What is the ULC?

- Uniform Law Commission (ULC)
  - Non-profit, non-partisan organization formed in 1892
  - Commissioners are volunteer attorneys appointed by the states
  - Funded by state appropriations (~75%), publishing royalties (~15%), and grants (~10%)
  - ULC drafts legislation on topics where uniformity among the states is desirable and practical
  - Drafting meetings are open to any interested party – get involved!
  - Legislative staff based in Chicago headquarters
Background on the UAOVA

- 2014: Study Committee on State Regulation of Driverless Cars
- 2017: Highly Automated Vehicles Drafting Committee
- After two years of drafting, the Highly Automated Vehicles Drafting Committee finalized the Uniform Automated Operation of Vehicles Act
- 2019: Uniform Law Commission formally adopted the Uniform Automated Operation of Vehicles Act at the Commission’s Annual Meeting
Scope of the UAOVA

- UAOVA does cover:
  - The deployment of automated vehicles on roads held open to the public.
    - Traffic laws and enforcement
    - Vehicle registration
    - Driver licensing, and
    - Resolves potential conflicts with existing state motor vehicle laws

- UAOVA does not cover:
  - Testing of aspirational automated vehicles for the purposes of research and development;
  - Remote driving, in which a human drives a vehicle while outside of or far from it;
  - Vehicle features that merely assist a human driver. Even if these features brake, steer, and accelerate, they are still designed with the expectation that a human driver will monitor the road.
Early in the drafting process, the Committee considered whether to:

- Create a new legal framework for automated vehicles to wholly supplant existing vehicle codes;
- Adopt a model vehicle code applicable to all motor vehicles and then amend it to explicitly address automated vehicles; or
- Draft a hybrid act to map an existing vehicle code onto automated vehicles.
Structure of the Uniform Act

- Overlay approach
  - The motor vehicle code of any enacting state continues to apply
  - Laws that apply to automobiles continue to apply to vehicles with automated driving systems without change, *except to the extent this Act effects a change*
  - The principle change is an additional requirement for registration that there be someone who comes forward and takes legal responsibility for the vehicle’s ability to comply with the rules of the road in the enacting jurisdiction
Automated driving...

1. Will likely be very diverse
2. Implicates many legal topics and policy issues
3. Will involve federal, state, and local governments
Three Key Points

Automated driving...

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The Uniform Act...

1. Contemplates this diversity
2. Focuses on a typical state vehicle code
3. Respects established state and federal roles in vehicle safety
Three Key Points

Automated driving...

1. Will likely be very diverse

The Uniform Act...

1. Contemplates this diversity
Diversity of Automated Driving

Types of Trips
- You may need to drive if prompted in order to maintain safety
- You may want to drive if prompted in order to reach your destination
- You will not need to drive for any reason

Types of Vehicles
- Vehicles you can drive
- Vehicles you can’t drive
The Uniform Automated Operation of Vehicles Act applies only to SAE Levels 3 - 5.
Types of Vehicle Features

Assisted Driving Features
- L0: You’re driving
- L1: You’re driving, but you’re assisted with either steering or speed
- L2: You’re driving, but you’re assisted with both steering and speed

Automated Driving Features
- L3: You’re not driving, but in order to maintain safety you will need to drive if prompted
- L4a: You’re not driving, but in order to travel somewhere you may need to drive if prompted
- L4b: You’re not driving, but you can’t travel everywhere
- L5: You’re not driving, and you can travel everywhere
Some Automated Driving Models

- Original manufacturer owns vehicles and offers rides
- Another company modifies vehicles and offers rides
- Fleet operator buys vehicles and offers rides
- Individuals buy vehicles and offer rides
- Individuals buy vehicles with subscriptions for features
- Individuals buy vehicles with unrestricted use of features
- Individuals buy vehicles and modify them
Three Key Points

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CURRENT ROLES IN VEHICLE SAFETY

Federal Government

- Federal Motor Vehicle Safety Standards (FMVSS)
- Investigations for Noncompliance and Defects
- Regulatory Recalls

State Governments

- FMVSS-Compatible Vehicle Standards
- Products Liability Law
- Vehicle Registration
- Vehicle Inspections
- Roadworthiness
- Rules of the Road
- Driver Licensing

Production  Modification  Maintenance  Operation

Manufacturer  Owner  Driver
UNDER THE UNIFORM ACT

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Manufacturer  Owner  ADP
Who is the “driver” of an automated vehicle under automated operation?

- Under the Uniform Act, the **automated driving provider** or **ADP** is the legal driver of an automated vehicle under automated operation.
- An ADP declares itself to the state and designates the automated vehicles for which it will act as the legal driver.
- Once an ADP designates an automated vehicle for which it will act as the legal driver, that automated vehicle becomes an **associated automated vehicle**.
- The ADP might be an automated driving system developer, a vehicle manufacturer, a data provider, a fleet operator, or another kind of market participant that has yet to emerge.
Automated Driving Providers

- Only an **associated automated vehicle** – i.e. an automated vehicle that is designated by an automated driving provider – may be registered in an enacting state.

- Once the automated vehicle has been associated with an ADP, the UAOVA adopts a state’s existing motor vehicle registration process.

- In this way, the Act uses the motor vehicle registration framework that already exists in states – and that applies to both conventional and automated vehicles – to incentivize self-identification by automated driving providers.

- By harnessing an existing framework, the Act also seeks to respect and empower state motor vehicle agencies.
We did not attempt to rewrite the law of products liability

Drafting committee participants included automobile manufacturers, parties developing automated driving systems, trial lawyers, insurance industry representatives, etc.

Fair level of consensus that – at least for the time being – the existing legal system likely can cover problems that arise in initial deployments which are likely to be in the fleet model

The drafting committee opted not to try to take on tort reform or adopt or change the law of products liability as it relates to these vehicles
To the extent UAOVA focuses on any sort of responsibility or liability, it is limited to responsibility for violations of the motor vehicle code and the direct consequences under the motor vehicle code.

Who gets the speeding ticket?

- If the automated vehicle is under automated operation, the automated driving provider will get the speeding ticket under this act.
- If the automated vehicle is *not* under automated operation, the human driver will get the speeding ticket.
Questions?

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