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# A BILL FOR AN ACT

RELATING TO AUTONOMOUS MOTOR VEHICLES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds, in concurrence with  
2 executive order 17-07, that the State of Hawaii possesses  
3 optimal conditions for testing autonomous vehicles. The  
4 legislature further finds that this new technology can  
5 potentially save lives and reduce commuting times.

6           The legislature finds that the governor has tasked the  
7 department of transportation, among other departments, to  
8 develop policies regarding the testing and business  
9 opportunities of autonomous vehicles in Hawaii. The National  
10 Highway Traffic Safety Administration (NHTSA) of the U.S.  
11 Department of Transportation has created "Best Practices for  
12 Legislatures" guidelines to encourage and assist states with the  
13 implementation of autonomous vehicle testing and operation  
14 procedures. These policies can and should guide the State as it  
15 moves forward.

16           The Institute of Electrical and Electronics Engineers has  
17 predicted that seventy-five per cent of vehicles will be



1 "driverless" by 2040. It would therefore benefit our State to  
2 prepare for inevitable technological advances by granting clear  
3 legislative authorization for the testing of autonomous  
4 vehicles. So far twenty-one states, including California,  
5 Florida, and Nevada, have already approved driverless vehicle  
6 testing on their roads.

7 The purpose of this Act is to authorize and regulate the  
8 operation of autonomous vehicles for testing purposes in the  
9 State of Hawaii.

10 SECTION 2. Chapter 286, Hawaii Revised Statutes, is  
11 amended by adding a new part to be appropriately designated and  
12 to read as follows:

13 **"PART . AUTONOMOUS VEHICLES**

14 **§286- Definitions.** As used in this part, the following  
15 terms have the following meanings unless the context indicates  
16 otherwise:

17 "Autonomous technology" means technology installed on a  
18 motor vehicle that has the capability to drive the vehicle on  
19 which the technology is installed without the active control or  
20 monitoring by a human operator.



1 "Autonomous vehicle" means any vehicle equipped with  
2 autonomous technology. The term excludes a motor vehicle  
3 enabled with active safety systems or driver assistance systems,  
4 including, without limitation, a system to provide electronic  
5 blind spot assistance, crash avoidance, emergency braking,  
6 parking assistance, adaptive cruise control, lane keeping  
7 assistance, lane departure warning, or traffic jam and queuing  
8 assistance, unless any such system alone or in combination with  
9 other systems enables the vehicle on which the technology is  
10 installed to drive without active control or monitoring by a  
11 human operator.

12 "Department" means the department of transportation.

13 **§286- Authorization.** The director of transportation shall  
14 authorize, no later than January 1, 2019, the development of an  
15 autonomous vehicle testing program, to be administered by the  
16 department of transportation.

17 **§286- Application and approval process.** (a) The  
18 department shall establish, no later than January 1, 2020, an  
19 application and approval process by which autonomous vehicle  
20 manufacturers and other interested parties may seek to test  
21 autonomous vehicles in the State.



1 (b) Prior to granting any approval for testing, the  
2 department shall require, at a minimum, satisfactory evidence of  
3 the following:

- 4 (1) The applicant's safety record;
- 5 (2) The applicant's insured or bonded status;
- 6 (3) The autonomous vehicle's safety features, including  
7 the presence of a manual override feature; and
- 8 (4) The ease with which the autonomous vehicle's operator  
9 can activate and deactivate the autonomous technology.

10 (c) The department may assess any fees necessary to cover  
11 the costs of application processing and program administration.

12 (d) The department shall adopt rules under chapter 91 to  
13 implement this part.

14 (e) The department shall establish administrative  
15 penalties for noncompliance with the requirements of this part  
16 or with rules adopted pursuant to chapter 91.

17 (f) No later than twenty days prior to the convening of  
18 each regular session, and beginning with the regular session of  
19 2021, the director shall submit a report to the legislature that  
20 addresses the following:



- 1           (1) The feasibility and safety implications of authorizing
- 2                   the operation of autonomous vehicles beyond the
- 3                   testing phase;
- 4           (2) The adoption or amendment of relevant administrative
- 5                   rules issued pursuant to this part;
- 6           (3) Any additional legislative action that may be required
- 7                   for the safe testing and operation of autonomous
- 8                   vehicles; and
- 9           (4) Detailed information on the autonomous vehicle
- 10                   manufacturers and other interested parties who
- 11                   submitted applications pursuant to this part during
- 12                   the preceding twelve-month period.

13           **§286- Operation of vehicles equipped with autonomous**  
14 **technology on roads for testing purposes; financial**  
15 **responsibility; exemption from liability for manufacturer when**  
16 **third party converts vehicle. (a) Vehicles equipped with**  
17 **autonomous technology may be operated on roads in this state by**  
18 **employees, contractors, or other persons designated by**  
19 **manufacturers of autonomous technology for the purpose of**  
20 **testing the technology.**



1           (b) For testing purposes, a human operator who possesses a  
2 valid driver license shall be present in the autonomous vehicle  
3 such that he or she has the ability to monitor the vehicle's  
4 performance and intervene, if necessary, unless the vehicle is  
5 being tested or demonstrated on a closed course. For purposes  
6 of this chapter, unless the context otherwise requires, a person  
7 shall be deemed to be the operator of an autonomous vehicle  
8 operating in autonomous mode when the person causes the  
9 vehicle's autonomous technology to engage, regardless of whether  
10 the person is physically present in the vehicle while the  
11 vehicle is operating in autonomous mode

12           (c) Prior to the start of testing in this state, the  
13 entity performing the testing must submit to the department of  
14 transportation an instrument of insurance, surety bond, or proof  
15 of self-insurance acceptable to the department in the amount of  
16 \$5 million.

17           (d) The original manufacturer of a vehicle converted by a  
18 third party into an autonomous vehicle shall not be liable in,  
19 and shall have a defense to and be dismissed from, any legal  
20 action brought against the original manufacturer by any person  
21 injured due to an alleged vehicle defect caused by the



1 conversion of the vehicle, or by equipment installed by the  
2 converter, unless the alleged defect was present in the vehicle  
3 as originally manufactured.

4       **§286- Autonomous vehicles regulations.** (a) An autonomous  
5 vehicle registered in this state must continue to meet  
6 applicable federal standards and regulations for such motor  
7 vehicles. The vehicle must:

8       (1) Have a system to safely alert the operator if an  
9 autonomous technology failure is detected while the  
10 autonomous technology is engaged. When an alert is  
11 given, the system must:

12           (A) Require the operator to take control of the  
13 autonomous vehicle; or

14           (B) Be capable of bringing the vehicle to a complete  
15 stop if the operator does not, or is not able to,  
16 take control of the autonomous vehicle;

17       (2) Have a means inside the vehicle to visually indicate  
18 when the vehicle is operating in autonomous mode; and

19       (3) Be capable of being operated in compliance with the  
20 applicable traffic and motor vehicle laws of this  
21 state.



1 (b) Federal regulations promulgated by the National  
2 Highway Traffic Safety Administration shall supersede this  
3 section when found to be in conflict with this section.

4 SECTION 3. There is appropriated out of the general  
5 revenues of the State of Hawaii the sum of \$ or so  
6 much thereof as may be necessary for fiscal year 2018-2019 for  
7 the establishment of the autonomous vehicle testing program and  
8 any associated costs.

9 The sum appropriated shall be expended by the department of  
10 transportation for the purposes of this Act.

11 SECTION 4. In codifying the new sections added by section  
12 2 of this Act, the revisor of statutes shall substitute  
13 appropriate section numbers for the letters used in designating  
14 the new sections in this Act.

15 SECTION 5. This Act shall take effect on July 1, 2018.

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H.B. NO. 2253

A handwritten signature in black ink, appearing to read "Paul King", with a horizontal line underneath the name.

JAN 22 2018



# H.B. NO. 2253

**Report Title:**

Autonomous Motor Vehicles; Department of Transportation;  
Testing; Liability; Appropriation

**Description:**

Authorizes and regulates the testing of autonomous vehicles in the State of Hawaii. Establishes approval process and annual reporting. Defines autonomous vehicles, regulations, and financial liabilities. Makes an appropriation.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

