

As Introduced

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H. B. No. 1034

Representative Holmes

To amend sections 3942.01, 3942.02, and 4511.34 and
to enact sections 4511.206, 4511.207, 4511.208,
4511.209, 4511.2010, and 4511.2011 of the
Revised Code to authorize the operation of
autonomous vehicles on public roads and
highways.

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

Section 1. That sections 3942.01, 3942.02, and 4511.34 be
amended and sections 4511.206, 4511.207, 4511.208, 4511.209,
4511.2010, and 4511.2011 of the Revised Code be enacted to read
as follows:

Sec. 3942.01. As used in this chapter:

(A) "Automobile insurance policy" has the same meaning as
in section 3937.30 of the Revised Code.

(B) "Chauffeured limousine" has the same meaning as in
section 4501.01 of the Revised Code.

(C) "Digital network" means any online-enabled
application, software, web site, or system offered or utilized
by a transportation network company that enables the
prearrangement of rides or the transport of goods with
transportation network company drivers or fully autonomous

vehicles. 21

(D) "Personal vehicle" means a vehicle to which all of the 22
following apply: 23

(1) The vehicle is used by a transportation network 24
company driver. 25

(2) The vehicle is owned, leased, or otherwise authorized 26
for use by the transportation network company driver. 27

(3) The vehicle is not a taxicab or other similar vehicle 28
for hire, unless the vehicle is being used to provide 29
transportation network company services on behalf of a 30
transportation network company that has been issued a permit 31
under section 4925.02 of the Revised Code. 32

(4) The vehicle is not a chauffeured limousine or a 33
vehicle being operated pursuant to a ridesharing arrangement. 34

(5) The vehicle is not a fully autonomous vehicle. 35

(E) "Ridesharing arrangement" has the same meaning as in 36
section 4921.01 of the Revised Code. 37

(F) "Transportation network company" includes a 38
corporation, partnership, association, limited liability 39
company, proprietorship, or any other entity operating in this 40
state that uses a digital network to connect transportation 41
network company riders to transportation network company drivers 42
or fully autonomous vehicles who provide transportation network 43
company services. 44

(G) "Transportation network company driver" or "driver" 45
means an individual to whom both of the following apply: 46

(1) The individual receives connections to passengers and 47

potential passengers and related services from a transportation 48
network company in exchange for the payment of a fee to the 49
company. 50

(2) The individual uses a personal vehicle to offer or 51
provide transportation network company services to riders upon 52
connection through a digital network controlled by a 53
transportation network company in return for compensation or 54
payment of a fee. 55

(H) "Transportation network company rider" or "rider" 56
means an individual or individuals using a transportation 57
network company's digital network to connect with a 58
transportation network company driver ~~who~~ or a fully autonomous 59
vehicle that provides transportation network company services to 60
the individual in a personal vehicle or the full autonomous 61
vehicle between points chosen by the individual. 62

(I) (1) "Transportation network company services" means the 63
provision of transportation beginning when a transportation 64
network company driver accepts a ride requested by a rider or 65
when a fully autonomous vehicle is dispatched to retrieve a 66
rider or to transport goods through a digital network controlled 67
by a transportation network company, continuing while the driver 68
or fully autonomous vehicle transports the requesting rider or 69
the goods, and ending when the last requesting rider departs 70
from the personal vehicle or the fully autonomous vehicle or 71
when the goods have arrived at the predetermined location. 72

(2) "Transportation network company services" do not 73
include services provided by any of the following: 74

(a) A taxicab or other similar vehicle for hire, unless 75
the taxicab or other vehicle is providing the services described 76

in division (I) (1) of this section on behalf of a transportation 77
network company that has been issued a permit under section 78
4925.02 of the Revised Code; 79

(b) A chauffeured limousine; 80

(c) A ridesharing arrangement. 81

(J) "Fully autonomous vehicle" and "human driver" have the 82
same meanings as in section 4511.206 of the Revised Code. 83

Sec. 3942.02. (A) (1) Each transportation network company 84
driver or fully autonomous vehicle shall be covered by a primary 85
automobile insurance policy that recognizes that the driver is a 86
transportation network company driver or otherwise uses a 87
vehicle to transport passengers for compensation ~~and provides or~~ 88
recognizes that the fully autonomous vehicle is used to 89
transport passengers or goods for compensation. The primary 90
automobile insurance policy shall provide coverage during both 91
of the following periods of time: 92

(a) While the driver or fully autonomous vehicle is logged 93
on to the transportation network company's digital network; 94

(b) While the driver or fully autonomous vehicle is 95
engaged in transportation network company services. 96

(2) The primary automobile insurance policy required by 97
division (A) (1) of this section shall meet the following 98
coverage requirements: 99

(a) While a transportation network company driver or fully 100
autonomous vehicle is logged on to the transportation network 101
company's digital network and is available to receive 102
transportation requests but is not engaged in transportation 103
network company services, primary automobile insurance shall be 104

maintained in the following amounts: 105

(i) At least fifty thousand dollars because of bodily 106
injury to or death of one person in any one accident; 107

(ii) At least one hundred thousand dollars because of 108
bodily injury or death of two or more persons in any one 109
accident; 110

(iii) At least twenty-five thousand dollars because of 111
injury to property of others in any one accident. 112

(b) While a transportation network company driver or fully 113
autonomous vehicle is engaged in transportation network company 114
services, primary automobile insurance shall be maintained in an 115
amount of at least one million dollars because of bodily injury 116
or death of one or more persons or injury to property of others 117
in any one accident. 118

(3) ~~The~~ Except as provided in division (A) (4) of this 119
section, the insurance required by divisions (A) (1) and (2) of 120
this section may be satisfied by either of the following or a 121
combination of the following: 122

(a) An automobile insurance policy that is maintained by 123
the transportation network company driver; 124

(b) An automobile insurance policy that is maintained by 125
the transportation network company. 126

(4) If the insurance required by divisions (A) (1) and (2) 127
of this section covers a fully autonomous vehicle, the 128
automobile insurance policy shall be maintained by the 129
transportation network company. 130

(B) (1) If personal automobile insurance maintained by a 131
transportation network company driver does not provide liability 132

coverage in the amounts required by division (A) (2) of this 133
section, insurance maintained by the transportation network 134
company shall provide the required coverage, beginning with the 135
first dollar of the claim and shall have the duty to defend the 136
claim. 137

(2) An automobile insurance policy maintained by a 138
transportation network company in accordance with this section 139
shall not require the driver's personal automobile insurer or 140
policy to first deny a claim before providing coverage. 141

(C) An automobile insurance policy required by this 142
section shall be purchased from either of the following: 143

(1) A domestic, foreign, or alien insurance company 144
organized or admitted under Title XXXIX of the Revised Code to 145
issue such a policy; 146

(2) An insurer not holding a license in this state if both 147
of the following criteria are met: 148

(a) The insurer is an eligible surplus lines insurance 149
company and the policy is obtained through a person or entity 150
that holds a surplus lines broker's license in accordance with 151
sections 3905.30 to 3905.38 of the Revised Code or the insurer 152
is an eligible risk retention group. 153

(b) The insurer has a credit rating of not less than "A-" 154
from A.M. Best or "A" from Demotech or a similar rating from 155
another rating agency recognized by the department of insurance. 156

~~(D)~~ (D) (1) A transportation network company driver shall 157
carry proof of insurance satisfying the coverage requirements of 158
division (A) (2) of this section either physically or through use 159
of an electronic wireless communications device described in 160
section 4509.103 of the Revised Code at all times during the 161

driver's use of a personal vehicle in connection with a 162
transportation network company's digital network. In the event 163
of an accident, the driver shall provide this insurance 164
information to all parties claiming an interest in the 165
insurance, other insurers, and upon request of a peace officer 166
or state highway patrol trooper in accordance with division (D) 167
(2) of section 4509.101 of the Revised Code. Upon such a 168
request, the driver also shall disclose to the interested 169
parties, insurers, and officers and troopers whether the driver 170
was logged on to the transportation network company's digital 171
network or was providing transportation network company services 172
at the time of the accident. 173

(2) A transportation network company that dispatches a 174
fully autonomous vehicle to provide transportation network 175
company services on the public streets and highways of this 176
state without a human driver shall ensure that the vehicle 177
contains access to an interaction plan in accordance with 178
section 4511.208 of the Revised Code. 179

(E) An automobile insurance policy that meets the 180
requirements of this section satisfies the proof of financial 181
responsibility for motor vehicles required under Chapter 4509. 182
of the Revised Code. 183

(F) The insurance coverage requirements of this chapter 184
shall apply to taxicabs only during the periods during which the 185
taxicab is performing transportation network company services. 186
When a taxicab is performing taxi services, the insurance 187
requirements applicable to taxicabs shall apply. While a taxicab 188
is operating as a taxicab and not performing transportation 189
network company services, it shall comply with all laws, 190
ordinances, and rules relating to taxicabs. 191

Sec. 4511.206. As used in sections 4511.206 to 4511.2010 192
of the Revised Code: 193

(A) "Automated driving system" means the hardware and 194
software that are collectively capable of performing the entire 195
dynamic driving task for a motor vehicle on a sustained basis, 196
regardless of whether it is limited to a specific operational 197
design domain. 198

(B) "Dynamic driving task" means both of the following: 199

(1) Operational functions, including steering, braking, 200
accelerating, monitoring the motor vehicle and the roadway, and 201
other related actions; 202

(2) Tactical functions, including responding to events, 203
determining when to change lanes, turning, using signals, and 204
other related actions. 205

"Dynamic driving task" does not include strategic aspects 206
of a driving task, including trip scheduling and determining 207
destinations or waypoints. 208

(C) "Fully autonomous vehicle" means a motor vehicle, 209
including a commercial motor vehicle, equipped with an automated 210
driving system designed to function without a human driver as a 211
level four system or level five system. 212

(D) "Human driver" means a natural person within a fully 213
autonomous vehicle who holds a valid driver's license, is 214
authorized to operate the vehicle, and is capable of controlling 215
all or part of the dynamic driving task. 216

(E) "Level five system" means the level five system 217
described in SAE J3016-2021. 218

(F) "Level four system" means the level four system 219

described in SAE J3016-2021. 220

(G) "Minimal risk condition" means the operating condition 221
under which a fully autonomous vehicle responds to a command 222
issued by a human driver, another person, or the automated 223
driving system in order to reduce the risk of a collision, if 224
the trip programmed into the vehicle cannot or should not be 225
completed. 226

(H) "Operational design domain" means the operating 227
conditions under which an automated driving system is 228
specifically designed to function, including environmental, 229
geographical, and time-of-day restrictions, and the requisite 230
presence or absence of certain traffic or roadway 231
characteristics. 232

(I) "Request to intervene" means a notification that is 233
given by an automated driving system to a human driver that the 234
human driver should promptly begin or resume performance of part 235
or all of a dynamic driving task. 236

Sec. 4511.207. (A) The regulation and the operation of 237
autonomous vehicles and automated driving systems are a matter 238
of general statewide concern that requires statewide regulation. 239
Accordingly, except as otherwise authorized in the Revised Code, 240
it is the intent of the general assembly to create uniform laws 241
that are applicable throughout the state and to preempt any 242
local ordinance, resolution, or other law adopted to regulate 243
such operation of autonomous vehicles and automated driving 244
systems. 245

(B) Nothing in division (A) of this section prohibits or 246
restricts the operator of a public-use airport from doing both 247
of the following: 248

<u>(1) Charging reasonable fees to companies that use airport facilities to provide autonomous vehicle services;</u>	249 250
<u>(2) Designating locations for autonomous vehicle operations and logistics including vehicle staging, pickup, dropoff, or other similar operations.</u>	251 252 253
<u>Sec. 4511.208.</u> (A) <u>A manufacturer of fully autonomous vehicles shall publish and maintain an interaction plan for any of its fully autonomous vehicles that operate or are intended for operation on the public streets and highways of this state without a human driver. The interaction plan shall describe all of the following:</u>	254 255 256 257 258 259
<u>(1) How to communicate with a fleet support specialist at all times that the fully autonomous vehicle is in operation;</u>	260 261
<u>(2) How to safely remove the fully autonomous vehicle from the street or highway and steps to safely tow the vehicle that are in accordance with Chapter 4513. of the Revised Code;</u>	262 263 264
<u>(3) How to recognize whether the fully autonomous vehicle is in autonomous mode;</u>	265 266
<u>(4) Any additional information necessary regarding hazardous conditions or public safety risks associated with the operation of the fully autonomous vehicle.</u>	267 268 269
<u>(B) The manufacturer of a fully autonomous vehicle shall ensure that the interaction plan is readily accessible, both inside and outside of the vehicle, to law enforcement, emergency medical service personnel, and firefighters in the event of an accident, collision, or other emergency.</u>	270 271 272 273 274
<u>(C) The manufacturer of a fully autonomous vehicle shall make the interaction plan available on the manufacturer's web</u>	275 276

site. 277

Sec. 4511.209. (A) No person shall knowingly operate or 278
permit the operation of a fully autonomous vehicle on the public 279
streets or highways of this state without a human driver unless 280
the vehicle meets the following conditions: 281

(1) The fully autonomous vehicle is registered in 282
accordance with Chapter 4503. of the Revised Code, titled in 283
accordance with Chapter 4505. of the Revised Code, and meets 284
federal and state motor vehicle equipment standards and 285
regulations that apply to such a vehicle. However, any state 286
motor vehicle standards or regulations that apply to a fully 287
autonomous vehicle are inapplicable if they contradict federal 288
statutes, lack relevance to autonomous driving technology, or 289
pertain exclusively to vehicles operated or driven by a human 290
driver. 291

(2) The automated driving system is engaged at all times 292
in its operational design domain. 293

(3) If the automated driving system experiences a failure 294
and the system is unable to perform the entire dynamic driving 295
task relevant to its intended operational design domain, the 296
fully autonomous vehicle is programmed to achieve a minimal risk 297
condition. 298

(4) The fully autonomous vehicle is capable of complying 299
with the traffic laws under Chapter 4511. of the Revised Code or 300
substantially equivalent municipal ordinances that apply to such 301
a vehicle. However, any provision that reasonably applies only 302
to a human driver does not apply to a fully autonomous vehicle 303
operating with the automated driving system engaged. 304

(5) When required by federal law, the fully autonomous 305

vehicle displays the required manufacturer's certification label 306
indicating that at the time of the vehicle's manufacture it was 307
certified to be in compliance with all applicable federal motor 308
vehicle safety standards. 309

(6) The fully autonomous vehicle contains access to an 310
interaction plan in accordance with section 4511.208 of the 311
Revised Code. 312

(B) No person shall knowingly operate or permit the 313
operation of a fully autonomous vehicle with the automated 314
driving system engaged on the public streets or highways of this 315
state with a human driver unless all of the following apply: 316

(1) The fully autonomous vehicle is registered in 317
accordance with Chapter 4503. of the Revised Code, titled in 318
accordance with Chapter 4505. of the Revised Code, and meets 319
federal and state motor vehicle equipment standards and 320
regulations that apply to such a vehicle. However, any state 321
motor vehicle standards or regulations that apply to a fully 322
autonomous vehicle are inapplicable if they contradict federal 323
statutes, lack relevance to autonomous driving technology, or 324
pertain exclusively to vehicles operated or driven by a human 325
driver. 326

(2) The human driver of that fully autonomous vehicle is 327
physically present in the fully autonomous vehicle, monitors the 328
fully autonomous vehicle at all times during operation, and is 329
capable of taking immediate control of the fully autonomous 330
vehicle if an emergency occurs or if there is a request to 331
intervene. 332

(3) The fully autonomous vehicle contains access to an 333
interaction plan in accordance with section 4511.208 of the 334

Revised Code. 335

(C) Nothing in this section prohibits or restricts a human 336
driver from operating a fully autonomous vehicle if both of the 337
following apply: 338

(1) The fully autonomous vehicle is equipped with controls 339
that allow for the human driver to control the dynamic driving 340
task. 341

(2) The automated driving system is not engaged during the 342
operation of the fully autonomous vehicle. 343

(D) Nothing in this section prohibits or restricts an 344
individual from riding as a passenger in a fully autonomous 345
vehicle. An individual who rides in a fully autonomous vehicle 346
that is being operated in compliance with division (A) of this 347
section is not required to possess a valid driver's license or 348
be capable of taking immediate control of the fully autonomous 349
vehicle. 350

Sec. 4511.2010. (A) For purposes of this section and any 351
motor vehicle-related offense under Title XXIX or Title XLV of 352
the Revised Code, the operator of a fully autonomous vehicle is 353
either of the following: 354

(1) The human driver if that human driver was present in 355
the fully autonomous vehicle and the automated driving system 356
was not engaged during the operation of the fully autonomous 357
vehicle at the time of the offense; 358

(2) If division (A) (1) of this section does not apply, the 359
registered owner of the fully autonomous vehicle. 360

(B) (1) Except as provided in division (B) (2) of this 361
section, if a fully autonomous vehicle is operated in violation 362

of a motor vehicle-related provision of Title XXIX or Title XLV 363
of the Revised Code, the operator of the vehicle, as described 364
under division (A) of this section, is subject to all applicable 365
penalties prescribed for a violation of that provision of Title 366
XXIX or Title XLV of the Revised Code. 367

(2) Chapter 4510. of the Revised Code does not apply when 368
the operator is the person described under division (A) (2) of 369
this section. 370

(C) Title XLV of the Revised Code applies to fully 371
autonomous vehicles in the same manner as other motor vehicles, 372
except to the extent that sections 4511.206 to 4511.2010 of the 373
Revised Code clearly provide otherwise. 374

Sec. 4511.2011. (A) As used in this section: 375

(1) "Connected vehicle" means a motor vehicle that 376
exchanges information with another motor vehicle, with 377
infrastructure, or with other road users by way of electronic 378
communications technology. 379

(2) "Vehicle platoon" means the linking of two or more 380
connected vehicles using electronic vehicle-to-vehicle 381
communication technology where the first connected vehicle in 382
the platoon sets the speed and direction for the rest of the 383
connected vehicles enabling all connected vehicles in the 384
platoon to follow at a close distance. 385

(B) No person shall knowingly permit the operation of a 386
vehicle platoon on the public streets and highways unless all of 387
the following apply: 388

(1) There are not more than three connected vehicles in 389
the vehicle platoon. 390

(2) The vehicle platoon is operated on either a state 391
highway or a highway that is part of the interstate system. 392

(3) The person has complied with division (C) of this 393
section. 394

(C) (1) A person that wishes to permit the operation of a 395
vehicle platoon on the public streets and highways in accordance 396
with division (B) of this section shall file and review a plan 397
for general platoon operations with the department of 398
transportation. The director of transportation, or the 399
director's designee, shall review the plan in consultation with 400
the superintendent of the state highway patrol, or the 401
superintendent's designee, if applicable, within thirty days of 402
receipt of the plan. 403

(2) A person that submits a plan under division (C) (1) of 404
this section may operate the vehicle platoon if one of the 405
following occurs: 406

(a) The director affirms the plan for general platoon 407
operations. 408

(b) The director does not respond to the applicant under 409
division (C) (1) of this section within thirty days of receiving 410
the plan. 411

(D) Each connected vehicle that is a part of a vehicle 412
platoon shall be marked with a visual identifier in such a 413
manner that other drivers know that the connected vehicles are 414
operating in a vehicle platoon. The director, in consultation 415
with the superintendent, shall establish the criteria for and 416
placement of the visual identifier. 417

Sec. 4511.34. (A) The operator of a motor vehicle, 418
streetcar, or trackless trolley shall not follow another 419

vehicle, streetcar, or trackless trolley more closely than is 420
reasonable and prudent, having due regard for the speed of such 421
vehicle, streetcar, or trackless trolley, and the traffic upon 422
and the condition of the highway. 423

The driver of any truck, or motor vehicle drawing another 424
vehicle, when traveling upon a roadway outside a business or 425
residence district shall maintain a sufficient space, whenever 426
conditions permit, between such vehicle and another vehicle 427
ahead so an overtaking motor vehicle may enter and occupy such 428
space without danger. This paragraph does not prevent overtaking 429
and passing nor does it apply to any lane specially designated 430
for use by trucks. 431

Outside a municipal corporation, the driver of any truck, 432
or motor vehicle when drawing another vehicle, while ascending 433
to the crest of a grade beyond which the driver's view of a 434
roadway is obstructed, shall not follow within three hundred 435
feet of another truck, or motor vehicle drawing another vehicle. 436
This paragraph shall not apply to any lane specially designated 437
for use by trucks or a vehicle platoon as defined in section 438
4511.208 of the Revised Code. 439

Motor vehicles being driven upon any roadway outside of a 440
business or residence district in a caravan or motorcade, shall 441
maintain a sufficient space between such vehicles so an 442
overtaking vehicle may enter and occupy such space without 443
danger. This paragraph shall not apply to funeral processions. 444

(B) Except as otherwise provided in this division, whoever 445
violates this section is guilty of a minor misdemeanor. If, 446
within one year of the offense, the offender previously has been 447
convicted of or pleaded guilty to one predicate motor vehicle or 448
traffic offense, whoever violates this section is guilty of a 449

misdemeanor of the fourth degree. If, within one year of the 450
offense, the offender previously has been convicted of two or 451
more predicate motor vehicle or traffic offenses, whoever 452
violates this section is guilty of a misdemeanor of the third 453
degree. 454

If the offender commits the offense while distracted and 455
the distracting activity is a contributing factor to the 456
commission of the offense, the offender is subject to the 457
additional fine established under section 4511.991 of the 458
Revised Code. 459

Section 2. That existing sections 3942.01, 3942.02, and 460
4511.34 of the Revised Code are hereby repealed. 461