

2023 South Dakota Legislature

House Bill 1120**AMENDMENT 1120C
FOR THE INTRODUCED BILL**

1 **An Act to establish provisions for the operation of automated motor vehicles.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1. That a NEW SECTION be added to title 32:**

4 The terms used in this chapter mean:

5 (1) "Automated driving system," the hardware and software that are collectively
6 capable of performing the entire dynamic driving task on a sustained basis;

7 (2) "Dynamic driving task," all of the real-time operational and tactical functions
8 required to operate a vehicle in on-road traffic within an automated driving
9 system's operational design domain, excluding strategic functions such as trip
10 scheduling and selection of destinations and waypoints, and including without
11 limitation:

12 (A) Lateral vehicle motion control via steering;

13 (B) ~~Longitunal~~Longitudinal motion control via acceleration and deceleration;

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

16 (D) Object and event response execution;

17 (E) Maneuver planning; and

18 (F) Enhancing conspicuity via lighting, signaling, and gesturing;

19 (3) "Dynamic driving task fallback," the response by the person or human driver to
20 either perform the dynamic driving task or achieve a minimal risk condition after
21 occurrence of a dynamic driving task performance-relevant system failure or upon
22 operational design domain exit, or the response by an automated driving system
23 to achieve minimal risk condition, under the same circumstances;

24 (4) "Fully autonomous vehicle," a motor vehicle equipped with an automated driving
25 system designed to function without a human driver as a level 4 or 5 system under
26 SAE J3016B;

- 1 (5) "Human driver," a natural person with a valid license to operate a motor vehicle
2 who controls all or part of the dynamic driving task;
- 3 (6) "Minimal risk condition," a reasonably safe condition to which a person, human
4 driver, or an automated driving system may bring a vehicle after performing the
5 dynamic driving task fallback to reduce the risk of a crash when a given trip cannot
6 or should not be completed;
- 7 (7) "Motor vehicle," includes all vehicles or machines, trailers, semitrailers,
8 recreational vehicles, truck tractors, road tractors, and motorcycles propelled by
9 any power other than muscular and used upon the public highways for the
10 transportation of persons or property, or both;
- 11 (8) "On-demand autonomous vehicle network," a transportation service network that
12 uses a software application or other digital means to dispatch or otherwise enable
13 the pre-arrangement of transportation with fully autonomous vehicles for purposes
14 of transporting passengers or goods, whether or not for-hire ;
- 15 (9) "Operational design domain," the operating conditions under which a given
16 automated driving system is specifically designed to function, including but not
17 limited to, environmental, geographical, and time-of-day restrictions, or the
18 presence or absence of certain traffic or roadway characteristics;
- 19 (10) "Person," every natural person, firm, copartnership, association, or corporation;
- 20 (11) "Request to intervene," notification by an automated driving system to a human
21 driver that the human driver should promptly begin or resume performance of part
22 or all of the dynamic driving task; and
- 23 (12) "SAE J3016B," the Taxonomy and Definitions for Terms Related to Driving
24 Automation Systems for On-Road Motor Vehicles published by SAE International in
25 April 2021.

26 **Section 2. That a NEW SECTION be added to title 32:**

27 A person may operate a fully autonomous vehicle on public roads of this state
28 without a human driver, provided that the automated driving system is engaged and the
29 vehicle meets the following conditions:

- 30 (1) The vehicle promptly achieves a ~~minimum~~ minimal risk condition if the vehicle exits
31 the operational design domain of its automated driving system;
- 32 (2) The vehicle promptly achieves a ~~minimum~~ minimal risk condition if a failure renders
33 its automated driving system unable to perform the dynamic driving task relevant
34 to its operational design domain;

- 1 (3) The fully autonomous vehicle is capable of operating in compliance with the
2 applicable traffic and motor vehicle safety laws and regulations of this state; and
3 (4) When required by federal law, the vehicle bears the required manufacturer's
4 certification label indicating that at the time of the vehicle's manufacture, it
5 complied with all applicable Federal Motor Vehicle Safety Standards and any
6 exemption granted by the National Highway Traffic Safety Administration.

7 **Section 3. That a NEW SECTION be added to title 32:**

8 When an automated driving system installed on a motor vehicle is engaged:

- 9 (1) The automated driving system is considered to be the driver and operator, for the
10 purpose of assessing compliance with applicable traffic or motor vehicle laws, and
11 shall satisfy electronically all physical acts required by a driver or operator of the
12 vehicle;
13 (2) The automated driving system is considered to be licensed to operate the vehicle;
14 and
15 (3) The vehicle's failure to comply with applicable traffic and motor carrier laws shall
16 be imputed to the vehicle's owner, who may be charged and convicted of a
17 violation.

18 **Section 4. That a NEW SECTION be added to title 32:**

19 A fully autonomous vehicle operating on public roads must be covered by proof of
20 financial responsibility that satisfies the requirements of chapter 32-35.

21 **Section 5. That a NEW SECTION be added to title 32:**

22 In the event of an accident:

- 23 (1) The fully autonomous vehicle must remain on the scene of the crash when required
24 by chapter 32-34;
25 (2) The owner of the fully autonomous vehicle, or a person on behalf of the vehicle
26 owner, shall report any crashes or collisions consistent with chapter 32-34; and
27 (3) The vehicle's failure to remain at the scene of the accident or to otherwise operate
28 in compliance with the requirements of chapter ~~32-35~~ 32-34 shall be imputed to
29 the vehicle's owner, who may be charged and convicted of a violation of chapter
30 32-34.

31 **Section 6. That a NEW SECTION be added to title 32:**

1 An on-demand autonomous vehicle network is permitted to operate pursuant to
2 chapter 32-40, with the exception that any provision of chapters 32-12 or 32-12A that
3 reasonably applies only to a human driver would not apply to the operation of fully
4 autonomous vehicles with the automated driving system engaged on an on-demand
5 autonomous vehicle network.

6 ~~The Transportation Commission may require an on-demand autonomous vehicle~~
7 ~~network to submit documentation describing the operational design domains and reporting~~
8 ~~the safety performance of its fully autonomous vehicles.~~

9 **Section 7. That a NEW SECTION be added to title 32:**

10 A fully autonomous vehicle shall be titled in accordance with chapter 32-3. The
11 vehicle's autonomy level as defined under ~~AE~~ SAE J3016B shall be identified on the title
12 and the applicant shall submit documentation verifying its autonomy level.

13 A fully autonomous vehicle shall be registered in accordance with chapter 32-5.
14 The vehicle's autonomy level as defined under SAE J3016B shall be identified on the
15 registration and the applicant shall submit documentation verifying its autonomy level.

16 **Section 8. That a NEW SECTION be added to title 32:**

17 A person may operate a motor vehicle equipped with an automated driving system
18 capable of performing the entire dynamic driving task if:

19 (1) Whenever the automated driving system is not capable of performing the entire
20 dynamic driving task, the automated driving system will achieve a minimal risk
21 condition or issue a request to intervene with the expectation that the human driver
22 will respond appropriately to such a request; and

23 (2) The automated driving system is capable of being operated in compliance with all
24 applicable traffic and motor vehicle safety laws and regulations of this state.

25 Nothing in this chapter prohibits a human driver from operating a fully autonomous
26 vehicle equipped with controls that allow the human driver to control all or part of the
27 dynamic driving task.

28 **Section 9. That a NEW SECTION be added to title 32:**

29 A fully autonomous vehicle that is also a commercial motor vehicle as defined in §
30 32-9-1 may operate pursuant to state laws governing the operation of commercial motor

1 vehicles, except that any provision that reasonably applies to a human driver does not
2 apply to such a vehicle operating with the automated driving system engaged.

3 **Section 10. That a NEW SECTION be added to title 32:**

4 A fully autonomous vehicle that is designed to be operated exclusively by the
5 automated driving system for all trips is not subject to motor vehicle equipment laws or
6 regulations for this state that:

7 (1) Relate to motor vehicle operation by a human driver seated in the vehicle; and

8 (2) Are not relevant to an automated driving system.

9 **Section 11. That a NEW SECTION be added to title 32:**

10 No state agency, political subdivision, municipality, or local entity may prohibit the
11 operation of fully autonomous vehicles, automated driving systems, or on-demand
12 autonomous vehicle networks, or otherwise enact or keep in force rules or ordinances that
13 would impose taxes, fees, or other requirements specific to the operation of fully
14 autonomous vehicles, automated driving systems, or on-demand autonomous vehicle
15 networks, in addition to the requirements of this chapter.

16 **Section 12. That a NEW SECTION be added to title 32:**

17 Nothing in this chapter may be construed to prohibit a:

18 (1) Human driver from operating a fully autonomous vehicle to control all or part of
19 the dynamic driving task;

20 (2) Fully autonomous vehicle from operating without a human driver; or

21 (3) Person from operating a vehicle with an automated driving system that is not a
22 fully autonomous vehicle on the public roads of this state.

23 **Section 13. That a NEW SECTION be added to title 32:**

24 The Transportation Commission shall promulgate rules pursuant to chapter 1-26
25 to implement the provisions of this chapter.