WHEREAS, autonomous vehicles hold the potential to make our roads safer, to provide mobility to new populations, to reshape how we use space in our cities, to save energy and reduce air pollution, and to increase capacity of our roads without pouring more concrete; and

WHEREAS, the National Highway Traffic Safety Administration (NHTSA) has issued long-awaited guidance delineating responsibilities of the federal and state governments with regards to policies to pave the way for autonomous vehicles; and

WHEREAS, the NHTSA guidance includes a model state policy section that seeks to reinforce that the traditional role of the states in areas like vehicle licensing and registration, traffic laws and enforcement, and motor vehicle insurance and liability will also apply when it comes to autonomous vehicle policy; and

WHEREAS, the model state policy is voluntary and does not bind states; and

WHEREAS, a major concern at the federal level and also in the auto industry is the creation of a patchwork of laws around the country that would not allow autonomous vehicles to travel between states and would not allow the same vehicles to be sold in every state; and

WHEREAS, a consistent national framework is in the best interests of both the automotive industry and the consumers that stand to benefit from autonomous vehicles; and

WHEREAS, a number of states are poised to move forward with autonomous vehicle legislation to take advantage of opportunities to support research and development and economic development.

NOW, THEREFORE BE IT RESOLVED, that The Council of State Governments expresses its support for states enacting legislation to enable the testing and deployment of autonomous vehicles; and

BE IT FURTHER RESOLVED, that The Council of State Governments expresses its support for state laws that are consistent with NHTSA guidance and that seek to avoid a patchwork of statutes around the country which could hinder development and deployment of such vehicles but that also provide opportunity for states to experiment and innovate in this important policy area.
Resolution Summary

In September 2016, the National Highway Traffic Safety Administration (NHTSA) issued long-awaited guidance delineating responsibilities of the federal and state governments with regards to policies to pave the way for autonomous vehicles. The document includes vehicle performance guidance for automated vehicles, model state policy and sections on the current regulatory tools at NHTSA’s disposal as well as additional regulatory tools that the federal government may need as autonomous vehicles come of age.

The model state policy section seeks to reinforce that the traditional role of the states in areas like vehicle licensing and registration, traffic laws and enforcement, and motor vehicle insurance and liability will also apply when it comes to autonomous vehicle policy. NHTSA meanwhile will be responsible for federal motor vehicle safety standards, recalls and other enforcement measures, educating the public on safety and writing performance guidelines for industry.

The NHTSA document notes that it may be necessary for states to clarify the definition of “driver” in regulatory language, which could entail combing through multitudes of policies and state codes.

It calls for states to identify a lead agency on automated driving regulation and set up a task force that includes representatives from offices of information technology, transportation, law enforcement and other relevant areas.

The model state policy is voluntary and does not bind states. Some may decide not to follow it. But a major concern at the federal level and also in the auto industry is the creation of a patchwork of laws around the country that would not allow autonomous vehicles to travel between states and would not allow the same vehicles to be sold in every state.

The model policy, which is the product of a partnership between NHTSA and the American Association of Motor Vehicle Administrators, notes that the shared objective of both entities is “to ensure the establishment of a consistent national framework rather than a patchwork of incompatible laws.”

According to the policy, “States may still wish to experiment with different policies and approaches to consistent standards, and in that way contribute to the development of the best approaches and policies to achieve consistent regulatory objectives. The goal of State policies in this realm need not be uniformity or identical laws and regulations across all States. Rather, the aim should be sufficient consistency of laws and policies to avoid a patchwork of inconsistent State laws that could impede innovation and the expeditious and widespread distribution of safety enhancing automated vehicle technologies.”
A release from the Association of Global Automakers, which represents the interests of 12 international automobile manufacturers that design, manufacture and sell motor vehicles in the United States, reads as follows: “Global Automakers’ members support robust coordination and communication between stakeholders to ensure a consistent national framework for (autonomous vehicle) technologies that promotes innovation and allows manufacturers to design, produce and sell the same vehicles across all 50 states. The evolution of automation will require significant coordination among all levels of governments, as well as industry stakeholders and the public.”

But with states establishing relationships with research universities, transportation research centers, tech companies, private sector autonomous vehicle industry players and others inside their borders that may have a variety of different goals and plans for autonomous vehicles and a variety of legislative interests that could help to enable them, the potential exists for significant diversity in legislation around the country.

With this resolution, The Council of State Governments expresses its support for states to enact legislation to enable the testing and deployment of autonomous vehicles that is consistent with NHTSA guidance and that considers the goal of avoiding a patchwork of inconsistent state laws that could hinder the advancement of automated vehicle technologies, while also encouraging state innovation in this policy area.

**Additional Information**


**CSG Management Directives**

- CSG will support efforts to encourage states to enact legislation to enable the testing and deployment of autonomous vehicles that is consistent with NHTSA guidance and that considers the goal of avoiding a patchwork of inconsistent state laws that could hinder the advancement of automated vehicle technologies, while also encouraging state innovation in this policy area.

- CSG staff will post the approved resolution on CSG’s website and make it available through its regular communication venues at the federal, state and local levels to ensure its distribution to the government and policy community.