



Model Law

The following model law was developed by the Children in AVs Consortium (Consortium) to inform how national, state, provincial, and local jurisdictions can develop a forward-thinking framework for protecting children (under age 13) in a vehicle capable of Level 4 or Level 5 autonomy. Jurisdictions are encouraged to expand on these model provisions, but the Consortium recommends that legal requirements, at a minimum, incorporate the following elements.

Section 1: Title

This act may be cited as the [jurisdiction's] Child Transportation in Self-Driving Vehicle Act.

Section 2: Applicability

This act applies to occupants under the age of [13] traveling in motor vehicles capable of full autonomy on the public streets and highways of this [jurisdiction].

Section 3: Responsible Party

Any trip in a motor vehicle capable of full autonomy in which an occupant under the age of [13] is traveling must be initiated by a responsible party.

The responsible party shall be responsible for properly securing any occupant under the age of [13] in a restraint in accordance with the [jurisdiction's] occupant protection laws.

The responsible party shall travel with or require another responsible party to travel with any occupant under the age of [13] in a motor vehicle capable of full autonomy.

A violation of this section is a [Class X misdemeanor] punishable by a [penalty determined by jurisdiction].¹

Section 4: Requirements for Motor Vehicles Capable of Self-Driving Operation

Any motor vehicle capable of full autonomy must have technology that prohibits motion unless all occupants are properly secured in a restraint in accordance with the [jurisdiction's] occupant protection laws.

¹ Jurisdictions, particularly in the United States, sometimes include language that limits implementation of violations to secondary enforcement, under which vehicles cannot be stopped solely for the applicable violation. The Consortium recommends that the language establishing these violations authorize primary enforcement.

Any motor vehicle capable of full autonomy must have technology that prohibits motion if it detects that an occupant under age [13] is traveling in the motor vehicle without a responsible party. If such technology is not feasible, then the owner of a motor vehicle capable of full autonomy must have a mechanism for verifying that a responsible party is traveling with any occupant under age [13].²

A violation of this section is punishable by [a penalty determined by jurisdiction].³

Section 5: Definitions

“Booster seat” means either a backless child passenger restraint system meeting the standards of [the jurisdiction’s child passenger restraint system regulation] as it may be amended from time to time, or a high back booster child passenger restraint system meeting the standards [the jurisdiction’s child passenger restraint system regulation] as it may be amended from time to time.

“Child passenger restraint system” means a specially designed seating system that conforms with [the jurisdiction’s child passenger restraint system regulation] as it may be amended from time to time and which is either permanently affixed to a motor vehicle or is affixed to such vehicle by a seat belt or universal anchorage system (i.e. LATCH, ISOFIX, UAS).

“Initiate” means: (a) with respect to a privately owned motor vehicle, start the motor vehicle and program its destination, or (b) with respect to a motor vehicle owned by a third-party provider, order the motor vehicle and provide or program its destination.

“Motor vehicle” means any motor vehicle that is required to be equipped with seat belts by [the jurisdiction’s restraint system regulation] as it may be amended from time to time.

“Properly securing” means the correct use and position of a booster seat, child passenger restraint or seat belt system, as defined or prescribed by the manufacturer of the product.

“Responsible party” means a person age 18 or older or a person licensed to operate the motor vehicle being used.

“Seat belt system” means a system as defined or prescribed in [the jurisdiction’s restraint system regulation], which includes any strap, webbing, or similar device designed to secure a person in a motor vehicle in order to mitigate the results of a traffic crash, including all necessary buckles and other fasteners, and all hardware designed for installing such seat belt assembly in a motor vehicle.

2 The Consortium recognizes that the technology is still under development and that mechanisms for preventing children under age 13 from riding unaccompanied could vary depending on whether the vehicle is privately owned or part of mobility as a service. The Consortium offers the following examples that could address this issue: (1) advanced occupant detection/classification technology; (2) video interface with the occupants prior to vehicle movement to confirm who is in the vehicle; (3) ID verification of the responsibility party prior to vehicle movement; (4) requiring a user profile to request or start the vehicle and then requiring user profile verification before vehicle movement.

3 Depending on the jurisdiction, the government authority that enforces violations of Section 4 may be different than the government authority that enforces violations of Section 3.