

March 18, 2022

Session of 2022

**SENATE BILL No. 546**

By Committee on Federal and State Affairs

3-7

1 AN ACT concerning motor vehicles; relating to autonomous motor  
2 vehicles; providing for the use and regulation thereof; establishing the  
3 autonomous vehicle advisory committee; amending K.S.A. 2021 Supp.  
4 8-2106 and 8-2204 and repealing the existing sections.  
5

6 *Be it enacted by the Legislature of the State of Kansas:*

7 New Section 1. As used in sections 1 through 10, and amendments  
8 thereto, unless the context otherwise requires:

9 (a) "ADS-equipped vehicle" means a motor vehicle equipped with an  
10 automated driving system.

11 (b) "Automated driving system" or "ADS" means the hardware and  
12 software collectively capable of performing the entire dynamic driving  
13 task on a sustained basis, regardless of whether the system is limited to a  
14 specific operational design domain, if any.

15 (c) "Conventional human driver" means a natural person who  
16 manually controls the in-vehicle accelerating, braking, steering and  
17 transmission gear selection input devices in order to operate a motor  
18 vehicle.

19 ~~(d) "Department" means the department of transportation.~~

20 (e) "Driverless-capable vehicle" means an ADS-equipped vehicle  
21 capable of performing the entire dynamic driving task within the  
22 automated driving system's operational design domain, if any, including,  
23 but not limited to, achievement of a minimal risk condition without  
24 intervention or supervision by a conventional human driver.

25 (f) (1) "Dynamic driving task" means all real-time operational and  
26 tactical functions required to operate a motor vehicle on a highway in  
27 traffic within an automated driving system's specific operational design  
28 domain, if any.

29 (2) "Dynamic driving task" does not include any strategic function  
30 such as trip scheduling or the selection of destinations and waypoints.

31 (g) "Minimal risk condition" means a reasonably safe state to which  
32 an automated driving system brings an ADS-equipped vehicle upon  
33 experiencing a performance-relevant failure of the system that renders the  
34 system unable to perform the entire dynamic driving task, including, but  
35 not limited to, removing the vehicle to the nearest shoulder if the vehicle is  
36 capable of doing so, bringing the vehicle to a complete stop and activating

strikeout line 19

1 the vehicle's emergency signal lamps.

2 (h) "On-demand driverless-capable vehicle network" means a  
3 transportation network company as defined in K.S.A. 8-2702, and  
4 amendments thereto, that uses a software application or other digital  
5 means to dispatch driverless-capable vehicles for the purposes of  
6 transporting persons or goods, including, but not limited to, transportation  
7 for hire and public transportation.

8 (i) "Operational design domain" means a set of operating conditions  
9 under which a given ADS or ADS feature is specifically designed to  
10 function. "Operational design domain" includes, but is not limited to,  
11 environmental, geographical and time-of-day restrictions or the requisite  
12 presence or absence of certain traffic or roadway characteristics.

13 (j) "Transportation for hire" means all transportation of property or  
14 passengers made available by a person for compensation.

15 New Sec. 2. (a) A driverless-capable vehicle may operate on the  
16 public highways of this state without a conventional human driver with the  
17 automated driving system engaged if the vehicle meets all of the following  
18 conditions:

19 (1) The vehicle is capable of achieving a minimal risk condition if a  
20 malfunction of the automated driving system occurs that renders the  
21 system unable to perform the entire dynamic driving task within the  
22 system's intended operational design domain, if any;

23 (2) while in driverless operation, the vehicle is capable of operating in  
24 compliance with the applicable traffic and motor vehicle safety laws and  
25 regulations of this state that govern the performance of the dynamic  
26 driving task, ~~unless an exemption has been granted to the vehicle by the~~  
27 ~~department;~~

28 (3) when required by federal law, the vehicle bears the required  
29 manufacturer's certification label indicating that at the time of manufacture  
30 the vehicle has been certified to be in compliance with all applicable  
31 federal motor vehicle safety standards, including any reference to any  
32 exception granted by the national highway traffic safety administration;  
33 and

34 (5) (4) a conventional human driver shall be required to be physically  
35 present in every driverless-capable vehicle placed into service in Kansas  
36 for the first year from the date that such entity places a driverless-capable  
37 vehicle into service in this state.

38 (b) Prior to operating a driverless-capable vehicle on the public roads  
39 of this state without a conventional human driver, the owner of such  
40 driverless-capable vehicle shall submit a law enforcement interaction plan  
41 to the department of transportation that describes:

42 (1) How to communicate with a fleet support specialist who is  
43 available during the times the vehicle is in operation;

strikeout lines 26 and 27

insert new "(4) the driverless-capable vehicle cannot exceed 34,000 pounds on tandem axles. This provision will expire on July 1, 2025."

twelve continuous months

The provision of this paragraph shall not apply to a person that operates:  
(A) A vehicle that is not designed, intended or marketed for human occupancy; or  
(B) A dedicated driverless-capable vehicle that lacks manual controls for operation by a conventional human driver.

strike out and insert "[an agency that operates 24/7]"

1 (2) how to safely remove the driverless-capable vehicle from the  
2 roadway and steps to safely tow the vehicle;

3 (3) how to recognize whether the driverless-capable vehicle is in  
4 autonomous mode; and

5 (4) any additional information the manufacturer or owner deems  
6 necessary regarding hazardous conditions or public safety risks associated  
7 with the operation of the driverless-capable vehicle.

8 (c) (1) The operation of an ADS-equipped vehicle capable of  
9 performing the entire dynamic driving task within the automated driving  
10 system's operational design domain on the public highways of this state  
11 while a conventional human driver is present and expected to respond ~~to a~~  
12 ~~request to intervene~~ shall be lawful. During such operation, the  
13 conventional human driver shall possess a valid driver's license pursuant to  
14 K.S.A. 8-234b, and amendments thereto, and shall be subject to the  
15 required insurance, self-insurance or other financial security required  
16 pursuant to K.S.A. 40-3104, and amendments thereto. The conventional  
17 human driver shall operate the ADS-equipped vehicle according to the  
18 manufacturer's requirements and specifications and shall regain manual  
19 control of the vehicle when ~~prompted by the automated driving system.~~

strikeout and insert ",when it is reasonably foreseeable that a human should respond,"

20 (2) An automated driving system, while engaged, shall be designed to  
21 operate within the system's operational design domain in compliance with  
22 the applicable traffic and motor vehicle safety laws and regulations of this  
23 state that govern the performance of the dynamic driving task, ~~unless an~~  
24 ~~exemption has been granted to the vehicle by the department.~~

strikeout and insert ",when it is reasonably foreseeable that a human should respond."

strikeout

25 (d) Except as provided in this section, the motor vehicle laws of this  
26 state shall not be construed to require a conventional human driver to  
27 operate a driverless-capable vehicle that is being operated by an automated  
28 driving system. The automated driving system, while engaged, shall be  
29 deemed to fulfill any physical acts required of a conventional human  
30 driver to perform the dynamic driving task.

31 New Sec. 3. Before an ADS-equipped vehicle is allowed to operate  
32 on the public highways of this state, the owner shall obtain insurance, self-  
33 insurance or other financial security coverage for the vehicle. An ADS-  
34 equipped vehicle shall not operate on the highways of this state unless  
35 insurance, self-insurance or other financial security coverage is in effect  
36 for the vehicle and unless proof of coverage is carried in the vehicle  
37 pursuant K.S.A. 40-3104, and amendments thereto.

38 New Sec. 4. In the event of an accident crash that would otherwise be  
39 subject to K.S.A. 8-1602 through 8-1609, and amendments thereto, such  
40 provisions shall not apply to a driverless-capable vehicle operating without  
41 a conventional human driver if:

42 (a) The vehicle owner, or a person acting on behalf of the vehicle  
43 owner, promptly contacts the applicable law enforcement agency to report

1 the accident;

2 (b) for a vehicle that has the capability of promptly alerting a law  
3 enforcement agency or emergency services, the vehicle alerts a law  
4 enforcement agency or emergency services to the crash; or

5 (c) the vehicle remains at the scene or in the immediate vicinity of the  
6 crash until law enforcement arrives or vehicle registration and insurance  
7 information is provided to the parties affected by the accident.

8 New Sec. 5. A person may operate an on-demand driverless-capable  
9 vehicle network, with the exception that any provision of K.S.A. 8-2701 et  
10 seq., and amendments thereto, that reasonably applies only to a  
11 conventional human driver would not apply to the operation of a  
12 driverless-capable vehicle with the automated driving system engaged on  
13 an on-demand driverless-capable vehicle network. An on-demand  
14 driverless-capable vehicle network may be used to facilitate the  
15 transportation of persons or goods, including, but not limited to,  
16 transportation for hire and public transportation. An on-demand driverless-  
17 capable vehicle network may connect passengers to driverless-capable  
18 vehicles either exclusively or as part of a digital network that also connects  
19 passengers to conventional human drivers who provide transportation  
20 services, pursuant to K.S.A. 8-2701 et seq., and amendments thereto, or  
21 any other applicable laws, in vehicles that are not driverless-capable  
22 vehicles.

23 New Sec. 6. (a) (1) Automated driving systems and ADS-equipped  
24 vehicles shall be governed by:

25 (A) Sections 1 through 10, and amendments thereto; and

26 (B) all applicable traffic and motor vehicle safety laws.

27 (2) Automated driving systems and ADS-equipped vehicles shall be  
28 regulated ~~exclusively by the department.~~

29 (b) A political subdivision of the state shall not impose requirements,  
30 including, but not limited to, performance standards specific to the  
31 operation of ADS-equipped vehicles, automated driving systems or on-  
32 demand driverless-capable vehicle networks that are in addition to the  
33 requirements set forth pursuant to sections 1 through 10, and amendments  
34 thereto. A political subdivision of the state shall not impose a tax on ADS-  
35 equipped vehicles, automated driving systems or on-demand driverless-  
36 capable vehicle networks if such tax relates specifically to the operation of  
37 ADS-equipped vehicles, automated driving systems or on-demand  
38 driverless-capable vehicle networks.

39 New Sec. 7. (a) A driverless-capable vehicle shall be properly  
40 registered in accordance with K.S.A. 8-127, and amendments thereto. If a  
41 driverless-capable vehicle is registered in this state, the vehicle shall be  
42 identified on the registration as a fully autonomous vehicle.

43 (b) A driverless-capable vehicle shall be properly titled in accordance

strikeout and insert "by the governmental departments that regulate operation and ownership of conventional human driver vehicles."

insert new "(3) Governmental departments may adopt rules or regulations implementing Sections 1 through 8. Governmental departments are limited to adopting rules and regulations to implement Sections 1 through 8 for those provisions under the jurisdiction of the governmental department when regulating operation and ownership of conventional human driven vehicles."

1 with K.S.A. 8-135, and amendments thereto. If a driverless-capable  
2 vehicle is titled in this state, the vehicle shall be identified on the title as a  
3 driverless-capable vehicle.

4 New Sec. 8. A driverless-capable vehicle that is also a commercial  
5 motor vehicle pursuant to K.S.A. 8-143m, and amendments thereto, may  
6 operate pursuant to state laws governing the operation of commercial  
7 motor vehicles, except that:

8 (a) Any provision that by its nature reasonably applies only to a  
9 conventional human driver does not apply to such a vehicle operating with  
10 the automated driving system engaged; and

11 (b) such a vehicle shall not carry hazardous materials as defined in  
12 K.S.A. 48-904, and amendments thereto. The provisions of this subsection  
13 do not apply to transporting articles and substances prepared in accordance  
14 with 49 C.F.R. § 172.315 or that otherwise do not require placarding  
15 pursuant to the federal hazardous materials regulations provided in 49  
16 C.F.R. parts 100 through 110. The provision of this subsection shall expire  
17 shall expire on January 1, 2025.

18 New Sec. 9. The uniform act regulating traffic on highways, to the  
19 extent practicable, shall be interpreted and applied for the use of a  
20 driverless-capable vehicle. Such provisions shall not require any additional  
21 provisions, including, but not limited to, operation by a conventional  
22 human driver seated in the vehicle.

23 New Sec. 10. (a) There is created the autonomous vehicle advisory  
24 committee that will include the following members:

25 (1) Two members of the senate to be appointed by the president of the  
26 senate;

27 (2) one member of the senate to be appointed by the minority leader  
28 of the senate;

29 (3) two members of the house of representatives to be appointed by  
30 the speaker of the house of representatives;

31 (4) one member of the house of representatives to be appointed by the  
32 minority leader of the house of representatives;

33 (5) the director of vehicles or the director's designee;

34 (6) the secretary of transportation or the secretary's designee;

35 (7) the superintendent of the highway patrol or the superintendent's  
36 designee;

37 (8) two members appointed by the governor from labor organizations;  
38 and

39 ~~(9) two members appointed by the governor from the autonomous~~  
40 ~~vehicle industry.~~

41 (b) The speaker of the house of representatives shall select one  
42 member of the autonomous vehicle advisory committee who is a member  
43 of the house of representatives to serve as co-chairperson of the advisory

- (9) one member appointed by the Kansas league of municipalities;
- (10) one member appointed by the Kansas association of counties;
- (11) one member appointed by the governor from the light duty motor vehicle manufacturers;
- (12) one member appointed by the governor from the original equipment manufacturers;
- (13) one member appointed by the governor from the original equipment manufacturers trade association;
- (14) one member appointed by the governor of the heavy duty motor vehicle manufacturers;
- (15) one member appointed by the governor from the automated driving system developers;
- (16) one member appointed by the governor from the automated driving system developers trade association;
- (17) one member appointed by the governor from the automated driving system manufacturers; and
- (18) one member appointed by the governor from the on-demand transportation network companies

1 committee. The president of the senate shall select one member of the  
2 autonomous vehicle advisory committee who is a member of the senate to  
3 serve as co-chairperson of the advisory committee.

4 (c) Members of the autonomous vehicle advisory committee shall  
5 serve without compensation.

6 (d) The autonomous vehicle advisory committee may meet in an open  
7 meeting at any time upon the call of either co-chairperson.

insert "and each July 1 thereafter,"

8 (e) On or before July 1, 2023, the autonomous vehicle advisory  
9 committee shall submit to the governor, president of the senate and  
10 speaker of the house of representatives a report of activities and any  
11 recommendations regarding the use or regulation of autonomous motor  
12 vehicles in this state.

13 (f) The provisions of this section shall expire on July 1, 2023.

strikeout and insert "2027"

14 Sec. 11. K.S.A. 2021 Supp. 8-2106 is hereby amended to read as  
15 follows: 8-2106. (a) A law enforcement officer may prepare and deliver to  
16 a person a written traffic citation on a form approved by the division of  
17 motor vehicles, if the law enforcement officer stops the person for a  
18 violation of:

19 (1) The uniform act regulating traffic on highways, which violation is  
20 a misdemeanor or a traffic infraction;

21 (2) K.S.A. 8-262, 8-287, 8-2,144, 8-1599, 40-3104, 40-3106, 41-715,  
22 41-724, 41-727, 47-607, 66-1,111, 66-1,129, 66-1,139, 66-1,140, 66-273,  
23 66-1314, 66-1324, 66-1330, 66-1331, 66-1332, 68-2104, 68-2106 or  
24 subsection (b) of K.S.A. 79-34,122(b), or K.S.A. 2021 Supp. subsection  
25 (a) of 21-5607(a), 21-5810, 21-5815, 21-5816, subsection (a) of 21-  
26 5817(a) or 21-6203, and amendments thereto;

27 (3) K.S.A. 31-155, and amendments thereto, involving transportation  
28 of bottle rockets;

29 (4) K.S.A. 66-1314 or 66-1328, and amendments thereto, and any  
30 rules and regulations adopted pursuant thereto;

31 (5) any rules and regulations adopted pursuant to K.S.A. 2-1212, 68-  
32 2001 or 31-146, and amendments thereto;

33 (6) any rules and regulations adopted pursuant to K.S.A. 31-133, and  
34 amendments, thereto relating to transportation of materials or fuel; or

35 (7) K.S.A. 8-1343 through 8-1347, and amendments thereto, relating  
36 to the child passenger safety act; or

37 (8) K.S.A. 8-2501 through 8-2507, and amendments thereto, relating  
38 to the safety belt use act.

39 (b) The citation shall contain a notice to appear in court, the name and  
40 address of the person, the type of vehicle the person was driving, whether  
41 hazardous materials were being transported, whether an accident occurred,  
42 the state registration number of the person's vehicle, if any, a statement  
43 whether the vehicle is a commercial vehicle, whether the person is

1 licensed to drive a commercial motor vehicle, the offense or offenses  
2 charged, the time and place when and where the person shall appear in  
3 court, the signature of the law enforcement officer; and any other pertinent  
4 information.

5 (c) The time specified in the notice to appear shall be at least five  
6 days after the alleged violation unless the person charged with the  
7 violation demands an earlier hearing.

8 (d) The place specified in the notice to appear shall be before a judge  
9 of the district court within the county in which the offense is alleged to  
10 have been committed.

11 (e) Except in the circumstances to which ~~subsection (a) of~~ K.S.A. 8-  
12 2104(a), and amendments thereto, apply, in the discretion of the law  
13 enforcement officer, a person charged with a misdemeanor may give  
14 written promise to appear in court by signing at least one copy of the  
15 written citation prepared by the law enforcement officer, in which event  
16 the law enforcement officer shall deliver a copy of the citation to the  
17 person and shall not take the person into physical custody.

18 (f) When a person is charged with a traffic infraction, the notice to  
19 appear shall provide a place where the person may make a written entry of  
20 appearance, waive the right to a trial and plead guilty or no contest. Such  
21 notice to appear shall contain a provision that the person's failure to either  
22 pay such fine and court costs or appear at the specified time may result in  
23 suspension of the person's drivers' license as provided in K.S.A. 8-2110,  
24 and amendments thereto. The notice to appear shall provide a space where  
25 the law enforcement officer shall enter the appropriate fine specified in the  
26 uniform fine schedule contained in K.S.A. 8-2118, and amendments  
27 thereto, for the violation charged and court costs in the amount provided  
28 by law. If the notice to appear does not do so, the law enforcement officer  
29 shall provide a person charged with a traffic infraction a form explaining  
30 the person's right to appear and right to a trial and the person's right to pay  
31 the appropriate fine and court costs prior to the appearance date. The law  
32 enforcement officer shall provide the person with the address of the court  
33 to which the written entry of appearance, waiver of trial, plea of guilty or  
34 no contest and payment of fine and court costs shall be mailed.

35 (g) Any officer violating any of the provisions of subsection (f) is  
36 guilty of misconduct in office and shall be subject to removal from office.

37 (h) *A law enforcement officer shall deliver the written traffic citation*  
38 *to a person charged with a traffic infraction to the owner of the driverless-*  
39 *capable vehicle operating without a conventional human driver as such*  
40 *terms are defined by section 1, and amendments thereto, by sending the*  
41 *citation by certified mail to the address of the owner.*

42 Sec. 12. K.S.A. 2021 Supp. 8-2204 is hereby amended to read as  
43 follows: 8-2204. This act shall be known and may be cited as the uniform

1 act regulating traffic on highways. The uniform act regulating traffic on  
2 highways includes ~~K.S.A. 8-1560a through 8-1560d~~; all sections located in  
3 articles 10, 14 through 22 and 25 of chapter 8 of the Kansas Statutes  
4 Annotated, *and amendments thereto*, K.S.A. 8-1,129, 8-1,130a, 8-1428a,  
5 *8-1560a through 8-1560d*, 8-1599, 8-1742a; *and* 8-2118 ~~and K.S.A. 8-~~  
6 ~~1599~~, and amendments thereto, *and sections 1 through 10, and*  
7 *amendments thereto*.

8 Sec. 13. K.S.A. 2021 Supp. 8-2106 and 8-2204 are hereby repealed.

9 Sec. 14. This act shall take effect and be in force from and after its  
10 publication in the statute book.