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LEGISLATIVE ACTION

Senate

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House

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05/04/2017 06:31 PM

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Senator Rouson moved the following:

1           **Senate Amendment to Amendment (102880) (with title**  
2 **amendment)**

3  
4           Delete lines 183 - 230

5 and insert:

6           Section 4. Section 316.85, Florida Statutes, is amended to  
7 read:

8           316.85 Autonomous vehicles; operation.—

9           (1) A person who possesses a valid driver license may  
10 operate an autonomous vehicle in autonomous mode on roads in  
11 this state if the vehicle is equipped with autonomous



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12 technology, as defined in s. 316.003.

13 (2) For purposes of this chapter, unless the context  
14 otherwise requires, a person shall be deemed to be the operator  
15 of an autonomous vehicle operating in autonomous mode when the  
16 person causes the vehicle's autonomous technology to engage,  
17 regardless of whether the person is physically present in the  
18 vehicle while the vehicle is operating in autonomous mode.

19 (3) (a) As a prerequisite to the registration and operation  
20 of an autonomous vehicle on the public streets and highways of  
21 this state, the owner of an autonomous vehicle, or another  
22 person on behalf of the owner, shall establish and continuously  
23 maintain a motor vehicle liability policy providing:

24 1. At least \$1 million for combined bodily injury liability  
25 and property damage liability coverage; and

26 2. Uninsured and underinsured vehicle coverage as required  
27 by s. 627.727.

28 (b) The motor vehicle liability policy required under this  
29 subsection must insure the following persons against loss from  
30 the liability imposed by law for bodily injury, death, and  
31 property damage arising out of the ownership, maintenance, or  
32 use of the autonomous vehicle, regardless of whether the vehicle  
33 is operating in autonomous mode:

34 1. The owner or owners of the autonomous vehicle;

35 2. The users of the autonomous vehicle who are using it  
36 with the express or implied permission of the owner;

37 3. The manufacturer and sellers of the autonomous vehicle  
38 and autonomous technology on the vehicle; and

39 4. Any other person for his, her, or its liability because  
40 of the acts or omissions of an insured under this subparagraph



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41 or subparagraphs 1., 2., or 3.

42 (c) The motor vehicle liability policy required under this  
43 subsection must be provided by an insurer authorized to do  
44 business in this state which is a member of the Florida  
45 Insurance Guaranty Association or a surplus lines carrier with  
46 at least an AA rating from A.M. Best Company or an equivalent  
47 rating from an equivalent rating agency.

48 (d) The autonomous vehicle shall carry in the vehicle proof  
49 of coverage satisfying the requirements of this section at all  
50 times while operating in autonomous mode.

51 (4) (a) Subparagraph 324.021(9) (b)3. does not apply when the  
52 autonomous vehicle is operating in autonomous mode at the time  
53 of an accident, and the owner, manufacturer, and sellers are  
54 liable for all damages caused by a defective design or  
55 manufacture of the autonomous vehicle, or for damages caused by  
56 a loss that could have been avoided by a reasonably prudent  
57 human operator.

58 (b) Except as provided in paragraph (a), liability for  
59 incidents involving an autonomous vehicle shall be determined in  
60 accordance with existing product liability law, common law  
61 negligence principles, and other applicable federal, state, and  
62 local law.

63 (c) Nothing in this chapter shall be construed to affect,  
64 alter, or amend any right, obligation, liability or damages  
65 apportionment mechanism under existing common law negligence  
66 principles when a human driver is operating an autonomous  
67 vehicle in manual mode.

68 (5) As a prerequisite to operation of an autonomous vehicle  
69 in autonomous mode on the public streets and highways of this



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70 state, a manufacturer or developer of autonomous technology or  
71 autonomous vehicles which sells, leases, or otherwise makes  
72 available to the public autonomous technology or autonomous  
73 vehicles in this state must:

74 (a) Maintain a registered agent for service of process in  
75 this state; and

76 (b) Obtain a surety bond in the amount of at least \$10  
77 million and post such bond with the Department of Highway Safety  
78 and Motor Vehicles as proof of financial ability to respond in  
79 damages for liability on account of accidents involving an  
80 autonomous vehicle. A bond is not adequate unless it is written  
81 by a company authorized to do business in this state and is  
82 rated A+ by A.M. Best Company. Such bond shall be held by the  
83 department to satisfy any execution on a judgment entered  
84 against such person making the deposit, for damages because of  
85 bodily injury to or death of any person or for damages because  
86 of damage to or destruction of property, resulting from an  
87 accident involving an autonomous vehicle which occurs after such  
88 deposit was made.

89 (6) Before an autonomous vehicle may be registered, the  
90 manufacturer must certify that it has done adequate testing to  
91 assure that the autonomous vehicle is safe to operate in real  
92 world conditions in autonomous mode.

93  
94 ===== T I T L E A M E N D M E N T =====

95 And the title is amended as follows:

96 Delete lines 668 - 688

97 and insert:

98 amending s. 316.85, F.S.; requiring the owner of an



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99 autonomous vehicle, or another person on behalf of the  
100 owner, as a prerequisite to the registration and  
101 operation of an autonomous vehicle on the public  
102 streets and highways of this state, to establish and  
103 continuously maintain a certain motor vehicle  
104 liability policy; providing requirements for the motor  
105 vehicle liability policy; providing requirements for  
106 insurers of the motor vehicle liability policy;  
107 requiring the autonomous vehicle to carry in the  
108 vehicle proof of coverage satisfying certain  
109 requirements at all times while operating in  
110 autonomous mode; providing applicability; providing  
111 construction; providing requirements, as a  
112 prerequisite to operation of an autonomous vehicle in  
113 autonomous mode on the public streets and highways of  
114 this state, for a manufacturer or developer of  
115 autonomous technology or autonomous vehicles which  
116 sells, leases, or otherwise makes available to the  
117 public autonomous technology or autonomous vehicles in  
118 this state; requiring that, before an autonomous  
119 vehicle may be registered, the manufacturer certify  
120 that it has done adequate testing to assure that the  
121 autonomous vehicle is safe to operate in real world  
122 conditions in autonomous mode; amending s. 335.074,  
123 F.S.; requiring bridges