



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB2575

by Rep. Michael J. Zalewski

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Autonomous Vehicle Act. Defines terms. Provides that a fully autonomous vehicle may drive or operate upon the highways of this State, regardless of whether a human operator is physically present in the vehicle. Provides that when engaged, the automated driving system shall be considered the driver or operator for purposes of assessing conformance to applicable traffic or motor vehicle laws and shall be deemed to satisfy any physical acts required of a driver or operator. Provides that liability for incidents involving a fully autonomous vehicle shall be determined under existing product liability law or common law negligence principles. Preempts home rule powers. Effective immediately.

LRB101 05553 TAE 50569 b

HOME RULE NOTE  
ACT MAY APPLY

A BILL FOR

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  
5 Autonomous Vehicle Act.

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

8 "Automated driving system" means hardware and software  
9 that are collectively capable of performing the entire dynamic  
10 driving task on a sustained basis, regardless of whether it is  
11 limited to a specific operational design domain.

12 "Dynamic driving task" means all of the real-time  
13 operational and tactical functions, as defined in SAE J3016,  
14 required to operate a vehicle in on-road traffic, except for  
15 strategic functions, including, but not limited to, trip  
16 scheduling and the selection of destinations and waypoints.

17 "Fully autonomous vehicle" means a vehicle equipped with an  
18 automated driving system designed to function without a human  
19 operator as a level 4 or level 5 system under SAE J3016.

20 "Human operator" means a natural person in a vehicle with  
21 the capability to perform the entire dynamic driving task.

22 "Operational design domain" means a description of the  
23 specific operating domain in which an automated driving system

1 is designed to properly operate, including, but not limited to,  
2 types of roadways, speed range, environmental conditions, and  
3 other domain constraints.

4 "SAE J3016" means "Taxonomy and Definitions for Terms  
5 Related to Driving Automation Systems for On-Road Motor  
6 Vehicles" published by SAE International in September 2016.

7 "Secretary" means the Secretary of State.

8 Section 10. Operation of automated driving system equipped  
9 vehicles; requirements. Subject exclusively to the provisions  
10 of this Act, a fully autonomous vehicle may operate upon the  
11 highways of this State, regardless of whether a human operator  
12 is physically present in the fully autonomous vehicle. A fully  
13 autonomous vehicle shall be capable of operating in compliance  
14 with applicable traffic and motor vehicle laws of this State  
15 and shall bear the required manufacturer's certification label  
16 indicating that at the time the vehicle was manufactured, it  
17 had been certified to be in compliance with all applicable  
18 federal motor vehicle safety standards.

19 Section 15. Traffic and motor vehicle laws.

20 (a) When engaged, the automated driving system shall be  
21 considered the driver or operator for purposes of assessing  
22 conformance to applicable traffic or motor vehicle laws.

23 (b) When engaged, an automated driving system shall be  
24 deemed to satisfy any physical acts required of a driver or

1 operator including, but not limited to, those required under  
2 Section 6-112 of the Illinois Vehicle Code. No motor vehicle  
3 laws of this State shall prohibit an automated driving system  
4 from being the operator or driver of a motor vehicle.

5 (c) No motor vehicle laws of this State shall require a  
6 licensed human driver to operate a fully autonomous vehicle.

7 (d) Section 6-101 of the Illinois Vehicle Code does not  
8 apply to an engaged automated driving system or to a person  
9 operating a fully autonomous vehicle with the automated driving  
10 system engaged.

11 (e) Fully autonomous vehicles shall be insured as required  
12 under the Illinois Vehicle Code.

13 (f) Liability for incidents involving a fully autonomous  
14 vehicle shall be determined under existing product liability  
15 law or common law negligence principles. Nothing in this Act is  
16 intended to affect, alter, or amend any right, obligation,  
17 liability, or damage apportionment mechanism under existing  
18 product liability law, common law negligence, or other  
19 applicable law related to liability, or to otherwise contravene  
20 or alter rights and duties concerning liability under any  
21 existing law, agreement, rule, regulation, or treaty.

22 (g) An automated driving system shall be deemed to be in  
23 compliance with all applicable requirements under Sections  
24 11-401, 11-402, 11-403, 11-404, and 11-407 of the Illinois  
25 Vehicle Code if the vehicle owner or person on behalf of the  
26 vehicle owner promptly contacts a law enforcement agency to

1 report a crash or if the fully autonomous vehicle has the  
2 capability of alerting a law enforcement agency of the crash.

3 (h) Section 12-603.1 of the Illinois Vehicle Code applies  
4 only to human occupants of a motor vehicle. The Child Passenger  
5 Protection Act applies only to the parent or guardian of the  
6 child or, if the child's parent or guardian is not present, the  
7 person accompanying the child.

8 (i) Section 11-1401 of the Illinois Vehicle Code does not  
9 apply to an automated driving system or fully autonomous  
10 vehicle when the automated driving system is engaged.

11 (j) Except as otherwise provided in this Act, automated  
12 driving systems, fully autonomous vehicles, and any commercial  
13 use of a fully autonomous vehicle are governed exclusively by  
14 this Act.

15 Section 20. Home rule. The regulation of fully autonomous  
16 vehicles is the exclusive power and function of the State. A  
17 home rule unit may not regulate fully autonomous vehicles that  
18 otherwise comply with all laws of the home rule unit. This  
19 Section is a denial and limitation of home rule powers and  
20 functions under subsection (h) of Article VII of the Illinois  
21 Constitution.

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law.