



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

SB1432

Introduced 2/9/2017, by Sen. Martin A. Sandoval

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Safe Autonomous Vehicle Act. Provides definitions. Provides that upon notification to the Department of Motor Vehicles, a Motor Vehicle Manufacturer may commence a safe autonomous vehicle project with a vehicle installed with an Automated Driving System after providing notification to the Department of Motor Vehicles and after self-certification under certain conditions. Provides that the Manufacturer shall determine the geographical boundaries of the project and shall maintain incident records and provide periodic summaries to the Department and the National Highway Traffic Safety Administration. Provides that the Participating Fleet in the program shall be insured by the Manufacturer who shall assume liability for incidents where the automated driving system technology is at fault for that incident. Provides that any person operates a vehicle with automated driving system technology without first satisfying the eligibility requirements in the Act shall be fined \$10,000 for a first violation and a second or subsequent violation is a Class A misdemeanor. Preempts home rule powers. Effective immediately.

LRB100 10522 AXK 20738 b

FISCAL NOTE ACT  
MAY APPLY

HOME RULE NOTE  
ACT MAY APPLY

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Safe  
5 Autonomous Vehicle (SAVE) Act.

6 Section 5. Definitions. For purposes of this Act, the  
7 following definitions apply:

8 (a) "Automated Driving System" (ADS) means technology  
9 installed on a motor vehicle that has the capability, on a  
10 part-time or full-time basis, to drive the vehicle without the  
11 need for supervision of the driving environment by a human  
12 driver or operator, whether or not a human driver or operator  
13 is in the vehicle.

14 (b) "Automatic Crash Notification Technology" means a  
15 vehicle service integrating wireless communications and  
16 vehicle location technology for the purpose of determining the  
17 need for or facilitating emergency medical response in the  
18 event of a vehicle crash.

19 (c) "Department" means the Department of Motor Vehicles.

20 (d) "Motor Vehicle Manufacturer" means a person who has  
21 manufactured and distributed motor vehicles in the United  
22 States that are certified to comply with all applicable federal  
23 motor vehicle safety standards and that has submitted

1 appropriate manufacturer identification information to the  
2 National Highway Traffic Safety Administration under 49 CFR  
3 part 566. "Motor Vehicle Manufacturer" also means a person who:

4 (1) has manufactured ADS equipped vehicles in the  
5 United States that are certified to comply with all  
6 applicable federal and state laws;

7 (2) has operated ADS equipped vehicles using a test  
8 driver and with an automated driving system on public roads  
9 in the United States for at least 1,000,000 miles; and

10 (3) has obtained an instrument of insurance, surety  
11 bond, or proof of self-insurance in the amount of at least  
12 \$10,000,000, and has provided evidence of that insurance,  
13 surety bond, or self-insurance to the Department in a form  
14 and manner required by the Department.

15 (e) "On-Demand Automated Motor Vehicle Network" means a  
16 digital network, software application, or other means to  
17 connect passengers to ADS equipped fleet vehicles for  
18 transportation between points chosen by the passenger.

19 (f) "Participating Fleet" shall mean those ADS equipped  
20 vehicles that are operating on the public roads and highways in  
21 a SAVE Project.

22 (g) "SAVE project" means an initiative authorizing  
23 eligible Motor Vehicle Manufacturers to make ADS equipped  
24 vehicles available to the public for operation on the public  
25 roads and highways of this State in a manner to be determined  
26 by such Motor Vehicle Manufacturers that is consistent with all

1 of the provisions under this Act. Such operation may include,  
2 but is not limited to, making an On-Demand Automated Vehicle  
3 Network available to the public.

4 (h) "Two-Way Vehicle Communication Technology" means a  
5 vehicle service provided through a wireless communication  
6 device embedded in a vehicle that enables two-way communication  
7 between a vehicle occupant and the vehicle manufacturer.

8 Section 10. SAVE Project commencement; boundaries and data  
9 collection.

10 (a) Commencement.

11 (1) A Motor Vehicle Manufacturer's eligibility to  
12 participate in a SAVE project is conditioned solely upon  
13 meeting the requirements under Section 15 of this Act.

14 (2) A SAVE Project may be commenced by a Motor Vehicle  
15 Manufacturer at any time after it provides notification to  
16 the Department of self-certification under Section 15 of  
17 this Act. A Motor Vehicle Manufacturer's notification to  
18 the Department shall also set forth the geographical  
19 boundaries for the SAVE project as described in subsection  
20 (b) of this Act.

21 (3) Any Motor Vehicle Manufacturer may engage in  
22 multiple SAVE projects under this subsection (a).

23 (b) SAVE project boundaries. A Motor Vehicle Manufacturer  
24 shall determine the geographical boundaries for a SAVE project,  
25 which may include, but are not limited to, a designated area on

1 the public roads or highways of this State, including, but not  
2 limited to, a municipality, areas maintained by regional  
3 authorities, university campuses, developments catering to  
4 senior citizens, or other similar geographic and demographic  
5 areas. The public operation of the Participating Fleets shall  
6 be confined to the boundaries selected by a Motor Vehicle  
7 Manufacturer.

8 (c) Data collection. For the duration of a SAVE project,  
9 any participating Motor Vehicle Manufacturer shall maintain  
10 incident records and provide periodic summaries to the  
11 Department and the National Highway Traffic Safety  
12 Administration (NHTSA) related to safety for the Participating  
13 Fleet.

14 (d) Disclosure and consent. Individuals participating in  
15 any SAVE Project are deemed to consent to the collection of  
16 such data while they are in the vehicle and to the later  
17 provision of anonymized data summaries to the Department and  
18 NHTSA. Prior to the commencement of and during a SAVE Project,  
19 any participating Motor Vehicle Manufacturer shall make  
20 publicly available a privacy statement disclosing its data  
21 handling practices in connection with the applicable  
22 Participating Fleet.

23 Section 15. SAVE project eligibility. Only Motor Vehicle  
24 Manufacturers are eligible to participate in a SAVE Project and  
25 they are responsible for the safe operation of the

1 Participating Fleet. In order for a Motor Vehicle Manufacturer  
2 to be authorized to participate in a SAVE Project, it must  
3 self-certify to the conditions set forth below:

4 (a) the Participating Fleet is owned or controlled by the  
5 Motor Vehicle Manufacturer and is equipped with the following  
6 attributes:

7 (1) Automated Driving Systems;

8 (2) Automatic Crash Notification Technology;

9 (3) a data recording system with capacity to record the  
10 ADS system status and other vehicle attributes such as  
11 speed, direction, and location at a specified time period  
12 determined by the Motor Vehicle Manufacturer prior to a  
13 crash; and

14 (4) Two-Way Vehicle Communication Technology;

15 (b) the Participating Fleet complies with all applicable  
16 federal and State laws; and

17 (c) subject to Section 20 of this Act, the vehicles in the  
18 Participating Fleet are capable of being operated in compliance  
19 with applicable traffic and motor vehicle laws of this State.

20 Section 20. Traffic and motor vehicle laws.

21 (a) When engaged, the ADS shall be considered the driver or  
22 operator for purposes of assessing conformance to applicable  
23 traffic or motor vehicle laws, and shall be deemed to be  
24 validly licensed to operate a motor vehicle under Section 6-101  
25 of the Illinois Vehicle Code and Section 15 of the

1 Transportation Network Providers Act; and shall be deemed to  
2 satisfy all the applicable requirements to be licensed under  
3 the Illinois Vehicle Code and any physical acts required of a  
4 driver or operator, including, but not limited to those  
5 required under Section 6-112 of the Illinois Vehicle Code. No  
6 motor vehicle laws of this State shall be construed as  
7 prohibiting an ADS from being the operator or driver of a motor  
8 vehicle, and no motor vehicle laws of this State shall be  
9 construed as requiring a licensed human driver to operate a  
10 vehicle that is being operated by an ADS under this Section.

11 (b) SAVE project vehicles shall be insured by the  
12 applicable Motor Vehicle Manufacturer consistent with the  
13 Illinois Insurance Code.

14 (c) For a SAVE project in which the ADS is in control of  
15 the vehicle, the applicable Motor Vehicle Manufacturer shall  
16 assume liability for incidents where the ADS technology is at  
17 fault for such incident, but in all cases consistent with  
18 existing insurance law and other laws.

19 (d) A Motor Vehicle Manufacturer is immune from any  
20 liability for damages that arise out of any modification made  
21 by another person to a vehicle manufactured by the Motor  
22 Vehicle Manufacturer, or a system or component of the vehicle  
23 installed by the manufacturer, or to any ADS or automated  
24 technology, without the Motor Vehicle Manufacturer's written  
25 consent.

26 (e) An ADS installed on a motor vehicle that is equipped

1 with Automatic Crash Notification Technology shall be deemed to  
2 be in compliance with all applicable requirements under Article  
3 IV of Chapter 11 of the Illinois Vehicle Code if the Automatic  
4 Crash Notification Technology allows a representative of the  
5 Motor Vehicle Manufacturer to promptly connect with law  
6 enforcement to report the crash.

7 (f) The requirements under Section 12-603.1 of the Illinois  
8 Vehicle Code shall be the responsibility of and apply only to  
9 human occupants of a motor vehicle. The requirements of the  
10 Child Passenger Protection Act shall be the responsibility of  
11 and apply only to the parent or guardian of the child.

12 (g) The provisions of Section 11-1401 of the Illinois  
13 Vehicle Code shall not apply to an ADS installed on a vehicle  
14 in a Participating Fleet.

15 (h) Except as otherwise provided in this Act, SAVE Projects  
16 are governed exclusively by this Act.

17 Section 25. Enforcement.

18 (a) Notwithstanding Section 10 of this Act, any person who  
19 operates or has operated an ADS-operated vehicle on a public  
20 road or highway in this State or another state or territory of  
21 the United States without satisfying the applicable  
22 eligibility requirements, or in express violation of a statute  
23 or regulation requiring a valid driver's license, permit, or  
24 other applicable form of authority to operate a motor vehicle,  
25 shall not operate an ADS-operated vehicle in this state.



1 (b) Evidence.

2 (1) A copy of the citation or other official  
3 documentation, notice, or information indicating operation  
4 without a valid driver's license, permit, or other  
5 applicable form of authority to operate, a motor vehicle  
6 shall constitute sufficient evidence to prove violation.

7 (2) A vehicle operating on public roads without a human  
8 driver present in the vehicle shall be presumed to be  
9 equipped with ADS and subject to the requirements of this  
10 Act.

11 (c) Any person who violates subsection (a) of this Section  
12 is subject to a fine of \$ 10,000.

13 (d) A second or subsequent violation of subsection (a) of  
14 this Section is a Class A misdemeanor.

15 Section 30. Home rule. The regulation of SAVE projects is  
16 the exclusive power and function of the State. A home rule unit  
17 may not regulate SAVE projects. This Section is a denial and  
18 limitation of home rule powers and functions under subsection  
19 (h) of Article VII of the Illinois Constitution.

20 Section 99. Effective date. This Act takes effect upon  
21 becoming law.