

CHAPTER 380  
MOTOR VEHICLES OPERATED BY AN AUTOMATED DRIVING SYSTEM

**761—380.1(321) Applicability.** This chapter applies to driverless-capable motor vehicles operated by an automated driving system, which shall be regulated exclusively by the department under Iowa Code section 321.519.

This rule is intended to implement Iowa Code sections 321.514 through 321.519.  
[ARC 5893C, IAB 9/8/21, effective 10/13/21]

**761—380.2(321) Definitions.** The definitions in Iowa Code section 321.514 are adopted and incorporated herein. In addition:

“*Conventional human driver*” means the same as defined in Iowa Code section 321.514 but does not include a driverless-capable vehicle user.

“*Driverless-capable vehicle*” as defined in Iowa Code section 321.514 means the vehicle meets one of the following classifications:

1. Level 3—conditional driving automation. The vehicle is capable of achieving the sustained and specific performance of the entire dynamic driving task as provided in the operational design domain. An SAE Level 3 vehicle requires a human operator to respond to a request to intervene issued by the automated driving system, as well as to dynamic driving task performance-relevant system failures in other vehicle systems. However, a driverless-capable Level 3 vehicle can be remotely operated without a human operator present in the vehicle.

2. Level 4—high driving automation. The vehicle is capable of achieving the sustained and specific performance of the entire dynamic driving task as provided in the operational design domain. An SAE Level 4 vehicle does not require a conventional human driver and does not require a driverless-capable vehicle user to be present in the vehicle or to perform remote operation to respond to a request to intervene issued by the automated driving system. A Level 4 vehicle is capable of fallback to a minimal risk condition without human intervention.

3. Level 5—full driving automation. The vehicle is capable of achieving the sustained and unconditional performance of the entire dynamic driving task. An SAE Level 5 vehicle is capable of performing all driving functions under all conditions. A Level 5 vehicle does not require a conventional human driver and does not require a driverless-capable vehicle user to be present in the vehicle or to perform remote operation to respond to a request to intervene issued by the automated driving system. A Level 5 vehicle is capable of fallback to a minimal risk condition without human intervention.

“*Driverless-capable vehicle user*” means a person who does not control the in-vehicle accelerating, braking, steering, and transmission gear selection input devices in order to operate a motor vehicle and who is not otherwise expected to respond to a request to intervene issued by the automated driving system of a driverless-capable vehicle.

“*Functional highway classifications*” means the process by which streets and highways are grouped into classes, or systems, according to the character of service the street or highway is intended to provide, and may include but not be limited to a functional highway classification established under 23 CFR Section 470.105.

“*Operational design domain*” means the same as defined in Iowa Code section 321.514.

“*Public highways*” means the same as “street” or “highway” as defined in Iowa Code section 321.1.

“*SAE*” means the Society of Automotive Engineers, which is an international association reputed for its standards development efforts, including its efforts to standardize definitions of driving automation systems.

This rule is intended to implement Iowa Code sections 321.1 and 321.514 and 23 CFR Section 470.105.

[ARC 5893C, IAB 9/8/21, effective 10/13/21]

**761—380.3(17A) Information and addresses.** Information and forms pertaining to driverless-capable vehicle exemptions and vehicle registration and operational restrictions issued by the department or a county treasurer for a driverless-capable vehicle may be obtained in the form and manner prescribed

by the department by mail from the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at (515)237-3264; by email at [vsusto@iowadot.us](mailto:vsusto@iowadot.us); or on the department's website at [www.iowadot.gov](http://www.iowadot.gov).

This rule is intended to implement Iowa Code section 17A.3.  
[ARC 5893C, IAB 9/8/21, effective 10/13/21]

**761—380.4(321) Identification of driverless-capable vehicles in registration.** The SAE level of automation of a driverless-capable vehicle subject to registration under 761—Chapter 400 shall be listed in the department's records system established under Iowa Code section 321.31 subject to possible changes to the SAE level of automation if the vehicle's automated driving system is subsequently upgraded.

This rule is intended to implement Iowa Code sections 321.20, 321.31, 321.515 and 321.519.  
[ARC 5893C, IAB 9/8/21, effective 10/13/21]

**761—380.5(321) Operational restrictions.** The department may impose operational restrictions on a driverless-capable vehicle as provided in rule 761—400.21(321) as a condition of registration of the vehicle. The manufacturer shall provide information to the department regarding the vehicle's operational design domain and associated operational restrictions. The manufacturer may subsequently provide information showing changes to the vehicle's operational design domain and associated operational restrictions if there are subsequent automated driving system design upgrades, and the department shall update its records accordingly.

This rule is intended to implement Iowa Code sections 321.515 and 321.519.  
[ARC 5893C, IAB 9/8/21, effective 10/13/21]

**761—380.6(321) Identification of driverless-capable vehicle networks.** A person seeking to operate a for-hire driverless-capable vehicle network in Iowa, including an on-demand driverless-capable vehicle network, may be required to submit to the department the operational design domain as part of the application for the applicable permit under rule 761—524.3(325A) or 761—540.4(321N).

This rule is intended to implement Iowa Code sections 321.518 and 321.519.  
[ARC 5893C, IAB 9/8/21, effective 10/13/21]

**761—380.7(17A,321) Driverless-capable vehicle exemption.**

**380.7(1) Application.** If a driverless-capable vehicle does not meet the standards set forth in Iowa Code section 321.515(1) "b," a driverless-capable vehicle manufacturer or entity may apply in the form and manner prescribed by the department for an exemption to allow driverless operation of the vehicle. A manufacturer or entity seeking an exemption under this rule shall do all of the following:

*a.* Disclose in the application which traffic or motor vehicle safety law the driverless-capable vehicle is seeking an exemption from under Iowa Code section 321.515(1) "b."

*b.* Submit information describing how the manufacturer or entity intends to operate under the exemption without posing a safety risk to the public.

**380.7(2) Issuance and display of exemption.** If all requirements of subrule 380.7(1) are met, and the department has sufficient information to determine a public safety risk does not exist, the department may issue the driverless-capable vehicle exemption. The exemption may include operational restrictions as provided under rule 761—400.21(321). The manufacturer or entity shall maintain a physical or electronic copy of the exemption and make it available for display at all times in the driverless-capable motor vehicle that is subject to the exemption. The copy may be in either a physical or an electronic format as prescribed by the department. The exemption shall be available for display or accessible to any peace officer upon request.

**380.7(3) Suspension or revocation and reinstatement.** The department may suspend or revoke a driverless-capable vehicle exemption if the exemption has been issued in conflict with the statutes or rules governing the exemption's issuance; if the exemption was issued based on false information; if there was a violation of Iowa Code sections 321.514 through 321.519, 761—Chapter 400 or this chapter; if the

vehicle operating under the exemption is involved in a contributive motor vehicle accident attributable to the automated driving system performance in this or any other state and that accident results in death or serious injury; or if the vehicle is operated in violation of any of the motor vehicle laws of this or any other state that results in death or serious injury. For incidents occurring outside the state of Iowa, revocation may only occur once the investigation of the incident is completed and the vehicle's automated driving system performance was found to be involved in or contributive to a motor vehicle accident that resulted in a death or serious injury. The effective date of the suspension or revocation shall be 20 days after the department has mailed notice of the revocation to the manufacturer or entity by first class.

**380.7(4) Hearings.** A manufacturer or entity whose driverless-capable vehicle exemption has been suspended or revoked may contest the suspension or revocation in accordance with Iowa Code chapter 17A and 761—Chapter 13. The request for a hearing shall be submitted in writing to the director of the motor vehicle division. The request shall include, as applicable, the manufacturer's or entity's name, exemption number, complete address and telephone number. The request must be submitted within 20 days after the date of the notice of the suspension or revocation. The department shall stay the suspension or revocation of an exemption for the period that the manufacturer or entity is contesting the suspension or revocation under this rule.

This rule is intended to implement Iowa Code sections 321.381, 321.482, 321.515 and 321.519.  
[ARC 5893C, IAB 9/8/21, effective 10/13/21]

[Filed ARC 5893C (Notice ARC 5621C, IAB 5/19/21), IAB 9/8/21, effective 10/13/21]