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## FISCAL IMPACT REPORT

**SPONSOR** White **ORIGINAL DATE** 1/29/2019  
**LAST UPDATED** 2/26/19 **HB** \_\_\_\_\_

**SHORT TITLE** Allow Autonomous Vehicles **SB** 332/aSCORC

**ANALYST** Chabot/Hawker

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

|              | FY19 | FY20                       | FY21                       | 3 Year<br>Total Cost       | Recurring or<br>Nonrecurring | Fund<br>Affected |
|--------------|------|----------------------------|----------------------------|----------------------------|------------------------------|------------------|
| <b>Total</b> |      | See Fiscal<br>Implications | See Fiscal<br>Implications | See Fiscal<br>Implications |                              |                  |

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

- Department of Public Safety (DPS)
- Department of Information Technology (DoIT)
- New Mexico Attorney General (NMAG)
- New Mexico Department of Transportation (NMDOT)

### SUMMARY

#### Synopsis of SCORC Amendment

The Senate Corporations and Transportation amendment to Senate Bill 332: 1) deletes the definition for “driver-assisted platoon”; 2) revises the definition of “platoon” to clarify these include a series of vehicles traveling at a distance closer than defined pursuant to Section 66-7-318 NMSA 1978 and connected by wireless vehicle-to-vehicle communications; and 3) adding language stating other than the lead vehicle, vehicles in a platoon shall not be subject to the provisions of Section 66-7-318 NMSA 1978.

#### Synopsis of Original Bill

According to the NMAG analysis, Senate Bill 332 provides new definitions for automated driving system, autonomous motor vehicle, autonomous motor vehicle operator, driver assisted platoon, platoon, dynamic driving task and operational design domain. SB 332 establishes that an autonomous motor vehicle operator must provide an investigating officer with any and all information needed to determine the cause of an accident. Vehicle manufacturers are also required to cooperate with an investigation to the extent necessary in determining the cause of an

accident. Additionally, SB 332 adds new material to the Act mandating compliance with federal standards necessary for autonomous motor vehicles and forbids political subdivisions of the state from prohibiting the use of autonomous vehicles. Under the bill, requirements for “test vehicles” are established that must be met before beginning testing of an automated motor vehicle in New Mexico.

## **FISCAL IMPLICATIONS**

No fiscal impact has been identified at this time but there may be an impact in the future as the technology continues to mature.

## **SIGNIFICANT ISSUES**

Senate Bill 332 resulted from findings of the Autonomous Vehicle (AV) Committee established by 2018 Legislative Session Senate Joint Memorial 3 which was tasked to review current and developing technology relevant to autonomous vehicle operations.

NMDOT states this bill aligns New Mexico with the majority of states that have enacted legislation dealing with AVs. The City of Albuquerque, on July 12, 2017, issued Executive Instruction No. 29, *Self-Driving Vehicle Testing and Operation in the City of Albuquerque*, to support the testing and development of AVs. Through a special permit issued by NMDOT, companies tested platooning on I-10 in 2017 and 2018.

This bill is consistent with H.R.3388, the “Safely Ensuring Lives Future Deployment and Research In Vehicle Evolution Act” or the “SELF DRIVE Act”, which is before the U.S Congress; guidance by the National Highway Traffic Safety Administration; and the vast majority of legislation from other states. SB 332 adopts the terminology specific to automated driving systems as established by the Society of Automotive Engineers standard J3016, which is the recognized and adopted authority specific to AVs.

## **CONFLICT**

DPS assesses the addition of platooning in this bill is in direct conflict with the “Following too closely” statute Section 66-7-318.

## **TECHNICAL ISSUES**

NMAG identifies the following:

SB 332 Section 5, which amends Section 66-7-206, adds the requirement that “vehicle manufacturers shall cooperate with the investigation” but does not provide enforcement powers or penalties for non-compliance.

SB 332 Section 6 reference to autonomous motor vehicles with “any degree of automation” is redundant and may cause confusion since “autonomous motor vehicle” is defined in the language of the bill, and “any degree of automation” is not a term further defined. In determining if the condition applies, the sole determination should be simply whether the vehicle is an autonomous motor vehicle.

**OTHER SUBSTANTIVE ISSUES**

DoIT states currently SB332 would not have an impact on the agency but if other state agencies, such as DPS or NMDOT, choose to use autonomous vehicles, DoIT would be involved in an oversight role and in assisting the agencies in deploying autonomous vehicles and platoons. DoIT may need additional funding to support other agencies.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

According to NMDOT, New Mexico has no laws to explicitly prohibit the use of AVs. The failure to acknowledge the impending nationwide trend of AV use of public roadways and its extension into New Mexico may impact our ability to safely regulate the use in the future.

GAC/gb