



Transportation & Infrastructure Subcommittee

November 8, 2017
4:00 PM – 6:00 PM
Reed Hall (102 HOB)

Meeting Packet

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Transportation & Infrastructure Subcommittee

Start Date and Time: Wednesday, November 08, 2017 04:00 pm
End Date and Time: Wednesday, November 08, 2017 06:00 pm
Location: Reed Hall (102 HOB)
Duration: 2.00 hrs

Consideration of the following bill(s):

HB 135 Motor Vehicle Registration Applications by Ausley
HB 353 Autonomous Vehicles by Fischer, Brodeur

NOTICE FINALIZED on 11/01/2017 4:13PM by Larson.Lisa

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 135 Motor Vehicle Registration Applications
SPONSOR(S): Ausley
TIED BILLS: IDEN./SIM. **BILLS:** SB 290

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Infrastructure Subcommittee		Roth <i>AR</i>	Vickers <i>PW</i>
2) Transportation & Tourism Appropriations Subcommittee			
3) Government Accountability Committee			

SUMMARY ANALYSIS

An individual who is hearing impaired may add the international symbol for the Deaf and Hard of Hearing to his or her driver license or identification card upon providing sufficient proof that he or she is hearing impaired and paying an additional fee. In August 2017, the Department of Highway Safety and Motor Vehicles (DHSMV) began introducing driver licenses and identification cards with the Deaf and Hard of Hearing designation in selected counties and will be in statewide distribution by January 2018.

The bill requires DHSMV to include language on the motor vehicle registration application that allows a hearing impaired applicant to voluntarily indicate that he or she is hearing impaired. This notation will be included in the Florida Crime Information Center (FCIC) system and the Driver and Vehicle Information Database (DAVID).

The bill will have an insignificant negative fiscal impact to DHSMV.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Motor Vehicle Registration

The motor vehicle registration process is set out in s. 320.02, F.S., and incorporated in form HSMV 82040.¹ Applicants must provide the street address of the owner's permanent residence and a valid driver license, identification card, or passport.² Any vehicle registered outside the state must be accompanied by a sworn affidavit from the seller and purchaser verifying the vehicle identification number (VIN), or a copy of the outside state's departmental form indicating that the vehicle has been physically inspected and the VIN verified.³ The owner of any motor vehicle registered in the state must notify DHSMV in writing of any change of address within 30 days of such change.⁴ Additionally, the owner of the vehicle must provide proof that personal injury protection (PIP) benefits, property damage liability coverage, bodily injury or death coverage, and combined bodily liability insurance and property damage liability insurance have been purchased.⁵

For the majority of motor vehicles, the registration period begins the first day of the birth month of the owner and ends the last day of the month immediately preceding the owner's birth month the next year.⁶ The renewal period is the 30-day period ending at midnight on the vehicle owner's date of birth.⁷ For vehicles weighing over a certain amount, the registration period must be a period of 12 months beginning in a month designated by DHSMV and ending on the last day of the 12th month.⁸ For a vehicle subject to this registration period, the renewal period is the last month of the registration period.⁹ However, there is an extended registration period where a motor vehicle registration is valid for 24 months.¹⁰

Florida's Implementation of the International Symbol for the Deaf and Hard of Hearing

An individual who is hearing impaired may add the international symbol for the Deaf and Hard of Hearing to his or her driver license¹¹ or identification card¹² upon providing sufficient proof that he or she is hearing impaired and paying an additional fee. An individual who wishes to add the designation when issued an original or renewal identification card or driver license must pay an additional \$1 fee. An individual who surrenders and replaces his or her driver license or identification card before its expiration date for the purpose of adding the international symbol for the Deaf and Hard of Hearing must pay an additional \$2 fee to be deposited into the Highway Safety Operating Trust Fund. If the applicant is not conducting any other transaction affecting the driver license or identification card, the standard \$25 replacement fee is waived.

¹ Florida Department of Highway Safety and Motor Vehicles Form HSMV 82040, available at <https://www.flhsmv.gov/pdf/forms/82040.pdf> (last visited October 20, 2017).

² Section 320.02(2)(a), F.S.

³ Section 320.02(3), F.S.

⁴ Section 320.02(4), F.S.

⁵ Section 320.02(5)(a), F.S.

⁶ Section 320.055(1)(a), F.S.

⁷ Section 320.055(1)(a), F.S.

⁸ Section 320.055(5), F.S.

⁹ Section 320.055(5), F.S.

¹⁰ Sections 320.055(1)(b), 320.01(19)(b), F.S.

¹¹ Section 322.14, F.S.

¹² Section 322.051, F.S.

In August 2017, DHSMV began introducing driver licenses and identification cards with the Deaf and Hard of Hearing designation in selected counties and will be in statewide distribution by January 2018.¹³

Driver and Vehicle Information Database (DAVID)

DAVID provides easy-to-use, secure web-based access to driver license identity information, driver license transactions, driver license records, and vehicle titles and registrations.¹⁴ In order for an agency to gain access to the information on DAVID, DHSMV and the requesting agency must enter into a Memorandum of Understanding (MOU).¹⁵ The MOU establishes the purposes for and conditions of electronic access to DAVID.¹⁶ DAVID may only be used by law enforcement for official law enforcement purposes such as:

- Traffic stops;
- Investigations;
- Missing persons;
- Automobile crashes; and
- Natural disasters.¹⁷

As of 2017, there are 68,790 active DAVID users.¹⁸

Florida Crime Information Center (FCIC) System

The Florida Department of Law Enforcement Criminal Justice Information Services (CJIS) is the central source of criminal history records for the State of Florida and provides criminal identification screening to agencies and private citizens to identify persons with criminal warrants, arrests, and convictions that impact employment, licensing, eligibility to purchase a firearm, as well as a variety of criminal justice functions.¹⁹ Additionally, CJIS helps guarantee the quality of the data available on the FCIC system.²⁰

The FCIC system is a database that provides criminal justice agencies with access to federal and state criminal justice information.²¹ The FCIC system is used for rapid communications such as:

- Be On the Look Out (BOLO) notices, used to notify the public and law enforcement when assistance is needed finding a suspect.
- All Points Bulletin, used as a broadcast alert from one police station to all others in a particular area or state with instructions to arrest a particular suspect.
- Florida Administrative Message, law enforcement related messages used when the sender and recipient are both within the State of Florida.²²

Additionally, the FCIC system provides connectivity to DHSMV and the National Crime Information Center (NCIC) and contains additional "Hot Files" with the most heavily used type of criminal justice information not stored in NCIC.²³ Some of the information in Hot Files include:

- Abandoned vehicles;

¹³ Email from Kevin Jacobs, Deputy Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, RE: implementation of deaf and hard of hearing symbol on driver license (October 26, 2017).

¹⁴ Florida Department of Highway Safety and Motor Vehicles, *D.A.V.I.D.*, slide 2 (on file with the House Transportation & Infrastructure Subcommittee).

¹⁵ Florida Department of Highway Safety and Motor Vehicles, *DAVID*, slide 3 (on file with the House Transportation & Infrastructure Subcommittee).

¹⁶ *Id.*

¹⁷ *Id.* at 8.

¹⁸ Email from Kevin Jacobs, Deputy Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, RE: HB 135 DAVID Users (October 26, 2017).

¹⁹ Florida Department of Law Enforcement, *Criminal Justice Information Services*, available at <http://www.fdle.state.fl.us/cms/CJIS/CJIS-Home.aspx> (last visited October 23, 2017).

²⁰ *Id.*

²¹ Florida Department of Law Enforcement, *Criminal Justice Information Services*, slide 13 (on file with the House Transportation & Infrastructure Subcommittee).

²² *Id.*

²³ *Id.*

- Recovered guns;
- Deported felons;
- Sexual predators; and
- Injunctions related to domestic violence.²⁴

Proposed Changes

The bill amends s. 320.02, F.S., requiring DHSMV to include language on the motor vehicle registration application that allows a hearing impaired applicant to voluntarily indicate that he or she is hearing impaired. This notation will be included in the FCIC system and DAVID.

The bill will enable law enforcement officers to access this information upon searching a license plate prior to approaching the motor vehicle during a traffic stop.

B. SECTION DIRECTORY:

Section 1: Amends s. 320.02, F.S., relating to registration required; application for registration; forms.

Section 2: Amends s. 320.27, F.S., relating to motor vehicle dealers.

Section 3: Provides an effective date of July 1, 2018.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

DHSMV estimates that 579 hours will be required for programming and implementation (328 hours for development at \$40/hour + 58 hours at \$100/hour and 193 hours of testing at \$25/hour). These hours are estimated to have a fiscal impact to DHSMV of \$23,745 in FTE and contracted resources.²⁵

Additionally, DHSMV's Motorist Modernization initiative, which is an ongoing information technology project to replace existing driver license and motor vehicle information systems, may be impacted because of the programming and implementation hours expended for this bill.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

²⁴ *Id.* at 14.

²⁵ Department of Highway Safety and Motor Vehicles, *SB 290 Agency Analysis*, p. 5 (2018) (on file with the House Transportation & Infrastructure Subcommittee).

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to motor vehicle registration
 3 applications; amending s. 320.02, F.S.; requiring the
 4 application for motor vehicle registration to include
 5 language indicating an applicant is hearing impaired;
 6 requiring such information to be included in certain
 7 databases; amending s. 320.27, F.S.; conforming a
 8 cross-reference; providing an effective date.

9
 10 Be It Enacted by the Legislature of the State of Florida:

11
 12 Section 1. Subsections (14) through (19) of section
 13 320.02, Florida Statutes, are renumbered as subsections (15)
 14 through (20), respectively, and a new subsection (14) is added
 15 to that section to read:

16 320.02 Registration required; application for
 17 registration; forms.—

18 (14) The application form for motor vehicle registration
 19 must include language allowing an applicant who is hearing
 20 impaired to voluntarily indicate that he or she is hearing
 21 impaired. If the applicant indicates on the application that he
 22 or she is hearing impaired, such information shall be included
 23 in the Florida Crime Information Center system and the Driver
 24 and Vehicle Information Database.

25 Section 2. Paragraph (b) of subsection (9) of section

26 320.27, Florida Statutes, is amended to read:

27 320.27 Motor vehicle dealers.—

28 (9) DENIAL, SUSPENSION, OR REVOCATION.—

29 (b) The department may deny, suspend, or revoke any
 30 license issued hereunder or under the provisions of s. 320.77 or
 31 s. 320.771 upon proof that a licensee has committed, with
 32 sufficient frequency so as to establish a pattern of wrongdoing
 33 on the part of a licensee, violations of one or more of the
 34 following activities:

35 1. Representation that a demonstrator is a new motor
 36 vehicle, or the attempt to sell or the sale of a demonstrator as
 37 a new motor vehicle without written notice to the purchaser that
 38 the vehicle is a demonstrator. For the purposes of this section,
 39 a "demonstrator," a "new motor vehicle," and a "used motor
 40 vehicle" shall be defined as under s. 320.60.

41 2. Unjustifiable refusal to comply with a licensee's
 42 responsibility under the terms of the new motor vehicle warranty
 43 issued by its respective manufacturer, distributor, or importer.
 44 However, if such refusal is at the direction of the
 45 manufacturer, distributor, or importer, such refusal shall not
 46 be a ground under this section.

47 3. Misrepresentation or false, deceptive, or misleading
 48 statements with regard to the sale or financing of motor
 49 vehicles which any motor vehicle dealer has, or causes to have,
 50 advertised, printed, displayed, published, distributed,

51 broadcast, televised, or made in any manner with regard to the
52 sale or financing of motor vehicles.

53 4. Failure by any motor vehicle dealer to provide a
54 customer or purchaser with an odometer disclosure statement and
55 a copy of any bona fide written, executed sales contract or
56 agreement of purchase connected with the purchase of the motor
57 vehicle purchased by the customer or purchaser.

58 5. Failure of any motor vehicle dealer to comply with the
59 terms of any bona fide written, executed agreement, pursuant to
60 the sale of a motor vehicle.

61 6. Failure to apply for transfer of a title as prescribed
62 in s. 319.23(6).

63 7. Use of the dealer license identification number by any
64 person other than the licensed dealer or his or her designee.

65 8. Failure to continually meet the requirements of the
66 licensure law.

67 9. Representation to a customer or any advertisement to
68 the public representing or suggesting that a motor vehicle is a
69 new motor vehicle if such vehicle lawfully cannot be titled in
70 the name of the customer or other member of the public by the
71 seller using a manufacturer's statement of origin as permitted
72 in s. 319.23(1).

73 10. Requirement by any motor vehicle dealer that a
74 customer or purchaser accept equipment on his or her motor
75 vehicle which was not ordered by the customer or purchaser.

76 11. Requirement by any motor vehicle dealer that any
77 customer or purchaser finance a motor vehicle with a specific
78 financial institution or company.

79 12. Requirement by any motor vehicle dealer that the
80 purchaser of a motor vehicle contract with the dealer for
81 physical damage insurance.

82 13. Perpetration of a fraud upon any person as a result of
83 dealing in motor vehicles, including, without limitation, the
84 misrepresentation to any person by the licensee of the
85 licensee's relationship to any manufacturer, importer, or
86 distributor.

87 14. Violation of any of the provisions of s. 319.35 by any
88 motor vehicle dealer.

89 15. Sale by a motor vehicle dealer of a vehicle offered in
90 trade by a customer prior to consummation of the sale, exchange,
91 or transfer of a newly acquired vehicle to the customer, unless
92 the customer provides written authorization for the sale of the
93 trade-in vehicle prior to delivery of the newly acquired
94 vehicle.

95 16. Willful failure to comply with any administrative rule
96 adopted by the department or the provisions of s. 320.131(8).

97 17. Violation of chapter 319, this chapter, or ss.
98 559.901-559.9221, which has to do with dealing in or repairing
99 motor vehicles or mobile homes. Additionally, in the case of
100 used motor vehicles, the willful violation of the federal law

101 and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining to
102 the consumer sales window form.

103 18. Failure to maintain evidence of notification to the
104 owner or coowner of a vehicle regarding registration or titling
105 fees owed as required in s. 320.02(17) ~~320.02(16)~~.

106 19. Failure to register a mobile home salesperson with the
107 department as required by this section.

108 Section 3. This act shall take effect July 1, 2018.



Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Transportation &
 2 Infrastructure Subcommittee
 3 Representative Ausley offered the following:
 4

Amendment (with title amendment)

Remove lines 18-24 and insert:

7 (14) The application form for motor vehicle registration
 8 must include language allowing an applicant who is deaf or hard
 9 of hearing to voluntarily indicate that he or she is deaf or
 10 hard of hearing. If the applicant indicates on the application
 11 that he or she is deaf or hard of hearing, such information
 12 shall be included through the Driver and Vehicle Information
 13 Database and available through the Florida Crime Information
 14 Center system.

Remove line 108 and insert:

Section 3. This act shall take effect October 1, 2018.



Amendment No.

17
18
19
20
21

T I T L E A M E N D M E N T

Remove line 5 and insert:

language indicating an applicant is deaf or hard of hearing;

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 353 Autonomous Vehicles
SPONSOR(S): Fischer and others
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Infrastructure Subcommittee		Roth <i>DR</i>	Vickers <i>P</i>
2) Appropriations Committee			
3) Government Accountability Committee			

SUMMARY ANALYSIS

Florida law currently authorizes the operation of autonomous vehicles equipped with the defined autonomous technology on the public roads of this state by any person holding a valid driver license. The physical presence of an operator in the autonomous vehicle is not required under specified conditions. Autonomous vehicles registered in this state must continue to meet federal standards and regulations that apply to such vehicles.

The bill removes the requirement for a person to possess a valid driver license to operate an autonomous vehicle. Additionally, the bill provides that "autonomous technology" rather than a person is deemed the operator of an autonomous vehicle operating in autonomous mode.

The bill specifies that certain provisions of law do not apply to autonomous vehicles operating in autonomous mode if, in the event of a crash involving the vehicle, the vehicle owner, a person on behalf of the vehicle owner, or the autonomous vehicle, promptly contacts law enforcement to report the crash. Similarly, the bill specifies statutory provisions relating to unattended motor vehicles do not apply to autonomous vehicles operating in autonomous mode.

The bill provides that regardless of whether a human operator is physically present in the vehicle, the vehicle is required to have a system to safely alert a human operator physically present in the vehicle if an autonomous technology failure is detected while the autonomous technology is engaged. When the alert is given, the system must:

- If a human operator is physically present in the vehicle, require the human operator to take control of the autonomous vehicle; or
- If a human operator does not, or is not able to, take control of the autonomous vehicle, or if a human operator is not physically present in the vehicle, be capable of bringing the vehicle to a complete stop.

The bill creates an exemption to driver licensing requirements when an autonomous vehicle is operated in autonomous mode without a human operator physically present in the vehicle.

The bill is not expected to have a fiscal impact on state or local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Vehicle Automation

While there are multiple definitions for levels of vehicle automation, the National Highway Traffic Safety Administration (NHTSA) has adopted the SAE International (SAE) definitions for levels of automation.¹ The SAE definitions² divide vehicles into levels based on “who does what, when.” Generally:

- At SAE Level 0, the human driver does everything;
- At SAE Level 1, an automated system on the vehicle can sometimes assist the human driver conduct some parts of the driving task;
- At SAE Level 2, an automated system on the vehicle can actually conduct some parts of the driving task, while the human continues to monitor the driving environment and performs the rest of the driving task;
- At SAE Level 3, an automated system can both actually conduct some parts of the driving task and monitor the driving environment in some instances, but the human driver must be ready to take back control when the automated system requests;
- At SAE Level 4, an automated system can conduct the driving task and monitor the driving environment, and the human need not take back control, but the automated system can operate only in certain environments and under certain conditions; and
- At SAE Level 5, the automated system can perform all driving tasks, under all conditions that a human driver could perform them.

Federal Policy

In an announcement on January 14, 2016, the U.S. Department of Transportation (USDOT) outlined the following 2016 autonomous vehicle milestones:³

- NHTSA will work with industry and other stakeholders within six months of the announcement to develop guidance on the safe deployment and operation of autonomous vehicles, providing a common understanding of the performance characteristics necessary for fully autonomous vehicles and the testing and analysis methods needed to assess them;
- In the same six months, NHTSA will work with state partners, the American Association of Motor Vehicle Administrators, and other stakeholders to develop a model state policy on automated vehicles that offers a path to consistent national policy;
- Manufacturers are encouraged to submit rule interpretation requests where appropriate to help enable technology innovation;⁴
- When interpretation authority is not sufficient, manufacturers are encouraged to submit requests for use of the agency’s exemption authority to allow the deployment of fully autonomous

¹ SAE International, *NHTSA Adopts SAE International Standard Defining Autonomous Vehicles; SAE Releases New Version for Free - J3016 states and defines six levels of automation in on-road motor vehicles* (October 3, 2016), available at <https://www.sae.org/news/3550/> (last visited October 30, 2017).

² SAE International, *Automated Driving: Levels of Driving Automation are Defined in New Safe International Standard J3016* (2014), available at https://www.sae.org/misc/pdfs/automated_driving.pdf (last viewed October 30, 2017).

³ National Highway Traffic Safety Administration, *Secretary Foxx Unveils President Obama’s FY17 Budget Proposal of Nearly \$4 Billion for Automated Vehicles and Announces DOT Initiatives to Accelerate Vehicle Safety Innovations* (January 14, 2016), available at <https://www.nhtsa.gov/press-releases/secretary-foxx-unveils-president-obama%E2%80%99s-fy17-budget-proposal-nearly-4-billion> (last visited October 30, 2017).

⁴ As an example, the announcement links to a NHTSA response to a BMW request for an interpretation confirming that BMW’s remote self-parking system meets the Federal Motor Vehicle Safety Standards. The response notes that NHTSA does not provide approvals of vehicles or vehicle equipment or make determinations as to whether a product conforms to the Federal Motor Vehicle Safety Standards (FMVSSs) outside of an agency compliance test. Instead, federal law requires manufacturers to self-certify that a product conforms to all applicable FMVSSs in effect on the date of product manufacture. See NHTSA response: <http://research.nhtsa.gov/files/15-005347%20BMW%20Brake%20Transmission%20Shift%20Interlock%20v5.htm> (last visited October 30, 2017).

vehicles.⁵ Exemption authority allows NHTSA to enable the deployment of up to 2,500 vehicles for up to two years if the agency determines that an exemption would ease development of new safety features;⁶ and

- USDOT and NHTSA will develop the new tools necessary for this new era of vehicle safety and mobility, and will consider seeking new authorities when they are necessary to ensure that fully autonomous vehicles, including those designed without a human driver in mind, are deployable in large numbers when they are demonstrated to provide an equivalent or higher level of safety than is now available.

In September 2016, USDOT issued its model state policy on autonomous vehicles, whose objective is to ensure the establishment of a consistent national framework rather than a patchwork of incompatible laws. The model state policy addresses issues regarding autonomous vehicle testing, what would be considered the “driver” of an autonomous vehicle, registration and titling of autonomous vehicles, law enforcement considerations, and liability and insurance issues.⁷

In September 2017, USDOT released new federal guidance for Automated Driving Systems in a document called *A Vision for Safety 2.0*. The new guidance builds on the previous policy and incorporates feedback received through public comments and Congressional hearings. The document paves the way for the safe deployment of advanced driver assistance technologies by providing voluntary guidance that encourages best practices and prioritizes safety. The document also provides technical assistance to states and best practices for policymakers. Specifically, the new voluntary guidance:

- Focuses on SAE International Levels of Automation 3-5;
- Clarifies the guidance process and that entities do not need to wait to test or deploy their Automated Driving Systems;
- Revises unnecessary design elements from the safety self-assessment;
- Aligns federal guidance with the latest developments and industry terminology; and
- Clarifies federal and state roles going forward.⁸

Current Florida Law

Definitions

Section 316.003(2), F.S., defines “autonomous vehicle” as any vehicle equipped with autonomous technology. That subsection also includes a definition of “autonomous technology,” which means technology installed on a motor vehicle that has the capability to drive the vehicle on which the technology is installed without the active control or monitoring by a human operator.⁹

Operation

Section 316.85(1), F.S., provides for the operation of autonomous vehicles. A person possessing a valid driver license may operate an autonomous vehicle in autonomous mode on roads in this state if the vehicle is equipped with autonomous technology.

For purposes of Ch. 316, F.S., a person is deemed to be operating an autonomous vehicle operating in autonomous mode when he or she causes the vehicle's autonomous technology to engage. This is

⁵ See 49 C.F.R. § 555.

⁶ See 49 C.F.R. § 555.6.

⁷ United States Department of Transportation, *Federal Automated Vehicles Policy* (September 2016), available at <https://www.transportation.gov/sites/dot.gov/files/docs/AV%20policy%20guidance%20PDF.pdf> (last visited October 30, 2017).

⁸ United States Department of Transportation, *U.S. DOT Releases New Automated Driving Systems Guidance* (September 12, 2017), available at <https://www.nhtsa.gov/press-releases/us-dot-releases-new-automated-driving-systems-guidance> (last visited October 31, 2017).

⁹ An autonomous vehicle excludes a motor vehicle enabled with active safety systems or driver assistance systems, including, without limitation, a system to provide electronic blind spot assistance, crash avoidance, emergency braking, parking assistance, adaptive cruise control, lane keep assistance, lane departure warning, or traffic jam and queuing assistant, unless any such system alone or in combination with other systems enables the vehicle on which the technology is installed to drive without the active control or monitoring by a human operator.

regardless of whether he or she is physically present in the vehicle while the vehicle is operating in autonomous mode.¹⁰

Exemption from Liability

Section 316.86, F.S., provides that the original manufacturer of a vehicle converted by a third party into an autonomous vehicle is not liable in, and has a defense to and may be dismissed from, any legal action brought against the original manufacturer by any person injured due to an alleged vehicle defect caused by the conversion of the vehicle, or by equipment installed by the converter, unless the alleged defect was present in the vehicle as originally manufactured.

Autonomous Vehicle Requirements

Section 319.145, F.S., requires that an autonomous vehicle registered in this state¹¹ must continue to meet federal standards and regulations for a motor vehicle. The vehicle must:

- Have a means to alert the operator of the vehicle if an autonomous technology failure (impacting the ability of the vehicle to safely operate autonomously) is detected while the vehicle is operating autonomously in order to indicate to the operator to take control of the vehicle or bring the vehicle to a complete stop;¹²
- Have a means, inside the vehicle, to visually indicate when the vehicle is operating in autonomous mode;¹³ and
- Be capable of being operated in compliance with the applicable traffic and motor vehicle laws of this state.¹⁴

This section of law is expressly superseded when in conflict with NHTSA regulations.¹⁵

Driver Licensing

Section 322.03, F.S., generally requires drivers to be licensed and provides penalties for operating a motor vehicle without a valid driver license. However, this statute does not discuss autonomous vehicles operating in autonomous mode.

Proposed Changes

The bill amends s. 316.85, F.S., removing the requirement for a person to possess a valid driver license to operate an autonomous vehicle in autonomous mode.

Additionally, the bill amends s. 316.85, F.S., providing that "autonomous technology" rather than a person is deemed the operator of an autonomous vehicle operating in autonomous mode. The bill creates language in s. 316.85, F.S., providing that unless otherwise provided by law, autonomous technology is deemed the operator of an autonomous vehicle operating in autonomous mode and a licensed human operator is not required to operate an autonomous vehicle while in autonomous mode, except as provided in s. 319.145(1), F.S.¹⁶

The bill specifies the following provisions do not apply to autonomous vehicles operating in autonomous mode if, in the event of a crash involving the vehicle, the vehicle owner, a person on behalf of the vehicle owner, or the autonomous vehicle, promptly contacts law enforcement to report the crash:

- Duty to give information and render aid as provided in s. 316.062, F.S.;
- Duty upon damaging unattended vehicle or property as provided in s. 316.063, F.S.; and
- Crash reports as provided in s. 316.065, F.S.

¹⁰ Section 316.85(2), F.S.

¹¹ Chapter 320, F.S., reflects no vehicle registration provision specific to autonomous vehicles.

¹² Section 319.145(1)(a), F.S.

¹³ Section 319.145(1)(b), F.S.

¹⁴ Section 319.145(1)(c), F.S.

¹⁵ Section 319.145(2), F.S.

¹⁶ Section 319.145(1), F.S., requires autonomous vehicles to meet certain standards.

The bill specifies statutory provisions relating to unattended motor vehicles in s. 316.1975, F.S., do not apply to autonomous vehicles operating in autonomous mode.

The bill amends s. 319.145, F.S., providing that regardless of whether a human operator is physically present in the vehicle, the vehicle is required to have a system to safely alert a human operator physically present in the vehicle if an autonomous technology failure is detected while the autonomous technology is engaged. When the alert is given, the system must:

- If a human operator is physically present in the vehicle, require the human operator to take control of the autonomous vehicle; or
- If a human operator does not, or is not able to, take control of the autonomous vehicle, or if a human operator is not physically present in the vehicle, be capable of bringing the vehicle to a complete stop.

The bill creates s. 322.015, F.S., creating an exemption to driver licensing requirements¹⁷ when an autonomous vehicle is operated in autonomous mode without a human operator physically present in the vehicle.

The bill creates a definition of "human operator," in ss. 316.85, 319.145, and 322.015, F.S., defining it as "a natural person physically present in the vehicle with immediate access to controls for steering, braking, and acceleration."

B. SECTION DIRECTORY:

Section 1: Amends s. 316.85, F.S., relating to autonomous vehicles; operation.

Section 2: Amends s. 316.062, F.S., relating to duty to give information and render aid.

Section 3: Amends s. 316.063, F.S., relating to duty upon damaging unattended vehicle or other property.

Section 4: Amends s. 316.065, F.S., relating to crashes; reports; penalties.

Section 5: Amends s. 316.1975, F.S., relating to unattended motor vehicle.

Section 6: Amends s. 319.145, F.S., relating to autonomous vehicles.

Section 7: Creates s. 322.015, F.S., relating to exemptions.

Section 8: Provides an effective date of July 1, 2018.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill could serve to stimulate private sector investment in Florida and incentivize autonomous vehicle testing and research in Florida.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to autonomous vehicles; amending s.
 3 316.85, F.S.; authorizing a person to operate, or
 4 engage autonomous technology to operate, an autonomous
 5 vehicle in autonomous mode; providing that autonomous
 6 technology is deemed to be the operator of an
 7 autonomous vehicle operating in autonomous mode;
 8 providing construction; defining the term "human
 9 operator"; amending ss. 316.062, 316.063, 316.065, and
 10 316.1975, F.S.; providing applicability; amending s.
 11 319.145, F.S.; conforming provisions to changes made
 12 by the act; creating s. 322.015, F.S.; exempting
 13 autonomous vehicles from certain provisions under
 14 certain circumstances; defining the term "human
 15 operator"; providing an effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

18
 19 Section 1. Section 316.85, Florida Statutes, is amended to
 20 read:

21 316.85 Autonomous vehicles; operation; compliance with
 22 traffic and motor vehicle laws.—

23 (1) If an autonomous vehicle is equipped with autonomous
 24 technology as defined in s. 316.003, a person ~~who possesses a~~
 25 ~~valid driver license~~ may:

26 (a) Operate the ~~an~~ autonomous vehicle in autonomous mode
 27 on roads in this state; or

28 (b) Engage if the vehicle is equipped with autonomous
 29 technology to operate the autonomous vehicle in autonomous mode
 30 on roads in this state, regardless of whether a human person is
 31 physically present in the vehicle, as defined in s. 316.003.

32 (2) (a) For purposes of this chapter, unless the context
 33 otherwise requires, autonomous technology ~~a person~~ shall be
 34 deemed to be the operator of an autonomous vehicle operating in
 35 autonomous mode when the person causes the vehicle's autonomous
 36 technology to engage, regardless of whether a human ~~the~~ person
 37 is physically present in the vehicle while the vehicle is
 38 operating in autonomous mode.

39 (b) Unless otherwise provided by law, an applicable
 40 traffic or motor vehicle law of this state does not:

41 1. Prohibit autonomous technology from being deemed the
 42 operator of an autonomous vehicle operating in autonomous mode.

43 2. Require a licensed human operator to operate an
 44 autonomous vehicle when in autonomous mode, except as provided
 45 in s. 319.145(1). For purposes of this subparagraph, the term
 46 "human operator" means a natural person physically present in
 47 the vehicle with immediate access to controls for steering,
 48 braking, and acceleration.

49 Section 2. Subsection (5) is added to section 316.062,
 50 Florida Statutes, to read:

51 | 316.062 Duty to give information and render aid.-

52 | (5) This section does not apply to an autonomous vehicle
 53 | operating in autonomous mode in the event of a crash involving
 54 | the vehicle if the vehicle owner, or a person on behalf of the
 55 | vehicle owner, promptly contacts a law enforcement agency to
 56 | report the crash or if the autonomous vehicle has the capability
 57 | of alerting a law enforcement agency to the crash.

58 | Section 3. Subsection (4) is added to section 316.063,
 59 | Florida Statutes, to read:

60 | 316.063 Duty upon damaging unattended vehicle or other
 61 | property.-

62 | (4) This section does not apply to an autonomous vehicle
 63 | operating in autonomous mode in the event of a crash involving
 64 | the vehicle if the vehicle owner, or a person on behalf of the
 65 | vehicle owner, promptly contacts a law enforcement agency to
 66 | report the crash or if the autonomous vehicle has the capability
 67 | of alerting a law enforcement agency to the crash.

68 | Section 4. Subsection (5) is added to section 316.065,
 69 | Florida Statutes, to read:

70 | 316.065 Crashes; reports; penalties.-

71 | (5) Subsection (1) does not apply to an autonomous vehicle
 72 | operating in autonomous mode in the event of a crash involving
 73 | the vehicle if the vehicle owner, or a person on behalf of the
 74 | vehicle owner, promptly contacts a law enforcement agency to
 75 | report the crash or if the autonomous vehicle has the capability

76 | of alerting a law enforcement agency to the crash.

77 | Section 5. Subsection (3) is added to section 316.1975,
78 | Florida Statutes, to read:

79 | 316.1975 Unattended motor vehicle.—

80 | (3) This section does not apply to an autonomous vehicle
81 | operating in autonomous mode.

82 | Section 6. Subsection (1) of section 319.145, Florida
83 | Statutes, is amended to read:

84 | 319.145 Autonomous vehicles.—

85 | (1) An autonomous vehicle registered in this state must
86 | ~~continue to~~ meet applicable federal standards and regulations
87 | for such motor vehicle. Regardless of whether a human operator
88 | is physically present in the vehicle, the vehicle must:

89 | (a) Have a system to safely alert a human ~~the~~ operator
90 | physically present in the vehicle if an autonomous technology
91 | failure is detected while the autonomous technology is engaged.
92 | When an alert is given, the system must:

93 | 1. If a human operator is physically present in the
94 | vehicle, require the human operator to take control of the
95 | autonomous vehicle; or

96 | 2. If a human ~~the~~ operator does not, or is not able to,
97 | take control of the autonomous vehicle or if a human operator is
98 | not physically present in the vehicle, be capable of bringing
99 | the vehicle to a complete stop.

100 | (b) Have a means, inside the vehicle, to visually indicate

101 when the vehicle is operating in autonomous mode.

102 (c) Be capable of being operated in compliance with the
 103 applicable traffic and motor vehicle laws of this state.

104

105 For purposes of this subsection, the term "human operator" means
 106 a natural person physically present in the vehicle with
 107 immediate access to controls for steering, braking, and
 108 acceleration.

109 Section 7. Section 322.015, Florida Statutes, is created
 110 to read:

111 322.015 Exemption.—This chapter does not apply when an
 112 autonomous vehicle is operated in autonomous mode without a
 113 human operator physically present in the vehicle. For purposes
 114 of this section, the term "human operator" means a natural
 115 person physically present in the vehicle with immediate access
 116 to controls for steering, braking, and acceleration.

117 Section 8. This act shall take effect July 1, 2018.