

**HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS**

BILL #:	CS/HB 1207	FINAL HOUSE FLOOR ACTION:	
SPONSOR(S):	Economic Affairs Committee; Brandes; Corcoran; and others (Negrón; and others)	112 Y's	0 N's
COMPANION BILLS:	CS/CS/CS/HB 1399, SB 1786	GOVERNOR'S ACTION:	Approved

SUMMARY ANALYSIS

CS/HB 1207 passed the House on March 2, 2012, and subsequently passed the Senate on March 9, 2012. The bill provides a framework for autonomous vehicles, which are cars that drive themselves. Florida law currently does not address autonomous vehicles. Specifically, the bill:

- Defines “autonomous technology” and “autonomous vehicle.”
- Provides legislative intent regarding vehicles with autonomous technology.
- Authorizes the operation of autonomous vehicles.
- Provides requirements for autonomous vehicles.
- Provides guidelines for testing autonomous vehicles.
- Provides a framework for liability for autonomous vehicles.
- Requires the Department of Highway Safety and Motor Vehicles to submit a report.

The bill has an insignificant negative fiscal impact on the state.

The bill was approved by the Governor on April 13, 2012, ch. 2012-111, Laws of Florida. The effective date of the bill is July 1, 2012.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Present Situation

Autonomous vehicles are driverless cars that are able to fulfill human transportation needs.¹ While they are not in widespread use, they can provide several distinct advantages including reduced fuel consumption, not requiring anyone behind the wheel so cars could be shared, and the need for fewer parking spaces.²

The only jurisdiction in the world where it is legal to operate autonomous vehicles on public roads is in the state of Nevada, where a law authorizing them passed in June 2011.³

Effect of Changes

Intent

The bill provides legislative intent to encourage the safe development, testing, and operation of motor vehicles with autonomous technology on the public roads of the state. The Legislature finds that the state does not prohibit or specifically regulate the testing or operation of autonomous technology in motor vehicles on public roads.

Definitions

The bill defines “autonomous technology” as “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. The term 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 breaking, park assistance, adaptive cruise control, lane keep assist, 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.”

The bill creates s. 316.003(89), F.S., defining “autonomous vehicle” as any vehicle equipped with autonomous technology.

The bill creates s. 316.85, F.S., relating to the operation of autonomous vehicles. It provides an autonomous vehicle may be driven in autonomous mode by a person who possesses a valid driver license.

Operation

The bill also provides that unless the context otherwise requires, a person is deemed to be the operator of a motor vehicle operating in autonomous mode when the person causes the vehicle’s autonomous technology to engage, regardless of whether the person is physically present in the vehicle while the vehicle is operating in autonomous mode.

The bill creates s. 319.145, F.S., relating to autonomous vehicles. It provides that autonomous vehicles registered in this state must continue to meet federal standards and regulations for a motor vehicle. The vehicle shall:

¹ A video of an autonomous vehicle is available at http://www.ted.com/talks/sebastian_thrun_google_s_driverless_car.html (Last visited January 17, 2011).

² *Google Cars Drive Themselves, in Traffic*, New York Times, October 9, 2010. <http://www.nytimes.com/2010/10/10/science/10google.html> (Last visited January 18, 2010).

³ Nevada Assembly Bill 511.

- Have a means to engage and disengage the autonomous technology which is easily accessible to the operator.
- Have a means, inside the vehicle, to visually indicate when the vehicle is in autonomous mode.
- Have a means to alert the operator of the vehicle if a technology failure affecting 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.
- Be capable of being operated in compliance with applicable traffic and motor vehicle laws of this state.

The bill provides that federal regulations promulgated by the National Highway Traffic Safety Administration supersede these regulations when they are found to be in conflict.

Testing

The bill provides that vehicles equipped with autonomous technology may be operated on roads in this state by employees, contractors, or other persons designated by manufacturers of autonomous technology for the purpose of testing the technology. For testing purposes, a human operator shall be present in the autonomous vehicle such that he or she has the ability to monitor the vehicle's performance and intervene, if necessary, unless the vehicle is being tested on a closed course. Prior to the start of testing in this state, the entity performing the testing must submit to the Department of Highway Safety and Motor Vehicles (DHSMV) an instrument of insurance, surety bond or proof of self-insurance acceptable to DHSMV in the amount of \$5 million.

Liability

The bill provides that the original manufacturer of a vehicle converted by a third party into an autonomous vehicle is not liable in, and shall have a defense and be dismissed from, any legal action brought against the original manufacturer by a 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.

DHSMV Report

The bill requires DHSMV to submit a report to the President of the Senate and the Speaker of the House of Representatives by February 12, 2014, recommending additional legislative or regulatory action that may be required for the safe testing and operation of motor vehicles equipped with autonomous technology.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:
None.
2. Expenditures:
Insignificant impact. There are costs associated with provisions in the bill for DHSMV to prepare a report that will be covered with existing resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:
None.
2. Expenditures:
None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:
None.

D. FISCAL COMMENTS:
None.