

## Eight Act amending the Road Traffic Act<sup>1)</sup>

of 16 June 2017

The German Bundestag, with the consent of the Bundesrat, has passed the following Act:

### Article 1

The Road Traffic Act, in the version promulgated on 5 March 2003 (Federal Law Gazette I pp. 310, 919), as amended by Article 3 of the Act of 6 March 2017 (Federal Law Gazette I, p. 399), is amended as follows:

1. After section 1, the following sections 1a, 1b and 1c are inserted:

#### "Section 1a

Motor vehicles with a  
highly<sup>2)</sup> or fully<sup>3)</sup> automated driving function

(1) The operation of motor vehicles by means of a highly or fully automated driving function shall be permissible if this function is used for its intended purpose.

(2) Motor vehicles with a highly or fully automated driving function within the meaning of this Act are vehicles equipped with technology that:

1. when activated, is able to control the motor vehicle – including longitudinal and lateral control – to perform the driving task (vehicle control);
2. is able, while the vehicle is being controlled in the highly or fully automated mode, to comply with the relevant traffic rules and regulations for operating a vehicle;
3. can be overridden or deactivated manually by the driver at any time;
4. is able to identify the need for the driver to retake manual control of the vehicle;
5. is able to indicate to the driver – by means of a visible, audible, tactile or otherwise perceptible signal – the need to retake manual control of the vehicle with a sufficient time buffer before it returns control of the vehicle to the driver; and
6. indicates that use is running counter to the system description.

The manufacturer of such a vehicle shall state in the system description, in a binding manner, that the vehicle meets the requirements set out in the first sentence.

(3) The aforementioned subsections shall be applied only to vehicles that are licensed in accordance with section 1(1), meet the requirements set out in the second sentence of subsection (2) and whose highly or fully automated driving function:

1. is described in and complies with international provisions applicable within the territorial extent of this Act; or
2. has been type-approved in accordance with Article 20 of Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive) (OJ L 263, 9.10.2007, p. 1).

(4) A person who activates a highly or fully automated driving function within the meaning of subsection (2) and uses such a function to control the vehicle, even though he does not control the vehicle manually within the framework of the use of these functions as intended, shall also be deemed to be a driver.

#### Section 1b

Rights and obligations  
of a driver using

highly or fully automated driving functions

(1) While a vehicle is being controlled by highly or fully automated driving functions as described in section 1a, the driver may divert his attention from other traffic and control of the vehicle; he must, however, remain sufficiently alert that he can comply with the obligation set out in subsection (2) at any time.

(2) The driver shall be obliged to retake control of the vehicle without delay:

1. if the highly or fully automated system prompts him to do so or

<sup>1)</sup> Promulgated in Federal Law Gazette I on 20 June 2017, page 1648

<sup>2)</sup> Note: Society of Automotive Engineers (SAE) designation: Level 3 "conditionally"

<sup>3)</sup> Note: SAE designation: Level 4 "highly"

2. if he realizes or, because of obvious circumstances, must realize that the conditions for using the highly or fully automated driving functions for their intended purposes are no longer being met.

Section 1c  
Evaluation

The Federal Ministry of Transport and Digital Infrastructure shall evaluate, on a scientific basis, the application of the rules set out in Article 1 of the Act of [insert: date of this Amending Act] (Federal Law Gazette I p. [insert: source of this Amending Act]) after the end of 2019. The Federal Government shall inform the German Bundestag of the outcome of this evaluation."

2. Section 6 is amended as follows:

- a) The following subsection (14a) is inserted after section 1(14):

"14a. the establishment of, and the use (with the consent of the owner) of, driverless parking systems in the low speed range at car parks that are separated from the rest of the public road environment by physical or other installations and can only be accessed and exited via special access and exit roads;"

- b) The following subsection (4a) is inserted after subsection 4:

"(4a) Statutory instruments based on subsection 1(1), (2) or (3) may also be enacted if this is necessary to satisfy the special requirements regarding the use of the road by vehicles with a highly or fully automated driving function."

3. Section 12(1) is amended as follows:

- a) In paragraph (1), the semicolon is replaced by a comma after the words "five million euros" and the following words are inserted:

"if the damage results from the use of a highly or fully automated driving function as described in section 1a, only up to a total amount not exceeding ten million euros;"

- b) In paragraph (2), the full stop is replaced by a comma and the following words are inserted after the word "euros":

"if the damage results from the use of a highly or fully automated driving function as described in section 1 a, only up to a total amount not exceeding two million euros;"

4. Section 32(1) is amended as follows:

- a) In paragraph (6), the word "and" is replaced by a semicolon.

- b) In paragraph (7), the full stop at the end is deleted and replaced by a semicolon and the word "and".

- c) The following paragraph (8) is inserted:

"8. for measures to perform data processing in the case of vehicles with a highly or fully automated driving function in accordance with this Act or the rules and regulations based on this Act."

5. The following Part VIa is inserted after Part VI:

"VIa. In-vehicle  
data processing

Section 63 a

Data processing in the case of vehicles with a highly or fully automated driving function

(1) The motor vehicles referred to in section 1a shall store the position and time data captured by a satellite navigation system when control of the vehicle changes from the driver to the highly or fully automated system and vice versa. The data shall also be stored when the driver is prompted by the system to retake control of the vehicle or when the system experiences a technical fault.

(2) The data stored in accordance with subsection (1) may be transmitted to the authorities responsible for enforcing road traffic rules under federal state law if they so request. These authorities may store and use the transmitted data. The amount of data transmitted shall be limited to the extent necessary for the determination referred to in subsection (1) in connection with these authorities' enforcement procedure. This shall be without prejudice to the general provisions on the processing of personal data.

(3) The vehicle keeper shall arrange for the data stored in accordance with subsection (1) to be transmitted to third parties if:

1. the data are required to assert, satisfy or reject legal claims in conjunction with an incident that is regulated by section 7(1); and
2. the corresponding motor vehicle with an automated driving function was involved in this incident. The third sentence of subsection (2) shall apply mutatis mutandis.

(4) The data stored in accordance with subsection (1) shall be erased after six months unless the vehicle was involved in an incident regulated by section 7(1); in this case, the data shall be erased after three years.

(5) In connection with an incident regulated by section 7(1), the data stored in accordance with subsection (1) may be transmitted to third parties in a depersonalized form for purposes of accident research.

Section 63b

Authorization to make statutory instruments

The Federal Ministry of Transport and Digital Infrastructure shall be empowered, in consultation with the Commissioner for Data Protection and Freedom of Information, to make statutory instruments for implementation of section 63a regarding:

1. the technical design and location of the storage medium and the type and method of the storage referred to in section 63a(1);
2. the addressees of the storage requirement under section 63a(1);
3. measures to protect the stored data against unauthorized access if the vehicle is sold.

shall be forwarded to the German Bundestag for its information before being promulgated.

**Article 2**  
**Entry into force**

This Act shall enter into force on the day following its promulgation.

Statutory instruments described in the first sentence