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**HOUSE BILL 2131**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Representatives Hudgins, Morris, Clibborn, and Tarleton

AN ACT Relating to the regulation of autonomous vehicles; and adding a new chapter to Title 46 RCW.

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

NEW SECTION. **Sec.**  The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Autonomous technology" means technology that has the capability to drive a vehicle without the active physical control or monitoring of a human operator.

(2) "Autonomous vehicle" means any vehicle equipped with technology that has the capability of operating or driving the vehicle without the active physical control or monitoring of a human operator, whether or not the technology is engaged, excluding vehicles equipped with one or more systems that enhance safety or provide driver assistance but are not capable of driving or operating the vehicle without the active physical control or monitoring of a human operator. An "autonomous vehicle" meets the definition of level 3, 4, or 5 of the society of automotive engineers' "Taxonomy and Definitions for Terms Related to On-Road Motor Vehicle Automated Driving Systems."

(3) "Department" means the department of licensing.

(4) A "manufacturer" of autonomous technology is the person, as defined in RCW 46.04.405, that originally manufactures a vehicle and equips autonomous technology on the originally completed vehicle or, in the case of a vehicle not originally equipped with autonomous technology by the vehicle manufacturer, the person that modifies the vehicle by installing autonomous technology to convert it to an autonomous vehicle after the vehicle was originally manufactured.

(5) An "operator" of an autonomous vehicle is the person who is seated in the driver's seat, or if there is no person in the driver's seat, causes the autonomous technology to engage.

NEW SECTION. **Sec.**  (1) An autonomous vehicle may be operated on public roads for testing purposes by a driver who possesses the proper class of license for the type of vehicle being operated if all of the following requirements are met:

(a) The autonomous vehicle is being operated on roads in this state solely by employees, contractors, or other persons designated by the manufacturer of the autonomous technology.

(b) The driver is seated in the driver's seat, monitoring the safe operation of the autonomous vehicle, and is capable of taking over immediate manual control of the autonomous vehicle in the event of an autonomous technology failure or other emergency.

(c) Prior to the start of testing in this state, the manufacturer performing the testing obtains a motor vehicle liability policy, is self-insured, is covered under a certificate of deposit, or is covered by a liability bond in the amount of five million dollars, and provides evidence of the liability policy, self-insurance, the certificate of deposit, or the liability bond to the department as required by rule.

(2) The department may adopt rules to assess a fee upon a manufacturer that submits an application to test autonomous vehicles on public roads in an amount necessary to recover all costs reasonably incurred by the department.

NEW SECTION. **Sec.**  Except as provided in section 2 of this act, an autonomous vehicle may not be operated on public roads until the manufacturer submits an application to the department, and that application is approved by the department as required by rule and to the extent permitted by federal law. The application must contain, at a minimum, all of the following certifications to the extent permitted by federal law:

(1) A certification by the manufacturer that the autonomous technology satisfies all of the following requirements:

(a) The autonomous vehicle has a mechanism to engage and disengage the autonomous technology that is easily accessible to the operator.

(b) The autonomous vehicle has a visual indicator inside the cabin to indicate when the autonomous technology is engaged.

(c) The autonomous vehicle has a system to safely alert the operator if an autonomous technology failure is detected while the autonomous technology is engaged, and when an alert is given, the system does either of the following:

(i) Requires the operator to take control of the autonomous vehicle; or

(ii) If the operator does not or is unable to take control of the autonomous vehicle, the autonomous vehicle is capable of coming to a complete stop.

(d) The autonomous vehicle allows the operator to take control in multiple manners including, without limitation, the use of the brake pedal, the accelerator pedal, or the steering wheel, and it alerts the operator that the autonomous technology has been disengaged.

(e) The autonomous vehicle's autonomous technology meets federal motor vehicle safety standards for the vehicle's model year and all other applicable safety standards and performance requirements set forth in state and federal law and the regulations promulgated pursuant to those laws.

(f) The autonomous technology does not make inoperative any federal motor vehicle safety standards for the vehicle's model year and all other applicable safety standards and performance requirements set forth in state and federal law and the regulations promulgated pursuant to those laws.

(g) The autonomous vehicle has a separate mechanism, in addition to and separate from any other mechanism required by law, to capture and store the autonomous technology sensor data for at least thirty seconds before a collision occurs between the autonomous vehicle and another vehicle, object, or natural person while the vehicle is operating in autonomous mode. The autonomous technology sensor data must be captured and stored in a read-only format by the mechanism so that the data is retained until extracted from the mechanism by an external device capable of downloading and storing the data. The data must be preserved for three years after the date of the collision.

(2) A certification that the manufacturer has tested the autonomous technology on public roads and has complied with the testing standards, if any, established by the department by rule.

(3) A certification that the manufacturer will maintain a motor vehicle liability policy, self-insurance, a certificate of deposit, or a liability bond, as required by rule, of five million dollars.

NEW SECTION. **Sec.**  (1) As soon as practicable, but by January 1, 2020, the department must adopt rules setting forth requirements for the submission of evidence of a motor vehicle liability policy, self-insurance, a certificate of deposit, or a liability bond as required under section 2 of this act, and the submission and approval of an application to operate an autonomous vehicle pursuant to section 3 of this act.

(2) Any adopted rules must include any testing, equipment, and performance standards, in addition to those established for purposes of this section, that the department concludes are necessary to ensure the safe operation of autonomous vehicles on public roads, with or without the presence of a driver inside the vehicle, as permitted by federal law. In developing these rules, the department may consult with the Washington state patrol, the department of transportation, the Washington traffic safety commission, or any other entity identified by the department that has expertise in automotive technology, automotive safety, and autonomous vehicle system design.

(3) The department may establish additional requirements by rule, which it determines, in consultation with the Washington state patrol, are necessary to ensure the safe operation of autonomous vehicles on public roads including, but not limited to, rules regarding the aggregate number of deployments of autonomous vehicles on public roads, special rules for the registration of autonomous vehicles, new license requirements for operators of autonomous vehicles, and rules for the revocation, suspension, or denial of any license or any approval issued under this chapter.

(4) The department must hold public hearings on the adoption of any rule applicable to the operation of an autonomous vehicle without the presence of a driver inside the vehicle.

(5) The department may adopt rules to assess a fee upon a manufacturer that submits an application to operate autonomous vehicles on public roads in an amount necessary to recover all costs reasonably incurred by the department.

NEW SECTION. **Sec.**  (1) Except as provided in subsection (2) of this section, the department must approve an application to operate an autonomous vehicle submitted by a manufacturer if it finds that the applicant has submitted all information and completed the testing necessary to satisfy the department that the autonomous vehicle is safe to operate on public roads and the applicant has complied with all requirements specified in the rules adopted by the department under section 4 of this act.

(2) If the application to operate an autonomous vehicle submitted by a manufacturer is for the approval of an autonomous vehicle capable of operating without the presence of a driver inside the vehicle, the department may impose additional requirements that it deems necessary to ensure the safe operation of the vehicle, and may require the presence of a driver in the driver's seat of the vehicle if it determines, based on its review under subsection (1) of this section, that such a requirement is necessary to ensure the safe operation of the vehicle on public roads. The department must notify the transportation committees of the legislature of receipt of an application from a manufacturer seeking approval to operate an autonomous vehicle capable of operating without the presence of a driver inside the vehicle and of approval of the application. Approval of the application may occur not before one hundred eighty days after the date the application is submitted.

NEW SECTION. **Sec.**  This chapter does not limit or expand the existing authority to operate autonomous vehicles on public roads until one hundred twenty days after the department adopts the rules as required in section 4 of this act.

NEW SECTION. **Sec.**  Any federal regulation promulgated by the national highway traffic safety administration supersedes any provision of this chapter found to be in conflict with it.

NEW SECTION. **Sec.**  The manufacturer of the autonomous technology installed on a vehicle must provide a written disclosure to the purchaser of an autonomous vehicle that describes what information is collected by the autonomous technology equipped on the vehicle.

NEW SECTION. **Sec.**  Sections 1 through 8 of this act constitute a new chapter in Title 46 RCW.

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