

Til: Transportministeriet (trm@trm.dk)
Fra: Henriette Fagerberg Erichsen (hfe@advokatsamfundet.dk)
Titel: Sv: Offentlig høring over lovforslag om ændring af færdselsloven (Forsøg med selvkørende enheder m.v.) (Sagsnr.: 2020 - 3)
E-mailtitel: Sv: Offentlig høring over lovforslag om ændring af færdselsloven (Forsøg med selvkørende enheder m.v.) (Id nr.: 652303) (Sagsnr.: 2020 - 3)
Sendt: 29-06-2020 14:59:47
Bilag: signaturbevis.txt;

Tak for henvendelsen.

Advokatrådet har besluttet ikke at afgive høringssvar.

Med venlig hilsen



ADVOKATSAMFUNDET
RETSSIKKERHED UAFHÆNGIGHED INTEGRITET

Henriette Fagerberg Erichsen
Sekretær

Advokatsamfundet, Kronprinsessegade 28, 1306 København K
D +45 33 96 97 28
hfe@advokatsamfundet.dk - www.advokatsamfundet.dk

Til: 1-DEP Erhvervs- og Vækstministeriets officielle postkasse (em@em.dk), Kommunernes Landsforening (kl@kl.dk), Dansk Transport og Logistik (dtl@dtl.eu), International Transport Danmark (itd@itd.dk), DI – Transport (transport@di.dk), mail@landdistrikterne.dk (mail@landdistrikterne.dk), Danske Regioner (regioner@regioner.dk), post@domstolsstyrelsen.dk (post@domstolsstyrelsen.dk), Erhvervsstyrelsen (erst@erst.dk), letbyrder@erst.dk (letbyrder@erst.dk), Info - Autobranchend danmark (info@autobranchend danmark.dk), brs@brs.dk (brs@brs.dk), glostrup@domstol.dk (glostrup@domstol.dk), hoeringssager@danskerhverv.dk (hoeringssager@danskerhverv.dk), Postkasse - Samfund - Advokatsamfundet (Samfund@advokatsamfundet.dk), Danske Advokater (mail@danskeadvokater.dk), hoeringer@fbr.dk (hoeringer@fbr.dk), Håndværksrådet (hvr@hvr.dk), info@sikkertrafik.dk (info@sikkertrafik.dk), Cyklist forbundet (post@cyklistforbundet.dk), Dansk Standard (dansk.standard@ds.dk), Forbrugerombudsmanden (FORBRUGEROMBUDSMANDEN@kfst.dk), Den Danske Dommerforening (dommerforeningen@gmail.com), fp@forsikringogpension.dk (fp@forsikringogpension.dk), 'kjeld.a.larsen@lic-mail.dk' (kjeld.a.larsen@lic-mail.dk), københavn@domstol.dk (københavn@domstol.dk), Retten i Lyngby (lyngby@domstol.dk), Retten i Århus (aarhus@domstol.dk), hoeringer@dommerfm.dk (hoeringer@dommerfm.dk), info@danske-biludlejere.dk (info@danske-biludlejere.dk), Dansk Kørelærer-Union (dku@dku.dk), Forenede Danske Motorejere (fdm@fdm.dk), Dansk bilbrancheråd (info@dbi.dk), Landsforeningen af Forsvarsadvokater (Pt@strafferetsadvokaten.dk), Østre Landsret (post@oestrelandsret.dk), Vestre Landsret (post@vestrelandsret.dk), odense@domstol.dk (odense@domstol.dk), aalborg@domstol.dk (aalborg@domstol.dk), Retten i Roskilde (roskilde@domstol.dk), fdl@fdl-vm.dk (fdl@fdl-vm.dk), autig@autig.dk (autig@autig.dk), info@dbfu.dk (info@dbfu.dk), Danske Kørelæreres Landsforbund (karsten_hansen@c.dk), Danske motorcyklister (skovloekke@dmc-org.dk), dbi@billimp.dk (dbi@billimp.dk), DTU Transport (transport@transport.dtu.dk), Falck (contact@falck.com), Foreningen af Frie Kørelærere (t.kock@hotmail.com), info@humanrights.dk (info@humanrights.dk), Køreprøvesagskyndiges Landsforening (ohn002@politi.dk), Landsforeningen af Polio og Trafik- og ulykkesskadede (ptu@ptu.dk), NOAH Trafik (noahtrafik@noah.dk), Politiforbundet i Danmark (mail@politiforbundet.dk), bornholm@domstol.dk (bornholm@domstol.dk), esbjerg@domstol.dk (esbjerg@domstol.dk), Retten i Helsingør (helsingør@domstol.dk), hillerød@domstol.dk (hillerød@domstol.dk), hjorring@domstol.dk (hjørring@domstol.dk), Retten i Holbæk (holbaek@domstol.dk), Retten i Holstebro (holstebro@domstol.dk), horsens@domstol.dk (horsens@domstol.dk), kolding@domstol.dk (kolding@domstol.dk), Retten i Nykøbing Falster (nykobing@domstol.dk), naestved@domstol.dk (naestved@domstol.dk), Retten i Randers (Randers@domstol.dk), svendborg@domstol.dk (svendborg@domstol.dk), sonderborg@domstol.dk (sonderborg@domstol.dk), Retten i Viborg (viborg@domstol.dk), Retten på Frederiksberg (frederiksberg@domstol.dk), Trafikforskningsgruppen ved Aalborg universitet (NA@civil.aau.dk), Veteranknallertklubben Arkiv (admin@vkka.dk), Sikre Veje (info@sikre-veje.dk), Transporterhvervets Uddannelser (tur@tur.dk), Havarikommissionen (havarikommission@vd.dk), Finansministeriets postkasse (fm@fm.dk), dfim@dfim.dk (dfim@dfim.dk), dmu@dmusport.dk (dmu@dmusport.dk), contact@conpleks.com (contact@conpleks.com), info@gts-net.dk (info@gts-net.dk), Justitsministeriet Civilkontoret (jm@jm.dk), D-DEP - enhedspostkasse (ufm@ufm.dk), kefm@kefm.dk (kefm@kefm.dk), Miljø- og Fødevareministeriet Att: Paolo Perotti (mfvm@mfvm.dk), info@lf.dk (info@lf.dk), info@lorenztechnology.dk (info@lorenztechnology.dk), Skatteministeriet (skm@skm.dk), business@starship.xyz (business@starship.xyz), Digitaliseringsklar lovgivning - høring (klarlovgivning@digst.dk)
Cc: rigsadvokaten@ankl.dk (rigsadvokaten@ankl.dk), Rigspolitiet (direktionssekretariatet@politi.dk)
Fra: trm@trm.dk (trm@trm.dk)
Titel: Offentlig høring over lovforslag om ændring af færdselsloven (Forsøg med selvkørende enheder m.v.) (Id nr.: 652303)
Sendt: 29-06-2020 13:42

Til: Transportministeriet (trm@trm.dk)
Fra: Jan Hempel (Jan.Hempel@politiforbundet.dk)
Titel: VS: Offentlig høring over lovforslag om ændring af færdselsloven (Forsøg med selvkørende enheder m.v.)
E-mailtitel: VS: Offentlig høring over lovforslag om ændring af færdselsloven (Forsøg med selvkørende enheder m.v.) (Id nr.: 652303)
Sendt: 30-06-2020 09:42:25
Bilag: Høringsbrev.pdf; Udkast til lovforslag om forsøg med selvkørende enheder m.v..pdf; Høringsliste.pdf; signaturbevis.txt;

Til Transport- og Boligministeriet.

Politiforbundet har ingen bemærkninger til høringen.

Politiforbundets jr.nr. 2020-00698.

På forbundets vegne - og med venlig hilsen

Jan Hempel
Forbundssekretær

Politiforbundet
H.C. Andersens Boulevard 38
DK-1553 København V
Tlf. +45 3345 5965
E-mail mail@politiforbundet.dk

-----Oprindelig meddelelse-----

Fra: trm@trm.dk <trm@trm.dk>

Sendt: 29. juni 2020 13:43

Til: Erhvervsministeriet <em@em.dk>; Kommunernes Landsforening <kl@kl.dk>; Dansk Transport og Logistik <dtl@dtl.eu>; International Transport Danmark <itd@itd.dk>; DI – Transport <transport@di.dk>; Landdistrikternes Fællesråd <mail@landdistrikterne.dk>; Danske Regioner <regioner@regioner.dk>; Domstolsstyrelsen <post@domstolsstyrelsen.dk>; Erhvervsstyrelsen <erst@erst.dk>; letbyrder@erst.dk; Info - Autobranchend danmark <info@autobranchend danmark.dk>; brs@brs.dk; Retten i Glostrup <glostrup@domstol.dk>; Dansk Erhverv <hoeringssager@danskerhverv.dk>; samfund@advokatsamfundet.dk; Danske Advokater <mail@danskeadvokater.dk>; Forbrugerrådet Tænk <hoeringer@fbr.dk>; Håndværksrådet <hvr@hvr.dk>; Rådet for Sikker Trafik <info@sikkertrafik.dk>; Cyklist forbundet <post@cyklistforbundet.dk>; Dansk Standard <dansk.standard@ds.dk>; Forbrugerombudsmanden <FORBRUGEROMBUDSMANDEN@kfst.dk>; Den Danske Dommerforening <dommerforeningen@gmail.com>; Forsikring og Pension <fp@forsikringogpension.dk>; Rådet for bæredygtig Trafik <kjeld.a.larsen@lic-mail.dk>; Retten i København <kobenhavn@domstol.dk>; Retten i Lyngby <lyngby@domstol.dk>; Retten i Århus <aarhus@domstol.dk>; Dommerfuldmægtigforeningen <hoeringer@dommerfm.dk>; Danske Biludlejere <info@danske-biludlejere.dk>; Dansk Kørelærere-Union <dku@dku.dk>; Forenede Danske Motorejere <fdm@fdm.dk>; Dansk bilbrancheråd <info@dbi.dk>; Landsforeningen af Forsvarsadvokater <Pt@strafferetsadvokaten.dk>; Østre Landsret <post@oestrelandsret.dk>; Vestre Landsret <post@vestrelandsret.dk>; Retten i Odense <odense@domstol.dk>; Retten i Aalborg <aalborg@domstol.dk>; Retten i Roskilde <roskilde@domstol.dk>; Frie Danske Lastbilsvogmænd <fdl@fdl-vi.dk>; Autobranchens Handels- og Industriforening <autig@autig.dk>; Dansk Bilforhandler Union <info@dbfu.dk>; Danske Kørelæreres Landsforbund <karsten_hansen@c.dk>; Danske motorcyklister <skovloekke@dmc-org.dk>; De Danske Bilimportører <dbi@bilimp.dk>; DTU Transport <transport@transport.dtu.dk>; Falck <contact@falck.com>; Foreningen af Frie Kørelærere <t.kock@hotmail.com>; Institut for Menneskerettighederne <info@humanrights.dk>; Køreprøvesagskyndiges Landsforening <ohn002@politi.dk>; Landsforeningen af Polio og Trafik- og ulykkesskadede <ptu@ptu.dk>; NOAH Trafik <noahtrafik@noah.dk>; Politiforbundet <mail@politiforbundet.dk>; Retten i Bornholm <bomholm@domstol.dk>; Retten i Esbjerg <esbjerg@domstol.dk>; Retten i Helsingør <helsingor@domstol.dk>; Retten i Hillerød <hillerod@domstol.dk>; Retten i Hjørring <hjoerring@domstol.dk>; Retten i Holbæk <holbaek@domstol.dk>; Retten i Kolding <kolding@domstol.dk>; Retten i Nykøbing <nykobing@domstol.dk>; Retten i Næstved <næstved@domstol.dk>; Retten i Randers <Randers@domstol.dk>; Retten i Svendborg <svendborg@domstol.dk>; Retten i Sønderborg <sonderborg@domstol.dk>; Retten i Viborg <viborg@domstol.dk>; Retten i Frederiksberg <frederiksberg@domstol.dk>; Trafikforskningsgruppen ved Aalborg universitet <NA@civil.aau.dk>; Veteranknallertklubben Arkiv <admin@vkka.dk>; Sikre Veje <info@sikre-veje.dk>; Transporterhvervets Uddannelser <tur@tur.dk>; Havarikommissionen <havarikommission@vd.dk>; Finansministeriet <fm@fm.dk>; dfim@dfim.dk; Danmarks Motor Union <dmu@dmusport.dk>; contact@conpleks.com; info@gts-net.dk; Justitsministeriet <jm@jm.dk>; 'ufm@ufm.dk' <ufm@ufm.dk>; EFKM - Energi-, Forsynings- og Klimaministeriet <kefm@kefm.dk>; Miljø- og Fødevarerministeriet <mfvm@mfvm.dk>; Landbrug & Fødevarer <info@lf.dk>; info@lorenztechnology.dk; Skatteministeriet <skm@skm.dk>; business@starship.xyz; Digitaliseringsklar lovgivning - høring <klarlovgivning@digst.dk>

Til: Transportministeriet (trm@trm.dk)
Fra: Johanne Berner Hansen (jbh@dbr.dk)
Titel: j. nr. 2018-6195
Sendt: 01-07-2020 08:32:31

Dansk Bilbrancheråd har modtaget ovenstående høring, men har ingen bemærkninger.

Med venlig hilsen



Johanne Berner
Hansen
Juridisk chef, advokat
(L)

Mobil +45 2241 5103
Mail jbh@dbr.dk

Dansk Bilbrancheråd

Kirkevej 1-3

2630 Taastrup

Tel +45 4399 6633
www.dbr.dk

For vores privatlivspolitik se [her](#).

Den 01/07-2020
J.nr. 40A-ØL-42-20
Init: cr

Transport- og Boligministeriet
Sendt pr. mail til trm@trm.dk

Transport- og Boligministeriet har ved brev af 29. juni 2020 (Sagsnr. 2018-6195) anmodet om eventuelle bemærkninger til høring over udkast til forslag til lov om ændring af færdselsloven (Forsøg med selvkørende enheder m.v.).

I den anledning skal jeg meddele, at landsretten ikke ønsker at udtale sig om udkastet.

I præsidentens fravær


Ulla Langholz


Ellen Busck Porsbo

Til: Transportministeriet (trm@trm.dk)
Fra: Eva Vindsebæk Sjøgren (evs@forbrugerombudsmanden.dk)
Titel: Vedr.: J.nr. 2018-6195 - Høring over lovforslag om ændring af færdselsloven
Sendt: 01-07-2020 15:10:40

Forbrugerombudsmanden har modtaget Transport- og Boligministeriets høringsbrev af 29. juni 2020 med anmodning om eventuelle bemærkninger til udkast til Forslag til lov om ændring af færdselsloven (Forsøg med selvkørende enheder m.v.).

Forbrugerombudsmanden har ikke bemærkninger.

Med venlig hilsen
På Forbrugerombudsmandens vegne

Eva Vindsebæk Sjøgren
Chefkonsulent, cand.jur.
Direkte tlf.: 4171 5084
E-mail: evs@forbrugerombudsmanden.dk


FORBRUGEROMBUDSMANDEN
Carl Jacobsens Vej 35
2500 Valby
Tlf. +45 4171 5151

Se vores [privatlivspolitik](#) på forbrugerombudsmanden.dk.

Vestre Landsret
Præsidenten



Transport- og Boligministeriet
Frederiksholms Kanal 27 F
1220 København K

Sendt pr. mail til trm@trm.dk

J.nr. 40A-VL-40-20
Den 20/07-2020

Transport- og Boligministeriet har ved brev af 29. juni 2020 (sagsnr. 2018-6195) anmodet om eventuelle bemærkninger til høring over udkast til forslag til lov om ændring af færdselsloven (Forsøg med selvkørende enheder m.v.).

I den anledning skal jeg meddele, at landsretten ikke ønsker at udtale sig om udkastet.

Med venlig hilsen

Helle Bertung

Københavns Byret



Transport- og Boligministeriet
Færdselskontoret
Frederiksholms Kanal 27 F
1220 København K

Præsidenten
Domhuset, Nytorv 25
1450 København K.
Tlf. 99 68 70 15
CVR 21 65 95 09
administration.kbh@domstol.dk
J.nr. 9099.2020.32

Den 24. juli 2020

Ved en mail af 29. juni 2020 har Transport- og Boligministeriet anmodet om eventuelle bemærkninger til høring over udkast til forslag til lov om ændring af færdselsloven (Forsøg med selvkørende enheder m.v.).

Jeg skal i den anledning på vegne af byretspræsidenternes oplyse, at byretterne ikke ønsker at udtale sig om udkastet.

Der henvises til Deres j.nr. 2018-6195.

Med venlig hilsen

Søren Axelsen



Transportministeriet
Frederiksholms Kanal 27F
1220 København K

Høringssvar er sendt til: trm@trm.dk

Sags-ID:

Sagsbehandler: MRC

Deres ref.: 2018-6195

Dato: 13-08-2020

Høring over udkast til forslag til lov om ændring af færdselsloven (Forsøg med selvkørende enheder m.v.)

ITD kvitterer for fremsendte høring og muligheden for at afgive bemærkninger hertil.

ITD hilser lovforslaget velkomment og kan fuldt ud tilslutte sig formål og baggrunden herfor.

Vejgodstransporten står i de kommende år over for en omfattende digital omstilling, herunder ikke mindst til nye selvkørende og førerløse teknologier og introduktion af nye digitale forretningsmodeller.

På den baggrund er det, som anført i bemærkningerne til forslaget, vigtigt at sikre de nødvendige lovgivningsmæssige rammer for den digitale omstilling.

ITD finder det derfor positivt, at regeringen med forslaget skaber rammerne for forsøg med selvkørende enheder til forskellige formål, herunder ikke mindst til levering af gods. Muligheden for at teste en selvkørende enhed af på offentlig vej er således en nødvendig forudsætning for udvikling og introduktion af nye forretningsmodeller.

ITD er helt enig i, at en forudsætning for adgangen til at udføre forsøg er, at de kan gennemføres trafiksikkerhedsmæssigt forsvarligt uden risiko for medtrafikanter. Det er dog samtidig afgørende, at de tekniske og økonomiske krav, der stilles til ansøgningen, ikke går videre end formålet tilsiger. Såfremt kravene bliver sat for højt og den administrative proces for tung risikeres færre ansøgninger, hvorved formålet med ordningen forspildes.

ITD skal derfor opfordre til, at transportministeren ved fastsættelsen af de nærmere betingelser tilstræber at lave en så fleksibel model som muligt, da det kan være vanskeligt på forhånd at tage højde for alle typer af enheder, der ønskes afprøvet.

I forbindelse med fastsættelsen af de nærmere betingelser skal ITD i øvrigt opfordre til at se på erfaringer fra udlandet i det omfang der er gennemført eller skal gennemføres lignende forsøg.

Afslutningsvist skal ITD opfordre til, at der indledes en tæt dialog med aktørerne på området for at sikre at alle relevante problemstillinger tages i betragtning i forbindelse med udmøntningen. Helt konkret foreslås det, at der nedsættes en

Lyren 1
DK-6330 Padborg
Danmark

T: +45 7467 1233
F: +45 7467 4317

itd@itd.dk
itd.dk

CVR: 40990917



permanent arbejdsgruppe – eksempelvis i regi af Færdselsstyrelsen- med deltagelse af brancheorganisationer, virksomheder samt repræsentanter fra vidensinstitutioner, der arbejder med selvkørende teknologier.

ITD står naturligvis til disposition ved ønske om yderligere dialog i henhold til høringssvaret.

Med venlig hilsen

Mads Røddik Christensen
Chefkonsulent

Høringssvar til udkast til Forslag om lov om ændring af færdselsloven (Forsøg med selvkørende enheder m.v.)

Holo bemærker til udkastet til lovforslag:

1.

I lovforslaget er der ikke fastsat grænser for størrelse, herunder vægt og dimensioner for selvkørende enheder. Ser man på markedet for selvkørende leveringsenheder, så spænder det over følgende eksempler af køretøjer, som placerer sig i hver ende af skalaen:

Starship Delivery Robot

- Dimensioner: 678 (L) x 569 (B) x 554 (H) mm
- Vægt u. gods: 23 kg
- Maksimal lasteevne: 10 kg

Nuro R2

- Dimensioner: 2740 (L) x 1100 (B) x 1860 (H) mm
- Vægt u. gods: 960 kg
- Maksimal lasteevne: 190 kg

Holo vil gerne vide om lovforslaget tager højde for hele spændet i markedet, og om der med lovforslaget kan gives tilladelse til projekter med alle typer af selvkørende enheder inden for ovenfor beskrevne spænd.

2.

Af lovforslaget fremgår det at, der fastsættes nærmere bestemmelser om enhedernes vægt og dimensioner, som gør, at enhederne kan anvendes uden fare og ulempe for fodgængere og andre trafikanter på de områder, hvor enhederne må færdes.

Holo mener, at der i teorien ikke bør være en egentlig grænse for størrelse og dimensioner af selvkørende enheder, men at en eventuel godkendelse beror på en samlet vurdering af projektets risiko, hvor flere faktorer såsom hastighed, område for operation, størrelse, vægt, mv. inkluderes. Med dette skal det forstås, at et ovenfor beskrevet Nuro-køretøj bør kunne opnå godkendelse til trods for dimensioner og vægt, hvis andre parametre såsom hastighed og anden færdsel tillader en drift med lav risiko. Se afsnit 5 for lignende rammeværktøj til droner.

3.

Af lovforslaget fremgår det, at der altid skal være en fysisk person, som kan overtage kontrollen af den selvkørende enhed – enten ved at en fysisk person er i umiddelbar nærhed og rækkevidde af enheden og har kontrol over enheden f.eks. ved hjælp af en fjernbetjening/controller, eller ved at denne fysiske person f.eks. via en computer eller på anden vis har adgang til øjeblikkeligt at overtage kontrollen med enheden fra distancen.

Endvidere at der med kravet om, at en fysisk person skal kunne overtage kontrollen af en enhed menes, at den fysiske person til enhver tid skal kunne overtage styringen af en enhed og dermed kunne give kommandoer om enhedens færden med øjeblikkelig virkning.

Holo ønsker at få specificeret, hvad der menes med at "kunne overtage styringen" og hvilke funktioner dette omhandler. Hvilken kontrol kan tillades fra distancen via f.eks. en computer? Skal den fysiske person udelukkende kunne stoppe og standse enheden, skal personen kunne give enheden præ-programmerede kommandoer eller skal den fysiske person kunne overtage kontrollen som ved en almindelig bil?

Derudover ønsker Holo at få afdækket, i hvilke tilfælde der skal være en fysisk person i umiddelbar nærhed af den selvkørende enhed og i hvilke tilfælde det kan tillades at personen f.eks. via en computer eller på anden vis har adgang til øjeblikkeligt at overtage kontrollen med enheden fra distancen. Kan operatøren af de selvkørende enheder frit vælge typen af kontrol, eller defineres dette ud fra projektets parametre?

4.

Af lovforslaget fremgår det, at "Det er Transport- og Boligministeriets vurdering, at der ved forsøg med selvkørende enheder ikke er behov for samme administrative procedurer og assessorordning, som gælder for de selvkørende motorkøretøjer."

Dette ser Holo som et positivt tiltag, da det vil skabe en mere smidig godkendelsesproces.

5.

Holo har, udover ovennævnte kommentarer til specifikke punkter i lovforslaget, nogle generelle bemærkninger til loven om forsøg med selvkørende enheder.

I lovforslaget er det ikke defineret, hvilke parametre en godkendelse beror på. Holo forventer imidlertid, at der vil komme konkrete værktøjer til godkendelsesprocessen, så projekter smidigt kan føres igennem en godkendelsesproces hos myndighederne. Det gælder navnlig i forhold til vurdering/klassificering af risici i forsøgsprojekter med selvkørende enheder, hvor mitigerende faktorer såsom hastighed, vægtgrænse, ruteplanlægning mv. kan inkluderes.

Til konkretisering af parametre sådanne i godkendelsesprocesser for selvkørende enheder bør man kigge på EU's rammeværktøj for klassificering af droneoperationer: SORA (Specific Operational Risk Assessment) processen fra EASA AMC & GM 2019/947¹.

6.

Slutteligt skal det bemærkes, at siden Holo er den eneste virksomhed, der har opnået godkendelser af forsøg og har driftserfaring med selvkørende køretøjer i Danmark (Aalborg og København), ser Holo det som en fordel, at repræsentanter for virksomheden deltager i fremadrettede diskussioner vedrørende specifikke retningslinjer for godkendelsesprocesser af selvkørende enheder. Holo vil derudover kunne bidrage med erfaringer fra godkendelser af projekter med selvkørende køretøjer fra andre nabolande (Norge, Sverige, Finland og Estland) samt fra vores arbejde med droner, som er underlagt den nævnte SORA-proces.

¹

<https://www.easa.europa.eu/document-library/acceptable-means-of-compliance-and-guidance-materials/amc-gm-commission>

Høringssvar: Sagsnummer 2018-6195

Odense 16 August 2020

Til Transport- og Boligministeriet

Kommentar til sagsnummer 2018-6195

På vegne af Lorenz Technology ApS fremsendes hermed vores kommentar til sagsnummer 2018-6195: Udkast til, lov om ændring af færdselsloven (forsøg med selvkørende enheder m.v.).

Hos Lorenz Technology ApS arbejder vi med udvikling af sikkerhedssystemer med brug af flyvende droner og kørende robotter. Virksomheden leverer i dag systemer til overvågning og visuel dataindsamling med brug af droner på bla. havne- og i industriområder samt forskellige svært fremkommelige områder.

Hos Lorenz Technology Aps samarbejder vil bla. med kunder som:

G4S Danmark

DFDS

Esbjerg Havn

Fibia

Securitas

Politi og Forsvar

Kommentarer til "§ 2.1.2.3. Behandling af persondata" (side 16-17)

Vores tanker er helt i tråd med at robotens kamerainput skal pixeleres før det bliver sendt videre eller i processen inden arkivering. Vi foreslår dog at i områder hvor der allerede anvendes kameraer til overvågning, hvor dette er skiltet lovgivningsmæssigt, såsom hærens områder, lufthavne, havne og virksomheder som f.eks. DFDS, at man der så også får lov til at montere et kamera ovenpå robotten, hvor kameraets funktion er friholdt fra robotens navigationsfunktioner og kan anvendes til dataindsamling..

Lorenz Technology ApS
Sivlandvænget 3
DK- 5260 Odense S

CVR: 38 45 92 28

Vi håber at vores kommentarer vil blive taget i betragtning da sikring af områder med brug af kørende enheder er et område med stort kommercielt potentiale i Danmark og EU, et område der også vil bidrage med skabelse af arbejdspladser og et betydeligt potentiale for eksport.

Med venlig hilsen

A handwritten signature in dark ink, reading 'Kristian Skaarup' in a cursive script.

Kristian Skaarup

CEO

Lorenz Technology ApS

Lorenz Technology ApS
Sivlandvænget 3
DK- 5260 Odense S

CVR: 38 45 92 28

Høringssvar til udkast til lov om ændring af færdselsloven (Forsøg med selvkørende enheder m.v.) - Sagsnummer 2018-6195

Lovforslaget er yderst gennearbejdet og vidner om Folketingets velvilje til at samarbejde med erhvervslivet om at fremme brugen af nye former for robotteknologi. Vi vil gerne rose Folketinget for deres indsats i udarbejdelsen af dette lovforslag.

Kommentarer til "§ 2.1.2.1. Tilladelse til forsøg med selvkørende enheder" (side 14)

Vi ønsker at dokumentation og oplysninger indsendt til Transportministeren, til brug for udførelse af tilsyn, behandles fortroligt af hensyn til konkurrenceevne.

Kommentarer til "§ 2.1.2.2. Krav til ansøgning og gebyrer" (side 15-16)

Vi foreslår at ansøgere skal have mulighed for at levere den ønskede dokumentation, som efterfølgende skal godkendes af assessoren, samt et prisoverslag på hvad det kommer til koste, så snart ansøgningen er indsendt. Som et lille firma vil vi ikke kunne bære store ukendte økonomiske udgifter. Derfor er vi nødt til at kende de forventede udgifter.

Kommentarer til "Bemærkninger til lovforslagets enkelte bestemmelser" (side 32)

I henhold til udtrykket "*behørigt afgrænset fra motordrevet trafik*".

Vi ønsker en specificering af hvad der regnes for et afgrænset område. Her forestiller vi os at man kan markere robotbaner, hvor kun robotterne må køre, svarende til fodgængerfelter.

Yderligere bemærkninger

Vi foreslår at Transportministeren skal have dispensationsbestemmelse over lovgivningen, i tilfælde af at uforudsete scenarier opstår.

Til: Transportministeriet (trm@trm.dk)
Fra: oki@bilimp.dk (oki@bilimp.dk)
Titel: Høringssvar (J.nr. 2018-6195): lovforslag om ændring af færdselsloven (Forsøg med selvkørende enheder m.v.)
E-mailtitel: Høringssvar (J.nr. 2018-6195): lovforslag om ændring af færdselsloven (Forsøg med selvkørende enheder m.v.) (Id nr.: 652303)
Sendt: 17-08-2020 08:53:39

Til Transport- og Boligministeriet

J.nr. 2018-6195

Høringssvar: Forslag til lov om ændring af færdselsloven (forsøg med selvkørende enheder)

De Danske Bilimportører har modtaget høring over udkast til forslag om ændring af færdselsloven. Det fremgår af udkastet, at ændringen af færdselsloven skal indføre en ny forsøgsordning til forsøg med selvkørende enheder, og at denne nye forsøgsordning vil supplere den allerede eksisterende forsøgsordning for selvkørende motorkøretøjer jf. §§ 92 f – 92 k.

Vi opfatter den nye forsøgsordning som rettet mod etablering af forsøg med (typisk) små selvkørende enheder (robotter mv.), der eksempelvis kan transportere varer i form af mindre pakker og lignende, og som fortrinsvist vil køre på fortove mv. og på områder med begrænset færdsel - men ikke på kørebanen. Forsøgsordningen angår således ikke forsøg med selvkørende biler i den betydning, der gælder for den eksisterende forsøgsordning, og den nye ordning ændrer i vore øjne ikke ved denne.

Som sådan har vi ingen særlige bemærkninger til den foreslåede nye ordning. Vi bakker op om, at der etableres en særskilt ordning for små selvkørende enheder, der kører ved lav hastighed (under 6 km/t) for så vidt dette anses for nødvendigt i henhold til den eksisterende færdselslov.

Udover hastighedskrav og krav om, at enhederne, der er omfattet af den nye ordning, skal være emissionsfri, finder vi det fornuftigt, at de nærmere tekniske betingelser og krav til enhederne ikke specificeres nærmere i selve færdselsloven, men i stedet fastsættes nærmere af Transportministeren via bekendtgørelse.

Med venlig hilsen

Ole Kinkelund
Chefkonsulent

 **DE DANSKE BILIMPORTØRER**

De Danske Bilimportører
Rådhuspladsen 16
1550 København V
Tel. 2323 2520
Mail. oki@bilimp.dk
www.bilimp.dk

Denne e-mail er kun tiltænkt ovennævnte adressat(er) og kan indeholde fortrolige oplysninger.

Hvis du ikke er rette modtager, gør vi opmærksom på, at det ikke er tilladt på nogen måde at videregive, udbrede eller kopiere denne e-mail. Hvis du ved en fejl har modtaget e-mailen, beder vi dig venligst om at rette henvendelse til os pr. e-mail dbi@bilimp.dk.

-----Oprindelig meddelelse-----

Fra: trm@trm.dk <trm@trm.dk>

Sendt: 29. juni 2020 13:43

Til: Erhvervsministeriet <em@em.dk>; Kommunernes Landsforening <kl@kl.dk>; Dansk Transport og Logistik <dtl@dtl.eu>; International Transport Danmark <itd@itd.dk>; DI – Transport <transport@di.dk>; Landdistrikternes Fællesråd <mail@landdistrikterne.dk>; Danske Regioner <regioner@regioner.dk>; Domstolsstyrelsen <post@domstolsstyrelsen.dk>; Erhvervsstyrelsen <erst@erst.dk>; letbyrder@erst.dk; Info - AutobrandeDanmark <info@autobrandeDanmark.dk>; brs@brs.dk; Retten i Glostrup <glostrup@domstol.dk>; Dansk Erhverv <hoeringssager@danskerhverv.dk>; samfund@advokatsamfundet.dk; Danske Advokater <mail@danskeadvokater.dk>; Forbrugerrådet Tænk <hoeringer@fbr.dk>; Håndværksrådet <hvr@hvr.dk>; Rådet for Sikker Trafik <info@sikkertrafik.dk>; Cyklist forbundet <post@cyklistforbundet.dk>; Dansk Standard <dansk.standard@ds.dk>; Forbrugerombudsmanden <FORBRUGEROMBUDSMANDEN@kfst.dk>; Den Danske Dommerforening <dommerforeningen@gmail.com>; Forsikring og Pension <fp@forsikringogpension.dk>; Rådet for bæredygtig Trafik <kjeld.a.larsen@lic-mail.dk>; Retten i København <kobenhavn@domstol.dk>; Retten i Lyngby <lyngby@domstol.dk>; Retten i Århus

Transport- og Boligministeriet
Frederiksholms Kanal 27 F
1220 København K
E-mail: trm@trm.dk

WILDERS PLADS 8K
1403 KØBENHAVN K
TELEFON 3269 8888
MOBIL 9132 5688
ANCA@HUMANRIGHTS.DK
MENNESKERET.DK

DOK. NR. 20/01714-2

17. AUGUST 2020

**HØRING OVER UDKAST TIL FORSLAG TIL LOV OM
ÆNDRING AF FÆRDSLSLOVEN (FORSØG MED
SELVKØRENDE ENHEDER M.V.)**

Transport- og Boligministeriet har ved e-mail af 29. juni 2020 anmodet om Institut for Menneskerettigheders eventuelle bemærkninger til udkast til forslag til lov om ændring af færdselsloven (Forsøg med selvkørende enheder m.v.).

Instituttet har ingen bemærkninger.

Der henvises til ministeriets sagsnummer 2018-6195.

Med venlig hilsen

Annecathrine Carl
JURIDISK RÅDGIVER



Transport- og Boligministeriet
Frederiksholms Kanal 27 F
1220 København K

Sendt pr e-mail til: trm@trm.dk

17-08-2020

Dir. tlf.
+45 45 27 07 13

E-Mail
dbl@fdm.dk

Sagsnr.
S20-7310

Ref: DBL/

**Høring over udkast til forslag til lov om ændring af færdselsloven
(Forsøg med selvkørende enheder m.v.), sagsnummer 2018-6195**

FDM takker for det fremsendte høringsmateriale og har følgende bemærkninger.

FDM støtter principielt, at man fra lovgivers side vil understøtte udviklingen, og udnytte og høste de frugter som moderne og morgendagens teknologi kan tilbyde. Men samtidigt er det vigtigt, at fascinationen over nye teknologiske muligheder ikke tilsidesætter vigtige begreber som færdselssikkerhed og trafikafvikling.

Vi har derfor med tilfredshed noteret os, at tilladelse til kørsel med selvkørende enheder i første omgang kun kan gives på strækninger og områder, som alene i begrænset omfang anvendes til almindelig færdsel af en eller flere færdselsarter. Ligesom det er vigtigt, at disse selvkørende enheder ikke kører ind i andre trafikanter eller i øvrigt får skabt farlige situationer, er det afgørende at enhederne ikke skaber forringelse af trafikafviklingen, fx når enheden går i stå midt på vejen eller fortovet. Afledte farlige situationer skal også undgås, som fx fodgængerer, der af enheden bliver tvunget til at træde ud på kørebanen.

Da teknologien endnu er i som barndom, er det derfor fornuftigt, at forsøg alene begrænses til områder med begrænset omfang øvrige trafikanter.

Med venlig hilsen

Dennis Lange
Chefkonsulent

Firskovvej 32
Postboks 500
2800 Kgs. Lyngby

Tlf. +45 70 13 30 40

CVR nr. 10 37 67 18

fdm@fdm.dk
www.fdm.dk



Styrelsen for Dataforsyning og Effektivisering

Transport- og Boligministeriet

Mail: trm@trm.dk

Angående: Høringssvar til forslag til lov om ændring af færdselsloven (Forsøg med selvkørende enheder m.v.)

Kontor
Geografiske referencer

Dato
13. august 2020

J nr. 1264-0197

/ MASKG

Svar:

Styrelsen for Dataforsyning og Effektivisering (SDFE) imødeser, med stor interesse behandlingen af lovforslaget om en forsøgsordning, der tillader kørsel med selvkørende enheder på færdselslovens område. SDFE arbejder allerede i dag med virksomheder, forskere samt myndigheder omkring datadrevet udvikling inden for selvkørende enheder.

En selvkørende enheds evne til at navigere og positionere sig selv kræver stedbestemmelse (positionering), som er et af SDFE's ressortområder. SDFE samarbejder med både offentlige og private aktører om datadrevet vækst og innovation inden for selvkørende enheder med særlig fokus på udnyttelse af den hastige udvikling inden for præcis positionering vha. satellitter (GNSS) ikke mindst i forbindelse med idriftsættelsen af det europæiske Galileo system.

Forhåndsgodkendte testzoner

Operatører skal med den foreslåede lovtekst søge godkendelse til at operere med selvkørende enheder fra sag til sag. SDFE vil anbefale, at der i tillæg åbnes for, at der kan etableres en eller flere testzoner i Danmark, hvor man ikke behøver at opnå godkendelse på forhånd, alternativt kan have andre godkendelsesprocedurer. Eksempelvis kan der søges inspiration fra HC Andersens Lufthavn, hvor droneflyvninger kan finde sted uden forudgående tilladelse. SDFE har i Aarhus etableret forsknings- og udviklingsplatformen for nøjagtig positionering, TAPAS. Platformen kan bidrage som et sikkert testmiljø for forsøg med selvkørende enheder, og dermed bidrage til en forenklet ansøgningsproces, og dermed understøtte at der løbende kan testes i takt med den hastige udvikling.

SDFE vil i den forbindelse foreslå, at loven åbner for at benytte selvkørende enheder i bred forstand i en testzone inden for testplatformens dækningsområde (Aarhus by). Zonen tænkes at indeholde forskellige vejtyper som udvalgte bygader, cykelgader, gågader etc. og ikke kun områder med "begrænset færdsel", idet SDFE's igangværende samarbejder på området viser, at teknologien er moden til forsøg i forskellige typer områder. Som eksempel kan nævnes et projekt under den fællesoffentlige digitaliseringsstrategis initiativ 5.3, hvor en selvkørende maskine

**Styrelsen for Dataforsyning
og Effektivisering**

Rentemestervej 8
2400 København NV

T: 72 54 55 00
E: sdfe@sdfe.dk

www.sdfe.dk



vedligeholdt et grønt areal i Aarhus. Maskinen afrapporterede endvidere til kommunens parkdriftssystem i realtid og yderligere kontrol var unødvendig.

Fælles datagrundlag for stedbestemmelsen er vigtig

SDFE vil gerne pege på vigtigheden af, at en enheds stedbestemmelse er baseret på et fælles datagrundlag, og at godkendelser tager højde for dette. Dette vil både gælde enheden selv, men også de ansøgte geografisk afgrænsede testzoner. SDFE anbefaler i forbindelse med en konkretisering af lovens afstandskrav, at de i loven anvendte datagrundlag og stedbestemmelser (ejendomme, ambassader, offentlige veje og lignende) anvender de fællesoffentlige grunddata og infrastrukturer.

Krav om on-board sløring af personhenførbare data kan blive vidtgående

SDFE støtter det stærke fokus på personhenførbare data. SDFE bemærker dog, at den anviste model med on-board sløring (edge computing) kan være vanskelig at leve op til i praksis for mindre selvkørende enheder og dermed have uheldige konsekvenser for udviklingen i Danmark på området for selvkørende enheder. Som SDFE forstår lovudkastet vil det f.eks. kræve, at en enhed skal dokumentere evne til korrekt at identificere elementer som ansigter, nummerplader mm. og derefter sløre dem ved kilden. Det kræver stor processerkraft. Afhængigt af hvad man lægger i kravet om, at operatøren skal kunne "se" enheden, vil der per definition være tale om at sende 'sensor streams'. Dette kræver store mængder af data, som sendes, og kravet kan blive svært at honorere. Det bemærkes desuden, at der ikke nødvendigvis er tale om optiske billeder (RGB-kamera) i enhederne, men eksempelvis et multispektralt kamera (Infrarødt fx) eller lidar-baseret punktsky, hvor ansigter/nummerplader ikke aflæses.

Efter SDFE's opfattelse bør kravene til selvkørende enheder mht. personfølsomme data svare til, hvad der allerede er i brug ved assisterende systemer i personbiler. Her tænkes eksempelvis på dashcams og indbyggede overvågningskameraer på bilen, der i dag automatisk lagrer uslørede sekvenser af video af omgivelserne på en USB nøgle monteret i bilen til gennemsyn af køretøjets ejer i tilfælde af en ulykke eller hærværk.



Transport- og Boligministeriet
Frederiksholms kanal 27 F
1220 København K

Sendt pr. mail til trm@trm.dk

Cyklistforbundet
Rømersgade 5-7
DK-1362 København K

Tel +45 33 32 31 21
post@cyklistforbundet.dk
www.cyklistforbundet.dk

Cyklistforbundets høringssvar vedr. udkast til forslag til lov om ændring af færdselsloven (Forsøg med selvkørende enheder m.v.). Sagsnr. 2018-6195

18 august 2020

Cyklistforbundets ønsker at gøre opmærksom på vigtigheden af, at sikkerheden og fremkommeligheden for cyklister ikke forringes i forbindelse med forsøg med selvkørende enheder. Det bør tilstræbes, at samspillet mellem de selvkørende enheder og fodgængere, cyklister og øvrige brugere af vejtracéet til enhver tid afbalanceres således, at alle parter har rimelig plads og færdselsforhold.

Venlig hilsen

Klaus Bondam
Direktør

post@cyklistforbundet.dk
T +45 33 32 31 21

Cyklistforbundet
Rømersgade 5
1362 København K.

Transportminister
Benny Engelbrecht
Transport- og Boligministeriet
Frederiksholms Kanal 27 F 1220
København

Compleks Innovation ApS
Compleks Robotech ApS
Fælledvej 17
DK-7600 Struer, Danmark
CVR nr.: 3316 4602 / 3751 3121

Dokument nr.: CI01-400160811-254 1.0
Dato: August 17, 2020

Vores ref.: Tom Simonsen
Telefon: +45 9663 0901
Mobil: +45 4044 2834
tom.simonsen@conpleks.com
www.conpleks.com

Vedrørende UDKAST til Forslag til Lov om ændring af færdselsloven (Forsøg med selvkørende enheder m.v.)

Kære Transportminister Benny Engelbrecht,

I forbindelse med det udsendte udkast til Forslag til Lov om ændring af færdselsloven for forsøg med selvkørende enheder m.v. er vores umiddelbare opfattelse, at dette i væsentligt omfang imødekommer vores behov og sætter gode rammer for at kunne etablere afgrænsede forsøg i det offentlige rum.

Vi noterer os dog, at der i udkastet synes at være lagt vægt på, at selvkørende enheder defineres som værende emissionsfrie og med elektrisk fremdrift. Det er stadig vores erfaring, at en lang række fremtidige anvendelser af selvkørende enheder indenfor præcisionslandbrug og naturpleje, fremadrettet fortsat vil involvere relativt energitunge arbejdsopgaver, der kræver brug af traditionelle og hybride varianter af drivmiddel.

Endvidere synes der i beskrivelserne at være en delvis slagside mod anvendelser indenfor logistik og anvendelser i urbane miljøer, som naturligvis er væsentlige, men scenarier i landbruget og park og vej segmentet tilgodeses ikke.

Det ensidige fokus på emissionsfrie selvkørende enheder og logistik kan utilsigtet udelukke en række anvendelser indenfor landbrug og naturpleje, hvor der i de kommende år kan forventes store muligheder, der også tilgodeser miljøet. Vi ser derfor gerne at anvendelsesområderne, landbrug og naturpleje, bliver indarbejdet i lovforslaget

Vi står naturligvis til rådighed overfor en uddybning af dette brev og deler om nødvendigt gerne yderligere relevant information.

Venlig hilsen



Ole Green
CEO Agro Intelligence ApS
Professor Aarhus Universitet



Tom Simonsen
CEO Compleks Innovation ApS og Compleks Robotech ApS



Til: Transportministeriet (trm@trm.dk)
Cc: Pia Saxild (PS@fbr.dk), Helen Amundsen (ha@fbr.dk), Vagn Jelsøe (vj@fbr.dk)
Fra: Helen Amundsen (ha@fbr.dk)
Titel: SV: Offentlig høring over lovforslag om ændring af færdselsloven (Forsøg med selvkørende enheder m.v.) j.nr. 2018-6195
E-mailtitel: SV: Offentlig høring over lovforslag om ændring af færdselsloven (Forsøg med selvkørende enheder m.v.) (Id nr.: 652303) j.nr. 2018-6195
Sendt: 18-08-2020 16:34:57

Forbrugerrådet Tænk har modtaget Transport- og boligministeriets brev af 29. juni 2020, j.nr. 2018-6195 vedr. høring over lovforslag om ændring af færdselsloven (forsøg med selvkørende enheder mv.) og har følgende bemærkninger.

Forbrugerrådet Tænk finder det yderst fornuftigt, at ordningen i første omgang kun udrulles på Færdselslovens områder i begrænset omfang og kun der, hvor den øvrige færdsel er begrænset, og at ordningen ikke udvides til mere befærdet offentlig vej, før en evaluering af forsøgsordningen har fundet sted. I den forbindelse finder vi det vigtigt, at man allerede nu overvejer, hvilke punkter man ønsker at evaluere på og dermed sørger for at systematisere indsamling af data, så der bliver en reel mulighed for at evaluere ordningen. Dette gælder bl.a. også indsamling af ulykkesdata. Det bør desuden sikres, at alle interessenter/ekspertiser bliver involveret i evalueringen.

Forbrugerrådet Tænk er desuden meget enig i, at ordningen skal håndteres ved udstedelse af tilladelser, således at det i hvert tilfælde vil blive vurderet, om det er forsvarligt i forhold til færdselssikkerheden. Vi finder det dog væsentligt, at den fysiske person, der skal være i stand til at overtage kontrollen af enheden, skal besidde en eller anden form for dokumenteret kompetence herunder kendskab til færdselsreglerne. Der argumenteres i bemærkningerne med, at hastigheden er lav, og at det derfor er unødvendigt. Ikke desto mindre nævnes det, at der kan tillades en konstruktiv hastighed op til 15 km/h, hvilket formodentlig er nok til at kunne forvolde skade på fodgængere ved kollision. Vi finder det samtidig rimeligt, at der skal være en mulighed for at fratage såvel den fysiske person som tilladelsesindehaveren retten til at føre enheden/at have en tilladelse i begrænset tid eller permanent afhængig af overtrædelsens karakter og alvorlighed. Endelig mangler der efter vores opfattelse mulighed for at stille flere krav til selve enheden. I bemærkningerne er der kun nævnt dimension og vægt, men lige så vigtigt er den ydre udformning, fx bør der ikke være skarpe kanter/hjørner, og de ydre materialer, der kan ramme en person bør have en eller anden form for støddabsorberende effekt. Det kan desuden forudses, at enhederne vil være tiltrækkende for børn, og der bør derfor også stilles krav til, at enheden fx ikke er berøringsfarlig for børn. Vi har forstået, at enhederne vil være omfattet af Maskindirektivet, og at der den vej måske vil være yderligere krav, men vi er ikke bekendt med, at der findes en europæisk sikkerhedsstandard for den type produkter, hvilket ville være ønskeligt. Dette bl.a. også for at sikre, at batterierne ikke er eksplosions- og brandfarlige. Vi har efterhånden set flere eksempler på ulykker med kraftige batterier, der kan have store menneskelige konsekvenser.

Med venlig hilsen

Vagn Jelsøe
Vicedirektør / Deputy Executive Director

Helen Amundsen
Seniorrådgiver/Senior Technical Adviser

T +45 7741 7720 / M +45 2280 6106 / taenk.dk

T +45 7741 7732 / M +45 2715 7431

Flotstræde 17 B / Postboks 2188 / 1017 København K

Forbrugerrådet
Tænk
Danish Consumer Council

-----Oprindelig meddelelse-----

Fra: Pia Saxild På vegne af Forbrugerrådet Tænk Hoeringer

Sendt: 29. juni 2020 16:21

Til: Pia Saxild

Emne: VS: Offentlig høring over lovforslag om ændring af færdselsloven (Forsøg med selvkørende enheder m.v.) (Id nr.: 652303)

-----Oprindelig meddelelse-----

Fra: trm@trm.dk [mailto:trm@trm.dk]

Sendt: 29. juni 2020 13:42

Til: Erhvervsministeriet; Kommunernes Landsforening; Dansk Transport og Logistik; International Transport Danmark; DI - Transport; Landdistrikternes Fællesråd; Danske Regioner; Domstolsstyrelsen; Erhvervsstyrelsen; letbyrder@erst.dk; Info - Autobranchendankmark; brs@brs.dk; Retten i Glostrup; Dansk Erhverv; samfund@advokatsamfundet.dk; Danske Advokater; Forbrugerrådet Tænk Hoeringer; Håndværksrådet; Rådet for Sikker Trafik; Cyklist forbundet; Dansk Standard; Forbrugerrådet Tænk; Den Danske Dommerforening; Forsikring og Pension; Rådet for bæredygtig Trafik; Retten i København; Retten i Lyngby; Retten i Århus; Dommerfuldmægtigforeningen; Danske Biludlejere; Dansk Kørelærer-Union; Forenede Danske Motorejere; Dansk bilbrancheråd; Landsforeningen af Forsvarsadvokater; Østre Landsret; Vestre Landsret; Retten i Odense; Retten i Aalborg; Retten i Roskilde; Frie Danske Lastbilsvogetmænd; Autobranchens Handels- og Industriforening; Dansk Bilforhandler Union; Danske Kørelæreres Landsforbund; Danske Motorcyklister; De Danske Bilimportører; DTU Transport; Falck; Foreningen af Frie Kørelærere; Institut for Menneskerettighederne; Køreprøvesagskyndiges Landsforening; Landsforeningen af Polio og Trafik- og ulykkeskadede; NOAH Trafik; Politiforbundet i Danmark; Retten i Bornholm; Retten i Esbjerg; Retten i Helsingør; Retten i Hillerød; Retten i Hjørring; Retten i Holbæk; Retten i Holstebro; Retten i Horsens; Retten i Kolding; Retten i Nykøbing; Retten i Næstved; Retten i Randers; Retten i Svendborg; Retten i Sønderborg; Retten i Viborg; Retten i Frederiksberg; Trafikforskningsgruppen ved Aalborg universitet; Veteranknallertklubben Arkiv; Sikre Veje; Transporterhvervets Uddannelser; Havarikommissionen; Finansministeriet; dfim@dfim.dk; Danmarks Motor Union; contact@conpleks.com; info@gts-net.dk; Justitsministeriet; 'ufm@ufm.dk'; EFKM - Energi-, Forsynings- og Klimaministeriet; Miljø- og Fødevareministeriet; Landbrug & Fødevarer; info@lorenztechnology.dk; Skatteministeriet; business@starship.xyz; Digitaliseringsklar lovgivning - høring
Cc: Rigsadvokaten; Rigspolitiet

Emne: Offentlig høring over lovforslag om ændring af færdselsloven (Forsøg med selvkørende enheder m.v.) (Id nr.: 652303)

Til relevante høringsparter

Se venligst vedlagte høring fra Transport- og Boligministeriet over udkast til Forslag til lov om ændring af færdselsloven (Forsøg med selvkørende enheder m.v.).

Til: Transportministeriet (trm@trm.dk)
Fra: Nicole Sophie Christiansen (nsc@lorenztechnology.dk)
Titel: FW: Offentlig høring over lovforslag om ændring af færdselsloven (Forsøg med selvkørende enheder m.v.)
E-mailtitel: FW: Offentlig høring over lovforslag om ændring af færdselsloven (Forsøg med selvkørende enheder m.v.) (Id nr.: 652303)
Sendt: 18-08-2020 16:57:09
Bilag: Høringsbrev.pdf; Udkast til lovforslag om forsøg med selvkørende enheder m.v..pdf; Høringsliste.pdf;

Kære Transport- og Boligministeriet,

Jeg har gennemlæst jeres forslag om ændring af færdselsloven (Forsøg med selvkørende enheder m.v.) (Id nr.: 652303), og må indrømme at I har nogle rigtig gode forslag. Jeg har følgende input til udkastet:

1. Identifikationsnummer kan foregå på samme måde som med droner (https://indberet.virk.dk/myndigheder/stat/TS/Registrering_af_droner_til_flyvning_i_hymaessigt_omraade). Herved sikres det, at det foregår igennem erhverv, og registreringsnummeret kan spores tilbage til ejeren. Derudover skal der stå navn, adresse og telefonnummer på robotten, hvis nogen af en eller anden årsag har brug for at komme i kontakt med ejeren.
2. Jeg er helt enig for at sikre privatlivets fred, at der skal realtid pixelering af ansigter og nummerplader. Dog skal det være muligt at søge dispensation, som security udbyder (fx G4S og Securitas), der i forvejen har licens til at lave overvågning med kameraer osv, til at lave perimetersikring med kørende robotter. Her er det nødvendigt at kunne se, hvem der har indtrængt området for at kunne spore tilbage til en gerningsmand. Der er en stor markedspotentiale og effektivisering for dette segment.
3. Enig at der skal i starten være enten en person ved siden af eller fra en ekstern central til at kontrollere at robotten kører sikkert. Dog skal det være muligt at søge dispensation for at køre helt autonomt uden nogen holder øje med robotten. Dette ses fx i dronebranchen, hvor det er muligt at søge en SORA, hvor man kan få mulighed for ekstraordinær opgaver, hvis man kan dokumentere sikkerhed og operationsprocedure.

Hvis I har brug for yderligere uddybning eller spørgsmål, er I meget velkommen til at kontakte mig.

Kind regards / Med venlig hilsen

Nicole Sophie Christiansen
Senior Innovation Manager - Lorenz Technology ApS
T: +45 42 46 53 39
M: nsc@lorenztechnology.dk
W: www.lorenztechnology.com

signature_1586503783

—Oprindelig meddelelse—

Fra: trm@trm.dk <trm@trm.dk>

Sendt: 29. juni 2020 13:43

Til: Erhvervsministeriet <em@em.dk>; Kommunernes Landsforening <kl@kl.dk>; Dansk Transport og Logistik <dtl@dtl.eu>; International Transport Danmark <itd@itd.dk>; DI – Transport <transport@di.dk>; Landdistrikternes Fællesråd <mail@landdistrikterne.dk>; Danske Regioner <regioner@regioner.dk>; Domstolsstyrelsen <post@domstolsstyrelsen.dk>; Erhvervsstyrelsen <erst@erst.dk>; letbyrder@erst.dk; Info - Autobranchend danmark <info@autobranchend danmark.dk>; brs@brs.dk; Retten i Glostrup <glostrup@domstol.dk>; Dansk Erhverv <hoeringssager@danskerhverv.dk>; samfund@advokatsamfundet.dk; Danske Advokater <mail@danskeadvokater.dk>; Forbrugerrådet Tænk <hoeringer@fbr.dk>; Håndværksrådet <hvr@hvr.dk>; Rådet for Sikker Trafik <info@sikkertrafik.dk>; Cyklist forbundet <post@cyklistforbundet.dk>; Dansk Standard <dansk.standard@ds.dk>; Forbrugerombudsmanden <FORBRUGEROMBUDSMANDEN@kfst.dk>; Den Danske Dommerforening <dommerforeningen@gmail.com>; Forsikring og Pension <fp@forsikringogpension.dk>; Rådet for bæredygtig Trafik <kjeld.a.larsen@lic-mail.dk>; Retten i København <kobenhavn@domstol.dk>; Retten i Lyngby <lyngby@domstol.dk>; Retten i Århus <aarhus@domstol.dk>; Dommerfuldmægtigforeningen <hoeringer@dommerfm.dk>; Danske Biludlejere <info@danske-biludlejere.dk>; Dansk Kørelærer-Union <dku@dku.dk>; Forenede Danske Motorejere <fdm@fdm.dk>; Dansk bilbrancheråd <info@dbr.dk>; Landsforeningen af Forsvarsadvokater <Pt@strafferetsadvokaten.dk>; Østre Landsret <post@oestrelandsret.dk>; Vestre Landsret <post@vestrelandsret.dk>; Retten i Odense <odense@domstol.dk>; Retten i Aalborg <aalborg@domstol.dk>; Retten i Roskilde <roskilde@domstol.dk>; Frie Danske Lastbilsvogmænd <fdl@fdl-vm.dk>; Autobranchens Handels- og Industriforening <autig@autig.dk>; Dansk Bilforhandler Union <info@dbfu.dk>; Danske Kørelæreres Landsforbund <karsten_hansen@c.dk>; Danske motorcyklister <skovloekke@dmc-org.dk>; De Danske Bilimportører <dbi@bilimp.dk>; DTU Transport <transport@transport.dtu.dk>; Falck <contact@falck.com>; Foreningen af Frie Kørelærere <t.kock@hotmail.com>; Institut for Menneskerettighederne <info@humanrights.dk>; Køreprøvesagskyndiges Landsforening <ohn002@politi.dk>; Landsforeningen af Polio og Trafik- og ulykkesskadede <ptu@ptu.dk>; NOAH Trafik <noahtrafik@noah.dk>; Politiforbundet i Danmark <mail@politiforbundet.dk>; Retten i Bornholm <bornholm@domstol.dk>; Retten i Esbjerg <esbjerg@domstol.dk>; Retten i

Til Transport- og Boligministeriet

trm@trm.dk

Sagsnr. 2018-6195

Rådet for 
SikkerTrafik

Rådet for Sikker Trafik
Lersø Parkallé 111
2100 København Ø

T +45 39 16 39 39
www.sikkertrafik.dk

Den 18. august 2020

Vedr. udkast til forslag til Lov om ændring af færdselsloven (Forsøg med selvkørende enheder mv.)

Rådet for Sikker Trafik har modtaget ovenstående i høring og har følgende kommentarer:

Rådet for Sikker Trafik finder det positivt, at der etableres en forsøgsordning for at indsamle erfaringer med selvkørende, førerløse enheder, og at forsøget efterfølgende evalueres. Ligeledes er vi positive overfor, at der lægges vægt på, at forsøget skal foregå på en færdselssikkerhedsmæssig forsvarlig måde og kun kan finde sted på arealer med meget begrænset trafik, såsom parkeringspladser, stisystemer, afgrænsede arealer på virksomheder, byggepladser mv.

I forhold til enkelte af punkterne i forslaget har vi følgende bemærkninger:

Indsamling af ulykkesstatistik

De selvkørende enheder skal, når der er tale om en ny kategori, indgå som et selvstændigt køretøj i den officielle ulykkesstatistik. Det vil derfor være nødvendigt at forberede statistiksystemet til den nye kategori, så der fra starten af forsøget kan indsamles statistik for ulykker med selvkørende enheder. Disse data vil også være vigtige i forhold til evalueringen.

Evaluering

Af forslaget fremgår, at forsøget skal evalueres 3 år efter igangsætningen. Rådet for Sikker Trafik foreslår, at der indarbejdes mulighed for at udvide denne tidsperiode (til fx 5 år eller mere), hvis der ikke efter 3 år er tilstrækkeligt grundlag for en evaluering. Det kan fx være, hvis det tager et stykke tid, før de første kommer i gang med forsøget, eller at der efter 3 år kun er et begrænset antal deltagere i forsøget.

Med venlig hilsen

Mogens Kjærgaard Møller
Administrerende direktør

Til: Transportministeriet (trm@trm.dk)
Cc: Jacob Guldberg Rasmussen (jar@jm.dk), Justitsministeriet (jm@jm.dk), Marie Bindlev (MBI@ankl.dk)
Fra: Rigsadvokaten (rigsadvokaten@ankl.dk)
Titel: Høring over udkast til lovforslag om ændring af færdselsloven (Forsøg med selvkørende enheder m.v.) j.nr. 2018-6195
Sendt: 18-08-2020 17:29:42

Transport- og Boligministeriet har ved brev af 29. juni 2020 anmodet Rigsadvokaten om eventuelle bemærkninger til høring over udkast til lovforslag om ændring af færdselsloven (Forsøg med selvkørende enheder mv.)

Rigsadvokaten skal bemærke, at det ved færdselsuheld med en selvkørende enhed vil være nødvendigt, at politiet umiddelbart efter uheldet kan gennemføre efterforskningsskridt, hvor føreren er fysisk tilstede (f.eks. afhøring, blodprøvetagning mv.). Dette skal ske med henblik på at oplyse omstændighederne omkring førerens forhold – herunder evt. påvirkning af spiritus eller narkotika – og dermed med henblik på, at anklagemyndigheden efterfølgende kan vurdere et eventuelt strafansvar. Bemærkninger om identifikation af den fysiske fører og stedet, hvor den fysiske person befinder sig, når han overvåger og evt. styrer enheden, bør således fremgå af lovforslaget.

Med venlig hilsen

Tina Sandager
Specialanklager

Tlf.nr. 3032 4543

E-mail: tso007@ankl.dk



RIGSADVOKATEN

Rigsadvokaten
Kvalitetsafdelingen
Frederiksholms Kanal 16
1220 København K

Telefon: 72 68 90 00
Telefax: 72 68 90 04
E-mail: rigsadvokaten@ankl.dk
www.anklagemyndigheden.dk

Til: Transportministeriet (trm@trm.dk)
Fra: 1-DEP Høringer (hoeringer@em.dk)
Titel: EMs høringssvar: Offentlig høring over lovforslag om ændring af færdselsloven (Forsøg med selvkørende enheder m.v.) journalnummer 2018-6195
E-mailtitel: EMs høringssvar: Offentlig høring over lovforslag om ændring af færdselsloven (Forsøg med selvkørende enheder m.v.) (Id nr.: 652303) journalnummer 2018-6195
Sendt: 19-08-2020 11:01:07

Til Transport- og Boligministeriet

Erhvervsministeriet har følgende bemærkninger til den fremsendte høring:

Erhvervsstyrelsens Område for Bedre Regulering (OBR) har modtaget lovforslaget i høring.

OBR har følgende vurdering af forslagens administrative konsekvenser for erhvervslivet samt bemærkninger til Transport- og Boligministeriets vurdering af principperne for agil erhvervsrettet regulering.

Administrative konsekvenser

OBR har følgende bemærkninger om de administrative konsekvenser for erhvervslivet.

OBR vurderer, at forslaget medfører administrative konsekvenser for erhvervslivet. De administrative konsekvenser består af dokumentation og ansøgning om tilladelse til forsøg med selvkørende enheder m.v., ligesom der vil blive ført tilsyn hermed. Disse konsekvenser vurderes at være under 4 mio. kr., hvorfor de ikke kvantificeres nærmere.

Principper for agil erhvervsrettet regulering

OBR har i forbindelse med præhøringen af lovforslaget afgivet bemærkninger til Transport- og Boligministeriet vurdering af, at et eller flere af principperne for agil erhvervsrettet regulering er relevante for de konkrete ændringer i lovforslaget. OBR har ingen yderligere bemærkninger hertil.

Kontaktperson vedrørende ovenstående bemærkninger:

Lotte Dalgaard
Specialkonsulent
Tlf. direkte 3529 1660
E-post LotDal@erst.dk

Med venlig hilsen

METTE SLOTH HEDEGAARD
Direktionssekretær

Slotsholmsgade 10-12
1216 København K
meshed@em.dk
Tlf.
33 92 33 50
Mobil
91 33 70 46

EAN
5798000026001

Erhvervsministeriet er ansvarlig for behandlingen af de personoplysninger, vi modtager om dig. Du kan læse mere om, hvordan vi behandler dine personoplysninger på vores hjemmeside <https://em.dk/privatlivspolitik>.

Erhvervsministeriet gør opmærksom på, at denne e-mail og eventuelle vedhæftede filer er fortrolige. Hvis du ikke er den tilsigtede modtager, bedes du straks underrette afsenderen ved at besvare denne e-mail og derefter slette e-mailen. Hvis du har modtaget denne e-mail ved en fejl, skal vi gøre klart, at enhver form for kopiering, offentliggørelse eller distribution af denne e-mail kan være ulovlig.

Transport- og Boligministeriet
Frederiksholms Kanal 27 F
1220 København K

Sendt til trm@trm.dk

Cc: soe@trm.dk, uoe@trm.dk og jm@jm.dk

19. august 2020

J.nr. 2020-11-0419

Dok.nr. 240040

Sagsbehandler

Mads Nordstrøm Kjær

Høring vedrørende lovforslag om ændring af færdselsloven (Forsøg med selvkørende enheder m.v.)

Ved e-mail af 29. juni 2020 har Transport- og Boligministeriet anmodet om Datatilsynets bemærkninger til ovennævnte lovforslag.

Datatilsynet har følgende bemærkninger til udkastet til lovforslag:

1. Det fremgår af de almindelige bemærkninger til lovforslaget, afsnit 2.1.2.3, at de selvkørende enheder navigerer ved hjælp af radartechnologi, 3D-kort og GPS-positionering.

I udkastets forslag til færdselslovens § 92 m, stk. 5, fremgår det, at det er en forudsætning for at opnå tilladelse til forsøg med selvkørende enheder, at en fysisk person kan overtage kontrollen med enheden.

I de specielle bemærkninger fremgår, at den foreslåede bestemmelse i § 92 m, stk. 5, vil indebære, at forsøgsordningen kan omfatte forsøg med kørsel med selvkørende enheder, hvor enheden ledsages af en person, der befinder sig i umiddelbar nærhed og rækkevidde af enheden, og som har kontrol over enheden f.eks. ved hjælp af en fjernbetjening/controller.

Det står i den forbindelse ikke Datatilsynet klart, om dette betyder, at det derved vil være muligt at følge fysiske personers færden.

Såfremt det er muligt at spore fysiske persons placering og færden ved sporing af de selvkørende enheder, vil der være tale om behandling af personoplysninger omfattet af databeskyttelsesforordningen og databeskyttelsesloven. Dette indebærer bl.a., at den dataansvarlige skal have et lovligt behandlingsgrundlag og skal overholde de øvrige regler i databeskyttelsesforordningen og databeskyttelsesloven, herunder reglerne om den registreredes rettigheder og reglerne om behandlingssikkerhed.

Datatilsynet skal på den baggrund henstille, at Transport- og Boligministeriet overvejer, om der er grund til i lovforslagets bemærkninger at forholde sig ovenstående.

2. Det fremgår endvidere af de almindelige bemærkninger til lovforslaget, afsnit 2.1.2.3, at Transport- og Boligministeriet vil fastsætte bestemmelser om, at de selvkørende enheders kameraer mv. skal være indrettet således, at der automatisk under optagelse foretages pixelering ved brug af algoritmer indbygget lokalt i udstyret, som gør, at det ikke er muligt at identi-

Datatilsynet
Carl Jacobsens Vej 35
2500 Valby
T 3319 3200
dt@datatilsynet.dk
datatilsynet.dk
CVR 11883729

cere eventuelt optagede ansigter og nummerplader. Det fremgår endvidere, at pixelering ikke efterfølgende må kunne ophæves.

Side 2 af 2

Datatilsynet gør i den forbindelse opmærksom på, at der kan være tale om behandling af personoplysninger, selvom ansigtet på en fysisk person pixeleres. Dette kan eksempelvis være tilfældet, hvis den fysiske person, der opfanges af kameraerne i den selvkørende enhed, har specifikke kendetegn, der gør, at vedkommende vil kunne genkendes ud fra andet end vedkommendes ansigt.

Transport- og Boligministeriet bør derfor efter Datatilsynets opfattelse overveje, om den automatiske pixelering skal udvides til at dække fysiske personer i det hele.

3. Det fremgår ligeledes af afsnit 2.1.2.3 i de almindelige bemærkninger, at de selvkørende enheder kan være udstyret med sekundære sensorer, bl.a. i form af mikrofoner.

Det bemærkes i den forbindelse, at en persons stemme i sig selv udgør en personoplysning. Datatilsynet gør endvidere opmærksom på, at hemmelig aflytning eller optagelse af samtaler mellem andre er forbudt efter straffelovens § 263. Dette betyder, at det kun er tilladt at optage samtaler, som man selv deltager i, eller hvor man har fået samtykke fra mindst en af deltagerne i den samtale, der optages. Generelt kan Datatilsynet oplyse, at hvis det er i strid med straffeloven at optage lyd, er det heller ikke lovligt efter databeskyttelsesreglerne.

4. Datatilsynet bemærker yderligere, at det følger af databeskyttelseslovens § 28, at der ved udarbejdelse af bekendtgørelser, cirkulærer eller lignende retsfor skrifter, der har betydning for beskyttelsen af privatlivet i forbindelse med behandling af personoplysninger, skal indhentes en udtalelse fra Datatilsynet.

Datatilsynet forudsætter i øvrigt, at reglerne i databeskyttelsesforordningen og databeskyttelsesloven iagttages i forbindelse med behandling af personoplysninger foranlediget af lovfor slaget, herunder de grundlæggende principper i databeskyttelsesforordningens artikel 5.

Kopi af dette brev sendes til Justitsministeriets Lovafdeling til orientering.

Med venlig hilsen

Mads Nordstrøm Kjær

Justitsministeriet
Politikontoret

20. august 2020
J.nr.: 2020-043292
Sagsbehandler: CBB

POLITOMRÅDET

Nationalt Færdselscenter
Polititorvet 14
1780 København V

Telefon: 3314 8888
Direkte: 2565 0509

E-mail: pol-nfae@politi.dk
Web: www.politi.dk

Transport- og Boligministeriets høring over udkast til forslag til lov om ændring af færdselsloven (Forsøg med selvkørende enheder m.v.)

Transport- og Boligministeriet har ved høringsbrev af 29. juni 2020 anmodet om Rigspolitiets eventuelle bemærkninger til udkast til lovforslag om forsøg med selvkørende enheder.

Rigspolitiet skal indledningsvis henholde sig til Rigspolitiets tidligere høringssvar af 7. august 2019 og 17. juni 2020, hvor Rigspolitiet har anbefalet, at politiet sikres adgang til data vedrørende den selvkørende enheds kørselshistorik med henblik på, at politiet vil kunne udrede omstændigheder ved et givent færdselsuheld. Det er således fortsat Rigspolitiets vurdering, at politiet bør sikres adgang til de nævnte data.

Transport- og Boligministeriet lægger i udkastet til lovforslag op til, at det ikke er nødvendigt at foretage en høring af politiet forud for meddelelse af tilladelse til forsøg, da selvkørende enheder alene må færdes på strækninger eller områder, som kun i begrænset omfang anvendes til almindelig færdsel. Transport- og Boligministeriet finder dog, at politiet skal underrettes om meddelte tilladelser forud for forsøgenes igangsættelse.

Rigspolitiet skal imidlertid fortsat anbefale, at der foretages høring af politiet (Rigspolitiet) forud for meddelelse af tilladelse til forsøg med selvkørende enheder med henblik på, at politiet kan fremkomme med en færdselssikkerhedsmæssig og beredskabsmæssig vurdering af det konkrete forsøg, herunder i relation til vurderingen af, om de ansøgte områder har en tilstrækkelig begrænset trafikmængde til, at der kan meddeles tilladelse ("begrænset færdsel") samt fastsættelsen af den tilladte hastighed for den selvkørende enhed.

Det fremgår af lovforslaget, at det er Transport- og Boligministeriets opfattelse, at der ikke skal fastsættes krav om, at den fysiske person, der skal kunne overtage kontrol-



len med den selvkørende enhed, skal være i besiddelse af førerret til et motordrevet køretøj. Der henvises i den forbindelse til, at det er tanken, at der på bekendtgørelsesniveau vil blive fastsat bestemmelser om, at de selvkørende enheder som udgangspunkt alene må færdes med lav hastighed.

Side 2

Det er imidlertid Rigspolitiets vurdering, at såfremt den fysiske person skal overtage kontrollen med den selvkørende enhed, vil det ud fra færdselssikkerhedsmæssige betragtninger være at foretrække, hvis personen har en grundlæggende forståelse af færdselslovens bestemmelser – f.eks. vedrørende vigepligtsforhold mv. – hvilket bedst sikres ved at fastsætte krav om besiddelse af førerret til et motordrevet køretøj.

Med venlig hilsen

Erik Terp Jensen
centerchef



Sendt pr. e-mail til trm@trm.dk (sagsnummer 2018-6195)

Forsøg med selvkørende enheder m.v. - Forsikring & Pensions bemærkninger til udkast til forslag til lov om ændring af færdselsloven

Forsikring & Pension takker for lovudkastet og for muligheden for at afgive kommentarer.

Forsikring & Pension støtter overordnet regeringens opfattelse af behovet for at følge med den teknologiske udvikling og sikre, at lovgivningen understøtter denne udvikling. Samtidig finder vi det passende, at der indledningsvis introduceres en forsøgsordning med begrænset anvendelse på færdselslovens område, med det formål at opnå tilfredsstillende erfaring til at kunne udvide ordningen til områder med almindelig færdsel.

Forsikring & Pension har siden foråret 2019 haft dialog med Transport- og Boligministeriet om den kommende forsøgsordning for selvkørende enheder, herunder deltaget i Færdselsstyrelsens dialogmøde om ordningen.

Indledningsvis skal det bemærkes, at Forsikring & Pension ser frem til at modtage høring på bekendtgørelsesniveau, hvor nærmere bestemmelser om forsøg med selvkørende enheder fastsættes. I den forbindelse gør Forsikring & Pension opmærksom på, at intentionen om at lade loven træde i kraft den 1. januar 2021, medfører en relativt stram tidsplan for forsikringsselskaberne, idet udkast til de nærmere bestemmelser på bekendtgørelsesniveau endnu ikke er offentliggjort.

Forsikring & Pension angiver i det følgende en række konkrete bemærkninger til lovudkastets enkelte dele.

Ansvar og forsikring

Forsikring & Pension finder det positivt, at man vil lade de selvkørende enheder falde ind under de sædvanlige bestemmelser i færdselslovens §101 og §106. Hermed fastslås objektivt ansvar for tilladelsesindehaveren og ligeledes forsikringspligt for tilladelsesindehaveren. Vi anerkender, at grundlag for tvivlsspørgsmål om, hvem erstatningsansvaret og forsikringspligten påhviler, hermed undgås.

19.08.2020

Forsikring & Pension
Philip Heymans Allé 1
2900 Hellerup
Tlf.: 41 91 91 91
fp@forsikringogpension.dk
www.forsikringogpension.dk

Nanna Dalsgaard Wilkens
Chefkonsulent
Dir. 41919144
ndw@forsikringogpension.dk

Sagsnr. GES-2019-00155
DokID 406996

Forsikring & Pension tager til efterretning, at der med lovudkastet lægges op til, at den person, der har/kan få kontrol med køretøjet, anses som fører og er undergivet færdselslovens bestemmelse om culpaansvar.

Forsikring & Pension

Sagsnr. GES-2019-00155

DokID 406996

Ansvarsforsikringens begrænsninger

For så vidt angår opfyldelse af forsikringspligten for den selvkørende enhed, ønsker Forsikring & Pension at gøre opmærksom på gældende praksis, hvad angår køretøj, som anvendes som arbejdsredskab. Dette er relevant, fordi man i lovudkastet flere steder henviser til eksempler på brug af en selvkørende enhed, som kan sidestilles med et arbejdsredskab.

En lovpligtig motoransvarsforsikring omfatter alene dækning af skader, som falder under færdselsuheld (i henhold til færdselsloven). Øvrige skader (ansvarspådragende handlinger) som et motorkøretøj kan forårsage, fx når dette er i brug som arbejdsredskab, falder uden for motoransvarsforsikringen.

Skadeforsikringsafgift

Forsikring & Pension forudsætter, at der skal afregnes skadeforsikringsafgift af den lovpligtige motoransvarsforsikring, som tilladelsesindehaveren skal tegne.

Ansvarssummer

For så vidt angår de omtalte ansvarssummer, kan det forekomme hensigtsmæssigt, at Transport- og Boligministeriet i forbindelse med fastsættelse af regler på bekendtgørelsesniveau, lægger op til en drøftelse af ansvarssummerne, som påtænkes fastsat – på nuværende tidspunkt med reference til færdselslovens § 105, stk. 2.

Af bemærkningerne til lovudkastet (s. 11, midt) fremgår, at der vil blive fastsat regler om, at de selvkørende enheder skal betragtes som gående, og at de som udgangspunkt vil skulle følge de af færdselslovens regler, der gælder for gående. I den forbindelse finder Forsikring & Pension det naturligt at overveje, om den fastsatte ansvarssum for tingskade (som følger af færdselslovens §105, stk. 2) er hensigtsmæssig i relation til de eventuelle skader, man måtte forvente at den selvkørende enhed vil forårsage. I vurderingen indgår blandt andet den maksimale hastighed, som vil gælde for selvkørende enheder under forsøgsordningen. Hvad angår ansvarssummen for personskade finder Forsikring & Pension, at færdselslovens bestemmelse herom er passende.

Entydig identifikation

Forsikring & Pension kvitterer for forslaget om, at alle selvkørende enheder skal påføres et entydigt identifikationsnummer, så det er muligt at identificere tilladelsesindehaveren og dermed den ansvarlige part.

Gebyrordning og manglende registrering i Køretøjsregisteret

Der lægges i lovudkastet op til, at enhederne skal være omfattet af gebyrordningen, jf. reglerne om lovpligtig ansvarsforsikring for motorkøretøj.

Desværre lægges der i udkastet op til, at enhederne ikke skal registreres i Køretøjsregisteret, da Transport- og Boligministeriet finder, at det ikke er hensigtsmæssigt at indføre registrering, når der er tale om en forsøgsordning. Forsikring & Pension skal derfor henlede opmærksomheden på, at Dansk Forening for International Motorkøretøjsforsikring (DFIM) ikke vil kunne pålægge gebyrer i henhold til Bekendtgørelse om ansvarsforsikring for motorkøretøjer, da man kun i anledning af en skade vil blive gjort bekendt med, at der ikke er tegnet forsikring for den selvkørende enhed.

Forsikring & Pension forventer, at enhederne skal være omfattet af DFIM's garantiordning for uforsikrede og ukendte køretøjer. Dermed vil en eventuel erstatning i den anledning være ufinansieret i den forstand, at udbetalingen vil være finansieret af motoransvarsforsikringsselskaberne, som ikke nødvendigvis sælger forsikringer for selvkørende enheder og derfor ikke har præmieindtægter herfra. Dermed etableres der også med denne forsøgsordning en skæv finansiering af potentielle skader.

Evaluering af forsøgsordningen

Der lægges i lovudkastet op til, at forsøgsordningen skal evalueres efter tre år.

Forsikring & Pension og vores medlemsselskaber er naturligvis positive overfor at bidrage til evaluering af ordningen. Vi bemærker dog vigtigheden af, at eventuelle ønsker om adgang til data og erfaringer om forsøgsordningens enheder, som forsikringsselskaberne måtte være i besiddelse af, fremsættes så tidligt i forløbet som muligt, så forsikringsselskaberne har mulighed for at tage højde for disse ønsker fra begyndelsen.

Forsikring & Pension står som altid til rådighed for en uddybning af ovenstående bemærkninger.

Med venlig hilsen

Nanna Dalsgaard Wilkens

Forsikring & Pension

Sagsnr. GES-2019-00155

DokID 406996

Road Traffic Amendment Act

Consultation Response from

Starship Technologies

August 19, 2020



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Executive Summary

- Starship Technologies (“Starship” or the “Company”) is the world’s leading provider of autonomous “last-mile” delivery services. The Company’s personal delivery devices (“PDDs”) travel primarily on sidewalks and are designed to carrying food, groceries, packages, and industrial goods.
- Starship’s PDDs are low-mass and slow-speed, and are equipped with three layers of obstacle avoidance technology, which ensures their safe operations.
- Over the past two years, the Company’s PDDs have travelled well over 500,000 autonomous miles and completed more than 300,000 commercial deliveries in the United Kingdom, United States, Germany, Estonia and Denmark.
- While the benefits of PPD technology are easily quantifiable, and the technology is widely embraced, up-to-date legislative frameworks are needed to encourage innovation and investment in this sector.
- To support the development and use of PDDs, Starship supports the legislative framework proposed by the Danish Government, which strikes a thoughtful balance between encouraging innovation and safeguarding the interests of the community.

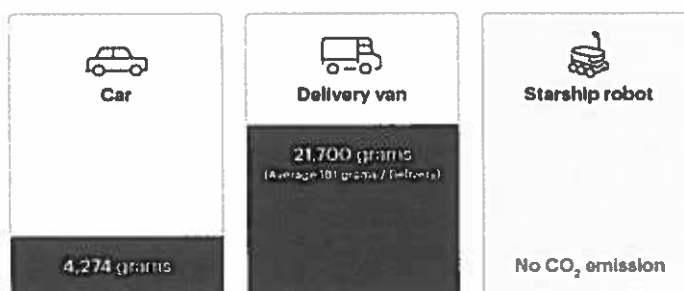
Overview

Innovation and adaptation are the keys to the future of transportation. To encourage progress, however, it is critical that legal and regulatory frameworks evolve as well, especially when such technologies reduce energy usage and decrease emissions.

With the recent exponential growth of online sales and e-commerce, a great deal of attention and research has been focused on the “last-mile” of delivery, broadly defined as the last stretch of distance between the consumer and the vendor, including local distribution centers. Studies confirm that the “last-mile” of delivery is the costliest, most energy-intensive, and environmentally harmful part of the supply chain, and can account for anywhere between 13 to 75 per cent of the total supply chain costs.

Interestingly, the evidence suggests that van-based deliveries are less environmentally damaging than individual car-based shopping trips. Consider that, on average, a single car-based shopping trip emits 4,274 grams of CO₂, whereas a single delivery van – making an average 120 deliveries a day – emits roughly 21,700 grams of CO₂. When this figure is apportioned among the 120 deliveries, the van-based delivery translates into 181 grams of CO₂ per delivery. Thus, under this example, an individual car-based shopping trip emits almost 24 times more CO₂ per trip than the van.

Average CO₂ emissions per single trip\delivery



Notwithstanding the relative efficiencies associated with van-based deliveries versus single car-based deliveries, the environmental sustainability of van-based delivery is greatly impacted by two factors: (i) failed deliveries, and (ii) the retrieval of items that consumers want to return. Failed deliveries can account for between 2-30 per cent of all van-based delivery attempts. Similarly, the research suggests that between 25-30 per cent of all non-food items purchased on-line are returned. Both circumstances require at least one additional trip by a delivery van.

Finding solutions to the above-mentioned challenges are critical to the long-term economic and environmental sustainability of e-commerce. At the same time, innovation is also needed to reduce individual car-based shopping trips and to improve the internal logistic systems within manufacturing facilities around the world.

Introduction to Starship Technologies

Starship Technologies (Starship) is the world's leading autonomous delivery service. Launched in 2014 by two Skype co-founders, Ahti Heinla and Janus Friis, Starship aims to fundamentally reshape the “last-mile” of delivery, making local deliveries more convenient, environmentally efficient, and less expensive. The Company's personal delivery devices (“PDDs”) travel primarily on sidewalks and crosswalks, and are designed to carrying food, groceries, packages, and industrial goods.

Presently, Starship's services are commercially available in Denmark¹, Estonia, Germany, the United Kingdom, and the United States with partners like Novo Nordisk, Sodexo, Dunkin' Donuts, Starbucks, Taco Bell, Pizza Hut, Subway, Intuit, Tesco, Coop, Volkswagen, Bayer, and many others. The Company's PDDs have travelled well over 500,000 autonomous miles, completing tens of thousands of commercial deliveries and encountering more than 15 million people.

Starship's electrically-powered PDDs are already transforming the “last mile” of delivery. Consistent with our founders' original mission, deliveries made by Starship's PDDs emit zero CO₂ and use far less energy than a car-based shopping trip or a truck delivery. In addition, Starship's “on-demand” service provides unprecedented convenience to residents and merchants, contributing to the sustainability of e-commerce by reducing missed deliveries and enabling returns.

Most recently, Starship's PDDs are enabling contactless deliveries during the current COVID-19 pandemic, protecting both front-line essential workers and customers. The Company is extremely proud of this service.

Starship's PDD Technology & Operations

Starship PDDs are low-mass, slow-speed devices that travel primarily on sidewalks and crosswalks, using proprietary mapping, navigation and sophisticated obstacle avoidance technology.

Notably, the devices are equipped with three layers of obstacle avoidance technologies, including 9 cameras (3 front, 4 sides, 2 rear), 8 ultrasonic obstacle detectors, a radar, 2 Inertial Measurement Units and a GPS. These systems facilitate safe, efficient and autonomous travel.

¹ In Denmark, Starship's PDDs operate autonomously. However, they are accompanied by a human handler at all times.



PDDs can identify objects in their vicinity and make necessary course corrections to avoid them. When an object is adjacent to a PDD, but not in front of it, the PDD reduces its speed. When an object is in front of a PDD, the PDD will come to a complete stop.

Starship's PDDs are constantly monitored by remote operators who are capable of assuming control over the device at any time. If a PDD comes to an unscheduled stop, a remote operator is immediately notified and will assume control over the device.

Starship maintains a Local Operations Center in each jurisdiction in which it operates that is staffed by Field Assistants who can respond within minutes to any PDD issue, e.g. mechanical issues, etc. Importantly, each of Starship's PDDs is equipped with a plate that identifies the company and includes contact information. In addition, Starship maintains a 24/7 customer service line to address issues related to service and operations.

Our PDD Specifications

Length	697 mm
Width	569 mm
Height	571 mm
Illuminated Flag (H)	1187 mm
Cargo Compartment	400 x 340 x 305 mm
Average Speed	4-6 kph
Weight	30 kgs (without cargo)
Battery Life	All Day

A Description of the Company's Service

The process for ordering a Starship's delivery is very simple. Customers use Starship's mobile app to order their goods from participating businesses and select the time and destination for the delivery. The customer is then notified through the mobile app when their goods are ready for delivery and can track the movement of the PDD via the mobile app. Once the PDD arrives at its destination, the customer is notified. The customer can then retrieve their goods by unlocking the lid of the PDD by pressing the unique 'unlock' button on the Starship mobile app.

Starship is currently commercially available in the following jurisdictions:

- Denmark
 - *Kalundborg (Private campus, Novo Nordisk)*
- Estonia
 - *Tallinn*
- Germany
 - *Hamburg*
 - *Bergkamen (Private campus, Bayer),*
 - *Wolfsburg (Private campus, Volkswagen), and*
 - *Penzberg (Private campus, Roche)*
- United Kingdom
 - *Milton Keynes*
- United States
 - *Bowling Green, Ohio; Fairfax, Virginia; Flagstaff, Arizona; Houston, Texas; Madison, Wisconsin; Modesto, California; Mountain View, California; Oxford, Mississippi; Pittsburgh, Pennsylvania; Richardson, Texas; Washington, DC; and West Lafayette, Indiana*

Our Operations in Kalundborg

In October 2019, Starship Technologies and Novo Nordisk began a successful collaboration at Novo Nordisk's facility in Kalundborg. There, Starship's PDDs are providing on-demand delivery of spare parts, which are needed in the manufacturing process. Specifically, spare parts are delivered from a central warehouse to various business units located throughout the campus, facilitating an efficient, safe and sustainable process.

The next phase of the Starship-Nov Nordisk partnership will involve the delivery of laboratory samples between the various business units and their central laboratory on the Kalundborg campus. This project will significantly improve the current process.

Starship's PDDs have traveled more than a thousand kilometers on Novo Nordisk's Kalundborg campus with no incidents. At the same time, the PDDs have decreased CO₂ emissions by approximately 330 kg.

To date, all PDD deliveries have been accompanied by a Novo Nordisk employee, even though the PDDs are operating autonomously. The Government's proposed legislation will permit these deliveries to be performed without a human chaperon, which will facilitate contactless delivery and permit an expansion of the partnership.

Comments from the Company's Partner: Novo Nordisk

Name	Title	Comments
Stine Gry Roland	Senior Manager, Communications & Public Affairs +4530750567 STGP@novonordisk.com	Autonomous delivery service holds great potential to the Novo Nordisk production site in Kalundborg, which operates 24/7/365, has a footprint of 1,200,000 m2, employs 3000 employees, and holds several production facilities, warehouses, laboratories, canteens as well as a local parcel distribution center. In the future, we could foresee autonomous delivery of e.g. spare part orders, laboratory test samples, catering, office supply, and packages delivered by carrier to our local parcel distribution center. Therefore, Novo Nordisk wants to take this opportunity to acknowledge the outlined approach in the amendment to the Danish Road Traffic Act which would make it possible for our company to setup autonomous delivery tests and thus to start innovating our onsite means of transportation in Kalundborg.

Starship's Response to the Road Traffic Amendment Act

Starship is very supportive of the Government's overall approach to regulating these new devices. The proposed provisions, as contained in the Road Traffic Amendment Act, strike an important balance between permitting the utilization of these new technologies, while simultaneously safeguarding the public.

The Company offers the following suggestions and recommendations to the Government's proposed legislative language:

Section Comments

Section 92 l. A self-propelled vehicle means a driverless emission-free vehicle that drives at a low speed on wheels, belts, or the like, and which is technically designed so that a natural person can take control of the vehicle.

Starship supports the definition of self-propelled vehicle, as reflected in the proposed Road Traffic Amendment. As drafted, the definition will afford the Minister of Transport with maximum flexibility to regulate this emerging sector without having to seek continual legislative changes. This flexibility also sends a very important signal to innovators and investors that the Government has the administrative ability to respond quickly to developments in this area.

The Government's proposed definition of "self-propelled vehicle" is comparable to the definition for analogous devices adopted in other parts of the world. For example the U.S. State of Texas, the law defines a "personal delivery device" as a "device that: (A) is manufactured primarily for transporting cargo in a pedestrian area or on the side or shoulder of a highway; and (B) is equipped with automated driving technology, including software and hardware, that enables the operation of the device with the remote support and supervision of a human." Texas Transportation Code § 552A.0001(5).

Section 92 m. Driving with a self-driving vehicle in the scope of this Act, cf. Section 1, may only take place if the Minister of Transport has given permission. Permits may only be granted for driving with self-propelled vehicles on lines and areas which are used only to a limited extent for ordinary traffic of one or more types of road.

Given the broad definition of "self-propelled vehicle" above, and the limitless possibilities for innovation in this sector, Starship understands the Government's desire to subject these vehicles to a permitting requirement.

It is important, however, that self-propelled vehicles be afforded the opportunity to travel in pedestrian areas, like sidewalks and crosswalks, as well as on low-speed roads. Naturally, these vehicles must not unreasonably interfere with pedestrians or present public safety hazards. This determination can be made by the Minister of Transport on a case-by-case basis.

By way of background, Starship's PDDs operate almost exclusively on sidewalks and crosswalks, using three layers of sophisticated obstacle avoidance technology. Over the past three years, our PDDs have safely travelled well over 500,000 miles on sidewalks and crosswalks, while completing millions of street crossings.

Starship believes that permitting self-propelled vehicles to use sidewalks and crosswalks represents an important opportunity to transform the "last mile" of deliveries, enabling the following benefits:

- Quantifiable and substantial reductions in energy use and CO₂ emissions;
- Lower costs and greater convenience to consumers;
- Additional business opportunities for local merchants;
- A solution to the sustainability of e-commerce by solving the twin problems of (i) failed deliveries and (ii) returns; and
- Generally reducing congestion and wear-and-tear on roads.

It is worth noting that there are occasions when our PDDs need to use a road to complete their journey, e.g. a sidewalk does not exist or is blocked. In these circumstance, Starship's PDDs travel along the side of the road near the curb. For this reason, Starship supports permitting self-propelled vehicles to travel on lower speed roads, subject to certain conditions. We are not, however, advocating for the use of self-propelled vehicles on higher speed roads or cycle lanes.

Para. 2. The Minister of Transport shall, after consulting the road authority, grant permission for trials of self-driving vehicles, cf. 1. The Minister of Transport shall notify the police of permits granted prior to the commencement of the trial.

Starship fully supports this approach. As a matter of practice, when Starship undertakes a new area of operations, we draft a "Public Notice," which is distributed to key municipal stakeholders including elected officials and the leadership of the transportation and police departments. These Public Notices include, among other matters:

- A map outlining the approved areas of operation;
- The specific rules governing the operation of the PDDs; and
- The names and contract information for local staff members who are assigned to manage the operations.

Para. 3. Trials with self-propelled vehicles may only be carried out by approved companies, research and educational institutions and public authorities. Self-propelled vehicles must not be used for passenger transport.

The Company fully support this requirement. Established entities, such as those listed in the proposed legislation, are best able to provide the Government with formal assurances that the self-propelled vehicles will be properly developed and managed, as well as recourse if issues arise.

This approach is identical to that taken in other jurisdictions, which have allowed personal delivery devices to operate.

Para. 4. The Minister of Transport may lay down detailed rules for tests on self-driving vehicles, including the speed of self-driving vehicles, road location, use of signals and signs, lighting, freight of goods, identification number, and on requirements for application for a permit to test.

Starship fully supports this provision, as well as each of the specific areas listed for proposed regulation. These are the key components for ensuring the safety of the public and the social acceptance of the new technologies.

The above-listed areas of proposed regulation are similar to those required in other jurisdictions, e.g. the United Kingdom, the United States, Germany and Estonia.

Starship would also encourage the inclusion of an insurance requirements, as a condition for a permit. In addition, the Company would support unambiguous language that “self-propelled vehicles” are specifically excluded from the definition and requirements of “motor vehicles.”

For comparisons, please see appendices A, B, and C for samples of state laws in the United States.

Para 5. Permission to test self-propelled vehicles requires that a natural person may take control of the device when instructed by the technical device of the self-driving device or when the natural person deems it necessary. The natural person must comply with the rules on driving and driving under the influence of substances affecting consciousness in sections 53 and 54. The Minister of Transport may, after negotiation with the Minister of Justice, provide that section 55 (1 and 2) and provisions made pursuant to section 55 (4,1) the first paragraph, applies in relation to the natural person. The Minister of Transport may, after negotiation with the Minister of Justice, provide that section 77 Paragraph 1, first paragraph applies in relation to self-driving vehicles and the natural person.

Starship fully supports this requirement, but with an important caveat, as described below.

Our PDDs are autonomously operated approximately 99% of the time, meaning no human engagement is necessary to drive the devices. Nonetheless, Starship’s PDDs are constantly monitored by remote operators who are capable of assuming control over the device at any time. For example, if a PDD comes to an unscheduled stop, a remote operator is immediately notified and will assume control over the device. As such, Starship fully supports the requirement that a natural person be able to take control over the device when instructed by the device.

Starship respectfully asks that the Government to consider an additional method of ensuring compliance with the rules on driving under the influence of substances affecting consciousness.

Starship’s PDDs operate in six time zones on two continents. The Company utilizes a world-wide mesh of remote operators who manage the Company’s PDDs from multiple jurisdictions. As such, as presently organized, Starship’s remote operators may or may not be located in the same jurisdiction of the PDDs under their control.

Given the difficulty of exercising law enforcement jurisdiction over an individual in another country, Starship asks the Government to consider an alternative approach for remote operators who are located in another jurisdiction. Specifically, Starship asks the Government to consider making the company, which is responsible for the self-propelled vehicle, fully liable for the actions of its remote operators. These consequences can include the company being criminally responsible for the actions of its remote operators who are under the influence of substances that may affect the operator's consciousness.

It is worth noting that in Starship's case, the Company's PDDs weigh approximately 30 kgs and travel at between 4-6 kph.

***Para. 6.** The Minister of Transport may lay down provisions on the natural person who can take over the control of the self-driving unit, including provisions on age requirements, requirements for competences and requirements for the location of the natural person, etc.*

The Company fully support the authority of the Minister of Transport to establish age requirements and certain competences for remote human operators of self-propelled vehicles. For example, Starship does not oppose a requirement that a remote human operator have a nationally recognized driver's license to operate a motor vehicle, as a condition to remotely operate a self-propelled vehicle.

As previously stated, however, Starship operates a world-wide mesh of remote operators. A requirement that remote operators be located in a particular jurisdiction will seriously affect the efficiencies of Starship's operations. The Company respectfully requests that the Government not establish a location or residency requirement for remote operators.

***Para. 7.** The Minister for Transport may, by adopting provisions pursuant to subsection (1). 4 and 6 derogate from the provisions of chapters 2-5, 10 and 70, cf.*

No response.

***Para. 8.** The Minister of Transport may obtain expert assistance in the processing of an application for a permit to test self-driving vehicles, cf. Section 92 m (2) and when performing supervision pursuant to section 92 n (1).*

Starship does not object to this requirement.

***Section 92 n.** The Minister of Transport shall supervise trials on self-driving vehicles carried out in accordance with a permit pursuant to Section 92 m (2).*

Starship does not object to this requirement, provided that the supervision does not unreasonably impair the viability of commercial operations.

The Company respectfully requests that the Government consider different levels of scrutiny for trials of self-driving vehicles. For example, a company, which is able to certify that it has met certain criterion, could be exempted from some aspects of the Government's supervision. For example, a company might be able to demonstrate – though self-certification – a certain number of autonomous miles successfully driven, in exchange for reduced supervision.

Para. 2. The Minister of Transport may require a permit holder to provide information and documents free of charge, whether on paper or in electronic form, which are necessary for the performance of inspections, cf. para 1.

The Company does not oppose this requirement, provided that proprietary and commercially sensitive materials are protected from public disclosure.

Starship supports routine sharing of data with our partners in government, including:

- Number of miles driven,
- Reductions in conventional Vehicle Miles Travelled,
- Number of commercial deliveries completed,
- Total number of households served,
- Reduction in CO₂ emissions, and
- Incident reporting, if any.

Section 92 o. The Minister may lay down provisions on payment of a fee for the processing of an application for and the issuing of a permit for experiments with self-driving units, Section 92 m, cf. 2. The Minister of Transport may make provisions for payment of a fee for carrying out supervision pursuant to section 92 n (1).

Starship does not object to the payment of a reasonable fee, as a condition for receiving a permit.

It is worth noting that Starship has been required to pay a permitting fee in some of the jurisdictions in which it currently operates. Where required, the permitting fees have been universally modest.

Para. 2. The Minister of Transport may lay down provisions for further invoicing to the applicant and the permit holder of the expenses for expert assistance obtained pursuant to section 92 m (8).

Starship has serious concerns about this provision. The Company would not support a requirement that obligates it to reimburse the Government for potentially open-ended expenses associated with expert assistance. Small start-ups, like Starship, are not in a position to absorb such costs.

There is also the matter of elementary fairness. The first companies to seek permits should not be compelled to fund the development of a regulatory framework that subsequent companies will receive the benefit of for free or at a

discount. Incidentally, no other jurisdiction, which is legislating in this area, has required potential permittees to pay the expenses associated with expert assistance.

As previously stated, Starship has no objection to a reasonable permitting fee, which should cover the administrative costs associated with reviewing the Company's application.

Para. 3. Expenditure incurred by the public after trials are carried out and after permission is granted, pursuant to section 92 m (2), may be imposed on the permit holder. The Minister of Transport may order the applicant to provide security for such expenses.

Once again, for reasons stated above, Starship has serious concerns with such a requirement. Smaller companies are simply not be in a position to accept this type of risk and expense. Such a requirement would almost certainly chill interest in engaging in the permitting process.

Section 92 p. When determining provisions for experiments pursuant to Section 92 m, par. 4, 6, and 7, the Minister of Transport, after negotiation with the Minister of Justice, lays down rules on the criminal liability subject for violation of the rules of the Road Act and rules issued pursuant to it. In this connection, the Minister of Transport may, after negotiation with the Minister of Justice derogate from Chapter 17.

Starship supports all liability, associated with the improper operation of self-propelled vehicles, resting solely with the company that is operating the device. For the sake of clarity, liability should not reside with the commercial partner of the company operating the self-propelled vehicle or with the customers of the commercial partner.

Conclusion

Starship sincerely appreciates the Government's thoughtful and balanced approach to the Road Traffic Amendment Act. For more than six years, the Company has been singularly dedicated to transforming the "last mile" of delivery. We know that autonomous technology works! With the Government as our partner, we are certain that innovation can meet the challenges of the moment. To be sure, the Government's proposed Road Traffic Amendment Act is an important step in the direction of encouraging the sustainable solutions that will secure the future of transportation.

Appendices

Appendix A

Summary of key provisions of the law, which regulates PDDs, in the U.S. State of Arizona (S.B. 1305).

The law:

- Specifically exempts PDDs from the State’s definition of “vehicle” and “motor vehicle.”
- Defines a PDD;
- Restricts operation of PDDs to eligible “business entities;”
- Permits operation of PDDs on sidewalks and roads;
- Requires a remote operator to be capable of monitoring and exercising physical control over a PDD;
- Includes requirements related to the operation of PDDs, including:
 - Yield to or not obstruct the right-of-way for all other traffic, including pedestrians;
 - Not unreasonably interfere with other traffic, including pedestrians;
 - If operated at night, display the lights required by the law;
 - Comply with any applicable regulations that are adopted by a local authority; and
 - Not transport hazardous materials;
- Limits the speed of PDDs to 12 mph in pedestrian areas and 20 mph on roads, although local authorities are permitted to decrease the speed in pedestrian areas to as low as 7 mph;
- Requires that PDDs have certain equipment, including:
 - An identification marker;
 - A braking system; and
 - Lights on the front and rear of the device; and
- Requires that “business entities” which operate PDDs must have general liability insurance of at least \$100,000.

The full law can be found in Appendix A – Arizona PDD Law.

Appendix B

Summary of key provisions of the law, which regulates PDDs in the U.S. State of Texas (S.B. 969).

The law:

- Specifically exempts PDDs from the State’s definition of “vehicle;”
- Defines a PDD;
- Restricts operation of PDDs to eligible “business entities;”
- Permits operation of PDDs on sidewalks and roads;
- Requires a remote operator to be capable of monitoring and exercising physical control over a PDD;
- Includes requirements related to the operation of PDDs, including:
 - Yield to or not obstruct the right-of-way for all other traffic, including pedestrians;
 - Not unreasonably interfere with other traffic, including pedestrians;
 - If operated at night, display the lights required by the law;
 - Comply with any applicable regulations that are adopted by a local authority; and
 - Not transport hazardous materials;
- Limits the speed of PDDs to 10 mph in pedestrian areas and 20 mph on roads, although local authorities are permitted to decrease the speed in pedestrian areas to as low as 7 mph;
- Requires that PDDs have certain equipment, including:
 - An identification marker;
 - A braking system; and
 - Lights on the front and rear of the device; and
- Requires that “business entities” which operate PDDs must have general liability insurance of at least \$100,000.

The full law can be found Appendix B – Texas PDD Law.

Appendix C

Summary of key provisions of the law, which regulates PDDs in the U.S. State of Virginia (S.B. 758).

The law:

- Specifically exempts PDDs from the State’s definition of “motor vehicle” and “vehicle;”
- Defines a PDD, but limits their weight to 500 lbs.;
- Permits operation of PDDs on sidewalks and roads with speed limits under 25 mph;
- Includes requirements related to the operation of PDDs, including:
 - Yield to or not obstruct the right-of-way for all other traffic, including pedestrians;
 - Obey all traffic and pedestrian control devices and signs;
 - Not unreasonably interfere with other traffic, including pedestrians;
 - Comply with any applicable regulations, subject to certain limitations, that are adopted by a local authority; and
 - Not transport hazardous materials;
- Limits the speed of PDDs to 10 mph in pedestrian areas and crosswalks;
- Requires that PDDs have certain equipment, including:
 - An identification marker; and
 - A braking system; and
- Requires that a PDD operator must have general liability insurance of at least \$100,000.

The full law can be found in Appendix C – Virginia PDD Law.

Senate Engrossed

State of Arizona
Senate
Fifty-fourth Legislature
Second Regular Session
2020

CHAPTER 78
SENATE BILL 1305

AN ACT

AMENDING SECTION 28-101, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2019, CHAPTER 89, SECTION 1 AND CHAPTER 120, SECTION 1; AMENDING SECTION 28-101, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2019, CHAPTER 89, SECTION 3 AND CHAPTER 120, SECTION 3; REPEALING SECTION 28-101, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2019, CHAPTER 89, SECTION 2 AND CHAPTER 120, SECTION 2; AMENDING TITLE 28, CHAPTER 3, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 22; RELATING TO PERSONAL DELIVERY DEVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 28-101, Arizona Revised Statutes, as amended by
3 Laws 2019, chapter 89, section 1 and chapter 120, section 1, is amended to
4 read:
5 28-101. Definitions
6 In this title, unless the context otherwise requires:
7 1. "Alcohol" means any substance containing any form of alcohol,
8 including ethanol, methanol, propynol and isopropynol.
9 2. "Alcohol concentration" if expressed as a percentage means
10 either:
11 (a) The number of grams of alcohol per one hundred milliliters of
12 blood.
13 (b) The number of grams of alcohol per two hundred ten liters of
14 breath.
15 3. "All-terrain vehicle" means either of the following:
16 (a) A motor vehicle that satisfies all of the following:
17 (i) Is designed primarily for recreational nonhighway all-terrain
18 travel.
19 (ii) Is fifty or fewer inches in width.
20 (iii) Has an unladen weight of one thousand two hundred pounds or
21 less.
22 (iv) Travels on three or more nonhighway tires.
23 (v) Is operated on a public highway.
24 (b) A recreational off-highway vehicle that satisfies all of the
25 following:
26 (i) Is designed primarily for recreational nonhighway all-terrain
27 travel.
28 (ii) Is eighty or fewer inches in width.
29 (iii) Has an unladen weight of two thousand five hundred pounds or
30 less.
31 (iv) Travels on four or more nonhighway tires.
32 (v) Has a steering wheel for steering control.
33 (vi) Has a rollover protective structure.
34 (vii) Has an occupant retention system.
35 4. "Authorized emergency vehicle" means any of the following:
36 (a) A fire department vehicle.
37 (b) A police vehicle.
38 (c) An ambulance or emergency vehicle of a municipal department or
39 public service corporation that is designated or authorized by the
40 department or a local authority.
41 (d) Any other ambulance, fire truck or rescue vehicle that is
42 authorized by the department in its sole discretion and that meets
43 liability insurance requirements prescribed by the department.

1 5. "Autocycle" means a three-wheeled motorcycle on which the driver
2 and passengers ride in a fully or partially enclosed seating area that is
3 equipped with a roll cage, safety belts for each occupant and antilock
4 brakes and that is designed to be controlled with a steering wheel and
5 pedals.

6 6. "Aviation fuel" means all flammable liquids composed of a
7 mixture of selected hydrocarbons expressly manufactured and blended for
8 the purpose of effectively and efficiently operating an internal
9 combustion engine for use in an aircraft but does not include fuel for jet
10 or turbine powered aircraft.

11 7. "Bicycle" means a device, including a racing wheelchair, that is
12 propelled by human power and on which a person may ride and that has
13 either:

14 (a) Two tandem wheels, either of which is more than sixteen inches
15 in diameter.

16 (b) Three wheels in contact with the ground, any of which is more
17 than sixteen inches in diameter.

18 8. "Board" means the transportation board.

19 9. "Bus" means a motor vehicle designed for carrying sixteen or
20 more passengers, including the driver.

21 10. "Business district" means the territory contiguous to and
22 including a highway if there are buildings in use for business or
23 industrial purposes within any six hundred feet along the highway,
24 including hotels, banks or office buildings, railroad stations and public
25 buildings that occupy at least three hundred feet of frontage on one side
26 or three hundred feet collectively on both sides of the highway.

27 11. "Certificate of ownership" means a paper or an electronic
28 record that is issued in another state or a foreign jurisdiction and that
29 indicates ownership of a vehicle.

30 12. "Certificate of title" means a paper document or an electronic
31 record that is issued by the department and that indicates ownership of a
32 vehicle.

33 13. "Combination of vehicles" means a truck or truck tractor and
34 semitrailer and any trailer that it tows but does not include a forklift
35 designed for the purpose of loading or unloading the truck, trailer or
36 semitrailer.

37 14. "Controlled substance" means a substance so classified under
38 section 102(6) of the controlled substances act (21 United States Code
39 section 802(6)) and includes all substances listed in schedules I through
40 V of 21 Code of Federal Regulations part 1308.

41 15. "Conviction" means:

42 (a) An unvacated adjudication of guilt or a determination that a
43 person violated or failed to comply with the law in a court of original
44 jurisdiction or by an authorized administrative tribunal.

1 (b) An unvacated forfeiture of bail or collateral deposited to
2 secure the person's appearance in court.

3 (c) A plea of guilty or no contest accepted by the court.

4 (d) The payment of a fine or court costs.

5 16. "County highway" means a public road that is constructed and
6 maintained by a county.

7 17. "Dealer" means a person who is engaged in the business of
8 buying, selling or exchanging motor vehicles, trailers or semitrailers and
9 who has an established place of business and has paid fees pursuant to
10 section 28-4302.

11 18. "Department" means the department of transportation acting
12 directly or through its duly authorized officers and agents.

13 19. "Digital network or software application" has the same meaning
14 prescribed in section 28-9551.

15 20. "Director" means the director of the department of
16 transportation.

17 21. "Drive" means to operate or be in actual physical control of a
18 motor vehicle.

19 22. "Driver" means a person who drives or is in actual physical
20 control of a vehicle.

21 23. "Driver license" means a license that is issued by a state to
22 an individual and that authorizes the individual to drive a motor vehicle.

23 24. "Electric bicycle" means a bicycle or tricycle that is equipped
24 with fully operable pedals and an electric motor of less than seven
25 hundred fifty watts and that meets the requirements of one of the
26 following classes:

27 (a) "Class 1 electric bicycle" means a bicycle or tricycle that is
28 equipped with an electric motor that provides assistance only when the
29 rider is pedaling and that ceases to provide assistance when the bicycle
30 or tricycle reaches the speed of twenty miles per hour.

31 (b) "Class 2 electric bicycle" means a bicycle or tricycle that is
32 equipped with an electric motor that may be used exclusively to propel the
33 bicycle or tricycle and that is not capable of providing assistance when
34 the bicycle or tricycle reaches the speed of twenty miles per hour.

35 (c) "Class 3 electric bicycle" means a bicycle or tricycle that is
36 equipped with an electric motor that provides assistance only when the
37 rider is pedaling and that ceases to provide assistance when the bicycle
38 or tricycle reaches the speed of twenty-eight miles per hour.

39 25. "Electric miniature scooter" means a device that:

40 (a) Weighs less than thirty pounds.

41 (b) Has two or three wheels.

42 (c) Has handlebars.

43 (d) Has a floorboard on which a person may stand while riding.

44 (e) Is powered by an electric motor or human power, or both.

1 (f) Has a maximum speed that does not exceed ten miles per hour,
2 with or without human propulsion, on a paved level surface.

3 26. "Electric personal assistive mobility device" means a
4 self-balancing device with one wheel or two nontandem wheels and an
5 electric propulsion system that limits the maximum speed of the device to
6 fifteen miles per hour or less and that is designed to transport only one
7 person.

8 27. "Electric standup scooter":

9 (a) Means a device that:

10 (i) Weighs less than seventy-five pounds.

11 (ii) Has two or three wheels.

12 (iii) Has handlebars.

13 (iv) Has a floorboard on which a person may stand while riding.

14 (v) Is powered by an electric motor or human power, or both.

15 (vi) Has a maximum speed that does not exceed twenty miles per
16 hour, with or without human propulsion, on a paved level surface.

17 (b) Does not include an electric miniature scooter.

18 28. "Evidence" includes both of the following:

19 (a) A display on a wireless communication device of a
20 department-generated driver license, nonoperating identification license,
21 vehicle registration card or other official record of the department that
22 is presented to a law enforcement officer or in a court or an
23 administrative proceeding.

24 (b) An electronic or digital license plate authorized pursuant to
25 section 28-364.

26 29. "Farm" means any lands primarily used for agriculture
27 production.

28 30. "Farm tractor" means a motor vehicle designed and used
29 primarily as a farm implement for drawing implements of husbandry.

30 31. "Foreign vehicle" means a motor vehicle, trailer or semitrailer
31 that is brought into this state other than in the ordinary course of
32 business by or through a manufacturer or dealer and that has not been
33 registered in this state.

34 32. "Golf cart" means a motor vehicle that has not less than three
35 wheels in contact with the ground, that has an unladen weight of less than
36 one thousand eight hundred pounds, that is designed to be and is operated
37 at not more than twenty-five miles per hour and that is designed to carry
38 not more than four persons including the driver.

39 33. "Hazardous material" means a material, and its mixtures or
40 solutions, that the United States department of transportation determines
41 under 49 Code of Federal Regulations is, or any quantity of a material
42 listed as a select agent or toxin under 42 Code of Federal Regulations
43 part 73 that is, capable of posing an unreasonable risk to health, safety
44 and property if transported in commerce and that is required to be

1 placarded or marked as required by the department's safety rules
2 prescribed pursuant to chapter 14 of this title.

3 34. "Implement of husbandry" means a vehicle that is designed
4 primarily for agricultural purposes and that is used exclusively in the
5 conduct of agricultural operations, including an implement or vehicle
6 whether self-propelled or otherwise that meets both of the following
7 conditions:

8 (a) Is used solely for agricultural purposes including the
9 preparation or harvesting of cotton, alfalfa, grains and other farm crops.

10 (b) Is only incidentally operated or moved on a highway whether as
11 a trailer or self-propelled unit. For the purposes of this subdivision,
12 "incidentally operated or moved on a highway" means travel between a farm
13 and another part of the same farm, from one farm to another farm or
14 between a farm and a place of repair, supply or storage.

15 35. "Limousine" means a motor vehicle providing prearranged ground
16 transportation service for an individual passenger, or a group of
17 passengers, that is arranged in advance or is operated on a regular route
18 or between specified points and includes ground transportation under a
19 contract or agreement for services that includes a fixed rate or time and
20 is provided in a motor vehicle with a seating capacity not exceeding
21 fifteen passengers including the driver.

22 36. "Livery vehicle" means a motor vehicle that:

23 (a) Has a seating capacity not exceeding fifteen passengers
24 including the driver.

25 (b) Provides passenger services for a fare determined by a flat
26 rate or flat hourly rate between geographic zones or within a geographic
27 area.

28 (c) Is available for hire on an exclusive or shared ride basis.

29 (d) May do any of the following:

30 (i) Operate on a regular route or between specified places.

31 (ii) Offer prearranged ground transportation service as defined in
32 section 28-141.

33 (iii) Offer on demand ground transportation service pursuant to a
34 contract with a public airport, licensed business entity or organization.

35 37. "Local authority" means any county, municipal or other local
36 board or body exercising jurisdiction over highways under the constitution
37 and laws of this state.

38 38. "Manufacturer" means a person engaged in the business of
39 manufacturing motor vehicles, trailers or semitrailers.

40 39. "Moped" means a bicycle, not including an electric bicycle, an
41 electric miniature scooter or an electric standup scooter, that is
42 equipped with a helper motor if the vehicle has a maximum piston
43 displacement of fifty cubic centimeters or less, a brake horsepower of one
44 and one-half or less and a maximum speed of twenty-five miles per hour or
45 less on a flat surface with less than a one percent grade.

1 40. "Motorcycle" means a motor vehicle that has a seat or saddle
2 for the use of the rider and that is designed to travel on not more than
3 three wheels in contact with the ground but excludes a tractor, an
4 electric bicycle, an electric miniature scooter, an electric standup
5 scooter and a moped.

6 41. "Motor driven cycle" means a motorcycle, including every motor
7 scooter, with a motor that produces not more than five horsepower but does
8 not include an electric bicycle, an electric miniature scooter or an
9 electric standup scooter.

10 42. "Motorized quadricycle" means a self-propelled motor vehicle to
11 which all of the following apply:

12 (a) The vehicle is self-propelled by an emission-free electric
13 motor and may include pedals operated by the passengers.

14 (b) The vehicle has at least four wheels in contact with the
15 ground.

16 (c) The vehicle seats at least eight passengers, including the
17 driver.

18 (d) The vehicle is operable on a flat surface using solely the
19 electric motor without assistance from the pedals or passengers.

20 (e) The vehicle is a commercial motor vehicle as defined in section
21 28-5201.

22 (f) The vehicle is a limousine operating under a vehicle for hire
23 company permit issued pursuant to section 28-9503.

24 (g) The vehicle is manufactured by a motor vehicle manufacturer
25 that is licensed pursuant to chapter 10 of this title.

26 (h) The vehicle complies with the definition and standards for
27 low-speed vehicles set forth in federal motor vehicle safety standard 500
28 and 49 Code of Federal Regulations sections 571.3(b) and 571.500,
29 respectively.

30 43. "Motor vehicle":

31 (a) Means either:

32 (i) A self-propelled vehicle.

33 (ii) For the purposes of the laws relating to the imposition of a
34 tax on motor vehicle fuel, a vehicle that is operated on the highways of
35 this state and that is propelled by the use of motor vehicle fuel.

36 (b) Does not include ~~a personal delivery device~~, **A PERSONAL**
37 **DELIVERY DEVICE**, a personal mobile cargo carrying device, a motorized
38 wheelchair, an electric personal assistive mobility device, an electric
39 bicycle, an electric miniature scooter, an electric standup scooter or a
40 motorized skateboard. For the purposes of this subdivision:

41 (i) "Motorized skateboard" means a self-propelled device that does
42 not have handlebars and that has a motor, a deck on which a person may
43 ride and at least two tandem wheels in contact with the ground.

44 (ii) "Motorized wheelchair" means a self-propelled wheelchair that
45 is used by a person for mobility.

1 44. "Motor vehicle fuel" includes all products that are commonly or
2 commercially known or sold as gasoline, including casinghead gasoline,
3 natural gasoline and all flammable liquids, and that are composed of a
4 mixture of selected hydrocarbons expressly manufactured and blended for
5 the purpose of effectively and efficiently operating internal combustion
6 engines. Motor vehicle fuel does not include inflammable liquids that are
7 specifically manufactured for racing motor vehicles and that are
8 distributed for and used by racing motor vehicles at a racetrack, use fuel
9 as defined in section 28-5601, aviation fuel, fuel for jet or turbine
10 powered aircraft or the mixture created at the interface of two different
11 substances being transported through a pipeline, commonly known as
12 transmix.

13 45. "Neighborhood electric vehicle" means a self-propelled
14 electrically powered motor vehicle to which all of the following apply:

- 15 (a) The vehicle is emission free.
16 (b) The vehicle has at least four wheels in contact with the
17 ground.
18 (c) The vehicle complies with the definition and standards for
19 low-speed vehicles set forth in federal motor vehicle safety standard 500
20 and 49 Code of Federal Regulations sections 571.3(b) and 571.500,
21 respectively.

22 46. "Nonresident" means a person who is not a resident of this
23 state as defined in section 28-2001.

24 47. "Off-road recreational motor vehicle" means a motor vehicle
25 that is designed primarily for recreational nonhighway all-terrain travel
26 and that is not operated on a public highway. Off-road recreational motor
27 vehicle does not mean a motor vehicle used for construction, building
28 trade, mining or agricultural purposes.

29 48. "Operator" means a person who drives a motor vehicle on a
30 highway, who is in actual physical control of a motor vehicle on a highway
31 or who is exercising control over or steering a vehicle being towed by a
32 motor vehicle.

33 49. "Owner" means:

- 34 (a) A person who holds the legal title of a vehicle.
35 (b) If a vehicle is the subject of an agreement for the conditional
36 sale or lease with the right of purchase on performance of the conditions
37 stated in the agreement and with an immediate right of possession vested
38 in the conditional vendee or lessee, the conditional vendee or lessee.

39 (c) If a mortgagor of a vehicle is entitled to possession of the
40 vehicle, the mortgagor.

41 50. "Pedestrian" means any person afoot. A person who uses an
42 electric personal assistive mobility device or a manual or motorized
43 wheelchair is considered a pedestrian unless the manual wheelchair
44 qualifies as a bicycle. For the purposes of this paragraph, "motorized

1 wheelchair" means a self-propelled wheelchair that is used by a person for
2 mobility.

3 ~~51. "Personal delivery device":~~

4 ~~(a) Means an electronically powered device that:~~

5 ~~(i) is operated primarily on sidewalks and within crosswalks and~~
6 ~~that is designed to transport property.~~

7 ~~(ii) Weighs less than two hundred pounds, excluding cargo, unless~~
8 ~~otherwise authorized by a local authority pursuant to section 28-627.~~

9 ~~(iii) Operates at a maximum speed of seven miles per hour, unless~~
10 ~~otherwise authorized by a local authority pursuant to section 28-627.~~

11 ~~(iv) Is equipped with technology to allow for the operation of the~~
12 ~~device with or without the active control or monitoring of a natural~~
13 ~~person.~~

14 ~~(v) Is equipped with a braking system that when active or engaged~~
15 ~~enables the personal delivery device to come to a controlled stop.~~

16 ~~(b) Does not include a personal mobile cargo carrying device.~~

17 51. "PERSONAL DELIVERY DEVICE":

18 (a) MEANS A DEVICE THAT IS BOTH OF THE FOLLOWING:

19 (i) MANUFACTURED FOR TRANSPORTING CARGO AND GOODS IN AN AREA
20 DESCRIBED IN SECTION 28-1225.

21 (ii) IS EQUIPPED WITH AUTOMATED DRIVING TECHNOLOGY, INCLUDING
22 SOFTWARE AND HARDWARE, THAT ENABLES THE OPERATION OF THE DEVICE WITH THE
23 REMOTE SUPPORT AND SUPERVISION OF A HUMAN.

24 (b) DOES NOT INCLUDE A PERSONAL MOBILE CARGO CARRYING DEVICE.

25 52. "Personal mobile cargo carrying device" means an electronically
26 powered device that:

27 (a) Is operated primarily on sidewalks and within crosswalks and
28 that is designed to transport property.

29 (b) Weighs less than eighty pounds, excluding cargo.

30 (c) Operates at a maximum speed of twelve miles per hour.

31 (d) Is equipped with technology to transport personal property with
32 the active monitoring of a property owner and that is primarily designed
33 to remain within twenty-five feet of the property owner.

34 (e) Is equipped with a braking system that when active or engaged
35 enables the personal mobile cargo carrying device to come to a controlled
36 stop.

37 53. "Power sweeper" means an implement, with or without motive
38 power, that is only incidentally operated or moved on a street or highway
39 and that is designed for the removal of debris, dirt, gravel, litter or
40 sand whether by broom, vacuum or regenerative air system from asphaltic
41 concrete or cement concrete surfaces, including parking lots, highways,
42 streets and warehouses, and a vehicle on which the implement is
43 permanently mounted.

1 54. "Public transit" means the transportation of passengers on
2 scheduled routes by means of a conveyance on an individual passenger
3 fare-paying basis excluding transportation by a sightseeing bus, school
4 bus or taxi or a vehicle not operated on a scheduled route basis.

5 55. "Reconstructed vehicle" means a vehicle that has been assembled
6 or constructed largely by means of essential parts, new or used, derived
7 from vehicles or makes of vehicles of various names, models and types or
8 that, if originally otherwise constructed, has been materially altered by
9 the removal of essential parts or by the addition or substitution of
10 essential parts, new or used, derived from other vehicles or makes of
11 vehicles. For the purposes of this paragraph, "essential parts" means
12 integral and body parts, the removal, alteration or substitution of which
13 will tend to conceal the identity or substantially alter the appearance of
14 the vehicle.

15 56. "Residence district" means the territory contiguous to and
16 including a highway not comprising a business district if the property on
17 the highway for a distance of three hundred feet or more is in the main
18 improved with residences or residences and buildings in use for business.

19 57. "Right-of-way" when used within the context of the regulation
20 of the movement of traffic on a highway means the privilege of the
21 immediate use of the highway. Right-of-way when used within the context
22 of the real property on which transportation facilities and appurtenances
23 to the facilities are constructed or maintained means the lands or
24 interest in lands within the right-of-way boundaries.

25 58. "School bus" means a motor vehicle that is designed for
26 carrying more than ten passengers and that is either:

27 (a) Owned by any public or governmental agency or other institution
28 and operated for the transportation of children to or from home or school
29 on a regularly scheduled basis.

30 (b) Privately owned and operated for compensation for the
31 transportation of children to or from home or school on a regularly
32 scheduled basis.

33 59. "Semitrailer" means a vehicle that is with or without motive
34 power, other than a pole trailer or single-axle tow dolly, that is
35 designed for carrying persons or property and for being drawn by a motor
36 vehicle and that is constructed so that some part of its weight and that
37 of its load rests on or is carried by another vehicle. For the purposes
38 of this paragraph, "pole trailer" has the same meaning prescribed in
39 section 28-601.

40 60. "Single-axle tow dolly" means a nonvehicle device that is drawn
41 by a motor vehicle, that is designed and used exclusively to transport
42 another motor vehicle and on which the front or rear wheels of the drawn
43 motor vehicle are mounted on the tow dolly while the other wheels of the
44 drawn motor vehicle remain in contact with the ground.

1 61. "State" means a state of the United States and the District of
2 Columbia.

3 62. "State highway" means a state route or portion of a state route
4 that is accepted and designated by the board as a state highway and that
5 is maintained by the state.

6 63. "State route" means a right-of-way whether actually used as a
7 highway or not that is designated by the board as a location for the
8 construction of a state highway.

9 64. "Street" or "highway" means the entire width between the
10 boundary lines of every way if a part of the way is open to the use of the
11 public for purposes of vehicular travel.

12 65. "Taxi" means a motor vehicle that has a seating capacity not
13 exceeding fifteen passengers, including the driver, that provides
14 passenger services and that:

15 (a) Does not primarily operate on a regular route or between
16 specified places.

17 (b) Offers local transportation for a fare determined on the basis
18 of the distance traveled or prearranged ground transportation service as
19 defined in section 28-141 for a predetermined fare.

20 66. "Title transfer form" means a paper or an electronic form that
21 is prescribed by the department for the purpose of transferring a
22 certificate of title from one owner to another owner.

23 67. "Traffic survival school" means a school that offers
24 educational sessions to drivers who are required to attend and
25 successfully complete educational sessions pursuant to this title that are
26 designed to improve the safety and habits of drivers and that are approved
27 by the department.

28 68. "Trailer" means a vehicle that is with or without motive power,
29 other than a pole trailer or single-axle tow dolly, that is designed for
30 carrying persons or property and for being drawn by a motor vehicle and
31 that is constructed so that no part of its weight rests on the towing
32 vehicle. A semitrailer equipped with an auxiliary front axle commonly
33 known as a dolly is deemed to be a trailer. For the purposes of this
34 paragraph, "pole trailer" has the same meaning prescribed in section
35 28-601.

36 69. "Transportation network company" has the same meaning
37 prescribed in section 28-9551.

38 70. "Transportation network company vehicle" has the same meaning
39 prescribed in section 28-9551.

40 71. "Transportation network service" has the same meaning
41 prescribed in section 28-9551.

42 72. "Truck" means a motor vehicle designed or used primarily for
43 the carrying of property other than the effects of the driver or
44 passengers and includes a motor vehicle to which has been added a box, a
45 platform or other equipment for such carrying.

1 73. "Truck tractor" means a motor vehicle that is designed and used
2 primarily for drawing other vehicles and that is not constructed to carry
3 a load other than a part of the weight of the vehicle and load drawn.

4 74. "Vehicle":

5 (a) Means a device in, on or by which a person or property is or
6 may be transported or drawn on a public highway.

7 (b) Does not include:

8 (i) Electric bicycles, electric miniature scooters, electric
9 standup scooters and devices moved by human power.

10 (ii) Devices used exclusively on stationary rails or tracks.

11 ~~(iii) Personal delivery devices.~~

12 (iii) PERSONAL DELIVERY DEVICES.

13 (iv) Personal mobile cargo carrying devices.

14 75. "Vehicle transporter" means either:

15 (a) A truck tractor capable of carrying a load and drawing a
16 semitrailer.

17 (b) A truck tractor with a stinger-steered fifth wheel capable of
18 carrying a load and drawing a semitrailer or a truck tractor with a dolly
19 mounted fifth wheel that is securely fastened to the truck tractor at two
20 or more points and that is capable of carrying a load and drawing a
21 semitrailer.

22 Sec. 2. Section 28-101, Arizona Revised Statutes, as amended by
23 Laws 2019, chapter 89, section 3 and chapter 120, section 3, is amended to
24 read:

25 28-101. Definitions

26 In this title, unless the context otherwise requires:

27 1. "Alcohol" means any substance containing any form of alcohol,
28 including ethanol, methanol, propynol and isopropynol.

29 2. "Alcohol concentration" if expressed as a percentage means
30 either:

31 (a) The number of grams of alcohol per one hundred milliliters of
32 blood.

33 (b) The number of grams of alcohol per two hundred ten liters of
34 breath.

35 3. "All-terrain vehicle" means either of the following:

36 (a) A motor vehicle that satisfies all of the following:

37 (i) Is designed primarily for recreational nonhighway all-terrain
38 travel.

39 (ii) Is fifty or fewer inches in width.

40 (iii) Has an unladen weight of one thousand two hundred pounds or
41 less.

42 (iv) Travels on three or more nonhighway tires.

43 (v) Is operated on a public highway.

- 1 (b) A recreational off-highway vehicle that satisfies all of the
2 following:
3 (i) Is designed primarily for recreational nonhighway all-terrain
4 travel.
5 (ii) Is eighty or fewer inches in width.
6 (iii) Has an unladen weight of two thousand five hundred pounds or
7 less.
8 (iv) Travels on four or more nonhighway tires.
9 (v) Has a steering wheel for steering control.
10 (vi) Has a rollover protective structure.
11 (vii) Has an occupant retention system.
12 4. "Authorized emergency vehicle" means any of the following:
13 (a) A fire department vehicle.
14 (b) A police vehicle.
15 (c) An ambulance or emergency vehicle of a municipal department or
16 public service corporation that is designated or authorized by the
17 department or a local authority.
18 (d) Any other ambulance, fire truck or rescue vehicle that is
19 authorized by the department in its sole discretion and that meets
20 liability insurance requirements prescribed by the department.
21 5. "Autocycle" means a three-wheeled motorcycle on which the driver
22 and passengers ride in a fully or partially enclosed seating area that is
23 equipped with a roll cage, safety belts for each occupant and antilock
24 brakes and that is designed to be controlled with a steering wheel and
25 pedals.
26 6. "Automotive recycler" means a person that is engaged in the
27 business of buying or acquiring a motor vehicle solely for the purpose of
28 dismantling, selling or otherwise disposing of the parts or accessories
29 and that removes parts for resale from six or more vehicles in a calendar
30 year.
31 7. "Aviation fuel" means all flammable liquids composed of a
32 mixture of selected hydrocarbons expressly manufactured and blended for
33 the purpose of effectively and efficiently operating an internal
34 combustion engine for use in an aircraft but does not include fuel for jet
35 or turbine powered aircraft.
36 8. "Bicycle" means a device, including a racing wheelchair, that is
37 propelled by human power and on which a person may ride and that has
38 either:
39 (a) Two tandem wheels, either of which is more than sixteen inches
40 in diameter.
41 (b) Three wheels in contact with the ground, any of which is more
42 than sixteen inches in diameter.
43 9. "Board" means the transportation board.
44 10. "Bus" means a motor vehicle designed for carrying sixteen or
45 more passengers, including the driver.

1 11. "Business district" means the territory contiguous to and
2 including a highway if there are buildings in use for business or
3 industrial purposes within any six hundred feet along the highway,
4 including hotels, banks or office buildings, railroad stations and public
5 buildings that occupy at least three hundred feet of frontage on one side
6 or three hundred feet collectively on both sides of the highway.

7 12. "Certificate of ownership" means a paper or an electronic
8 record that is issued in another state or a foreign jurisdiction and that
9 indicates ownership of a vehicle.

10 13. "Certificate of title" means a paper document or an electronic
11 record that is issued by the department and that indicates ownership of a
12 vehicle.

13 14. "Combination of vehicles" means a truck or truck tractor and
14 semitrailer and any trailer that it tows but does not include a forklift
15 designed for the purpose of loading or unloading the truck, trailer or
16 semitrailer.

17 15. "Controlled substance" means a substance so classified under
18 section 102(6) of the controlled substances act (21 United States Code
19 section 802(6)) and includes all substances listed in schedules I through
20 V of 21 Code of Federal Regulations part 1308.

21 16. "Conviction" means:

22 (a) An unvacated adjudication of guilt or a determination that a
23 person violated or failed to comply with the law in a court of original
24 jurisdiction or by an authorized administrative tribunal.

25 (b) An unvacated forfeiture of bail or collateral deposited to
26 secure the person's appearance in court.

27 (c) A plea of guilty or no contest accepted by the court.

28 (d) The payment of a fine or court costs.

29 17. "County highway" means a public road that is constructed and
30 maintained by a county.

31 18. "Dealer" means a person who is engaged in the business of
32 buying, selling or exchanging motor vehicles, trailers or semitrailers and
33 who has an established place of business and has paid fees pursuant to
34 section 28-4302.

35 19. "Department" means the department of transportation acting
36 directly or through its duly authorized officers and agents.

37 20. "Digital network or software application" has the same meaning
38 prescribed in section 28-9551.

39 21. "Director" means the director of the department of
40 transportation.

41 22. "Drive" means to operate or be in actual physical control of a
42 motor vehicle.

43 23. "Driver" means a person who drives or is in actual physical
44 control of a vehicle.

1 24. "Driver license" means a license that is issued by a state to
2 an individual and that authorizes the individual to drive a motor vehicle.

3 25. "Electric bicycle" means a bicycle or tricycle that is equipped
4 with fully operable pedals and an electric motor of less than seven
5 hundred fifty watts and that meets the requirements of one of the
6 following classes:

7 (a) "Class 1 electric bicycle" means a bicycle or tricycle that is
8 equipped with an electric motor that provides assistance only when the
9 rider is pedaling and that ceases to provide assistance when the bicycle
10 or tricycle reaches the speed of twenty miles per hour.

11 (b) "Class 2 electric bicycle" means a bicycle or tricycle that is
12 equipped with an electric motor that may be used exclusively to propel the
13 bicycle or tricycle and that is not capable of providing assistance when
14 the bicycle or tricycle reaches the speed of twenty miles per hour.

15 (c) "Class 3 electric bicycle" means a bicycle or tricycle that is
16 equipped with an electric motor that provides assistance only when the
17 rider is pedaling and that ceases to provide assistance when the bicycle
18 or tricycle reaches the speed of twenty-eight miles per hour.

19 26. "Electric miniature scooter" means a device that:

20 (a) Weighs less than thirty pounds.

21 (b) Has two or three wheels.

22 (c) Has handlebars.

23 (d) Has a floorboard on which a person may stand while riding.

24 (e) Is powered by an electric motor or human power, or both.

25 (f) Has a maximum speed that does not exceed ten miles per hour,
26 with or without human propulsion, on a paved level surface.

27 27. "Electric personal assistive mobility device" means a
28 self-balancing device with one wheel or two nontandem wheels and an
29 electric propulsion system that limits the maximum speed of the device to
30 fifteen miles per hour or less and that is designed to transport only one
31 person.

32 28. "Electric standup scooter":

33 (a) Means a device that:

34 (i) Weighs less than seventy-five pounds.

35 (ii) Has two or three wheels.

36 (iii) Has handlebars.

37 (iv) Has a floorboard on which a person may stand while riding.

38 (v) Is powered by an electric motor or human power, or both.

39 (vi) Has a maximum speed that does not exceed twenty miles per
40 hour, with or without human propulsion, on a paved level surface.

41 (b) Does not include an electric miniature scooter.

42 29. "Evidence" includes both of the following:

43 (a) A display on a wireless communication device of a
44 department-generated driver license, nonoperating identification license,
45 vehicle registration card or other official record of the department that

1 is presented to a law enforcement officer or in a court or an
2 administrative proceeding.

3 (b) An electronic or digital license plate authorized pursuant to
4 section 28-364.

5 30. "Farm" means any lands primarily used for agriculture
6 production.

7 31. "Farm tractor" means a motor vehicle designed and used
8 primarily as a farm implement for drawing implements of husbandry.

9 32. "Foreign vehicle" means a motor vehicle, trailer or semitrailer
10 that is brought into this state other than in the ordinary course of
11 business by or through a manufacturer or dealer and that has not been
12 registered in this state.

13 33. "Golf cart" means a motor vehicle that has not less than three
14 wheels in contact with the ground, that has an unladen weight of less than
15 one thousand eight hundred pounds, that is designed to be and is operated
16 at not more than twenty-five miles per hour and that is designed to carry
17 not more than four persons including the driver.

18 34. "Hazardous material" means a material, and its mixtures or
19 solutions, that the United States department of transportation determines
20 under 49 Code of Federal Regulations is, or any quantity of a material
21 listed as a select agent or toxin under 42 Code of Federal Regulations
22 part 73 that is, capable of posing an unreasonable risk to health, safety
23 and property if transported in commerce and that is required to be
24 placarded or marked as required by the department's safety rules
25 prescribed pursuant to chapter 14 of this title.

26 35. "Implement of husbandry" means a vehicle that is designed
27 primarily for agricultural purposes and that is used exclusively in the
28 conduct of agricultural operations, including an implement or vehicle
29 whether self-propelled or otherwise that meets both of the following
30 conditions:

31 (a) Is used solely for agricultural purposes including the
32 preparation or harvesting of cotton, alfalfa, grains and other farm crops.

33 (b) Is only incidentally operated or moved on a highway whether as
34 a trailer or self-propelled unit. For the purposes of this subdivision,
35 "incidentally operated or moved on a highway" means travel between a farm
36 and another part of the same farm, from one farm to another farm or
37 between a farm and a place of repair, supply or storage.

38 36. "Limousine" means a motor vehicle providing prearranged ground
39 transportation service for an individual passenger, or a group of
40 passengers, that is arranged in advance or is operated on a regular route
41 or between specified points and includes ground transportation under a
42 contract or agreement for services that includes a fixed rate or time and
43 is provided in a motor vehicle with a seating capacity not exceeding
44 fifteen passengers including the driver.

- 1 37. "Livery vehicle" means a motor vehicle that:
2 (a) Has a seating capacity not exceeding fifteen passengers
3 including the driver.
4 (b) Provides passenger services for a fare determined by a flat
5 rate or flat hourly rate between geographic zones or within a geographic
6 area.
7 (c) Is available for hire on an exclusive or shared ride basis.
8 (d) May do any of the following:
9 (i) Operate on a regular route or between specified places.
10 (ii) Offer prearranged ground transportation service as defined in
11 section 28-141.
12 (iii) Offer on demand ground transportation service pursuant to a
13 contract with a public airport, licensed business entity or organization.
14 38. "Local authority" means any county, municipal or other local
15 board or body exercising jurisdiction over highways under the constitution
16 and laws of this state.
17 39. "Manufacturer" means a person engaged in the business of
18 manufacturing motor vehicles, trailers or semitrailers.
19 40. "Moped" means a bicycle, not including an electric bicycle, an
20 electric miniature scooter or an electric standup scooter, that is
21 equipped with a helper motor if the vehicle has a maximum piston
22 displacement of fifty cubic centimeters or less, a brake horsepower of one
23 and one-half or less and a maximum speed of twenty-five miles per hour or
24 less on a flat surface with less than a one percent grade.
25 41. "Motorcycle" means a motor vehicle that has a seat or saddle
26 for the use of the rider and that is designed to travel on not more than
27 three wheels in contact with the ground but excludes a tractor, an
28 electric bicycle, an electric miniature scooter, an electric standup
29 scooter and a moped.
30 42. "Motor driven cycle" means a motorcycle, including every motor
31 scooter, with a motor that produces not more than five horsepower but does
32 not include an electric bicycle, an electric miniature scooter or an
33 electric standup scooter.
34 43. "Motorized quadricycle" means a self-propelled motor vehicle to
35 which all of the following apply:
36 (a) The vehicle is self-propelled by an emission-free electric
37 motor and may include pedals operated by the passengers.
38 (b) The vehicle has at least four wheels in contact with the
39 ground.
40 (c) The vehicle seats at least eight passengers, including the
41 driver.
42 (d) The vehicle is operable on a flat surface using solely the
43 electric motor without assistance from the pedals or passengers.
44 (e) The vehicle is a commercial motor vehicle as defined in section
45 28-5201.

1 (f) The vehicle is a limousine operating under a vehicle for hire
2 company permit issued pursuant to section 28-9503.

3 (g) The vehicle is manufactured by a motor vehicle manufacturer
4 that is licensed pursuant to chapter 10 of this title.

5 (h) The vehicle complies with the definition and standards for
6 low-speed vehicles set forth in federal motor vehicle safety standard 500
7 and 49 Code of Federal Regulations sections 571.3(b) and 571.500,
8 respectively.

9 44. "Motor vehicle":

10 (a) Means either:

11 (i) A self-propelled vehicle.

12 (ii) For the purposes of the laws relating to the imposition of a
13 tax on motor vehicle fuel, a vehicle that is operated on the highways of
14 this state and that is propelled by the use of motor vehicle fuel.

15 (b) Does not include a scrap vehicle, ~~a personal delivery device~~. A
16 **PERSONAL DELIVERY DEVICE**, a personal mobile cargo carrying device, a
17 motorized wheelchair, an electric personal assistive mobility device, an
18 electric bicycle, an electric miniature scooter, an electric standup
19 scooter or a motorized skateboard. For the purposes of this subdivision:

20 (i) "Motorized skateboard" means a self-propelled device that does
21 not have handlebars and that has a motor, a deck on which a person may
22 ride and at least two tandem wheels in contact with the ground.

23 (ii) "Motorized wheelchair" means a self-propelled wheelchair that
24 is used by a person for mobility.

25 45. "Motor vehicle fuel" includes all products that are commonly or
26 commercially known or sold as gasoline, including casinghead gasoline,
27 natural gasoline and all flammable liquids, and that are composed of a
28 mixture of selected hydrocarbons expressly manufactured and blended for
29 the purpose of effectively and efficiently operating internal combustion
30 engines. Motor vehicle fuel does not include inflammable liquids that are
31 specifically manufactured for racing motor vehicles and that are
32 distributed for and used by racing motor vehicles at a racetrack, use fuel
33 as defined in section 28-5601, aviation fuel, fuel for jet or turbine
34 powered aircraft or the mixture created at the interface of two different
35 substances being transported through a pipeline, commonly known as
36 transmix.

37 46. "Neighborhood electric vehicle" means a self-propelled
38 electrically powered motor vehicle to which all of the following apply:

39 (a) The vehicle is emission free.

40 (b) The vehicle has at least four wheels in contact with the
41 ground.

42 (c) The vehicle complies with the definition and standards for
43 low-speed vehicles set forth in federal motor vehicle safety standard 500
44 and 49 Code of Federal Regulations sections 571.3(b) and 571.500,
45 respectively.

1 47. "Nonresident" means a person who is not a resident of this
2 state as defined in section 28-2001.

3 48. "Off-road recreational motor vehicle" means a motor vehicle
4 that is designed primarily for recreational nonhighway all-terrain travel
5 and that is not operated on a public highway. Off-road recreational motor
6 vehicle does not mean a motor vehicle used for construction, building
7 trade, mining or agricultural purposes.

8 49. "Operator" means a person who drives a motor vehicle on a
9 highway, who is in actual physical control of a motor vehicle on a highway
10 or who is exercising control over or steering a vehicle being towed by a
11 motor vehicle.

12 50. "Owner" means:

13 (a) A person who holds the legal title of a vehicle.

14 (b) If a vehicle is the subject of an agreement for the conditional
15 sale or lease with the right of purchase on performance of the conditions
16 stated in the agreement and with an immediate right of possession vested
17 in the conditional vendee or lessee, the conditional vendee or lessee.

18 (c) If a mortgagor of a vehicle is entitled to possession of the
19 vehicle, the mortgagor.

20 51. "Pedestrian" means any person afoot. A person who uses an
21 electric personal assistive mobility device or a manual or motorized
22 wheelchair is considered a pedestrian unless the manual wheelchair
23 qualifies as a bicycle. For the purposes of this paragraph, "motorized
24 wheelchair" means a self-propelled wheelchair that is used by a person for
25 mobility.

26 ~~52. "Personal delivery device":~~

27 ~~(a) Means an electronically powered device that:~~

28 ~~(i) Is operated primarily on sidewalks and within crosswalks and~~
29 ~~that is designed to transport property.~~

30 ~~(ii) Weighs less than two hundred pounds, excluding cargo, unless~~
31 ~~otherwise authorized by a local authority pursuant to section 28-627.~~

32 ~~(iii) Operates at a maximum speed of seven miles per hour, unless~~
33 ~~otherwise authorized by a local authority pursuant to section 28-627.~~

34 ~~(iv) Is equipped with technology to allow for the operation of the~~
35 ~~device with or without the active control or monitoring of a natural~~
36 ~~person.~~

37 ~~(v) Is equipped with a braking system that when active or engaged~~
38 ~~enables the personal delivery device to come to a controlled stop.~~

39 ~~(b) Does not include a personal mobile cargo carrying device.~~

40 52. "PERSONAL DELIVERY DEVICE":

41 (a) MEANS A DEVICE THAT IS BOTH OF THE FOLLOWING:

42 (i) MANUFACTURED FOR TRANSPORTING CARGO AND GOODS IN AN AREA
43 DESCRIBED IN SECTION 28-1225.

1 (ii) IS EQUIPPED WITH AUTOMATED DRIVING TECHNOLOGY, INCLUDING
2 SOFTWARE AND HARDWARE, THAT ENABLES THE OPERATION OF THE DEVICE WITH THE
3 REMOTE SUPPORT AND SUPERVISION OF A HUMAN.

4 (b) DOES NOT INCLUDE A PERSONAL MOBILE CARGO CARRYING DEVICE.

5 53. "Personal mobile cargo carrying device" means an electronically
6 powered device that:

7 (a) Is operated primarily on sidewalks and within crosswalks and
8 that is designed to transport property.

9 (b) Weighs less than eighty pounds, excluding cargo.

10 (c) Operates at a maximum speed of twelve miles per hour.

11 (d) Is equipped with technology to transport personal property with
12 the active monitoring of a property owner and that is primarily designed
13 to remain within twenty-five feet of the property owner.

14 (e) Is equipped with a braking system that when active or engaged
15 enables the personal mobile cargo carrying device to come to a controlled
16 stop.

17 54. "Power sweeper" means an implement, with or without motive
18 power, that is only incidentally operated or moved on a street or highway
19 and that is designed for the removal of debris, dirt, gravel, litter or
20 sand whether by broom, vacuum or regenerative air system from asphaltic
21 concrete or cement concrete surfaces, including parking lots, highways,
22 streets and warehouses, and a vehicle on which the implement is
23 permanently mounted.

24 55. "Public transit" means the transportation of passengers on
25 scheduled routes by means of a conveyance on an individual passenger
26 fare-paying basis excluding transportation by a sightseeing bus, school
27 bus or taxi or a vehicle not operated on a scheduled route basis.

28 56. "Reconstructed vehicle" means a vehicle that has been assembled
29 or constructed largely by means of essential parts, new or used, derived
30 from vehicles or makes of vehicles of various names, models and types or
31 that, if originally otherwise constructed, has been materially altered by
32 the removal of essential parts or by the addition or substitution of
33 essential parts, new or used, derived from other vehicles or makes of
34 vehicles. For the purposes of this paragraph, "essential parts" means
35 integral and body parts, the removal, alteration or substitution of which
36 will tend to conceal the identity or substantially alter the appearance of
37 the vehicle.

38 57. "Residence district" means the territory contiguous to and
39 including a highway not comprising a business district if the property on
40 the highway for a distance of three hundred feet or more is in the main
41 improved with residences or residences and buildings in use for business.

42 58. "Right-of-way" when used within the context of the regulation
43 of the movement of traffic on a highway means the privilege of the
44 immediate use of the highway. Right-of-way when used within the context
45 of the real property on which transportation facilities and appurtenances

1 to the facilities are constructed or maintained means the lands or
2 interest in lands within the right-of-way boundaries.

3 59. "School bus" means a motor vehicle that is designed for
4 carrying more than ten passengers and that is either:

5 (a) Owned by any public or governmental agency or other institution
6 and operated for the transportation of children to or from home or school
7 on a regularly scheduled basis.

8 (b) Privately owned and operated for compensation for the
9 transportation of children to or from home or school on a regularly
10 scheduled basis.

11 60. "Scrap metal dealer" has the same meaning prescribed in section
12 44-1641.

13 61. "Scrap vehicle" has the same meaning prescribed in section
14 44-1641.

15 62. "Semitrailer" means a vehicle that is with or without motive
16 power, other than a pole trailer or single-axle tow dolly, that is
17 designed for carrying persons or property and for being drawn by a motor
18 vehicle and that is constructed so that some part of its weight and that
19 of its load rests on or is carried by another vehicle. For the purposes
20 of this paragraph, "pole trailer" has the same meaning prescribed in
21 section 28-601.

22 63. "Single-axle tow dolly" means a nonvehicle device that is drawn
23 by a motor vehicle, that is designed and used exclusively to transport
24 another motor vehicle and on which the front or rear wheels of the drawn
25 motor vehicle are mounted on the tow dolly while the other wheels of the
26 drawn motor vehicle remain in contact with the ground.

27 64. "State" means a state of the United States and the District of
28 Columbia.

29 65. "State highway" means a state route or portion of a state route
30 that is accepted and designated by the board as a state highway and that
31 is maintained by the state.

32 66. "State route" means a right-of-way whether actually used as a
33 highway or not that is designated by the board as a location for the
34 construction of a state highway.

35 67. "Street" or "highway" means the entire width between the
36 boundary lines of every way if a part of the way is open to the use of the
37 public for purposes of vehicular travel.

38 68. "Taxi" means a motor vehicle that has a seating capacity not
39 exceeding fifteen passengers, including the driver, that provides
40 passenger services and that:

41 (a) Does not primarily operate on a regular route or between
42 specified places.

43 (b) Offers local transportation for a fare determined on the basis
44 of the distance traveled or prearranged ground transportation service as
45 defined in section 28-141 for a predetermined fare.

69. "Title transfer form" means a paper or an electronic form that is prescribed by the department for the purpose of transferring a certificate of title from one owner to another owner.

70. "Traffic survival school" means a school that offers educational sessions to drivers who are required to attend and successfully complete educational sessions pursuant to this title that are designed to improve the safety and habits of drivers and that are approved by the department.

71. "Trailer" means a vehicle that is with or without motive power, other than a pole trailer or single-axle tow dolly, that is designed for carrying persons or property and for being drawn by a motor vehicle and that is constructed so that no part of its weight rests on the towing vehicle. A semitrailer equipped with an auxiliary front axle commonly known as a dolly is deemed to be a trailer. For the purposes of this paragraph, "pole trailer" has the same meaning prescribed in section 28-601.

72. "Transportation network company" has the same meaning prescribed in section 28-9551.

73. "Transportation network company vehicle" has the same meaning prescribed in section 28-9551.

74. "Transportation network service" has the same meaning prescribed in section 28-9551.

75. "Truck" means a motor vehicle designed or used primarily for the carrying of property other than the effects of the driver or passengers and includes a motor vehicle to which has been added a box, a platform or other equipment for such carrying.

76. "Truck tractor" means a motor vehicle that is designed and used primarily for drawing other vehicles and that is not constructed to carry a load other than a part of the weight of the vehicle and load drawn.

77. "Vehicle":

(a) Means a device in, on or by which a person or property is or may be transported or drawn on a public highway.

(b) Does not include:

(i) Electric bicycles, electric miniature scooters, electric standup scooters and devices moved by human power.

(ii) Devices used exclusively on stationary rails or tracks.

~~(iii) Personal delivery devices.~~

(iii) PERSONAL DELIVERY DEVICES.

(iv) Scrap vehicles.

(v) Personal mobile cargo carrying devices.

78. "Vehicle transporter" means either:

(a) A truck tractor capable of carrying a load and drawing a semitrailer.

1 (b) A truck tractor with a stinger-steered fifth wheel capable of
2 carrying a load and drawing a semitrailer or a truck tractor with a dolly
3 mounted fifth wheel that is securely fastened to the truck tractor at two
4 or more points and that is capable of carrying a load and drawing a
5 semitrailer.

6 Sec. 3. Repeal

7 Section 28-101, Arizona Revised Statutes, as amended by Laws 2019,
8 chapter 89, section 2 and chapter 120, section 2, is repealed.

9 Sec. 4. Title 28, chapter 3, Arizona Revised Statutes, is amended
10 by adding article 22, to read:

11 ARTICLE 22. PERSONAL DELIVERY DEVICES

12 28-1221. Definitions

13 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

14 1. "AGENT" MEANS A DIRECTOR, OFFICER, EMPLOYEE OR OTHER PERSON WHO
15 IS AUTHORIZED TO ACT ON BEHALF OF A BUSINESS ENTITY.

16 2. "BUSINESS ENTITY" MEANS A LEGAL ENTITY, INCLUDING A CORPORATION,
17 PARTNERSHIP OR SOLE PROPRIETORSHIP.

18 3. "PEDESTRIAN AREA" INCLUDES A SIDEWALK, CROSSWALK, SCHOOL
19 CROSSWALK, SCHOOL CROSSING ZONE OR SAFETY ZONE.

20 28-1222. Applicability of laws to personal delivery devices

21 A. THE OPERATION OF A PERSONAL DELIVERY DEVICE IS GOVERNED
22 EXCLUSIVELY BY BOTH OF THE FOLLOWING:

23 1. THIS ARTICLE.

24 2. ANY APPLICABLE REGULATION THAT IS ADOPTED BY A LOCAL AUTHORITY
25 AND THAT IS CONSISTENT WITH THIS ARTICLE.

26 B. A PERSONAL DELIVERY DEVICE THAT IS OPERATED IN COMPLIANCE WITH
27 THIS ARTICLE IS NOT A VEHICLE.

28 28-1223. Operator

29 A. A PERSON MAY OPERATE A PERSONAL DELIVERY DEVICE ONLY IF BOTH OF
30 THE FOLLOWING APPLY:

31 1. THE PERSON IS A BUSINESS ENTITY.

32 2. A HUMAN WHO IS AN AGENT IS CAPABLE OF MONITORING OR EXERCISING
33 PHYSICAL CONTROL OVER THE NAVIGATION AND OPERATION OF THE PERSONAL
34 DELIVERY DEVICE.

35 B. EXCEPT AS PROVIDED BY SUBSECTION C OF THIS SECTION, WHEN A
36 PERSONAL DELIVERY DEVICE OPERATED BY A BUSINESS ENTITY IS ENGAGED, THE
37 BUSINESS ENTITY IS THE OPERATOR OF THE PERSONAL DELIVERY DEVICE SOLELY FOR
38 THE PURPOSE OF ASSESSING COMPLIANCE WITH APPLICABLE TRAFFIC LAWS.

39 C. WHEN A PERSONAL DELIVERY DEVICE OPERATED BY A BUSINESS ENTITY IS
40 ENGAGED AND AN AGENT CONTROLS THE PERSONAL DELIVERY DEVICE IN A MANNER
41 THAT IS OUTSIDE THE SCOPE OF THE AGENT'S OFFICE OR EMPLOYMENT, THE AGENT
42 IS THE OPERATOR OF THE PERSONAL DELIVERY DEVICE.

1 D. A PERSON IS NOT THE OPERATOR OF A PERSONAL DELIVERY DEVICE
2 SOLELY BECAUSE THE PERSON EITHER:

3 1. REQUESTS A DELIVERY OR SERVICE PROVIDED BY THE PERSONAL DELIVERY
4 DEVICE.

5 2. DISPATCHES THE PERSONAL DELIVERY DEVICE.

6 28-1224. Device operation

7 A PERSONAL DELIVERY DEVICE MUST:

8 1. OPERATE IN A MANNER THAT COMPLIES WITH THE PROVISIONS OF THIS
9 TITLE THAT APPLY TO PEDESTRIANS EXCEPT THOSE PROVISIONS THAT BY THEIR
10 NATURE CAN HAVE NO APPLICATION.

11 2. YIELD TO OR NOT OBSTRUCT THE RIGHT-OF-WAY OF ALL OTHER TRAFFIC,
12 INCLUDING PEDESTRIANS.

13 3. NOT UNREASONABLY INTERFERE WITH OTHER TRAFFIC, INCLUDING
14 PEDESTRIANS.

15 4. IF OPERATED AT NIGHTTIME, DISPLAY THE LIGHTS REQUIRED BY SECTION
16 28-1226.

17 5. COMPLY WITH ANY APPLICABLE REGULATIONS THAT ARE ADOPTED BY A
18 LOCAL AUTHORITY.

19 6. NOT TRANSPORT HAZARDOUS MATERIALS THAT ARE REGULATED UNDER THE
20 HAZARDOUS MATERIALS TRANSPORTATION AUTHORIZATION ACT OF 1994 (49 UNITED
21 STATES CODE SECTIONS 5101 THROUGH 5128) AND MUST BE PLACARDED UNDER
22 49 CODE OF FEDERAL REGULATIONS SECTIONS 172.500 THROUGH 172.560.

23 7. BE MONITORED OR CONTROLLED TO ENSURE COMPLIANCE WITH PARAGRAPH 3
24 OF THIS SECTION.

25 28-1225. Areas of operation

26 A. EXCEPT AS PROVIDED IN SUBSECTION B OF THIS SECTION A PERSONAL
27 DELIVERY DEVICE MAY BE OPERATED EITHER:

28 1. AT SPEEDS UP TO TWELVE MILES PER HOUR IN A PEDESTRIAN AREA.

29 2. AT SPEEDS UP TO TWENTY MILES PER HOUR ON THE SIDE OR SHOULDER OF
30 A HIGHWAY IN AN AREA THAT IS NOT A PEDESTRIAN AREA.

31 B. A LOCAL AUTHORITY MAY ESTABLISH A MAXIMUM SPEED OF LESS THAN
32 TWELVE MILES PER HOUR FOR A PERSONAL DELIVERY DEVICE IN A PEDESTRIAN AREA
33 IF THE LOCAL AUTHORITY DETERMINES THAT A MAXIMUM SPEED OF TWELVE MILES PER
34 HOUR IS UNREASONABLE OR UNSAFE FOR THAT AREA. A MAXIMUM SPEED ESTABLISHED
35 UNDER THIS SUBSECTION MAY NOT BE LESS THAN SEVEN MILES PER HOUR.

36 28-1226. Equipment

37 A. A PERSONAL DELIVERY DEVICE MUST BE EQUIPPED WITH BOTH OF THE
38 FOLLOWING:

39 1. A MARKER THAT CLEARLY STATES THE NAME AND CONTACT INFORMATION OF
40 THE OWNER AND A UNIQUE IDENTIFICATION NUMBER.

41 2. A BRAKING SYSTEM THAT ENABLES THE DEVICE TO COME TO A CONTROLLED
42 STOP.

43 B. A PERSONAL DELIVERY DEVICE THAT IS OPERATED AT NIGHTTIME MUST BE
44 EQUIPPED WITH LIGHTS ON THE FRONT AND REAR OF THE PERSONAL DELIVERY DEVICE
45 THAT ARE VISIBLE AND RECOGNIZABLE UNDER NORMAL ATMOSPHERIC CONDITIONS ON

1 ALL SIDES OF THE DEVICE FROM ONE TO FIVE HUNDRED FEET FROM THE DEVICE WHEN
2 THE LIGHTS ARE DIRECTLY IN FRONT OF LOWER BEAMS OF HEAD LAMPS AS
3 PRESCRIBED IN SECTION 28-924.

4 28-1227. Local authority regulations: peace officers

5 A. A LOCAL AUTHORITY MAY NOT REGULATE THE OPERATION OF A PERSONAL
6 DELIVERY DEVICE ON A HIGHWAY OR IN A PEDESTRIAN AREA IN A MANNER THAT IS
7 INCONSISTENT WITH THIS ARTICLE.

8 B. THIS SECTION DOES NOT:

9 1. AFFECT THE AUTHORITY OF A LOCAL AUTHORITY'S PEACE OFFICERS TO
10 ENFORCE THE LAWS OF THIS STATE RELATING TO THE OPERATION OF A PERSONAL
11 DELIVERY DEVICE.

12 2. PREVENT A LOCAL AUTHORITY FROM PROHIBITING PERSONAL DELIVERY
13 DEVICES IN A SPECIFIED ZONE OR DURING CERTAIN HOURS IN A SPECIFIED ZONE TO
14 PROTECT PUBLIC HEALTH AND SAFETY.

15 28-1228. Insurance

16 A BUSINESS ENTITY THAT OPERATES A PERSONAL DELIVERY DEVICE MUST
17 MAINTAIN AN INSURANCE POLICY THAT INCLUDES GENERAL LIABILITY COVERAGE OF
18 AT LEAST \$100,000 FOR DAMAGES ARISING FROM THE OPERATION OF THE DEVICE.

19 Sec. 5. Effective date

20 The following sections are effective from and after August 31, 2020:

21 1. Section 28-101, Arizona Revised Statutes, as amended by Laws
22 2019, chapter 89, section 1, chapter 120, section 1 and this act.

23 2. Section 28-101, Arizona Revised Statutes, as amended by Laws
24 2019, chapter 89, section 2 and chapter 120, section 2 and repealed by
25 this act.

26 3. Title 28, chapter 3, article 22, Arizona Revised Statutes, as
27 added by this act.

28 Sec. 6. Conditional enactment

29 Section 2 of this act becomes effective on the date prescribed by
30 Laws 2018, chapter 298, section 12 but only on the occurrence of the
31 condition prescribed by Laws 2018, chapter 298, section 12 and not before
32 August 31, 2020.

APPROVED BY THE GOVERNOR JUNE 5, 2020.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 5, 2020.

By: Hancock
(Landgraf)

S.B. No. 969

Substitute the following for S.B. No. 969:

By: Raney

C.S.S.B. No. 969

A BILL TO BE ENTITLED

AN ACT

relating to the operation of personal delivery and mobile carrying devices.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 502.001(26), Transportation Code, is amended to read as follows:

(26) "Motorized mobility device" has the meaning assigned by Section 552A.0101 ~~[542.009]~~.

SECTION 2. Subtitle C, Title 7, Transportation Code, is amended by adding Chapter 552A to read as follows:

CHAPTER 552A. DEVICES SUBJECT TO PEDESTRIAN LAWS

SUBCHAPTER A. PERSONAL DELIVERY AND MOBILE CARRYING DEVICES

Sec. 552A.0001. DEFINITIONS. In this subchapter:

(1) "Agent" has the meaning assigned by Section 7.21, Penal Code.

(2) "Business entity" means a legal entity, including a corporation, partnership, or sole proprietorship, that is formed for the purpose of making a profit.

(3) "Mobile carrying device" means a device that:

(A) transports cargo while remaining within 25 feet of a human operator; and

(B) is equipped with technology that allows the operator to actively monitor the device.

(4) "Pedestrian area" includes a sidewalk, crosswalk,

1 school crosswalk, school crossing zone, or safety zone.

2 (5) "Personal delivery device" means a device that:

3 (A) is manufactured primarily for transporting
4 cargo in a pedestrian area or on the side or shoulder of a highway;
5 and

6 (B) is equipped with automated driving
7 technology, including software and hardware, that enables the
8 operation of the device with the remote support and supervision of a
9 human.

10 Sec. 552A.0002. APPLICABLE LAW. (a) The operation of a
11 personal delivery or mobile carrying device in a pedestrian area or
12 on the side or shoulder of a highway is governed exclusively by:

13 (1) this subchapter; and

14 (2) any applicable regulations adopted by a local
15 authority that are not inconsistent with this subchapter, as
16 authorized under Section 552A.0009.

17 (b) For the purposes of this title, including Section
18 545.422, a personal delivery or mobile carrying device operated in
19 compliance with this subchapter is not considered to be a vehicle.

20 Sec. 552A.0003. OPERATOR OF PERSONAL DELIVERY DEVICE.

21 (a) A person may operate a personal delivery device under this
22 subchapter only if:

23 (1) the person is a business entity; and

24 (2) a human who is an agent of the business entity has
25 the capability to monitor or exercise physical control over the
26 navigation and operation of the device.

27 (b) Except as provided by Subsection (c), when a personal

1 delivery device operated by a business entity is engaged, the
2 business entity is considered to be the operator of the device
3 solely for the purpose of assessing compliance with applicable
4 traffic laws.

5 (c) When a personal delivery device operated by a business
6 entity is engaged and an agent of the entity controls the device in
7 a manner that is outside the scope of the agent's office or
8 employment, the agent is considered to be the operator of the
9 device.

10 (d) A person is not considered to be the operator of a
11 personal delivery device solely because the person:

12 (1) requests a delivery or service provided by the
13 device; or

14 (2) dispatches the device.

15 Sec. 552A.0004. OPERATOR OF MOBILE CARRYING DEVICE. A
16 person operating a mobile carrying device is considered to be the
17 operator of the device for the purpose of assessing compliance with
18 applicable traffic laws.

19 Sec. 552A.0005. DEVICE OPERATION. (a) A personal delivery
20 or mobile carrying device operated under this subchapter must:

21 (1) operate in a manner that complies with the
22 provisions of this subtitle applicable to pedestrians, unless the
23 provision cannot by its nature apply to the device;

24 (2) yield the right-of-way to all other traffic,
25 including pedestrians;

26 (3) not unreasonably interfere with or obstruct other
27 traffic, including pedestrians;

1 (4) if operated at nighttime, display the lights
2 required by Section 552A.0007 or 552A.0008, as applicable;

3 (5) comply with any applicable regulations adopted by
4 a local authority under Section 552A.0009;

5 (6) not transport hazardous materials in a quantity
6 requiring placarding by a regulation issued under the Hazardous
7 Materials Transportation Act (49 U.S.C. Section 5101 et seq.); and

8 (7) be monitored or controlled as provided by Section
9 552A.0003(a) for a personal delivery device or by the operator for a
10 mobile carrying device.

11 (b) A mobile carrying device operated under this subchapter
12 must remain within 25 feet of the operator while the device is in
13 motion.

14 Sec. 552A.0006. AREAS AND SPEEDS OF OPERATION. (a) A
15 personal delivery or mobile carrying device operated under this
16 subchapter may be operated only:

17 (1) in a pedestrian area at a speed of not more than 10
18 miles per hour; or

19 (2) on the side of a roadway or the shoulder of a
20 highway at a speed of not more than 20 miles per hour.

21 (b) Notwithstanding Subsection (a)(1), a local authority
22 may establish a maximum speed of less than 10 miles per hour in a
23 pedestrian area in the jurisdiction of the local authority if the
24 local authority determines that a maximum speed of 10 miles per hour
25 is unreasonable or unsafe for that area. A maximum speed
26 established under this subsection may not be less than seven miles
27 per hour.

1 Sec. 552A.0007. PERSONAL DELIVERY DEVICE EQUIPMENT. (a) A
2 personal delivery device operated under this subchapter must:

3 (1) be equipped with a marker that clearly states the
4 name and contact information of the owner and a unique
5 identification number; and

6 (2) be equipped with a braking system that enables the
7 device to come to a controlled stop.

8 (b) A personal delivery device operated under this
9 subchapter at nighttime must be equipped with lights on the front
10 and rear of the device that are visible and recognizable under
11 normal atmospheric conditions on all sides of the device from 1 to
12 500 feet from the device when the light is directly in front of
13 lawful lower beams of headlamps.

14 Sec. 552A.0008. MOBILE CARRYING DEVICE EQUIPMENT. (a) A
15 mobile carrying device operated under this subchapter must be
16 equipped with a braking system that enables the device to come to a
17 controlled stop.

18 (b) A mobile carrying device operated under this subchapter
19 at nighttime must be equipped with lights that are visible and
20 recognizable under normal atmospheric conditions from 1 to 50 feet
21 from the device when the light is directly in front of lawful lower
22 beams of headlamps.

23 Sec. 552A.0009. LOCAL AUTHORITY REGULATION. (a) A local
24 authority may regulate the operation of a personal delivery or
25 mobile carrying device on a highway or in a pedestrian area in a
26 manner not inconsistent with this subchapter.

27 (b) This section does not affect the authority of a local

1 authority's peace officers to enforce the laws of this state
2 relating to the operation of a personal delivery or mobile carrying
3 device.

4 Sec. 552A.0010. INSURANCE. A business entity that operates
5 a personal delivery device operated under this subchapter must
6 maintain an insurance policy that includes general liability
7 coverage of not less than \$100,000 for damages arising from the
8 operation of the device.

9 SECTION 3. Chapter 552A, Transportation Code, as added by
10 this Act, is amended by adding Subchapter B, and a heading is added
11 to that subchapter to read as follows:

12 SUBCHAPTER B. MOBILITY DEVICES

13 SECTION 4. Section 542.009, Transportation Code, is
14 transferred to Subchapter B, Chapter 552A, Transportation Code, as
15 added by this Act, and redesignated as Section 552A.0101,
16 Transportation Code, to read as follows:

17 Sec. 552A.0101 [~~542.009~~]. OPERATORS OF CERTAIN MOBILITY
18 DEVICES. (a) In this section, "motorized mobility device" means a
19 device designed for transportation of persons with physical
20 disabilities that:

- 21 (1) has three or more wheels;
22 (2) is propelled by a battery-powered motor;
23 (3) has not more than one forward gear; and
24 (4) is not capable of speeds exceeding eight miles per
25 hour.

26 (b) For the purposes of this subtitle, a person operating a
27 nonmotorized wheelchair or motorized mobility device is considered

1 to be a pedestrian.

2 SECTION 5. Section 551.351(2), Transportation Code, is
3 amended to read as follows:

4 (2) "Pocket bike or minimotorbike" means a
5 self-propelled vehicle that is equipped with an electric motor or
6 internal combustion engine having a piston displacement of less
7 than 50 cubic centimeters, is designed to propel itself with not
8 more than two wheels in contact with the ground, has a seat or
9 saddle for the use of the operator, is not designed for use on a
10 highway, and is ineligible for a certificate of title under Chapter
11 501. The term does not include:

12 (A) a moped or motorcycle;

13 (B) an electric bicycle or motor-driven cycle, as
14 defined by Section 541.201;

15 (C) a motorized mobility device, as defined by
16 Section 552A.0101 ~~[542.009]~~;

17 (D) an electric personal assistive mobility
18 device, as defined by Section 551.201; or

19 (E) a neighborhood electric vehicle, as defined
20 by Section 551.301.

21 SECTION 6. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2019.

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 46.2-100, 46.2-904, 46.2-908.1, 46.2-908.1:1, 46.2-1015, and 46.2-2101*
3 *of the Code of Virginia, relating to electric personal delivery devices.*

4
5 Approved

[S 758]

6 Be it enacted by the General Assembly of Virginia:

7 1. That §§ 46.2-100, 46.2-904, 46.2-908.1, 46.2-908.1:1, 46.2-1015, and 46.2-2101 of the Code of
8 Virginia are amended and reenacted as follows:

9 § 46.2-100. Definitions.

10 As used in this title, unless the context requires a different meaning:

11 "All-terrain vehicle" means a motor vehicle having three or more wheels that is powered by a motor
12 and is manufactured for off-highway use. "All-terrain vehicle" does not include four-wheeled vehicles
13 commonly known as "go-carts" that have low centers of gravity and are typically used in racing on
14 relatively level surfaces, nor does the term include any riding lawn mower.15 "Antique motor vehicle" means every motor vehicle, as defined in this section, which was actually
16 manufactured or designated by the manufacturer as a model manufactured in a calendar year not less
17 than 25 years prior to January 1 of each calendar year and is owned solely as a collector's item.18 "Antique trailer" means every trailer or semitrailer, as defined in this section, that was actually
19 manufactured or designated by the manufacturer as a model manufactured in a calendar year not less
20 than 25 years prior to January 1 of each calendar year and is owned solely as a collector's item.21 "Autocycle" means a three-wheeled motor vehicle that has a steering wheel and seating that does not
22 require the operator to straddle or sit astride and is manufactured to comply with federal safety
23 requirements for motorcycles. Except as otherwise provided, an autocycle shall not be deemed to be a
24 motorcycle.25 "Automobile transporter" means any tractor truck, lowboy, vehicle, or combination, including
26 vehicles or combinations that transport motor vehicles on their power unit, designed and used
27 exclusively for the transportation of motor vehicles or used to transport cargo or general freight on a
28 backhaul pursuant to the provisions of 49 U.S.C. § 31111(a)(1).29 "Bicycle" means a device propelled solely by human power, upon which a person may ride either on
30 or astride a regular seat attached thereto, having two or more wheels in tandem, including children's
31 bicycles, except a toy vehicle intended for use by young children. For purposes of Chapter 8 (§ 46.2-800
32 et seq.), a bicycle shall be a vehicle while operated on the highway.33 "Bicycle lane" means that portion of a roadway designated by signs and/or pavement markings for
34 the preferential use of bicycles, electric power-assisted bicycles, motorized skateboards or scooters, and
35 mopeds.36 "Business district" means the territory contiguous to a highway where 75 percent or more of the
37 property contiguous to a highway, on either side of the highway, for a distance of 300 feet or more
38 along the highway, is occupied by land and buildings actually in use for business purposes.39 "Camping trailer" means every vehicle that has collapsible sides and contains sleeping quarters but
40 may or may not contain bathing and cooking facilities and is designed to be drawn by a motor vehicle.41 "Cancel" or "cancellation" means that the document or privilege cancelled has been annulled or
42 terminated because of some error, defect, or ineligibility, but the cancellation is without prejudice and
43 reapplication may be made at any time after cancellation.44 "Chauffeur" means every person employed for the principal purpose of driving a motor vehicle and
45 every person who drives a motor vehicle while in use as a public or common carrier of persons or
46 property.47 "Circular intersection" means an intersection that has an island, generally circular in design, located
48 in the center of the intersection, where all vehicles pass to the right of the island. Circular intersections
49 include roundabouts, rotaries, and traffic circles.

50 "Commission" means the State Corporation Commission.

51 "Commissioner" means the Commissioner of the Department of Motor Vehicles of the
52 Commonwealth.53 "Converted electric vehicle" means any motor vehicle, other than a motorcycle or autocycle, that has
54 been modified subsequent to its manufacture to replace an internal combustion engine with an electric
55 propulsion system. Such vehicles shall retain their original vehicle identification number, line-make, and
56 model year. A converted electric vehicle shall not be deemed a "reconstructed vehicle" as defined in this

57 section unless it has been materially altered from its original construction by the removal, addition, or
 58 substitution of new or used essential parts other than those required for the conversion to electric
 59 propulsion.

60 "Crosswalk" means that part of a roadway at an intersection included within the connections of the
 61 lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the
 62 absence of curbs, from the edges of the traversable roadway; or any portion of a roadway at an
 63 intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the
 64 surface.

65 "Decal" means a device to be attached to a license plate that validates the license plate for a
 66 predetermined registration period.

67 "Department" means the Department of Motor Vehicles of the Commonwealth.

68 "Disabled parking license plate" means a license plate that displays the international symbol of access
 69 in the same size as the numbers and letters on the plate and in a color that contrasts with the
 70 background.

71 "Disabled veteran" means a veteran who (i) has either lost, or lost the use of, a leg, arm, or hand;
 72 (ii) is blind; or (iii) is permanently and totally disabled as certified by the U.S. Department of Veterans
 73 Affairs. A veteran shall be considered blind if he has a permanent impairment of both eyes to the
 74 following extent: central visual acuity of 20/200 or less in the better eye, with corrective lenses, or
 75 central visual acuity of more than 20/200, if there is a field defect in which the peripheral field has
 76 contracted to such an extent that the widest diameter of visual field subtends an angular distance no
 77 greater than 20 degrees in the better eye.

78 "Driver's license" means any license, including a commercial driver's license as defined in the
 79 Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), issued under the laws of the
 80 Commonwealth authorizing the operation of a motor vehicle.

81 "Electric personal assistive mobility device" means a self-balancing two-nontandem-wheeled device
 82 that is designed to transport only one person and powered by an electric propulsion system that limits
 83 the device's maximum speed to 15 miles per hour or less. For purposes of Chapter 8 (§ 46.2-800 et
 84 seq.), an electric personal assistive mobility device shall be a vehicle when operated on a highway.

85 "Electric personal delivery device" means an electrically powered device that (i) is operated on
 86 sidewalks, shared-use paths, and crosswalks and intended primarily to transport property; (ii) weighs less
 87 than 50 pounds, excluding cargo; (iii) has a maximum speed of 10 miles per hour; and (iv) is equipped
 88 with technology to allow for operation of the device with or without the active control or monitoring of
 89 a natural person.

90 "Electric personal delivery device operator" means an entity or its agent who exercises direct physical
 91 control or monitoring over the navigation system and operation of an electric personal delivery device.
 92 For the purposes of this definition, "agent" means a person not less than 16 years of age charged by an
 93 entity with the responsibility of navigating and operating an electric personal delivery device. "Electric
 94 personal delivery device operator" does not include (i) an entity or person who requests the services of
 95 an electric personal delivery device to transport property or (ii) an entity or person who only arranges
 96 for and dispatches the requested services of an electric personal delivery device.

97 "Electric power-assisted bicycle" means a vehicle that travels on not more than three wheels in
 98 contact with the ground and is equipped with (i) pedals that allow propulsion by human power and (ii)
 99 an electric motor with an input of no more than 1,000 watts that reduces the pedal effort required of the
 100 rider and ceases to provide assistance when the bicycle reaches a speed of no more than 20 miles per
 101 hour. For the purposes of Chapter 8 (§ 46.2-800 et seq.), an electric power-assisted bicycle shall be a
 102 vehicle when operated on a highway.

103 "Essential parts" means all integral parts and body parts, the removal, alteration, or substitution of
 104 which will tend to conceal the identity of a vehicle.

105 "Farm tractor" means every motor vehicle designed and used as a farm, agricultural, or horticultural
 106 implement for drawing plows, mowing machines, and other farm, agricultural, or horticultural machinery
 107 and implements, including self-propelled mowers designed and used for mowing lawns.

108 "Farm utility vehicle" means a vehicle that is powered by a motor and is designed for off-road use
 109 and is used as a farm, agricultural, or horticultural service vehicle, generally having four or more
 110 wheels, bench seating for the operator and a passenger, a steering wheel for control, and a cargo bed.
 111 "Farm utility vehicle" does not include pickup or panel trucks, golf carts, low-speed vehicles, or riding
 112 lawn mowers.

113 "Federal safety requirements" means applicable provisions of 49 U.S.C. § 30101 et seq. and all
 114 administrative regulations and policies adopted pursuant thereto.

115 "Financial responsibility" means the ability to respond in damages for liability thereafter incurred
 116 arising out of the ownership, maintenance, use, or operation of a motor vehicle, in the amounts provided
 117 for in § 46.2-472.

"Foreign market vehicle" means any motor vehicle originally manufactured outside the United States, which was not manufactured in accordance with 49 U.S.C. § 30101 et seq. and the policies and regulations adopted pursuant to that Act, and for which a Virginia title or registration is sought.

"Foreign vehicle" means every motor vehicle, trailer, or semitrailer that is brought into the Commonwealth otherwise than in the ordinary course of business by or through a manufacturer or dealer and that has not been registered in the Commonwealth.

"Golf cart" means a self-propelled vehicle that is designed to transport persons playing golf and their equipment on a golf course.

"Governing body" means the board of supervisors of a county, council of a city, or council of a town, as context may require.

"Gross weight" means the aggregate weight of a vehicle or combination of vehicles and the load thereon.

"Highway" means the entire width between the boundary lines of every way or place open to the use of the public for purposes of vehicular travel in the Commonwealth, including the streets and alleys, and, for law-enforcement purposes, (i) the entire width between the boundary lines of all private roads or private streets that have been specifically designated "highways" by an ordinance adopted by the governing body of the county, city, or town in which such private roads or streets are located and (ii) the entire width between the boundary lines of every way or place used for purposes of vehicular travel on any property owned, leased, or controlled by the United States government and located in the Commonwealth.

"Intersection" means (i) the area embraced within the prolongation or connection of the lateral curblines or, if none, then the lateral boundary lines of the roadways of two highways that join one another at, or approximately at, right angles, or the area within which vehicles traveling on different highways joining at any other angle may come in conflict; (ii) where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection, in the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection; or (iii) for purposes only of authorizing installation of traffic-control devices, every crossing of a highway or street at grade by a pedestrian crosswalk.

"Lane-use control signal" means a signal face displaying indications to permit or prohibit the use of specific lanes of a roadway or to indicate the impending prohibition of such use.

"Law-enforcement officer" means any officer authorized to direct or regulate traffic or to make arrests for violations of this title or local ordinances authorized by law. For the purposes of access to law-enforcement databases regarding motor vehicle registration and ownership only, "law-enforcement officer" also includes city and county commissioners of the revenue and treasurers, together with their duly designated deputies and employees, when such officials are actually engaged in the enforcement of §§ 46.2-752, 46.2-753, and 46.2-754 and local ordinances enacted thereunder.

"License plate" means a device containing letters, numerals, or a combination of both, attached to a motor vehicle, trailer, or semitrailer to indicate that the vehicle is properly registered with the Department.

"Light" means a device for producing illumination or the illumination produced by the device.

"Low-speed vehicle" means any four-wheeled electrically powered or gas-powered vehicle, except a motor vehicle or low-speed vehicle that is used exclusively for agricultural or horticultural purposes or a golf cart, whose maximum speed is greater than 20 miles per hour but not greater than 25 miles per hour and is manufactured to comply with safety standards contained in Title 49 of the Code of Federal Regulations, § 571.500.

"Manufactured home" means a structure subject to federal regulation, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. "Manufactured home" does not include a park model recreational vehicle, which is a vehicle that is (i) designed and marketed as temporary living quarters for recreational, camping, travel, or seasonal use; (ii) not permanently affixed to real property for use as a permanent dwelling; (iii) built on a single chassis mounted on wheels; and (iv) certified by the manufacturer as complying with the American National Standards Institute (ANSI) A119.5 Park Model Recreational Vehicle Standard.

"Military surplus motor vehicle" means a multipurpose or tactical vehicle that was manufactured by or under the direction of the United States Armed Forces for off-road use and subsequently authorized for sale to civilians. "Military surplus motor vehicle" does not include specialized mobile equipment as defined in § 46.2-700, trailers, or semitrailers.

"Moped" means every vehicle that travels on not more than three wheels in contact with the ground

that (i) has a seat that is no less than 24 inches in height, measured from the middle of the seat perpendicular to the ground; (ii) has a gasoline, electric, or hybrid motor that (a) displaces 50 cubic centimeters or less or (b) has an input of 1500 watts or less; (iii) is power-driven, with or without pedals that allow propulsion by human power; and (iv) is not operated at speeds in excess of 35 miles per hour. "Moped" does not include a motorized skateboard or scooter. For purposes of this title, a moped shall be a motorcycle when operated at speeds in excess of 35 miles per hour. For purposes of Chapter 8 (§ 46.2-800 et seq.), a moped shall be a vehicle while operated on a highway.

"Motor-driven cycle" means every motorcycle that has a gasoline engine that (i) displaces less than 150 cubic centimeters; (ii) has a seat less than 24 inches in height, measured from the middle of the seat perpendicular to the ground; and (iii) has no manufacturer-issued vehicle identification number.

"Motor home" means every private motor vehicle with a normal seating capacity of not more than 10 persons, including the driver, designed primarily for use as living quarters for human beings.

"Motor vehicle" means every vehicle as defined in this section that is self-propelled or designed for self-propulsion except as otherwise provided in this title. Any structure designed, used, or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office, or commercial space shall be considered a part of a motor vehicle. Except as otherwise provided, for the purposes of this title, any device herein defined as a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motorized skateboard or scooter, ~~or~~ moped, *or personal delivery device* shall be deemed not to be a motor vehicle.

"Motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact with the ground and is capable of traveling at speeds in excess of 35 miles per hour. "Motorcycle" does not include any "autocycle," "electric personal assistive mobility device," "electric power-assisted bicycle," "farm tractor," "golf cart," "moped," "motorized skateboard or scooter," "utility vehicle," or "wheelchair or wheelchair conveyance" as defined in this section.

"Motorized skateboard or scooter" means every vehicle, regardless of the number of its wheels in contact with the ground, that (i) is designed to allow an operator to sit or stand, (ii) has no manufacturer-issued vehicle identification number, (iii) is powered in whole or in part by an electric motor, (iv) weighs less than 100 pounds, and (v) has a speed of no more than 20 miles per hour on a paved level surface when powered solely by the electric motor. "Motorized skateboard or scooter" includes vehicles with or without handlebars but does not include "electric personal assistive mobility devices."

"Nonresident" means every person who is not domiciled in the Commonwealth, except: (i) any foreign corporation that is authorized to do business in the Commonwealth by the State Corporation Commission shall be a resident of the Commonwealth for the purpose of this title; in the case of corporations incorporated in the Commonwealth but doing business outside the Commonwealth, only such principal place of business or branches located within the Commonwealth shall be dealt with as residents of the Commonwealth; (ii) a person who becomes engaged in a gainful occupation in the Commonwealth for a period exceeding 60 days shall be a resident for the purposes of this title except for the purposes of Chapter 3 (§ 46.2-300 et seq.); (iii) a person, other than (a) a nonresident student as defined in this section or (b) a person who is serving a full-time church service or proselyting mission of not more than 36 months and who is not gainfully employed, who has actually resided in the Commonwealth for a period of six months, whether employed or not, or who has registered a motor vehicle, listing an address in the Commonwealth in the application for registration, shall be deemed a resident for the purposes of this title, except for the purposes of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

"Nonresident student" means every nonresident person who is enrolled as a full-time student in an accredited institution of learning in the Commonwealth and who is not gainfully employed.

"Off-road motorcycle" means every motorcycle designed exclusively for off-road use by an individual rider with not more than two wheels in contact with the ground. Except as otherwise provided in this chapter, for the purposes of this chapter off-road motorcycles shall be deemed to be "motorcycles."

"Operation or use for rent or for hire, for the transportation of passengers, or as a property carrier for compensation," and "business of transporting persons or property" mean any owner or operator of any motor vehicle, trailer, or semitrailer operating over the highways in the Commonwealth who accepts or receives compensation for the service, directly or indirectly; but these terms do not mean a "truck lessor" as defined in this section and do not include persons or businesses that receive compensation for delivering a product that they themselves sell or produce, where a separate charge is made for delivery of the product or the cost of delivery is included in the sale price of the product, but where the person or business does not derive all or a substantial portion of its income from the transportation of persons or property except as part of a sales transaction.

"Operator" or "driver" means every person who either (i) drives or is in actual physical control of a motor vehicle on a highway or (ii) is exercising control over or steering a vehicle being towed by a

motor vehicle.

"Owner" means a person who holds the legal title to a vehicle; however, if a vehicle is the subject of an agreement for its conditional sale or lease with the right of purchase on performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be the owner for the purpose of this title. In all such instances when the rent paid by the lessee includes charges for services of any nature or when the lease does not provide that title shall pass to the lessee on payment of the rent stipulated, the lessor shall be regarded as the owner of the vehicle, and the vehicle shall be subject to such requirements of this title as are applicable to vehicles operated for compensation. A "truck lessor" as defined in this section shall be regarded as the owner, and his vehicles shall be subject to such requirements of this title as are applicable to vehicles of private carriers.

"Passenger car" means every motor vehicle other than a motorcycle or auticycle designed and used primarily for the transportation of no more than 10 persons, including the driver.

"Payment device" means any credit card as defined in 15 U.S.C. § 1602 (k) or any "accepted card or other means of access" set forth in 15 U.S.C. § 1693a (1). For the purposes of this title, this definition shall also include a card that enables a person to pay for transactions through the use of value stored on the card itself.

"Personal delivery device" means a powered device operated primarily on sidewalks and crosswalks and intended primarily for the transport of property on public rights-of-way that does not exceed 500 pounds, excluding cargo, and is capable of navigating with or without the active control or monitoring of a natural person. Notwithstanding any other provision of law, a personal delivery device shall not be considered a motor vehicle or a vehicle.

"Personal delivery device operator" means an entity or its agent that exercises direct physical control or monitoring over the navigation system and operation of a personal delivery device. For the purposes of this definition, "agent" means a person not less than 16 years of age charged by an entity with the responsibility of navigating and operating a personal delivery device. "Personal delivery device operator" does not include (i) an entity or person who requests the services of a personal delivery device to transport property or (ii) an entity or person who only arranges for and dispatches the requested services of a personal delivery device.

"Pickup or panel truck" means (i) every motor vehicle designed for the transportation of property and having a registered gross weight of 7,500 pounds or less or (ii) every motor vehicle registered for personal use, designed to transport property on its own structure independent of any other vehicle, and having a registered gross weight in excess of 7,500 pounds but not in excess of 10,000 pounds.

"Private road or driveway" means every way in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

"Reconstructed vehicle" means every vehicle of a type required to be registered under this title materially altered from its original construction by the removal, addition, or substitution of new or used essential parts. Such vehicles, at the discretion of the Department, shall retain their original vehicle identification number, line-make, and model year. Except as otherwise provided in this title, this definition shall not include a "converted electric vehicle" as defined in this section.

"Replica vehicle" means every vehicle of a type required to be registered under this title not fully constructed by a licensed manufacturer but either constructed or assembled from components. Such components may be from a single vehicle, multiple vehicles, a kit, parts, or fabricated components. The kit may be made up of "major components" as defined in § 46.2-1600, a full body, or a full chassis, or a combination of these parts. The vehicle shall resemble a vehicle of distinctive name, line-make, model, or type as produced by a licensed manufacturer or manufacturer no longer in business and is not a reconstructed or specially constructed vehicle as herein defined.

"Residence district" means the territory contiguous to a highway, not comprising a business district, where 75 percent or more of the property abutting such highway, on either side of the highway, for a distance of 300 feet or more along the highway consists of land improved for dwelling purposes, or is occupied by dwellings, or consists of land or buildings in use for business purposes, or consists of territory zoned residential or territory in residential subdivisions created under Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2.

"Revoke" or "revocation" means that the document or privilege revoked is not subject to renewal or restoration except through reapplication after the expiration of the period of revocation.

"Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulder. A highway may include two or more roadways if divided by a physical barrier or barriers or an unpaved area.

"Safety zone" means the area officially set apart within a roadway for the exclusive use of pedestrians and that is protected or is so marked or indicated by plainly visible signs.

"School bus" means any motor vehicle, other than a station wagon, automobile, truck, or commercial bus, which is: (i) designed and used primarily for the transportation of pupils to and from public, private or religious schools, or used for the transportation of the mentally or physically handicapped to and from a sheltered workshop; (ii) painted yellow and bears the words "School Bus" in black letters of a specified size on front and rear; and (iii) is equipped with warning devices prescribed in § 46.2-1090. A yellow school bus may have a white roof provided such vehicle is painted in accordance with regulations promulgated by the Department of Education.

"Semitrailer" means every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests on or is carried by another vehicle.

"Shared-use path" means a bikeway that is physically separated from motorized vehicular traffic by an open space or barrier and is located either within the highway right-of-way or within a separate right-of-way. Shared-use paths may also be used by pedestrians, skaters, users of wheel chairs or wheel chair conveyances, joggers, and other nonmotorized users and electric personal delivery devices.

"Shoulder" means that part of a highway between the portion regularly traveled by vehicular traffic and the lateral curbline or ditch.

"Sidewalk" means the portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.

"Snowmobile" means a self-propelled vehicle designed to travel on snow or ice, steered by skis or runners, and supported in whole or in part by one or more skis, belts, or cleats.

"Special construction and forestry equipment" means any vehicle which is designed primarily for highway construction, highway maintenance, earth moving, timber harvesting or other construction or forestry work and which is not designed for the transportation of persons or property on a public highway.

"Specially constructed vehicle" means any vehicle that was not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not a reconstructed vehicle as herein defined.

"Stinger-steered automobile or watercraft transporter" means an automobile or watercraft transporter configured as a semitrailer combination wherein the fifth wheel is located on a drop frame behind and below the rearmost axle of the power unit.

"Superintendent" means the Superintendent of the Department of State Police of the Commonwealth.

"Suspend" or "suspension" means that the document or privilege suspended has been temporarily withdrawn, but may be reinstated following the period of suspension unless it has expired prior to the end of the period of suspension.

"Tow truck" means a motor vehicle for hire (i) designed to lift, pull, or carry another vehicle by means of a hoist or other mechanical apparatus and (ii) having a manufacturer's gross vehicle weight rating of at least 10,000 pounds. "Tow truck" also includes vehicles designed with a ramp on wheels and a hydraulic lift with a capacity to haul or tow another vehicle, commonly referred to as "rollbacks." "Tow truck" does not include any "automobile or watercraft transporter," "stinger-steered automobile or watercraft transporter," or "tractor truck" as those terms are defined in this section.

"Towing and recovery operator" means a person engaged in the business of (i) removing disabled vehicles, parts of vehicles, their cargoes, and other objects to facilities for repair or safekeeping and (ii) restoring to the highway or other location where they either can be operated or removed to other locations for repair or safekeeping vehicles that have come to rest in places where they cannot be operated.

"Toy vehicle" means any motorized or propellant-driven device that has no manufacturer-issued vehicle identification number that is designed or used to carry any person or persons, on any number of wheels, bearings, glides, blades, runners, or a cushion of air. "Toy vehicle" does not include electric personal assistive mobility devices, electric power-assisted bicycles, mopeds, motorized skateboards or scooters, or motorcycles, nor does it include any nonmotorized or nonpropellant-driven devices such as bicycles, roller skates, or skateboards.

"Tractor truck" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the load and weight of the vehicle attached thereto.

"Traffic control device" means a sign, signal, marking, or other device used to regulate, warn, or guide traffic placed on, over, or adjacent to a street, highway, private road open to public travel, pedestrian facility, or shared-use path by authority of a public agency or official having jurisdiction, or in the case of a private road open to public travel, by authority of the private owner or private official having jurisdiction.

"Traffic infraction" means a violation of law punishable as provided in § 46.2-113, which is neither a felony nor a misdemeanor.

"Traffic lane" or "lane" means that portion of a roadway designed or designated to accommodate the forward movement of a single line of vehicles.

"Trailer" means every vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle, including manufactured homes.

"Truck" means every motor vehicle designed to transport property on its own structure independent of any other vehicle and having a registered gross weight in excess of 7,500 pounds. "Truck" does not include any pickup or panel truck.

"Truck lessor" means a person who holds the legal title to any motor vehicle, trailer, or semitrailer that is the subject of a bona fide written lease for a term of one year or more to another person, provided that: (i) neither the lessor nor the lessee is a common carrier by motor vehicle or restricted common carrier by motor vehicle or contract carrier by motor vehicle as defined in § 46.2-2000; (ii) the leased motor vehicle, trailer, or semitrailer is used exclusively for the transportation of property of the lessee; (iii) the lessor is not employed in any capacity by the lessee; (iv) the operator of the leased motor vehicle is a bona fide employee of the lessee and is not employed in any capacity by the lessor; and (v) a true copy of the lease, verified by affidavit of the lessor, is filed with the Commissioner.

"Utility vehicle" means a motor vehicle that is (i) designed for off-road use, (ii) powered by a motor, and (iii) used for general maintenance, security, agricultural, or horticultural purposes. "Utility vehicle" does not include riding lawn mowers.

"Vehicle" means every device in, on or by which any person or property is or may be transported or drawn on a highway, except electric personal delivery devices and devices moved by human power or used exclusively on stationary rails or tracks. For the purposes of Chapter 8 (§ 46.2-800 et seq.), bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, motorized skateboards or scooters, and mopeds shall be vehicles while operated on a highway.

"Watercraft transporter" means any tractor truck, lowboy, vehicle, or combination, including vehicles or combinations that transport watercraft on their power unit, designed and used exclusively for the transportation of watercraft.

"Wheel chair or wheel chair conveyance" means a chair or seat equipped with wheels, typically used to provide mobility for persons who, by reason of physical disability, are otherwise unable to move about as pedestrians. "Wheel chair or wheel chair conveyance" includes both three-wheeled and four-wheeled devices. So long as it is operated only as provided in § 46.2-677, a self-propelled wheel chair or self-propelled wheel chair conveyance shall not be considered a motor vehicle.

§ 46.2-904. Use of roller skates and skateboards on sidewalks and shared-use paths; operation of bicycles and certain motorized and electric items and devices on sidewalks, crosswalks, and shared-use paths; local ordinances.

The governing body of any county, city, or town may by ordinance prohibit the use of roller skates, skateboards, and electric personal delivery devices, and/or the riding of bicycles, electric personal assistive mobility devices, motorized skateboards or scooters, motor-driven cycles, or electric power-assisted bicycles on designated sidewalks or crosswalks, including those of any church, school, recreational facility, or any business property open to the public where such activity is prohibited. Signs indicating such prohibition shall be posted in general areas where use of roller skates, skateboards, and electric personal delivery devices, and/or bicycle, electric personal assistive mobility devices, motorized skateboards or scooters, motor-driven cycles, or electric power-assisted bicycle riding is prohibited. Unless otherwise prohibited, electric personal delivery devices may be operated on the sidewalks and shared-use paths and across the roadway on a crosswalk of any locality of the Commonwealth.

A person riding a bicycle, electric personal assistive mobility device, motorized skateboard or scooter, motor-driven cycle, or electric power-assisted bicycle on a sidewalk or shared-use path or across a roadway on a crosswalk shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing any pedestrian. An electric personal delivery device operated on a sidewalk or shared-use path or across a roadway on a crosswalk shall yield the right-of-way to any pedestrian.

No person shall ride a bicycle, electric personal assistive mobility device, motorized skateboard or scooter, motor-driven cycle, or electric power-assisted bicycle or operate an electric personal delivery device on a sidewalk, or across a roadway on a crosswalk, where such use of bicycles, electric personal assistive mobility devices, electric personal delivery devices, motorized skateboards or scooters, motor-driven cycles, or electric power-assisted bicycles is prohibited by official traffic control devices. No person shall park a bicycle, electric power-assisted bicycle, or motorized skateboard or scooter in a manner that impedes the normal movement of pedestrian or other traffic or where such parking is prohibited by official traffic control devices.

A person riding a bicycle, electric personal assistive mobility device, motorized skateboard or scooter, motor-driven cycle, or electric power-assisted bicycle on a sidewalk or shared-use path or across a roadway on a crosswalk shall have all the rights and duties of a pedestrian under the same

circumstances. ~~An electric~~ A personal delivery device operated on a sidewalk or shared-use path or across a roadway on a crosswalk shall have all the rights and duties of a pedestrian under the same circumstances.

Except as otherwise expressly provided, the governing body of a county, city, or town may not enact or enforce any ordinance or resolution related to (i) the design, manufacture, maintenance, licensing, registration, taxation, assessment or other charges, certification, or insurance of a personal delivery device or (ii) the types of property that may be transported by a personal delivery device.

A violation of any ordinance adopted pursuant to this section or any provision of this section shall be punishable by a civil penalty of not more than \$50.

§ 46.2-908.1. Electric personal assistive mobility devices, electrically powered toy vehicles, electric power-assisted bicycles, and motorized skateboards or scooters.

All electric personal assistive mobility devices, ~~electric personal delivery devices~~, electrically powered toy vehicles, and electric power-assisted bicycles shall be equipped with spill-proof, sealed, or gelled electrolyte batteries. No person shall at any time or at any location operate (i) an electric personal assistive mobility device or an electric power-assisted bicycle at a speed faster than 25 miles per hour; or (ii) a motorized skateboard or scooter at a speed faster than 20 miles per hour; ~~or (iii) an electric personal delivery device at a speed faster than 10 miles per hour.~~ No person shall operate a skateboard or scooter that would otherwise meet the definition of a motorized skateboard or scooter but is capable of speeds greater than 20 miles per hour at a speed greater than 20 miles per hour. No person less than 14 years old shall drive any electric personal assistive mobility device, motorized skateboard or scooter, or electric power-assisted bicycle unless under the immediate supervision of a person who is at least 18 years old.

An electric personal assistive mobility device may be operated on any highway with a maximum speed limit of 25 miles per hour or less. An electric personal assistive mobility device shall only operate on any highway authorized by this section if a sidewalk is not provided along such highway or if operation of the electric personal assistive mobility device on such sidewalk is prohibited pursuant to § 46.2-904. Nothing in this section shall prohibit the operation of an electric personal assistive mobility device, ~~electric personal delivery device~~, or motorized skateboard or scooter in the crosswalk of any highway where the use of such crosswalk is authorized for pedestrians, bicycles, or electric power-assisted bicycles.

Operation of electric personal assistive mobility devices, motorized skateboards or scooters, electrically powered toy vehicles, bicycles, and electric power-assisted bicycles is prohibited on any Interstate Highway System component except as provided by the section.

The Commonwealth Transportation Board may authorize the use of bicycles or motorized skateboards or scooters on an Interstate Highway System Component provided the operation is limited to bicycle or pedestrian facilities that are barrier separated from the roadway and automobile traffic and such component meets all applicable safety requirements established by federal and state law.

§ 46.2-908.1:1. Personal delivery devices.

A. All ~~electric~~ A personal delivery device is authorized to operate on any sidewalk or crosswalk located in any county, city, or town in the Commonwealth. If a sidewalk or crosswalk is not accessible or available, a personal delivery device is authorized to operate on the side of any roadway in the Commonwealth, provided that the roadway has a speed limit of 25 miles per hour or less and the personal delivery device does not unreasonably interfere with motor vehicles or traffic. A locality may not prohibit the use of a personal delivery device on a roadway under its jurisdiction as set forth in this subsection, but may by ordinance adopt additional requirements designed to maintain safety for such roadway operation. The Commonwealth Transportation Board may not prohibit the use of a personal delivery device on a roadway under its jurisdiction as set forth in this subsection but may by regulation adopt additional requirements designed to maintain safety for such roadway operation.

B. A personal delivery devices device shall obey:

1. Not block any public rights-of-way;

2. Obey all traffic and pedestrian control devices and signs and include a plate or marker that is in a position and size to be clearly visible and identifies the name and contact information of the owner of the electric personal delivery device and a unique identifying device number;

B. All electric personal delivery devices shall be:

3. Operate at a speed that does not exceed 10 miles per hour on sidewalks and crosswalks;

4. Include a unique identifying device number;

5. Include a means of identifying the personal delivery device operator; and

6. Be equipped with a braking system that, when active or engaged, will enable such electric personal delivery device to come to a controlled stop.

C. No ~~electric~~ Any personal delivery device shall transport transporting hazardous materials, substances, or waste as defined in § 10.1-1400. For the purposes of this subsection, hazardous materials

includes ammunition shall comply with the federal Hazardous Materials Transportation Act (49 U.S.C. § 5101 et seq.) and any corresponding federal regulations. For purposes of this section, hazardous materials include ammunition.

D. No electric personal delivery device shall be operated on a public highway in the Commonwealth, except to the extent necessary to cross an intersection or crosswalk.

E. No electric personal delivery device shall operate on a sidewalk or shared-use path or across a roadway on a crosswalk unless an electric personal delivery device operator is actively controlling or monitoring the navigation and operation of the electric personal delivery device. Subject to the requirements of this section, a personal delivery device operating on a sidewalk or crosswalk shall have all the rights and responsibilities applicable to a pedestrian under the same circumstance.

F. E. A personal delivery device operator shall maintain insurance that provides general liability coverage of at least \$100,000 for damages arising from the combined operations of personal delivery devices under a personal delivery device operator's control.

F. Any entity or person who uses an electric personal delivery device to engage in criminal activity is criminally liable for such activity.

§ 46.2-1015. Lights on bicycles, electric personal assistive mobility devices, personal delivery devices, electric power-assisted bicycles, mopeds, and motorized skateboards or scooters.

A. Every bicycle, electric personal assistive mobility device, electric personal delivery device, electric power-assisted bicycle, moped, and motorized skateboard or scooter with handlebars when in use between sunset and sunrise shall be equipped with a headlight on the front emitting a white light visible in clear weather from a distance of at least 500 feet to the front and a red reflector visible from a distance of at least 600 feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle. Such lights and reflector shall be of types approved by the Superintendent.

In addition to the foregoing provisions of this section, a bicycle or its rider may be equipped with lights or reflectors. These lights may be steady burning or blinking.

B. Every bicycle, or its rider, shall be equipped with a taillight on the rear emitting a red light plainly visible in clear weather from a distance of at least 500 feet to the rear when in use between sunset and sunrise and operating on any highway with a speed limit of 35 mph or greater. Any such taillight shall be of a type approved by the Superintendent.

§ 46.2-2101. Exemptions from chapter.

The following are exempt from this chapter:

1. Motor vehicles owned and operated by the United States, District of Columbia, any state, municipality, or any other political subdivision of the Commonwealth.

2. Transportation of property between any point in this Commonwealth and any point outside this Commonwealth or between any points wholly within the limits of any city or town in the Commonwealth. This exemption shall not apply to the requirement to declare for-hire operation pursuant to § 46.2-2121.1 or the insurance requirement imposed on motor carriers pursuant to § 46.2-2143.1.

3. Motor vehicles controlled and operated by a bona fide cooperative association as defined in the Federal Marketing Act, approved June 15, 1929, as amended, or organized or existing under Article 2 (§ 13.1-312 et seq.) of Chapter 3 of Title 13.1, while used exclusively in the conduct of the business of such association. This exemption shall not apply to the requirement to declare for-hire operation pursuant to § 46.2-2121.1.

4. Motor vehicles while used exclusively in (i) carrying newspapers, water, livestock, poultry, poultry products, buttermilk, fresh milk and cream, meats, butter and cheese produced on a farm, fish (including shellfish), slate, horticultural or agricultural commodities (not including manufactured products thereof), and forest products, including lumber and staves (but not including manufactured products thereof), (ii) transporting farm supplies to a farm or farms, (iii) hauling for the Department of Transportation, (iv) carrying fertilizer to any warehouse or warehouses for subsequent distribution to a local area farm or farms, or (v) collecting and disposing of trash, garbage and other refuse. This exemption shall not apply to the requirement to declare for-hire operation pursuant to § 46.2-2121.1.

5. Motor vehicles used for transporting property by an air carrier or carrier affiliated with a direct air carrier whether or not such property has had or will have a prior or subsequent air movement. This exemption shall not apply to the requirement to declare for-hire operation pursuant to § 46.2-2121.1.

6. Motor carriers exclusively operating passenger cars, motorcycles, autocycles, mopeds, and vehicles with a gross vehicle weight rating of 10,000 pounds or less. This exemption shall not apply to the insurance requirements imposed on motor carriers pursuant to § 46.2-2143.1 or 46.2-2143.2.

7. Electric personal delivery devices as defined in § 46.2-100.

Transport- og Boligministeriet
Att.: Sandra Østergaard
Frederiksholms Kanal 27 F

1220 Kbh K

Den 19. august 2020

Høring over udkast til forslag til lov om ændring af færdselsloven

Dansk Erhverv er meget positive overfor Transportministeriets arbejde for at fremme den danske udvikling af selvkørende teknologi og enheder uden fører eller passagerer, der vil hjælpe med at sætte Danmark på verdenskortet indenfor udvikling af denne teknologi og fremme mulighederne for fremtidig eksport af denne.

Forsøgsordningen vil både give erhvervsdrivende mulighed for at udvikle, teste og inkorporere disse enheder i deres dagligdag frem imod en større automatisering til gavn for den danske konkurrenceevne.

Dansk Erhverv skal i denne sammenhæng anbefale, at erfaringerne fra den nuværende lovgivning om selvkørende køretøjer til person- og godstransport tages til alvorlig efterretning, så de uhenigtsmæssigheder der har været oplevet ikke overføres og gentages i denne nye forsøgsordning. Helt centralt i denne sammenhæng står assessorordningen, der har været stærkt medvirkende til, at det har taget flere år for første forsøg med selvkørende biler, kom i gang samt, at der på nuværende tidspunkt kun er etableret to forsøgsordninger i hele Danmark.

Det er positivt, at der lægges vægt på, at assessorerne skal være ”..fagligt kompetente, uafhængige rådgivere..”.

Derudover foreslår Dansk Erhverv, at der opstilles en række yderligere kriterier og definitioner.

1. Der skal være en tidsmæssig afgrænsning for assessorernes færdiggørelse af deres vurderinger. Den tidsmæssige horisont skal naturligvis sættes i forhold til, at der skal skabes den nødvendige sikkerhed for projektets deltagere og deres omgivelser. Der er beklageligvis tidligere konstateret meget lange processer, der netop ikke har stået i forhold til den økonomiske byrde for virksomhederne eller den reelle risiko, der er forbundet med de før-omtalte ansøgninger om forsøgsordninger.
2. Mindre ændringer i de fysiske omgivelser inden en assessor indstilling er videregivet til myndighederne skal ikke medføre, at hele assessorproceduren starter forfra igen, som det har været tilfældet med de selvkørende forsøg med person- og godstransport.

Ad 1:

Den danske ansøgningsproces har tidligere overstegit 1 kalenderår. Ser man på Norge og Sverige, har godkendelsesprocessen været betydelig kortere og mindre omkostningstung end den danske.

Yderligere har de nationale myndigheder i disse lande været med inde over processen, hvilket betyder, at de oparbejder erfaring med de scenarier, som den selvkørende teknologi sættes ud og anvendes i. Dansk Erhverv opfordrer til, at de danske myndigheder tager en lignende direkte rolle i godkendelsesproceduren og er involveret i de daglige erfaringer med forsøgene, når de kommer ud på dansk grund.

Ad 2:

HOLO (tidligere Autonomous Mobility) har nu fået tilladelse til at lave forsøg med selvkørende gods- og persontransportkøretøjer i Nordhavn, København. Denne proces blev unødigt forsinket, da der blev lavet en smule om på det projekterede anlægsarbejde i Nordhavn, hvilket forsinkede den samlede proces. Det giver unødvendigt økonomisk spild og sætter Danmark tilbage som en teknologiudvikler.

Last Mile Levering

Dansk Erhverv har fokus på den grønne Last Mile levering i byer. Her har de mindre selvkørende enheder en vigtig rolle. De er nul-emission, trafiksikre og støjer ikke, hvis de leverer varer i ydretimerne. På nuværende tidspunkt er deres lasteevne begrænset, hvilket betyder, at det endnu er for tidligt at skifte fokus fra leveringer i ydretimer i nul-emissions, støjsvage køretøjer.

Det danske erhvervsliv

Vi har et stigende antal virksomheder, der forsker i, udvikler og er klar til at sætte forsøg i gang med selvkørende teknologi generelt.

Det gælder blandt andet Novo Nordisk, der ønsker at anvende minder selvkørende enheder i deres daglige virke indenfor deres egne matrikler, hvor der er meget begrænset adgang for offentligheden. Disse forsøg bør støttes og gøres opnåelige, så Danmark bevarer sin styrkeposition indenfor forskning og teknologisk udvikling.

Derudover arbejder Falck med at udvikle deres HealthDrone projekt, der er førende på sit felt, når det kommer til at nedsætte indsatstiden ifbm. ulykker og personskader. I dette samarbejde indgår HOLO, der bidrager med deres erfaring fra selvkørende teknologier igennem flere år og som lige er blevet udvalgt af Toyota til at stå for en stor del af deres projekter på området.

Hvis de kommende regler bliver for restriktive for disse, og flere virksomheder, så vil Danmark blive efterladt i et limbo og ender med at måtte afvente, hvor langt andre lande, som USA og Kina, kommer og derefter importere denne teknologi. Det vil være skadeligt for den danske samfundsøkonomi som helhed.

Med venlig hilsen,

Christoffer Greenfort
Chefkonsulent, Transport og Infrastruktur

DANSK ERHVERV

cgr@danskerhverv.dk
41870817

Til: Transportministeriet (trm@trm.dk)
Fra: Thomas Voigt Lund (tv@ufm.dk)
Titel: Sv. Offentlig høring over lovforslag om ændring af færdselsloven (Forsøg med selvkerende enheder m.v.) (UFM Id nr.: 157281)
E-mailtitel: Sv. Offentlig høring over lovforslag om ændring af færdselsloven (Forsøg med selvkerende enheder m.v.) (Id nr.: 652303) (UFM Id nr.: 157281)
Sendt: 15-07-2020 10:33:26

Til Transport- og Boligministeriet

Uddannelses- og Forskningsministeriet har ingen bemærkninger til denne høring.

Med venlig hilsen

Thomas Voigt Lund
Specialkonsulent
Jura
Direkte telefon: +45 7231 8664
E-mail: tv@ufm.dk

Uddannelses- og Forskningsministeriet

Departementet
Postboks 2135
DK-1015 København K
Telefon: +45 3392 9700
Fax: +45 3332 3501
E-mail: ufm@ufm.dk
www.ufm.dk

Læs om ministeriets behandling af personoplysninger.

Til: kl@kl.dk (kl@kl.dk), dtl@dtl.eu (dtl@dtl.eu), International Transport Danmark (itd@itd.dk), DI - Transport (transport@di.dk), Landdistrikternes Fællesråd (mail@landdistrikterne.dk), regioner@regioner.dk (regioner@regioner.dk), post@domstolsstyrelsen.dk (post@domstolsstyrelsen.dk), info - Autobrandendandmark (info@autobrandendandmark.dk), bras@bras.dk (bras@bras.dk), Retten i Glostrup (glostrup@domstol.dk), hoeringssager@danskertkervv.dk (hoeringssager@danskertkervv.dk), samfund@advokatsamfundet.dk (samfund@advokatsamfundet.dk), mail@dankeadvokater.dk (mail@dankeadvokater.dk), hoeringer@for.dk (hoeringer@for.dk), Håndværkerådet (engberg@hvr.dk), Rådet for Sikker Trafik (info@sikkertrafik.dk), Cyklist forbundet (post@cyklistforbundet.dk), dansk.standard@ds.dk (dansk.standard@ds.dk), Forbrugerombudsmanden (FORBRUGEROMBUDSMANDEN@forbrugerombudsmanden.dk), dommerforeningen@gmail.com (dommerforeningen@gmail.com), fp@forsikringogpension.dk (fp@forsikringogpension.dk), Rådet for bæredygtig Trafik (kjeld.s.larsen@lic-mail.dk), Retten i København (kobenhavn@domstol.dk), Retten i Lyngby (lyngby@domstol.dk), Retten i Århus (aarhus@domstol.dk), hoeringer@dommerfm.dk (hoeringer@dommerfm.dk), Danske Biludlejere (info@danske-biludlejere.dk), Dansk Kørerlærer-Union (dku@dku.dk), Forenede Danske Motorere (fdm@fdm.dk), Dansk bilbrancheråd (info@dbi.dk), pt@strafferetadvokaten.dk (pt@strafferetadvokaten.dk), Østre Landsret (post@oestrelandsret.dk), Vestre Landsret (post@vestrelandsret.dk), Retten i Odense (odense@domstol.dk), Retten i Aalborg (aalborg@domstol.dk), Retten i Roskilde (roskilde@domstol.dk), Frie Danske Lastbilsvogetmænd (fd@fd-vm.dk), Autobranchens Handels- og Industriforening (autlg@autlg.dk), Dansk Bilforhandler Union (info@dbfu.dk), Danske Kørerlæreres Landsforbund (karsten_hansen@c.dk), Danske motorcyklister (skovloekke@dmc-org.dk), De Danske Bilimportører (dbi@bilimp.dk), DTU Transport (transport@transport.dtu.dk), Falck (contact@falck.com), Foreningen af Frie Kørerlærere (lkock@hotmail.com), info@humanrights.dk (info@humanrights.dk), 'ptu@ptu.dk' (ptu@ptu.dk), NOAH Trafik (noahtrafik@noah.dk), Politiforbundet i Danmark (mail@politiforbundet.dk), Retten i Bornholm (bornholm@domstol.dk), Retten i Esbjerg (esbjerg@domstol.dk), Retten i Helsingør (helsingor@domstol.dk), Retten i Hillerød (hillerod@domstol.dk), Retten i Hjørring (hjoerring@domstol.dk), Retten i Holbæk (holbaek@domstol.dk), Retten i Holstebro (holstebro@domstol.dk), Retten i Horsens (horsens@domstol.dk), Retten i Kolding (kolding@domstol.dk), Retten i Nykøbing (nykobing@domstol.dk), Retten i Næstved (naestved@domstol.dk), Retten i Randers (randers@domstol.dk), Retten i Svendborg (svendborg@domstol.dk), Retten i Sønderborg (sonderborg@domstol.dk), Retten i Viborg (viborg@domstol.dk), Retten i Frederiksberg (frederiksberg@domstol.dk), Trafikforskningsgruppen ved Aalborg universitet (NA@civil.aau.dk), Veteranklientklubben Arkiv (admin@vika.dk), Sikre Veje (info@sikre-veje.dk), Transporterhvervets Uddannelse (tur@tur.dk), Havarikommissionen (havarikommission@vd.dk), dfm@dfm.dk (dfm@dfm.dk), Danmarks Motor Union (dmu@dmuport.dk), contact@conpleks.com (contact@conpleks.com), info@gts-net.dk (info@gts-net.dk), Uddannelses- og Forskningsministeriet (ufm@ufm.dk), EFKM - Energi-, Forsynings- og Klimaministeriet (kefm@kefm.dk), hoering@lf.dk (hoering@lf.dk), info@lorenztechnology.dk (info@lorenztechnology.dk), business@starship.xyz (business@starship.xyz), Erhvervsministeriet (em@em.dk), Erhvervsstyrelsen (erst@erst.dk), Finansministeriet (fm@fm.dk), Digitaliseringsklar lovgivning - høring (klarlovgivning@digst.dk), Letbyrder@erst.dk (Letbyrder@erst.dk), Oria Hougaard Nehr (OHN002@POLITI.DK), Justitsministeriet (jm@jm.dk), Miljø- og Fødevarerministeriet (mfvm@mfvm.dk), Skatteministeriet (skm@skm.dk)
Cc: RAD FP Sikker (ngsadvokaten@ankl.dk), Rigspolitiet (direktionssekretariatet@politi.dk)
Fra: trm@trm.dk (trm@trm.dk)
Titel: Offentlig høring over lovforslag om ændring af færdselsloven (Forsøg med selvkerende enheder m.v.) (Id nr.: 652303)
Sendt: 29-06-2020 13:42

Til relevante høringspartier

Se venligst vedlagte høring fra Transport- og Boligministeriet over udkast til Forslag til lov om ændring af færdselsloven (Forsøg med selvkerende enheder m.v.).

Eventuelle bemærkninger kan sendes til Transport- og Boligministeriet senest onsdag den 19. august 2020 på trm@trm.dk<mailto:trm@trm.dk> med angivelse af journalnummer 2018-6195.

Venlig hilsen

Sandra Østergaard
Fuldmægtig

Transport- og Boligministeriet
Ministry of Transport and Housing
Færdselskontoret
Frederiksholms Kanal 27 F
DK-1220 København K

soe@trm.dk
Telefon +45 24 47 39 13
https://url12.mailanyone.net/v1/?m=1jvcrd-0000TA-4a&i=57e1b682&c=lyHicA69QV4-
ZiLbwaRrK4yFb4Aje_ofitNx6b_9nbX6SI4br4wkQDS6MfGrx_OqTMO0mhs4DfKB5v4DBS4ZZuH91x7188-
014e07o5szDwZL3XgBu6C6pCL5wIRiTSMi53AzaBfT3lvuIM4UJHPRaXM6ySmF__VZyMhJwUDQH2F7IMpKJVzWJpl6ZUme9NT0E9wAhRf8ocXlKELFiCoyXl0S5bulcyvUMJVbGR-
L40;

Til: Transportministeriet (trm@trm.dk)
Cc: Mette Bæk Sørensen (metbs@mfv.dk)
Fra: Daniel Vedel Scavenius Sonne-Schmidt (davss@mfv.dk)
Titel: Sv: Transport- og Boligministeriet, Sandra Østergaard - Offentlig høring over lovforslag om ændring af færdselsloven (Forsøg med selvkørende enheder m.v.) (MFVM Id nr.: 5235450)
E-mailtitel: Sv: Transport- og Boligministeriet, Sandra Østergaard - Offentlig høring over lovforslag om ændring af færdselsloven (Forsøg med selvkørende enheder m.v.) (Id nr.: 652303) (MFVM Id nr.: 5235450)
Sendt: 20-08-2020 08:29:55

Kære TRM, Sandra Østergaard

Tak for det fremsendte høringsmateriale af 30. juni 2020 vedr. lovforslag om ændring af færdselsloven (Forsøg med selvkørende enheder m.v.).

Miljø- og Fødevarerministeriet har ingen bemærkninger til det fremsendte.

De bedste hilsener, Daniel

Venlig hilsen

Daniel Vedel Scavenius Sonne-Schmidt
Studentermedhjælper | Koncern Jura
+45 23 20 94 70 | davss@mfv.dk

Miljø- og Fødevarerministeriet

Departementet | Slotsholmsgade 12 | 1216 København K | Tlf. +45 38 14 21 42 | mfv@mfv.dk | https://url12.mailanyone.net/v1/?m=1k8e6Q-0003SV-61&l=57e1b682&c=Ckmg2qRHPD6fCFN7H76ofh9ZEoGVhzc8kfyAY68CGekHxva6P6vw33ZuRRD6QKVXP7YJrxYobvEHg_zx_R8xceNHVoB0leg9WARagnKabqfK6K9Bt3DB-bf9JOTD6h_fdgkVW8TRIsA614sc0sc08dDnS5VEWvGvpF285HXMgSWB6PMUGEB1f8Jwld-WvDORgYqKw-6JnckPJT1phig
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Til: 1-DEP Erhvervs- og Vækstministeriets officielle postkasse (em@em.dk), autig@autig.dk (autig@autig.dk), dbi@bilimp.dk (dbi@bilimp.dk), Retten i Sønderborg (sonderborg@domstol.dk), Retten i Viborg (viborg@domstol.dk), Retten i Aalborg (aalborg@domstol.dk), Retten i Roskilde (roskilde@domstol.dk), Retten i Svendborg (svendborg@domstol.dk), Landsforeningen af Forsvarsadvokater (pt@strafferetsadvokaten.dk), info@dbfu.dk (info@dbfu.dk), Politiforbundet (mail@politiforbundet.dk), Retten i Næstved (naestved@domstol.dk), Retten i Odense (odense@domstol.dk), Retten i Kolding (kolding@domstol.dk), Retten i Holstebro (holstebro@domstol.dk), 'info@dbr.dk' (info@dbr.dk), (Uber FDM (fdm@fdm.dk), post@vestrelandsret.dk (post@vestrelandsret.dk), 'hoeringer@dommerfm.dk' (hoeringer@dommerfm.dk), Retten i Nykøbing Falster (nykobing@domstol.dk), Jens Groot (fdl@fdl-vm.dk), 'post@oestrelandsret.dk' (post@oestrelandsret.dk), 'info@danske-biludlejere.dk' (info@danske-biludlejere.dk (info@danske-biludlejere.dk), tur@tur.dk (tur@tur.dk), hoering@ff.dk (hoering@ff.dk), Uddannelses- og Forskningsministeriet GTS (info@gts-net.dk), 'frederiksberg@domstol.dk' (frederiksberg@domstol.dk), dmu@dmsport.dk (dmu@dmsport.dk), D-DEP - enhedspostkasse (ufm@ufm.dk), Justitsministeriet (jm@jm.dk), Finansministeriet (fm@fm.dk), 'dku@dku.dk' (dku@dku.dk (dku@dku.dk), Skatteministeriet (skm@skm.dk), business@starship.xyz (business@starship.xyz), info@lorenztechnology.dk (info@lorenztechnology.dk), contact@conpleks.com (contact@conpleks.com), dfim@dfim.dk (dfim@dfim.dk), Havarikommissionen (havarikommission@vd.dk), Sikre Veje (info@sikre-veje.dk), Veteranknallertklubben Arkiv (admin@vkka.dk), Trafikforskningsgruppen ved Aalborg universitet (NA@civill.aau.dk), Miljø- og Fødevarerministeriet (mfvm@mfv.dk), 'horsens@domstol.dk' (horsens@domstol.dk), 'holbaek@domstol.dk' (holbaek@domstol.dk), 'hillerod@domstol.dk' (hillerod@domstol.dk), letbyrder@erst.dk (letbyrder@erst.dk), 'glostrup@domstol.dk' (glostrup@domstol.dk), hoeringssager@danskerhverv.dk (hoeringssager@danskerhverv.dk), Danske Advokater (mail@danskeadvokater.dk), @ Forsikring & Pension (fp@forsikringogpension.dk), samfund@advokatsamfundet.dk (samfund@advokatsamfundet.dk), Erhvervsstyrelsen (erst@erst.dk), Forbrugerrådet, hovedadresse (hoeringer@fbr.dk), 'dansk.standard@ds.dk' (dansk.standard@ds.dk), @ Beredskabsstyrelsens hovedpostkasse (brs@brs.dk), Håndværksrådet (engberg@hvr.dk), post@domstolsstyrelsen.dk (post@domstolsstyrelsen.dk), regioner@regioner.dk (regioner@regioner.dk), mail@landdistrikterne.dk (mail@landdistrikterne.dk), Transport (transport@dl.dk), Brancheorganisation for den Danske vejgodstransport ITD (itd@itd.dk), 'dtl@dtl.eu' (dtl@dtl.eu), Kommunernes Landsforening (KL) (kl@kl.dk), Rådet for Sikker Trafik (info@sikkertrafik.dk), 'dommerforeningen@gmail.com' (dommerforeningen@gmail.com), aarhus@domstol.dk (aarhus@domstol.dk), post@cyklistforbundet.dk (post@cyklistforbundet.dk), 'helsingor@domstol.dk' (helsingor@domstol.dk), 'hjørring@domstol.dk' (hjørring@domstol.dk), 'esbjerg@domstol.dk' (esbjerg@domstol.dk), 'bornholm@domstol.dk' (bornholm@domstol.dk), 'info@humanrights.dk' (info@humanrights.dk), Retten i Randers (randers@domstol.dk), noahtrafik@noah.dk (noahtrafik@noah.dk), Danske motorcyklister (skovloekke@dmc-org.dk), Danske Kørelæreres Landsforbund (karsten_hansen@c.dk), Landsforeningen af Polio og Trafik- og ulyksskadede (ptu@ptu.dk), Orla Hougaard Nøhr (OHN002@POLITI.DK), Foreningen af Frie Kørelærere (t.kock@hotmail.com), Falck (contact@falck.com), DTU Transport (transport@transport.dtu.dk), 1 - KFST Forbrugerombudsmanden (KFST (FORBRUGEROMBUDSMANDEN@forbrugerombudsmanden.dk), info@autobranchendanmark.dk (info@autobranchendanmark.dk), Københavns Byret (kobenhavn@domstol.dk), Retten i Lyngby (lyngby@domstol.dk), kjeld.a.larsen@lic-mail.dk (kjeld.a.larsen@lic-mail.dk), Digitaliseringsklar lovgivning - høring (klarlovgivning@digst.dk), KEFM - Klima-, Energi- og Forsyningsministeriet (kefm@kefm.dk) rigsadvokaten@ankl.dk (rigsadvokaten@ankl.dk), direktionssekretariatet@politi.dk (direktionssekretariatet@politi.dk)
Cc: trm@trm.dk (trm@trm.dk)
Fra: trm@trm.dk (trm@trm.dk)
Titel: Transport- og Boligministeriet, Sandra Østergaard - Offentlig høring over lovforslag om ændring af færdselsloven (Forsøg med selvkørende enheder m.v.) (Id nr.: 652303)
E-mailtitel: Offentlig høring over lovforslag om ændring af færdselsloven (Forsøg med selvkørende enheder m.v.) (Id nr.: 652303)
Sendt: 29-06-2020 13:42:30

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Fortrolig (krypteret): Nej
Digital signatur: Gyldig
signatur verificeret: 29-06-2020 13:43:32,603 CEST

Virksomhedscertifikat
Navn : Transport- og Boligministeriet - Sikkerpost
CVR : CVR:43265717

Bemærkning:

Øvrige oplysninger:

Krypteringstilstand:
transport nøgle krypteret med: Ingen kryptering
data krypteret med: Ingen kryptering

Til: Transportministeriet (trm@trm.dk)
Fra: Mikael Sjöberg (MikaelSjoeberg@OestreLandsret.dk)
Titel: ændring af færdselsloven
Sendt: 22-09-2020 21:00:50

Transport- og Boligministeriet
Frederiksholms Kanal 27 F
1220 København K

Transport- og Boligministeriet har ved mail af 29. juni 20230 hørt Dommerforeningen om udkast til Forslag til lov om ændring af færdselsloven (Forsøg med selvkørende enheder m.v.)

Forslaget har været behandlet på et bestyrelsesmøde i Dommerforeningen.

Lovforslaget lægger op til ændring af færdselsloven med henblik på at skabe rammerne for etablering af en forsøgsordning med selvkørende (førerløse) enheder, så disse enheder efter tilladelse kan færdes på strækninger og områder, der i begrænset omfang anvendes til almindelig færdsel, men som er omfattet af færdselsloven. Det er tanken efter en periode med forsøgsordningen at vurdere, om der kan åbnes op for en mere omfattende brug af selvkørende enheder.

Dommerforeningen vil koncentrere sine bemærkninger til forslagets bestemmelser om ansvar og forsikring.

Med hensyn til ansvar og forsikring er de selvkørende enheder motordrevne køretøjer og som sådan omfattet af færdselslovens bestemmelser om objektivt erstatningsansvar og forsikringspligt. Forslaget indebærer, at det er tilladelsesindehaveren, der i forsøgsperioden bærer det objektive erstatningsansvar og har forsikringspligten, jf. forslagets § 104, stk. 1 og 3 og § 106, stk. 2

Med hensyn til straf og førerretsfrakendelse i relation til selvkørende enheder ved overtrædelse af færdselslovens øvrige regler, indeholder forslaget overvejelser om den strafferetlige ansvarsnorm ved disse enheder, herunder for tilladelsesindehaveren og den fysiske person, der kan overtage kontrollen med enheden under kørslen.

Færdselslovens strafbestemmelser forudsætter, at det strafferetlige ansvarssubjekt er en fysisk person. Hvis en overtrædelse af færdselsloven alene skyldes en selvkørende enheds tekniske indretning, vil der ikke være en person at drage til ansvar for overtrædelsen.

Et sædvanligt føreransvar vil forekomme situationer, hvor den fysiske person rent faktisk har overtaget kontrollen med enheden. Der er overvejelser om, hvad der bør gælde i situationer, hvor personen efter enhedens indretning bør eller skal overtage kontrollen med enheden, men hvor personen ikke gør det og således ikke er fører af enheden, og hvor der sker overtrædelse af færdselslovens øvrige regler.

For at skabe hensigtsmæssighed og sammenhæng med det øvrige ansvarssystem i færdselsloven, som baserer sig på en norm om føreransvar, forslås i § 92 p, at transportministeren efter forhandling med justitsministeren kan fastsætte regler om det strafferetlige ansvarssubjekt for overtrædelse af færdselslovens regler og regler udstedt i medfør heraf, og at færdselslovens kap. 17 (om straf) kan fraviges. Det forudsættes, at der må gælde en uagtsomhedsnorm, for at føreren vil kunne pålægges strafansvar efter færdselsloven, og det bemærkes, at der må tages hensyn til, at den fysiske person alene er passiv overvåger af kørslen indtil "overtagelsessituationen", hvorfor der ikke nødvendigvis kan stilles de samme krav til agtpågivenhed som ved det sædvanlige føreransvar i færdselsloven.

Dommerforeningen bemærker, at forslagets § 92 p kan give anledning til overvejelser om, hvorvidt man kan fastsætte regler om strafferetlige ansvarssubjekter ved bekendtgørelse og ikke ved lov. Tankerne bag hjemlen i forslaget er kun kortfattet beskrevet i bemærkningerne til lovudkastet. En beskrivelse i bekendtgørelsen om hvornår, man kan pålægge den fysiske person et føreransvar for ikke at overtage kontrollen med enheden, hvor dette burde ske, synes at være en nyskabelse/udvidelse. I det omfang, man ikke med hjemlen fastsætter regler om realisering af et gerningsindhold og straf, som jo skal fastsættes ved lov, er fremgangsmåden muligvis i orden. Men der åbnes på den anden side op for en adgang til at fravige kap. 17 i færdselsloven, som netop handler om straf.

I øvrigt giver forslaget ikke anledning til bemærkninger.

Dommerforeningen skal beklage den sene besvarelse.

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Mikael Sjöberg
Landsdommer/Formand for Den Danske Dommerforening

Direkte: + 45 99 68 65 01/ + 45 21 66 18 49



**DEN DANSKE
DOMMERFORENING**