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**SENATE BILL 5594**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Senators Boehnke, Nguyen, Liias, and King

AN ACT Relating to the operation of fully autonomous vehicles; amending RCW 46.30.050; adding new sections to chapter 46.92 RCW; and repealing RCW 46.92.010.

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

NEW SECTION. **Sec.**  A new section is added to chapter 46.92 RCW to read as follows:

The definitions in this section apply throughout this section and sections 2 through 11 of this act unless the context clearly requires otherwise.

(1) "Automated driving system" means the hardware and software that are collectively capable of performing the entire dynamic driving task on a sustained basis, regardless of whether it is limited to a specific operational design domain.

(2) "Dynamic driving task" means all of the real-time operational and tactical functions required to operate a vehicle in on-road traffic, excluding the strategic functions such as trip scheduling and selection of destinations and waypoints, and including:

(a) Lateral vehicle motion control via steering;

(b) Longitudinal motion control via acceleration and deceleration;

(c) Monitoring the driving environment via object and event detection, recognition, classification, and response preparation;

(d) Object and event response execution;

(e) Maneuver planning; and

(f) Enhancing conspicuity via lighting, signaling, and gesturing.

(3) "Dynamic driving task fallback" means the response by the person or human driver to either perform the dynamic driving task or achieve a minimal risk condition after the occurrence of any dynamic driving task performance-relevant system failure or upon operational design domain exit, or the response by an automated driving system to achieve minimal risk condition, given the same circumstances.

(4) "Fully autonomous vehicle" means a motor vehicle equipped with an automated driving system designed to function without a human driver as a level four or five system under the society of automotive engineers international standard J3016B, as it existed on the effective date of this section, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section.

(5) "Human driver" means a natural person in the vehicle with a valid license to operate a motor vehicle who controls all or part of the dynamic driving task.

(6) "Minimal risk condition" means a condition to which a person, human driver, or an automated driving system may bring a vehicle after performing the dynamic driving task fallback in order to reduce the risk of a crash when a given trip cannot or should not be completed.

(7) "On-demand autonomous vehicle network" means a transportation service network that uses a software application or other digital means to dispatch or otherwise enable the prearrangement of transportation with fully autonomous vehicles for purposes of transporting passengers or goods, including for-hire transportation and transportation of passengers or goods for compensation.

(8) "Operational design domain" means operating conditions under which a given automated driving system is specifically designed to function including, but not limited to, environmental, geographical, and time-of-day restrictions, or the requisite presence or absence of certain traffic or roadway characteristics.

(9) "Request to intervene" means notification by an automated driving system to a human driver, that the human driver should promptly begin or resume performance of part or all of the dynamic driving task.

NEW SECTION. **Sec.**  A new section is added to chapter 46.92 RCW to read as follows:

(1) A person may operate a fully autonomous vehicle on the public roadways of this state without a human driver when the automated driving system is engaged and the vehicle meets the following conditions:

(a) If a failure of the automated driving system occurs that renders that system unable to perform the entire dynamic driving task relevant to its intended operational design domain, the fully autonomous vehicle must achieve a minimal risk condition;

(b) The fully autonomous vehicle is capable of operating in compliance with the applicable traffic and motor vehicle safety laws and rules under this title when reasonable to do so, unless an exemption has been granted by the department; and

(c) When required by federal law, the vehicle displays the required manufacturer's certification label indicating that at the time of its manufacture it has been certified to be in compliance with all applicable federal motor vehicle safety standards, including reference to any exemption granted by the national highway traffic safety administration.

(2) Before operating a fully autonomous vehicle on the public roadways of this state without a human driver, a person must submit a law enforcement interaction plan to the Washington state patrol that describes:

(a) How to communicate with a fleet support specialist who is available during the times the vehicle is in operation;

(b) How to safely remove the fully autonomous vehicle from the roadway and steps to safely tow the vehicle;

(c) How to recognize whether the fully autonomous vehicle is in autonomous mode; and

(d) Any additional information the manufacturer or owner deems necessary regarding hazardous conditions or public safety risks associated with the operation of the fully autonomous vehicle.

(3) Before operating a fully autonomous vehicle on any public roadways, a person must:

(a) Submit to the department the most recent voluntary self-assessment that the person has submitted to the national highway traffic safety administration; and

(b) Until December 31, 2028, provide notice to the law enforcement agencies with jurisdiction over the area the person will operate the autonomous motor vehicle. Such notice must be provided within 14 days of operation and include the contact information of the owner of the autonomous vehicle and a copy of the law enforcement interaction plan described in subsection (2) of this section.

NEW SECTION. **Sec.**  A new section is added to chapter 46.92 RCW to read as follows:

When an automated driving system installed on a motor vehicle is engaged:

(1) The automated driving system is considered the driver or operator, for the purpose of assessing compliance with applicable traffic or motor vehicle laws under this title, and is deemed to satisfy electronically all physical acts required by a driver or operator of the vehicle; and

(2) The automated driving system is considered to be licensed to drive under chapter 46.20 RCW to operate the vehicle.

NEW SECTION. **Sec.**  A new section is added to chapter 46.92 RCW to read as follows:

Before operating a fully autonomous vehicle on public roadways in this state without a human driver, a person must submit proof of financial responsibility satisfactory to the department that the fully autonomous vehicle is covered by insurance or proof of self-insurance that satisfies the requirements of RCW 46.30.020.

NEW SECTION. **Sec.**  A new section is added to chapter 46.92 RCW to read as follows:

(1) In the event of an accident or collision involving a fully autonomous vehicle:

(a) The fully autonomous vehicle must remain on the scene of the accident or collision when required under RCW 46.52.020, consistent with its capability under section 2 of this act.

(b) The owner of the fully autonomous vehicle, or a person on behalf of the vehicle owner, must report the accident or collision consistent with RCW 46.52.030.

(2) By February 1st of each year, and until February 1, 2028, the owner of the autonomous vehicle or a person on behalf of the vehicle owner must submit a report covering crashes or collisions required to be reported under subsection (1) of this section from the prior calendar year to the department and all municipalities where the autonomous vehicle operated for more than five calendar days in the prior calendar year.

NEW SECTION. **Sec.**  A new section is added to chapter 46.92 RCW to read as follows:

An on-demand autonomous vehicle network must be permitted to operate pursuant to state laws governing the operation of transportation network companies, taxis, or any other ground transportation for-hire of passengers under chapter 46.72 or 46.72B RCW, with the exception that any provision under chapter 46.72 or 46.72B RCW that reasonably applies only to a human driver would not apply to the operation of fully autonomous vehicles with the automated driving system engaged on an on-demand autonomous vehicle network.

NEW SECTION. **Sec.**  A new section is added to chapter 46.92 RCW to read as follows:

A fully autonomous vehicle must be properly registered in accordance with chapter 46.16A RCW, and identified on the certificate of title and registration as a fully autonomous vehicle.

NEW SECTION. **Sec.**  A new section is added to chapter 46.92 RCW to read as follows:

(1) A person may operate a motor vehicle equipped with an automated driving system capable of performing the entire dynamic driving task if:

(a) Such automated driving system will issue a request to intervene whenever the automated driving system is not capable of performing the entire dynamic driving task with the expectation that the person will respond appropriately to such a request; and

(b) The automated driving system is capable of being operated in compliance with chapter 46.61 RCW when reasonable to do so unless an exemption has been granted by the department.

(2) This section does not prohibit or restrict a human driver from operating a fully autonomous vehicle equipped with controls that allow for the human driver to control all or part of the dynamic driving task.

NEW SECTION. **Sec.**  A new section is added to chapter 46.92 RCW to read as follows:

A fully autonomous vehicle that is also a commercial motor vehicle as defined in RCW 46.16A.010 may operate on the public roadways of this state, except that any provision under this title that reasonably applies only to a human driver does not apply to such a vehicle operating with the automated driving system engaged.

NEW SECTION. **Sec.**  A new section is added to chapter 46.92 RCW to read as follows:

A fully autonomous vehicle that is designed to be operated exclusively by the automated driving system for all trips is not subject to motor vehicle equipment laws or rules pursuant to chapter 46.37 RCW that: (1) Relate to or support motor vehicle operation by a human driver seated in the vehicle; and (2) are not relevant for an automated driving system.

NEW SECTION. **Sec.**  A new section is added to chapter 46.92 RCW to read as follows:

(1) Unless otherwise provided in this chapter, fully autonomous vehicles and automated driving systems are governed exclusively by this chapter. The department is the sole and exclusive state agency that may implement the provisions of this chapter.

(2) No state agency, political subdivision, municipality, or local entity may prohibit the operation of fully autonomous vehicles, automated driving systems, or on-demand autonomous vehicle networks, or otherwise enact or keep in force rules or ordinances that would impose taxes, fees, or other requirements, including performance standards, specific to the operation of fully autonomous vehicles, automated driving systems, or on-demand autonomous vehicle networks in addition to the requirements of this chapter.

**Sec.**  RCW 46.30.050 and 2020 c 182 s 1 are each amended to read as follows:

(1) ((~~No entity may test an autonomous motor vehicle on any public roadway under the department's autonomous vehicle self-certification testing pilot program unless:~~

~~(a) The entity holds~~)) A person operating an autonomous vehicle on any public road of this state without a human driver shall hold an umbrella liability insurance policy that covers the entity in an amount not less than ((~~five million dollars~~)) $5,000,000 per occurrence for damages by reason of bodily injury or death or property damage, caused by the operation of an autonomous ((~~motor~~)) vehicle ((~~for which information is provided under the autonomous vehicle self-certification testing pilot program; and~~

~~(b) The entity maintains~~)) .

(2) A person operating an autonomous vehicle on public roads in this state without a human driver shall maintain proof of this policy with the department in a form and manner specified by the department.

((~~(2)~~)) (3) Requirements related to proof of motor vehicle insurance under RCW 46.30.020 and penalties for providing false evidence of motor vehicle insurance under RCW 46.30.040 are applicable to this section.

NEW SECTION. **Sec.**  RCW 46.92.010 (Testing—Self-certification pilot program—Information to be provided—Unique identification number—Notice—Fee—Public access—Operation) and 2021 c 193 s 1 & 2020 c 182 s 2 are each repealed.

**--- END ---**