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FISCAL IMPACT REPORT

SPONSOR	Trujillo/Thomson/Roybal Caballero/De La Cruz/Johnson	LAST UPDATED	
		ORIGINAL DATE	2/21/2023
SHORT TITLE	Autonomous Vehicles With Human Operators	BILL NUMBER	House Bill 378
		ANALYST	Hanika-Ortiz

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	No fiscal impact	No fiscal impact	No fiscal impact			

Parentheses () indicate expenditure decreases.
 *Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Responses Received From

Department of Public Safety (DPS)
 Economic Development Department (EDD)
 New Mexico Attorney General (NMAG)
 New Mexico Department of Transportation (NMDOT)

SUMMARY

Synopsis of House Bill 378

House Bill 378 (HB378) amends Section 66-7-13 NMSA 1978 of the Motor Vehicle Code to mainly add a new subsection pertaining to autonomous vehicle standards. The new subsection (B) states that no autonomous vehicle shall transport a good or passenger unless a human operator is physically present in the vehicle and has the ability to monitor the vehicle's performance, intervene, operate the vehicle, and turn off the engine. The human operator shall meet all applicable federal and state qualifications for the operation of autonomous and non-autonomous vehicles.

The bill also proposes to delete from Section 66-7-13 NMSA 1978 the following bracketed matter; "... autonomous motor vehicles and autonomous commercial motor vehicles shall be [capable of being] operated in compliance with applicable traffic and motor vehicle laws in New Mexico."

This bill does not contain an effective date and, as a result, would go into effect June 16, 2023,

(90 days after the Legislature adjourns) if signed into law.

FISCAL IMPLICATIONS

No fiscal implications were noted by agencies that commented on the bill.

SIGNIFICANT ISSUES

House Bill 378 prohibits a self-driving vehicle from carrying a passenger or goods unless a human operator is physically present in the vehicle and able to take control of the vehicle if needed.

NMDOT says it is unclear whether the bill prohibits autonomous vehicles (AVs) from being operated commercially without a human operator, or prohibits the testing of AVs without a human operator. Clarification may also be needed on whether the person ready to take over, identified as the human operator in the bill, would be a passenger up until the time that person intervenes or takes control. Also, HB378 includes no exclusion for AVs operations not on public roadways.

TECHNICAL ISSUES

NMDOT explained use of the term “human operator”. If an AV is using an automated driving system (ADS), that system is the operator. A human present in the vehicle is merely a passenger. Requiring a human operator implies the human operator, not the ADS, would be the operator. Additionally, NMDOT noted the term “good” could lead to enforcement confusion regarding whether cargo being transported would be considered a good and require a human operator.

NMAG suggested language to clarify that the requirement proposed in the bill for a “human operator” is regardless of any commercial purpose. In addition, the requirement that a human operator “has the ability to” intervene could also be subject to different interpretations, including the location of the human operator in the AV and how long it takes for them to intervene.

OTHER SUBSTANTIVE ISSUES

According to NCSL, most states have enacted laws addressing AVs, including restrictions on commercial use and requirements for drivers in the vehicle.

<https://www.ncsl.org/transportation/autonomous-vehicles>.

EDD believes the development of AVs in New Mexico could attract new businesses and investment to the state. Safe deployment of AVs are critical to scaling and the need to ensure that the technology used in AVs is safe and reliable, and the human operator is trained and qualified.

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