

1 HB361  
2 205051-2  
3 By Representative Lovvorn  
4 RFD: Public Safety and Homeland Security  
5 First Read: 03-MAR-20

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8 SYNOPSIS: This bill would further provide for the  
9 operation of automated commercial motor vehicles  
10 and commercial motor vehicles with teleoperation  
11 systems. The bill would require any automated motor  
12 vehicle or commercial motor vehicle with a  
13 teleoperation system to be approved by the Alabama  
14 State Law Enforcement Agency and the Department of  
15 Transportation and would provide criminal penalties  
16 and authorize impoundment or immobilization of the  
17 vehicle. The bill would also require routes that a  
18 vehicle uses to be approved by the Department of  
19 Transportation. The bill would specify that the  
20 Alabama State Law Enforcement Agency, the  
21 Department of Revenue, and the Department of  
22 Transportation could adopt rules for the operation  
23 of automated commercial motor vehicles and  
24 teleoperation systems.

25 Amendment 621 of the Constitution of Alabama  
26 of 1901, now appearing as Section 111.05 of the  
27 Official Recompilation of the Constitution of

1 Alabama of 1901, as amended, prohibits a general  
2 law whose purpose or effect would be to require a  
3 new or increased expenditure of local funds from  
4 becoming effective with regard to a local  
5 governmental entity without enactment by a 2/3 vote  
6 unless: it comes within one of a number of  
7 specified exceptions; it is approved by the  
8 affected entity; or the Legislature appropriates  
9 funds, or provides a local source of revenue, to  
10 the entity for the purpose.

11 The purpose or effect of this bill would be  
12 to require a new or increased expenditure of local  
13 funds within the meaning of the amendment. However,  
14 the bill does not require approval of a local  
15 governmental entity or enactment by a 2/3 vote to  
16 become effective because it comes within one of the  
17 specified exceptions contained in the amendment.

18  
19 A BILL  
20 TO BE ENTITLED  
21 AN ACT  
22

23 To amend Sections 1, 2, 3, 6, and 7 of Act 2019-496  
24 of the 2019 Regular Session, now appearing as Sections  
25 32-9B-1, 32-9B-2, 32-9B-3, 32-9B-6, and 32-9B-7, Code of  
26 Alabama 1975, to further provide for the operation of

1 automated commercial motor vehicles and commercial motor  
2 vehicles with teleoperation systems.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Sections 1, 2, 3, 6, and 7 of Act  
5 2019-496 of the 2019 Regular Session, now appearing as  
6 Sections 32-9B-1, 32-9B-2, 32-9B-3, 32-9B-6, and 32-9B-7, Code  
7 of Alabama 1975, are amended to read as follows:

8 "§32-9B-1.

9 "For the purposes of this chapter, the following  
10 words shall have the following meanings:

11 "(1) AUTOMATED COMMERCIAL MOTOR VEHICLE. A  
12 commercial motor vehicle equipped with an automated driving  
13 system.

14 "(2) AUTOMATED DRIVING SYSTEM. The hardware and  
15 software that are collectively capable of performing the  
16 entire dynamic driving task on a sustained basis, regardless  
17 of whether it is limited to a specific operational design  
18 domain.

19 "(3) COMMERCIAL MOTOR VEHICLE. A commercial motor  
20 vehicle as defined in Section 32-9A-1.

21 "(4) CONVENTIONAL DRIVER. A driver who manually  
22 exercises in-vehicle braking, accelerating, steering, and  
23 transmission gear selection input devices in order to operate  
24 a vehicle.

25 "(5) DYNAMIC DRIVING TASK. All of the real-time  
26 operational and tactical functions required to operate a  
27 vehicle in on-road traffic excluding strategic functions such

1 as trip scheduling, and selection of destinations, and  
2 waypoints, and navigation of all infrastructure, roadway  
3 variations, and roadway hazards.

4 "(6) MINIMAL RISK CONDITION. A condition to which a  
5 user or an automated driving system may bring a vehicle in  
6 order to reduce the risk of a crash upon experiencing a  
7 failure of the vehicle's automated driving system or subsystem  
8 that renders the vehicle unable to perform the entire dynamic  
9 driving task by removing the automated commercial motor  
10 vehicle out of the lane of travel, bringing the vehicle to a  
11 stop out of the lane of travel, and summoning law enforcement.

12 "(7) OPERATE. Exercising full operational command  
13 and control of vehicle functions, including, but not limited  
14 to, steering, accelerating, braking, and issuing instructions  
15 to the vehicle.

16 "~~(7)~~(8) OPERATIONAL DESIGN DOMAIN. A description of  
17 the specific operating domain in which an automated commercial  
18 motor vehicle is designed to properly operate, including, but  
19 not limited to, roadway types, speed, environmental  
20 conditions, and other domain constraints.

21 "~~(8)~~(9) REMOTE DRIVER. A natural person who is not  
22 seated in a commercial motor vehicle, but is able to perform  
23 the entire dynamic driving task.

24 "~~(9)~~(10) TELEOPERATION SYSTEM. Hardware and software  
25 installed on a commercial motor vehicle that allow a remote  
26 driver to operate the motor vehicle.

27 "§32-9B-2.

1           "(a) Unless otherwise provided by this chapter, an  
2 automated commercial motor vehicle and a teleoperation system,  
3 including any commercial use or operation of either, are  
4 governed exclusively by this chapter.

5           "(b) Notwithstanding any other provision of law, the  
6 Alabama State Law Enforcement Agency, Department of Revenue,  
7 and the Department of Transportation is the sole and exclusive  
8 state agency with jurisdiction over shall have authority to  
9 individually adopt rules relating to each agency's or  
10 department's existing regulatory authority or to jointly adopt  
11 rules for the operation of automated commercial motor vehicles  
12 and teleoperation systems ~~that may implement this chapter and~~ and  
13 the enforcement of this chapter, except the Department of  
14 Transportation shall continue to have exclusive authority to  
15 adopt rules relating to the oversize and overweight permitting  
16 of automated commercial motor vehicles and commercial motor  
17 vehicles with teleoperation systems operating in this state.

18           "~~(c) A political subdivision of this state or a~~  
19 ~~state agency may not impose requirements, including taxes or~~  
20 ~~performance standards, related specifically to the operation~~  
21 ~~of a teleoperation system or automated commercial motor~~  
22 ~~vehicle in addition to the requirements of this chapter.~~

23           "(c) (1) Prior to operation in this state, an  
24 automated commercial motor vehicle or commercial motor vehicle  
25 with a teleoperation system shall be tested and approved by  
26 the Alabama State Law Enforcement Agency and the Department of  
27 Transportation.

1           "(2) Any person violating this subsection, upon  
2 conviction, shall be fined one hundred dollars (\$100) for each  
3 violation and the automated commercial motor vehicle or  
4 commercial motor vehicle equipped with a teleoperation system  
5 may be impounded or immobilized by a law enforcement officer.

6           "(3) Upon adoption of comprehensive federal law  
7 relating to the operation of an automated commercial motor  
8 vehicle and a commercial motor vehicle equipped with a  
9 teleoperation system, the testing provided in this subsection  
10 shall not be required.

11           "§32-9B-3.

12           ~~"(a) Notwithstanding any other provision of law, an~~  
13 An automated commercial motor vehicle may operate in this  
14 state without a conventional driver physically present in the  
15 vehicle if the vehicle meets all of the following criteria:

16           "(1) The automated commercial motor vehicle is  
17 capable of operating in compliance with applicable federal law  
18 and the traffic and motor vehicle laws of this state,  
19 including without limitation, applicable laws concerning the  
20 capability to safely navigate and negotiate railroad  
21 crossings.

22           "(2) The automated commercial motor vehicle is  
23 registered and titled in accordance with the laws of this  
24 state.

25           "(3) The automated commercial motor vehicle is  
26 certified in accordance with 49 C.F.R. Part 567 as being in  
27 compliance with federal motor vehicle safety standards and

1 bears the required certification label or labels, including  
2 reference to any exemption granted under applicable federal  
3 law.

4 "(4) The automated commercial motor vehicle can  
5 achieve a minimal risk condition if a failure occurs rendering  
6 the vehicle unable to perform the dynamic driving task  
7 relevant to its intended operational design domain or if the  
8 vehicle exits its operational design domain.

9 "(5) The automated commercial motor vehicle is  
10 covered by motor vehicle liability coverage in an amount not  
11 less than two million dollars (\$2,000,000).

12 "(b) An automated commercial motor vehicle shall  
13 only be operated on a route that is chosen and permitted for  
14 use by the Department of Transportation.

15 "~~(6)~~ (c) The registration of an automated commercial  
16 motor vehicle shall not be interpreted to abrogate or amend  
17 any statutory or regulatory provisions or any aspects of  
18 common law pertaining to liability for any harm or injury  
19 caused.

20 "§32-9B-6.

21 "~~(a) Notwithstanding any other provision of this~~  
22 ~~chapter,~~ A commercial motor vehicle equipped with a  
23 teleoperation system may operate without a conventional driver  
24 physically present in the vehicle if a remote driver located  
25 in this state is operating the vehicle and if the remote  
26 driver only operates one commercial motor vehicle equipped  
27 with a teleoperation system at any given time.



1           "(b) When a remote driver is operating a commercial  
2 motor vehicle, the remote driver is considered to be the  
3 operator of the vehicle for the purpose of assessing  
4 compliance with applicable traffic or motor vehicle laws,  
5 including the rules of the road, and for the purpose of any  
6 charge for a violation of Title 13A or this title. Extradition  
7 of a person charged pursuant to this section shall be governed  
8 by Chapter 9 of Title 15.

9           "(c) The remote driver shall hold the proper class  
10 of license required for a conventional driver to operate the  
11 vehicle.

12           "(d) When an accident occurs involving a commercial  
13 motor vehicle equipped with a teleoperation system, the  
14 requirements of Chapter 10 of this title shall be deemed  
15 satisfied if the vehicle remains on the scene of the accident  
16 and the owner or remote driver promptly contacts appropriate  
17 law enforcement entities and communicates the information  
18 required by Chapter 10 of this title.

19           "(e) In the event of an accident involving a  
20 commercial motor vehicle equipped with a teleoperation system,  
21 the remote driver who is operating the vehicle shall be  
22 subject to Section 32-6-49.13, regardless of the jurisdiction  
23 in which the remote driver is physically present. A remote  
24 driver is deemed to have given consent, subject to provisions  
25 of Section 32-5-192, to take a test or tests of the remote  
26 driver's blood, breath, or urine for the purpose of  
27 determining that person's alcohol concentration, or the

1 presence of other drugs. Subdivision (1) of subsection (b) of  
2 Section 32-6-49.13 shall be deemed satisfied if the test or  
3 tests are administered in cooperation with local law  
4 enforcement officials in the jurisdiction where a remote  
5 driver is present. The results of any test shall be provided  
6 to Alabama law enforcement agencies.

7 "§32-9B-7.

8 "(a) A commercial motor vehicle equipped with a  
9 teleoperation system registered in this state shall meet all  
10 of the following requirements:

11 "(1) Is in compliance with applicable federal law.

12 "(2) Is certified in accordance with federal  
13 regulations in 49 C.F.R. Part 567 as being in compliance with  
14 applicable federal motor vehicle safety standards and shall  
15 bear the required certification label or labels, including  
16 reference to any exemption granted under applicable federal  
17 law.

18 "(3) Is capable of being operated in compliance with  
19 the applicable traffic and motor vehicle laws of this state,  
20 regardless of whether the vehicle is operated by a remote  
21 driver, including, without limitation, applicable laws  
22 concerning the capability to safely navigate and negotiate  
23 railroad crossings.

24 "(4) Is covered by motor vehicle liability coverage  
25 in an amount of not less than two million dollars  
26 (\$2,000,000).

1           "(5) Is able to achieve a ~~reasonably safe state~~  
2 minimum risk condition, such as bringing the vehicle to a  
3 stop, if a failure of the teleoperation system occurs that  
4 renders the remote driver unable to perform the entire dynamic  
5 driving task for the vehicle.

6           "(b) A commercial motor vehicle with a teleoperation  
7 system shall only be operated on a route that is chosen by and  
8 permitted for use by the Department of Transportation."

9           Section 2. Although this bill would have as its  
10 purpose or effect the requirement of a new or increased  
11 expenditure of local funds, the bill is excluded from further  
12 requirements and application under Amendment 621, now  
13 appearing as Section 111.05 of the Official Recompilation of  
14 the Constitution of Alabama of 1901, as amended, because the  
15 bill defines a new crime or amends the definition of an  
16 existing crime.

17           Section 3. This act shall become effective on the  
18 first day of the third month following its passage and  
19 approval by the Governor, or its otherwise becoming law.