8 accommodate the vehicle. Once established, the department
9 may annually increase the fee authorized under this section
10 to recover costs reasonably incurred for regulation and
11 administration but not to exceed the percentage increase as
12 shown by the Wyoming cost-of-living index as determined by
13 the division of economic analysis of the department of
14 administration and information unless authorized by the
15 legislature.

16

17 (d) The funds the department receives from the fee
18 authorized in subsection (c) of this section shall be
19 deposited into an account, hereby created as the autonomous
20 vehicle account. Funds in the autonomous vehicle account
21 are continuously appropriated to the department and shall
22 only be used for costs attributable to regulation and
23 administration of vehicles equipped with an ADS. Any funds

1 within the account, including any additional funds
2 appropriated by the legislature, shall not lapse or revert
3 until directed by the legislature. Earnings on funds in the
4 account shall accrue to the account.

5

6

7 **Section 2.** Not later than January 1, 2022, the
8 department shall promulgate rules to administer this act.

9

10 **Section 3.**

11

12 (a) Except as provided in subsection (b) of this
13 section, this act is effective immediately upon completion
14 of all acts necessary for a bill to become law as provided
15 by Article 4, Section 8 of the Wyoming Constitution.

16

17 (b) Section 1 of this act is effective
18 January 1, 2022.

19

20

(END)