

As Introduced

131st General Assembly

Regular Session

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H. B. No. 608

Representatives Grossman, Reineke

A BILL

To amend section 4511.204 and to enact section 1
4501.50 of the Revised Code to authorize a 2
manufacturer of autonomous vehicles or 3
autonomous technology to operate autonomous 4
vehicles on public roads and highways in 5
accordance with specified requirements, and to 6
require the Director of Transportation to 7
produce a report discussing whether additional 8
legislative or regulatory actions are necessary 9
for purposes of ensuring the safe testing of 10
autonomous vehicles. 11

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 4511.204 be amended and section 12
4501.50 of the Revised Code be enacted to read as follows: 13

Sec. 4501.50. (A) As used in this section: 14

(1) "Autonomous vehicle" means a motor vehicle that is 15
equipped with technology that is capable of operating the motor 16
vehicle without the active control of a human operator. 17

"Autonomous vehicle" does not include a motor vehicle that is 18
equipped with any active safety system or a system for driver 19

assistance, including a system to provide electronic blind spot 20
detection, crash avoidance, emergency braking, parking 21
assistance, adaptive cruise control, lane keeping assistance, 22
lane departure warning, or traffic jam and queuing assistance, 23
unless any such system, alone or in combination with another 24
system, enables the motor vehicle on which the system is 25
installed to be driven without the active control of a human 26
operator. 27

(2) "Autonomous technology" means technology that is 28
installed on a motor vehicle and that has the capability to 29
assist, make decisions for, or replace an operator. 30

(3) "Proof of financial responsibility" means proof of 31
ability to respond in damages for liability, on account of 32
accidents occurring subsequent to the effective date of such 33
proof, arising out of the ownership, maintenance, or use of an 34
autonomous vehicle in the amount of one million dollars because 35
of bodily injury to or the death of any person, or injury to the 36
property of others, in any one accident. 37

(B) (1) Except as provided in division (B) (2) of this 38
section, no person shall operate an autonomous vehicle on the 39
public roads and highways in this state. 40

(2) A manufacturer of autonomous vehicles or autonomous 41
technology may operate an autonomous vehicle on the public roads 42
and highways in this state for purposes of transporting or 43
testing the autonomous vehicle only if all of the following 44
requirements are met: 45

(a) A person who holds a valid driver's or commercial 46
driver's license is present in the autonomous vehicle, is 47
monitoring the safe operation of the autonomous vehicle, and is 48

capable of taking immediate control of the autonomous vehicle if 49
a technology failure or other emergency occurs. 50

(b) The manufacturer has registered the vehicle under 51
Chapter 4503. of the Revised Code. 52

(c) The vehicle displays an autonomous vehicle license 53
plate established and issued by the registrar of motor vehicles. 54

(d) The autonomous vehicle is in compliance with all 55
applicable motor vehicle equipment requirements specified in 56
Chapter 4513. of the Revised Code. 57

(e) The manufacturer complies with the financial 58
responsibility requirement established in division (D) of this 59
section. 60

(C) The person who is present in an autonomous vehicle as 61
described in division (B) (2) (a) of this section is deemed to be 62
the operator of the autonomous vehicle for purposes of this 63
section and any motor vehicle-related offense under Title XXIX 64
or Title XLV of the Revised Code. If no person is present in the 65
autonomous vehicle as required under division (B) (2) (a) of this 66
section, the person who caused the vehicle's autonomous 67
technology to engage is deemed to be the operator for those 68
purposes. 69

(D) (1) A manufacturer that registers an autonomous vehicle 70
shall furnish and maintain proof of financial responsibility 71
with respect to the autonomous vehicle by filing with the 72
registrar of motor vehicles one of the following: 73

(a) A certificate of insurance as provided in section 74
4509.46 or 4509.47 of the Revised Code; 75

(b) A policy of liability insurance, a declaration page of 76

a policy of liability insurance, or liability bond if the policy 77
or bond complies with sections 4509.49 to 4509.61 of the Revised 78
Code; 79

(c) A bond or certification of the issuance of a bond if 80
the bond complies with section 4509.59 of the Revised Code; 81

(d) A certificate of deposit of money or securities if the 82
certificate of deposit complies with section 4509.62 of the 83
Revised Code; 84

(e) A certificate of self-insurance as provided in section 85
4509.72 of the Revised Code. 86

(2) Upon the request of a law enforcement officer, the 87
person who is deemed to be the operator of an autonomous vehicle 88
as described in this section shall produce proof of compliance 89
with division (D)(1) of this section. The law enforcement 90
officer requesting such proof shall notify the registrar of any 91
violation of that division. The notice to the registrar shall be 92
on a form prescribed by the registrar and supplied by the 93
registrar at the registrar's expense, and shall include the 94
license plate number of the autonomous vehicle and any other 95
information the registrar requires. 96

(E)(1) Any person who operates an autonomous vehicle on a 97
public road or highway of this state without complying with 98
division (B) of this section shall be fined ten thousand dollars 99
for each day the operator commits such a violation. 100

(2) If an autonomous vehicle is operated in violation of a 101
motor vehicle-related provision of Title XXIX or Title XLV of 102
the Revised Code, the person who is deemed to be the operator of 103
the autonomous vehicle as described in this section is subject 104
to all applicable penalties prescribed for a violation of that 105

provision of Title XXIX or Title XLV of the Revised Code. 106

(F) A manufacturer of autonomous technology is immune from 107
civil liability for damages arising from modifications made by a 108
person who is not an employee or agent of the manufacturer to 109
either of the following: 110

(1) Autonomous technology developed by the manufacturer; 111

(2) An autonomous vehicle equipped with autonomous 112
technology developed by the manufacturer. 113

(G) Title XLV of the Revised Code applies to autonomous 114
vehicles in the same manner as other motor vehicles, except to 115
the extent this section clearly provides otherwise. 116

Sec. 4511.204. (A) No person shall drive a motor vehicle, 117
trackless trolley, or streetcar on any street, highway, or 118
property open to the public for vehicular traffic while using a 119
handheld electronic wireless communications device to write, 120
send, or read a text-based communication. 121

(B) Division (A) of this section does not apply to any of 122
the following: 123

(1) A person using a handheld electronic wireless 124
communications device in that manner for emergency purposes, 125
including an emergency contact with a law enforcement agency, 126
hospital or health care provider, fire department, or other 127
similar emergency agency or entity; 128

(2) A person driving a public safety vehicle who uses a 129
handheld electronic wireless communications device in that 130
manner in the course of the person's duties; 131

(3) A person using a handheld electronic wireless 132
communications device in that manner whose motor vehicle is in a 133

stationary position and who is outside a lane of travel;	134
(4) A person reading, selecting, or entering a name or telephone number in a handheld electronic wireless communications device for the purpose of making or receiving a telephone call;	135 136 137 138
(5) A person receiving wireless messages on a device regarding the operation or navigation of a motor vehicle; safety-related information, including emergency, traffic, or weather alerts; or data used primarily by the motor vehicle;	139 140 141 142
(6) A person receiving wireless messages via radio waves;	143
(7) A person using a device for navigation purposes;	144
(8) A person conducting wireless interpersonal communication with a device that does not require manually entering letters, numbers, or symbols or reading text messages, except to activate, deactivate, or initiate the device or a feature or function of the device;	145 146 147 148 149
(9) A person operating a commercial truck while using a mobile data terminal that transmits and receives data;	150 151
(10) A person using a handheld electronic wireless communications device in conjunction with a voice-operated or hands-free device feature or function of the vehicle;	152 153 154
<u>(11) A person using a handheld electronic wireless communications device for purposes of testing, monitoring, or controlling an autonomous vehicle in accordance with section 4501.50 of the Revised Code.</u>	155 156 157 158
(C) (1) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of an automobile being operated on any street or highway to stop	159 160 161

the automobile for the sole purpose of determining whether a 162
violation of division (A) of this section has been or is being 163
committed or for the sole purpose of issuing a ticket, citation, 164
or summons for a violation of that nature or causing the arrest 165
of or commencing a prosecution of a person for a violation of 166
that nature, and no law enforcement officer shall view the 167
interior or visually inspect any automobile being operated on 168
any street or highway for the sole purpose of determining 169
whether a violation of that nature has been or is being 170
committed. 171

(2) On January 31 of each year, the department of public 172
safety shall issue a report to the general assembly that 173
specifies the number of citations issued for violations of this 174
section during the previous calendar year. 175

(D) Whoever violates division (A) of this section is 176
guilty of a minor misdemeanor. 177

(E) This section shall not be construed as invalidating, 178
preempting, or superseding a substantially equivalent municipal 179
ordinance that prescribes penalties for violations of that 180
ordinance that are greater than the penalties prescribed in this 181
section for violations of this section. 182

(F) A prosecution for a violation of this section does not 183
preclude a prosecution for a violation of a substantially 184
equivalent municipal ordinance based on the same conduct. 185
However, if an offender is convicted of or pleads guilty to a 186
violation of this section and is also convicted of or pleads 187
guilty to a violation of a substantially equivalent municipal 188
ordinance based on the same conduct, the two offenses are allied 189
offenses of similar import under section 2941.25 of the Revised 190
Code. 191

(G) As used in this section:	192
(1) "Electronic wireless communications device" includes any of the following:	193 194
(a) A wireless telephone;	195
(b) A text-messaging device;	196
(c) A personal digital assistant;	197
(d) A computer, including a laptop computer and a computer tablet;	198 199
(e) Any other substantially similar wireless device that is designed or used to communicate text.	200 201
(2) "Voice-operated or hands-free device" means a device that allows the user to vocally compose or send, or to listen to a text-based communication without the use of either hand except to activate or deactivate a feature or function.	202 203 204 205
(3) "Write, send, or read a text-based communication" means to manually write or send, or read a text-based communication using an electronic wireless communications device, including manually writing or sending, or reading communications referred to as text messages, instant messages, or electronic mail.	206 207 208 209 210 211
Section 2. That existing section 4511.204 of the Revised Code is hereby repealed.	212 213
Section 3. The Director of Transportation, in consultation with representatives of the automobile manufacturing and automated technology manufacturing industries, shall study whether, in addition to the provisions of this act, any additional legislative or regulatory actions are necessary for	214 215 216 217 218

purposes of ensuring the safe testing of autonomous vehicles.	219
Not later than two years after the effective date of this act,	220
the Director shall submit a report containing the findings of	221
the Director to the committees of the House of Representatives	222
and the Senate that consider matters related to transportation.	223