
Transportation Committee

HB 2470

Brief Description: Addressing the automated operation of vehicles.

Sponsors: Representatives Hudgins and Kloba; by request of Uniform Law Commission.

Brief Summary of Bill

- Establishes vehicle registration requirements for automated vehicles (AVs), including by requiring that an automated driving provider make a declaration to the Department of Licensing and designate the AV an associated AV.
- Requires an automated driving provider to take reasonable steps to comply with the state's rules of the road during the automated operation of an associated AV, and makes an automated driving provider responsible for a violation of the rules of the road by an associated AV under automated operation.
- Exempts from driver's license requirements a person taking a completely automated trip and an automated driving provider driving or operating an AV under automated operation.
- Establishes certain exceptions for AVs from the prohibitions on television viewer equipment visible to the driver and the use of a personal electronic device while driving.

Hearing Date: 2/10/20

Staff: Jennifer Harris (786-7143).

Background:

In 2017 the Governor issued Executive Order 17-02, which authorized pilot programs for the testing of automated vehicles (AVs). The Executive Order authorized the testing of AVs both with and without a human operator present as part of the pilot program.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Under Executive Order 17-02, pilot programs conducting testing with human operators present in vehicles are required to comply with the following requirements:

- Vehicles must be operated or monitored only by a trained employee, contractor, or other person authorized by the entity developing autonomous technology.
- Vehicles must be monitored, and an operator must have the ability to direct the vehicle's movement if assistance is required.
- Individuals able to exercise operational control of an autonomous vehicle during operation must possess a valid United States driver license.

Also under the executive order, pilot programs conducting testing without human operators present in vehicles are required to comply with the following requirements:

- Vehicles must be equipped with an automated driving system that performs all aspects of the driving task on a part- or full-time basis within the vehicle's operational design limits.
- Vehicles must be capable of bringing the vehicle to a safe condition in the event of a system failure.
- Vehicles must be capable of being operated in compliance with state motor vehicle laws relevant to the vehicle's operational design limits.

In addition, to participate in the pilot program, all vehicle owners must attest to proof of financial responsibility, as required under state law for all registered motor vehicles in the state, and developing entities must self-certify to the Department of Licensing (DOL) that they are compliant with all applicable requirements before beginning a pilot program.

Summary of Bill:

"The Uniform Automated Operation of Vehicles Act" establishes a framework for the regulation of AVs.

An AV is defined as a motor vehicle that must be capable of performing the entire dynamic driving task on a sustained basis. The owner of an AV must comply with vehicle registration requirements and register the vehicle as an AV. To register a vehicle as an AV, it must be designated an associated AV by an automated driving provider. The DOL may decline, suspend, revoke, or decline to renew the registration of an AV that is not an associated AV, not properly maintained, not lawfully insured, not fit to be operated, or not compliant with any other registration requirement.

An automated driving provider is defined as a person who has either substantially participated in the development of an automated driving system, has submitted to the National Highway Traffic Safety Administration (NHTSA) a safety self-assessment or equivalent report, or is registered as a vehicle or vehicle equipment manufacturer under NHTSA requirements. An automated driving provider must make a declaration to the DOL under penalty of perjury stating that it is an automated driving provider that meets certain requirements and must pay the DOL a declaration processing fee. An automated driving provider has burden of proving its qualifications and must submit to DOL investigations and pay for the costs of the investigations. The DOL may at any time decline to recognize, delay, or rescind recognition of a declaration, or investigate an automated driving provider applicant.

A person taking a completely automated trip is not required to have a driver's license, nor is an automated driving provider driving or operating an AV under automated operation (defined as the performance of the entire dynamic driving task by an automated driving system).

It is a violation of motor vehicle laws for an AV to be operated on a public roadway if it is not properly maintained, insured, registered, or fit to be operated. A traffic infraction is committed by any person who drives or moves, or for an AV owner who causes or knowingly permits to be driven or moved, an AV that is not properly maintained. An automated driving provider must take reasonable steps to comply with Washington rules of the road during the automated operation of an associated AV. An automated driving provider is responsible for a violation of the rules of the road by an associated AV under automated operation.

Motor vehicle laws must be interpreted to accommodate the development and deployment of AVs to maintain or improve traffic safety. Dedicated AVs, which are AVs designed for exclusive automated use, are excluded from vehicle equipment requirements related to the dynamic driving task performed by a human driver.

The prohibition on a vehicle being driven if equipped with a television viewer or screen (or similar device) that is visible to the driver while operating the vehicle does not apply to dedicated AVs and AVs operating under automated operation. The prohibition on using a personal electronic device while driving a motor vehicle does not apply to the automated operation of an AV.

An AV operating under automated operation is not required to have its operator occupy the AV within the limits of a highway. A person driving or in charge of a motor vehicle may permit it to stand "unattended" if the vehicle is an AV operating under automated operation that is lawfully permitted to operate in the state.

If other jurisdictions have substantially similar laws for AVs, then a registered automated driving provider and an associated AV in those jurisdictions have the same designations in Washington. Consideration must be given to promotion of uniformity among states when applying and construing laws regulating AVs in Washington.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on January 1, 2021.