

**Local Government Mandate Statement
Kentucky Legislative Research Commission
2023 Regular Session**

Part I: Measure Information

Bill Request #: 201

Bill #: HB 135 GA

Document ID #: 5848

Bill Subject/Title: AN ACT relating to autonomous vehicles.

Sponsor: Representative Josh Bray

Unit of Government: City County Urban-County
Unified Local
 Charter County Consolidated Local Government

Office(s) Impacted: Fiscal Courts, County Clerks, Law Enforcement

Requirement: Mandatory Optional

Effect on
Powers & Duties: Modifies Existing Adds New Eliminates Existing

**Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local
Government**

HB 135 GA creates a new section of KRS Chapter 186 to provide for the operation of fully autonomous vehicles on public highways.

HB 135 GA provides several new definitions, including the following:

Fully autonomous vehicle is a motor vehicle equipped with an automated driving system designed to function without a human driver as a level 4 or 5 system under SAE J3016.

SAE J3016 means the “Taxonomy and Definitions for Terms Related to Driving Automation Systems for on-Road Motor Vehicles” published by SAE International on June 15, 2018.

- *Preparer’s note: SAE International, formerly named the Society of Automotive Engineers, is a United States-based globally active professional association and standards developing organization for engineering professionals.*

Public agency as used in this Act has the same meaning as in KRS 61.870.

HB 135 GA requires that a person submit a law enforcement interaction plan to the Transportation Cabinet and the Department of Kentucky State Police detailing how to:

- Communicate with a fleet support specialist when the vehicle is in operation;
- Remove the fully autonomous vehicle from the roadway;
- Safely tow the vehicle;
- Know with the automated driving system is engaged; and
- Any information the manufacturer or owner deems necessary regarding hazardous conditions or public safety risks.

HB 135 GA requires that fully autonomous vehicles be titled and registered and that both documents identify the vehicle as being fully autonomous.

HB 135 GA requires fully autonomous vehicles and automated driving systems and non-autonomous vehicles to adhere to the same rules, regulations, or ordinances while prohibiting local governments from differentiating between the two classes of automobiles. The owner of a fully autonomous vehicle is considered the operator of the vehicle.

The fiscal impact of HB 135 GA on local governments is indeterminable, but minimal for the immediate future.

The titling and registering of fully autonomous vehicles will occur at the county clerk's office. The clerk currently receives a \$6 fee for each regular-issued registration, \$9 if registration exceeds twelve months, and \$30 for vehicles over 44,000 lbs. The computer system for registering vehicles is state-based and maintained.

Local governments may have to review and remove (and replace) any ordinances regarding autonomous vehicles since HB 135 GA prohibits them from having such ordinances. Local governments that choose to create ordinances will incur costs associated with the drafting, publication, indexing and recording of adopted ordinances, and at least every five years, review and eliminate redundant, obsolete, inconsistent, and invalid provisions.

According to Kentucky League of Cities, most cities, especially the smaller ones, retain their city attorney on contract and pay on an hourly basis. Time spent drafting an ordinance is influenced by its complexity and the amount of research that is necessary. Fiscal year 2022 data places the average hourly rate for city attorneys at \$103. Rates for legal notices vary greatly depending on the length of the publication, the number of times it needs to be published and the newspaper in which the publication is placed. Therefore, these costs are unknown.

Currently, no on-demand company doing business in Kentucky uses fully autonomous vehicles. It would be hard to determine the time line such vehicles would be practical

from a cost perspective, safe from a societal perspective, and accepted by most of the public as a viable option.

A recent national survey found 61% of Americans are not comfortable with fully autonomous vehicles and 75% would prefer to manually operate their own vehicle. The same survey found 40% of 25- to 34-year-olds are comfortable with fully autonomous vehicles. As the population ages and the technology continues to make autonomous vehicles safer, autonomous vehicles will become more common.

Part III: Differences to Local Government Mandate Statement from Prior Versions

HB 135 GA incorporates the changes of HCS 1 and HFA 2. The floor amendment clarifies language regarding the owner of a fully autonomous vehicle is considered the operator of the vehicle. This does not change the impact.

Part II refers to HB 135 HCS 1. The HCS keeps the major provisions of HB 135 as introduced and adds the following:

- Adds the definition of “public agency”.
- Adds that a law enforcement interaction plan shall be submitted to the Department of Kentucky State Police.
- Changes the minimum insurance required to be carried to \$1 million.
- Removes the restriction on the use of personal communications devices in a motor vehicle.
- Removes language prohibiting local governments from enacting or keeping current rules and ordinances that would impose taxes, fees, or other requirements on fully autonomous vehicles.
- Requires fully autonomous vehicles and automated driving systems from non-autonomous vehicles to adhere to the same rules, regulations, or ordinances.
- Prohibits local governments from differentiating between the two classes of automobiles.
- The owner of a fully autonomous vehicle is responsible for compliance of traffic and motor vehicle laws whether the owner is in the vehicle or not.
- Removes the effective date of January 1, 2023 in regards to KRS 281.630.
- Any fully autonomous vehicle shall have on file with the Department of Vehicle Regulation proof of one million dollars liability insurance for death or injury to persons resulting from any one accident and one million dollars insurance for property damage.

Data Source(s): LRC Staff, National Conference of State Legislatures; SAE International; Sensiblemotive.com/self-driving-car-statistics, Kentucky League of Cities

Preparer: WB (CH) **Reviewer:** KHC **Date:** 3/10/23