
HOUSE BILL 2470

State of Washington

66th Legislature

2020 Regular Session

By Representatives Hudgins and Kloba; by request of Uniform Law Commission

Read first time 01/14/20. Referred to Committee on Transportation.

1 AN ACT Relating to the automated operation of vehicles; amending
2 RCW 46.04.370, 46.20.025, 46.16A.040, 46.37.010, 46.37.480,
3 46.61.590, 46.61.600, and 46.61.672; adding new sections to chapter
4 46.04 RCW; adding a new chapter to Title 46 RCW; and providing an
5 effective date.

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

7 NEW SECTION. **Sec. 1.** This act may be known and cited as the
8 uniform automated operation of vehicles act.

9 NEW SECTION. **Sec. 2.** "Associated automated vehicle" means an
10 automated vehicle that an automated driving provider designates under
11 section 15 of this act.

12 NEW SECTION. **Sec. 3.** "Automated driving provider" means a
13 person who makes a declaration recognized by the department under
14 section 14 of this act. An automated driving provider exclusively
15 drives and is the exclusive operator of an associated automated
16 vehicle under automated operation.

1 NEW SECTION. **Sec. 4.** "Automated driving system" means the
2 hardware and software collectively capable of performing the entire
3 dynamic driving task on a sustained basis.

4 NEW SECTION. **Sec. 5.** "Automated operation" means the
5 performance of the entire dynamic driving task by an automated
6 driving system. Automated operation begins on the performance of the
7 entire dynamic driving task by the automated driving system and
8 continues until a human driver or human operator other than the
9 automated driving provider terminates the automated operation.

10 NEW SECTION. **Sec. 6.** "Automated vehicle" means a motor vehicle
11 with an automated driving system.

12 NEW SECTION. **Sec. 7.** "Completely automated trip" means travel
13 in an automated vehicle that, from the point of departure until the
14 point of arrival, is under automated operation by means of an
15 automated driving system designed to achieve a minimal risk
16 condition.

17 NEW SECTION. **Sec. 8.** "Dedicated automated vehicle" means an
18 automated vehicle designed for exclusively automated operation when
19 used for transportation on a public roadway.

20 NEW SECTION. **Sec. 9.** "Dynamic driving task" means controlling
21 lateral and longitudinal vehicle motion, monitoring the driving
22 environment, executing responses to objects and events, planning
23 vehicle maneuvers, and enhancing vehicle conspicuity as required to
24 operate a vehicle in on-road traffic.

25 NEW SECTION. **Sec. 10.** "Minimal risk condition" means a
26 condition to which a vehicle user or an automated driving system may
27 bring a vehicle to reduce the risk of a crash when a trip cannot or
28 should not be continued.

29 NEW SECTION. **Sec. 11.** (1) This act applies to the ownership,
30 registration, and operation of an automated vehicle, even if the
31 ownership, registration, and operation of the vehicle complies with
32 laws of this state other than this act before the effective date of
33 this section.

1 (2) Except as otherwise specified in the law, this title applies
2 with respect to an automated vehicle.

3 (3) This title must be interpreted to accommodate the development
4 and deployment of automated vehicles in a way that maintains or
5 improves traffic safety.

6 (4) If the applicable law of a jurisdiction other than this state
7 is substantially similar to this act, then with respect to an
8 automated vehicle that is registered in that jurisdiction:

9 (a) An automated driving provider in that jurisdiction is an
10 automated driving provider under this act; and

11 (b) An associated automated vehicle in that jurisdiction is an
12 associated automated vehicle under this act.

13 (5) This act does not preclude remedies under law other than this
14 act.

15 (6) In applying and construing this act, consideration must be
16 given to the need to promote uniformity of the law with respect to
17 its subject matter among states that enact it.

18 **Sec. 12.** RCW 46.04.370 and 1975 c 62 s 6 are each amended to
19 read as follows:

20 "Operator or driver" means every person who drives or is in
21 actual physical control of a vehicle. An automated driving provider
22 that designates an associated automated vehicle under section 15 of
23 this act is the exclusive operator and the exclusive driver of an
24 associated automated vehicle under automated operation.

25 NEW SECTION. **Sec. 13.** (1) The owner of an automated vehicle
26 shall comply with chapter 46.16A RCW.

27 (2) If a motor vehicle that is not registered as an automated
28 vehicle becomes an automated vehicle, the owner or the owner's
29 authorized representative shall obtain a new registration for the
30 vehicle before automated operation of the vehicle under the
31 requirements for the registration of an automated vehicle provided in
32 this section.

33 (3) At registration of a motor vehicle, the owner or the owner's
34 authorized representative shall indicate to the department whether
35 the vehicle is an automated vehicle. This indication does not bind
36 the department to register the vehicle as an automated vehicle.

37 (4) The department may grant, maintain, or renew the registration
38 of an automated vehicle only if an automated driving provider

1 designates the vehicle under section 15 of this act as an associated
2 automated vehicle.

3 (5) The department may decline, suspend, revoke, or decline to
4 renew the registration of an automated vehicle that is not:

5 (a) An associated automated vehicle;

6 (b) Associated with an automated driving provider recognized by
7 the department;

8 (c) Properly maintained;

9 (d) Lawfully insured;

10 (e) Compliant with a registration requirement; or

11 (f) Fit to be operated.

12 (6) If the department declines, suspends, revokes, or declines to
13 renew the registration of an automated vehicle under subsection (5)
14 of this section, the department may grant a temporary registration
15 that applies to the vehicle only when it is not under automated
16 operation.

17 (7) The department may grant, maintain, or renew the registration
18 of a motor vehicle that is no longer an automated vehicle only if the
19 registrant represents under penalty of perjury to the department that
20 the vehicle cannot presently and will not be used under automated
21 operation on a public roadway.

22 (8) Registration of an automated vehicle does not create a
23 presumption as to the safety of the vehicle or its equipment.

24 NEW SECTION. **Sec. 14.** (1) To qualify as an automated driving
25 provider, a person must:

26 (a) Have participated in a substantial manner in the development
27 of an automated driving system;

28 (b) Have submitted to the United States national highway traffic
29 safety administration a safety self-assessment or equivalent report
30 for the automated driving system as required or permitted by the
31 United States national highway traffic safety administration; or

32 (c) Be registered as a manufacturer of motor vehicles or motor
33 vehicle equipment under the requirements of the United States
34 national highway traffic safety administration.

35 (2) A person is an automated driving provider only if the person
36 makes a declaration to the department that the person is an automated
37 driving provider and pays a fee specified by the department for
38 processing the declaration.

1 (3) To make a declaration under subsection (2) of this section, a
2 person must in a manner acceptable to the department:

3 (a) Represent under penalty of perjury that the person qualifies
4 as an automated driving provider under this act;

5 (b) Represent under penalty of perjury that the person is capable
6 of undertaking the responsibilities of an automated driving provider;

7 (c) Represent under penalty of perjury that sufficient evidence
8 demonstrates that the automated driving system of each associated
9 automated vehicle is capable of complying with chapter 46.61 RCW; and

10 (d) Irrevocably appoint the department as a lawful agent for
11 service of process in an action arising from the automated operation
12 of an associated automated vehicle.

13 (4) A person who makes a declaration under subsection (2) of this
14 section:

15 (a) Has the burden of proving the qualifications and
16 representations made in its declaration under subsection (2) of this
17 section to the satisfaction of the department;

18 (b) Shall submit to an investigation under subsection (5) of this
19 section;

20 (c) Shall provide all information relevant to (a) and (b) of this
21 subsection requested by the department;

22 (d) Shall pay the actual costs incurred by the department in the
23 investigation under (b) of this subsection; and

24 (e) Has no vested rights in the recognition of the declaration,
25 which is a privilege.

26 (5) The department may at any time:

27 (a) Decline to recognize a declaration made under subsection (2)
28 of this section because the department determines that requirements
29 of this section have not been met;

30 (b) Delay recognition of a declaration made under subsection (2)
31 of this section because the department requires more time or
32 information to determine that the requirements of this section have
33 been met;

34 (c) Rescind recognition of a declaration made under subsection
35 (2) of this section because the department determines that
36 requirements of this section are not being met; or

37 (d) Investigate the qualifications or representations of a person
38 that makes a declaration under subsection (2) of this section to
39 determine whether the requirements of this section have been met.

1 NEW SECTION. **Sec. 15.** (1) An automated vehicle is an associated
2 automated vehicle only if an automated driving provider designates
3 the automated vehicle under subsection (2) of this section.

4 (2) To designate an associated automated vehicle, an automated
5 driving provider must provide notice in a form acceptable to the
6 department.

7 (3) Once designated under subsection (2) of this section, an
8 automated vehicle remains an associated automated vehicle unless:

9 (a) The department declines, delays, or rescinds recognition of
10 the declaration of the automated driving provider under section 14 of
11 this act;

12 (b) The automated driving provider dissolves its business; or

13 (c) The automated driving provider disassociates the automated
14 vehicle.

15 (4) To disassociate an associated automated vehicle, an automated
16 driving provider must provide notice in a manner acceptable to the
17 department.

18 NEW SECTION. **Sec. 16.** (1) An automated driving provider shall
19 take reasonable steps to comply with chapter 46.61 RCW during
20 automated operation of an associated automated vehicle.

21 (2) An automated driving provider is responsible for a violation
22 of chapter 46.61 RCW during automated operation of an associated
23 automated vehicle.

24 (3) A violation of this subsection is a violation under this
25 title. A person may not operate an automated vehicle on a public
26 roadway if the vehicle is not:

27 (a) Properly maintained;

28 (b) Lawfully insured;

29 (c) Compliant with registration requirements; or

30 (d) Fit to be operated.

31 **Sec. 17.** RCW 46.20.025 and 2010 c 161 s 1113 are each amended to
32 read as follows:

33 The following persons may operate a motor vehicle on a Washington
34 highway without a valid Washington driver's license:

35 (1) A member of the United States Army, Navy, Air Force, Marine
36 Corps, or Coast Guard, or in the service of the National Guard of
37 this state or any other state, if licensed by the military to operate
38 an official motor vehicle in such service;

1 (2) A nonresident driver who is at least:
2 (a) Sixteen years of age and has immediate possession of a valid
3 driver's license issued to the driver by his or her home state; or
4 (b) Fifteen years of age with:
5 (i) A valid instruction permit issued to the driver by his or her
6 home state; and
7 (ii) A licensed driver who has had at least five years of driving
8 experience occupying a seat beside the driver; or
9 (c) Sixteen years of age and has immediate possession of a valid
10 driver's license issued to the driver by his or her home country. A
11 nonresident driver may operate a motor vehicle in this state under
12 this subsection (2) (c) for up to one year;
13 (3) A person taking a completely automated trip;
14 (4) An automated driving provider driving or operating an
15 automated vehicle under automated operation;
16 (5) Any person operating special highway construction equipment
17 as defined in RCW 46.04.551;
18 ~~((4))~~ (6) Any person while driving or operating any farm
19 tractor or implement of husbandry that is only incidentally operated
20 or moved over a highway; or
21 ~~((5))~~ (7) An operator of a locomotive upon rails, including a
22 railroad crossing over a public highway. A locomotive operator is not
23 required to display a driver's license to any law enforcement officer
24 in connection with the operation of a locomotive or train within this
25 state.

26 **Sec. 18.** RCW 46.16A.040 and 2017 c 147 s 4 are each amended to
27 read as follows:

28 (1) An owner or the owner's authorized representative must apply
29 for an original vehicle registration to the department, county
30 auditor or other agent, or subagent appointed by the director on a
31 form furnished by the department. The application must contain:

32 (a) A description of the vehicle, including its make, model,
33 vehicle identification number, type of body, and power to be used;

34 (b) The name and address of the person who is the registered
35 owner of the vehicle and, if the vehicle is subject to a security
36 interest, the name and address of the secured party;

37 (c) The purpose for which the vehicle is to be used;

38 (d) The licensed gross weight for the vehicle, which is:

1 (i) The adult seating capacity, including the operator, as
2 provided for in RCW 46.16A.455(1) if the vehicle will be operated as
3 a for hire vehicle or auto stage and has a seating capacity of more
4 than six; or

5 (ii) The gross weight declared by the applicant as required in
6 RCW 46.16A.455(2) if the vehicle will be operated as a motor truck,
7 tractor, or truck tractor;

8 (e) The empty scale weight of the vehicle; (~~and~~)

9 (f) Information required by the department under section 13 of
10 this act; and

11 (g) Other information that the department may require.

12 (2) The registered owner or the registered owner's authorized
13 representative shall sign the application for an original vehicle
14 registration and certify that the statements on the application are
15 true to the best of the applicant's knowledge.

16 (3) The application for an original vehicle registration must be
17 accompanied by a draft, money order, certified bank check, or cash
18 for all fees and taxes due for the application for an original
19 vehicle registration.

20 (4) Whenever any person, after applying for or receiving a
21 vehicle registration, moves from the address named in the application
22 or in the registration issued to him or her, or changes his or her
23 name of record, the person shall, within ten days thereafter, notify
24 the department of the name or address change as provided in RCW
25 46.08.195.

26 **Sec. 19.** RCW 46.37.010 and 2011 c 171 s 79 are each amended to
27 read as follows:

28 (1) It is a traffic infraction for any person to drive or move,
29 or for a vehicle owner to cause or knowingly permit to be driven or
30 moved, on any highway any vehicle or combination of vehicles that:

31 (a) Is in such unsafe condition as to endanger any person;

32 (b) Is not at all times equipped with such lamps and other
33 equipment in proper working condition and adjustment as required by
34 this chapter or by rules issued by the Washington state patrol;

35 (c) Contains any parts in violation of this chapter or rules
36 issued by the Washington state patrol; or

37 (d) Is an automated vehicle that is not properly maintained.

1 (2) It is a traffic infraction for any person to do any act
2 forbidden or fail to perform any act required under this chapter or
3 rules issued by the Washington state patrol.

4 (3) Nothing contained in this chapter or the state patrol's
5 regulations shall be construed to prohibit the use of additional
6 parts and accessories on any vehicle not inconsistent with the
7 provisions of this chapter or the state patrol's regulations.

8 (4) The provisions of the chapter and the state patrol's
9 regulations with respect to equipment on vehicles shall not apply to
10 implements of husbandry, road machinery, road rollers, or farm
11 tractors except as herein made applicable.

12 (5) No owner or operator of a farm tractor, self-propelled unit
13 of farm equipment, or implement of husbandry shall be guilty of a
14 crime or subject to penalty for violation of RCW 46.37.160 as now or
15 hereafter amended unless such violation occurs on a public highway.

16 (6) The provisions of this chapter and the state patrol's
17 regulations with respect to equipment that is necessary only for the
18 performance of the dynamic driving task by a human driver or human
19 operator shall not apply to dedicated automated vehicles, as defined
20 in section 8 of this act.

21 (7) It is a traffic infraction for any person to sell or offer
22 for sale vehicle equipment which is required to be approved by the
23 state patrol as prescribed in RCW 46.37.005 unless it has been
24 approved by the state patrol.

25 ~~((7))~~ (8) The provisions of this chapter with respect to
26 equipment required on vehicles shall not apply to:

27 (a) Motorcycles or motor-driven cycles except as herein made
28 applicable;

29 (b) Golf carts, as defined in RCW 46.04.1945, operating within a
30 designated golf cart zone as described in RCW 46.08.175, except as
31 provided in RCW 46.08.175(8).

32 ~~((8))~~ (9) This chapter does not apply to off-road vehicles used
33 on nonhighway roads or used on streets, roads, or highways as
34 authorized under RCW 46.09.360.

35 ~~((9))~~ (10) This chapter does not apply to vehicles used by the
36 state parks and recreation commission exclusively for park
37 maintenance and operations upon public highways within state parks.

38 ~~((10))~~ (11) Notices of traffic infraction issued to commercial
39 drivers under the provisions of this chapter with respect to

1 equipment required on commercial motor vehicles shall not be
2 considered for driver improvement purposes under chapter 46.20 RCW.

3 ~~((11))~~ (12) Whenever a traffic infraction is chargeable to the
4 owner or lessee of a vehicle under subsection (1) of this section,
5 the driver shall not be arrested or issued a notice of traffic
6 infraction unless the vehicle is registered in a jurisdiction other
7 than Washington state, or unless the infraction is for an offense
8 that is clearly within the responsibility of the driver.

9 ~~((12))~~ (13) Whenever the owner or lessee is issued a notice of
10 traffic infraction under this section the court may, on the request
11 of the owner or lessee, take appropriate steps to make the driver of
12 the vehicle, or any other person who directs the loading,
13 maintenance, or operation of the vehicle, a codefendant. If the
14 codefendant is held solely responsible and is found to have committed
15 the traffic infraction, the court may dismiss the notice against the
16 owner or lessee.

17 **Sec. 20.** RCW 46.37.480 and 2011 c 368 s 1 are each amended to
18 read as follows:

19 (1) No person shall drive any motor vehicle equipped with any
20 television viewer, screen, or other means of visually receiving a
21 television broadcast when the moving images are visible to the driver
22 while operating the motor vehicle on a public road, except for live
23 video of the motor vehicle backing up. This subsection does not apply
24 to ~~((law))~~:

25 (a) Law enforcement vehicles communicating with mobile computer
26 networks;

27 (b) Dedicated automated vehicles, as defined in section 8 of this
28 act; or

29 (c) Automated vehicles under automated operation.

30 (2) No person shall operate any motor vehicle on a public highway
31 while wearing any headset or earphones connected to any electronic
32 device capable of receiving a radio broadcast or playing a sound
33 recording for the purpose of transmitting a sound to the human
34 auditory senses and which headset or earphones muffle or exclude
35 other sounds. This subsection does not apply to students and
36 instructors participating in a Washington state motorcycle safety
37 program.

38 (3) This section does not apply to authorized emergency vehicles,
39 motorcyclists wearing a helmet with built-in headsets or earphones as

1 approved by the Washington state patrol, or motorists using hands-
2 free, wireless communications systems, as approved by the equipment
3 section of the Washington state patrol.

4 **Sec. 21.** RCW 46.61.590 and 1979 ex.s. c 178 s 1 are each amended
5 to read as follows:

6 It is unlawful for the operator of a vehicle to leave the vehicle
7 unattended within the limits of any highway unless the operator of
8 the vehicle arranges for the prompt removal of the vehicle or the
9 vehicle is an automated vehicle under automated operation lawfully
10 permitted to operate in the state.

11 **Sec. 22.** RCW 46.61.600 and 2010 c 8 s 9072 are each amended to
12 read as follows:

13 (1) No person driving or in charge of a motor vehicle shall
14 permit it to stand unattended unless the vehicle is an automated
15 vehicle under automated operation lawfully permitted to operate in
16 the state without first stopping the engine, locking the ignition,
17 removing the key and effectively setting the brake thereon and, when
18 standing upon any perceptible grade, turning the front wheels to the
19 curb or side of the highway.

20 (2) The most recent driver of a motor vehicle which the driver
21 has left standing unattended in violation of subsection (1) of this
22 section, who learns that the vehicle has become set in motion and has
23 struck another vehicle or property, or has caused injury to any
24 person, shall comply with the requirements of:

25 (a) RCW 46.52.010 if his or her vehicle strikes an unattended
26 vehicle or property adjacent to a public highway; or

27 (b) RCW 46.52.020 if his or her vehicle causes damage to an
28 attended vehicle or other property or injury to any person.

29 (3) Any person failing to comply with subsection (2)(b) of this
30 section shall be subject to the sanctions set forth in RCW 46.52.020.

31 **Sec. 23.** RCW 46.61.672 and 2017 c 334 s 1 are each amended to
32 read as follows:

33 (1) A person who uses a personal electronic device while driving
34 a motor vehicle on a public highway is guilty of a traffic infraction
35 and must pay a fine as provided in RCW 46.63.110(3).

36 (2) Subsection (1) of this section does not apply to:

1 (a) A driver who is using a personal electronic device to contact
2 emergency services;

3 (b) The use of a system by a transit system employee for time-
4 sensitive relay communication between the transit system employee and
5 the transit system's dispatch services;

6 (c) An individual employed as a commercial motor vehicle driver
7 who uses a personal electronic device within the scope of such
8 individual's employment if such use is permitted under 49 U.S.C. Sec.
9 31136 as it existed on July 23, 2017; (~~and~~)

10 (d) A person operating an authorized emergency vehicle; and

11 (e) The automated operation of an automated vehicle.

12 (3) The state preempts the field of regulating the use of
13 personal electronic devices in motor vehicles while driving, and this
14 section supersedes any local laws, ordinances, orders, rules, or
15 regulations enacted by any political subdivision or municipality to
16 regulate the use of a personal electronic device by the operator of a
17 motor vehicle.

18 (4) A second or subsequent offense under this section is subject
19 to two times the penalty amount under RCW 46.63.110.

20 (5) For purposes of this section:

21 (a) "Driving" means to operate a motor vehicle on a public
22 highway, including while temporarily stationary because of traffic, a
23 traffic control device, or other momentary delays. "Driving" does not
24 include when the vehicle has pulled over to the side of, or off of,
25 an active roadway and has stopped in a location where it can safely
26 remain stationary.

27 (b) "Personal electronic device" means any portable electronic
28 device that is capable of wireless communication or electronic data
29 retrieval and is not manufactured primarily for hands-free use in a
30 motor vehicle. "Personal electronic device" includes, but is not
31 limited to, a cell phone, tablet, laptop, two-way messaging device,
32 or electronic game. "Personal electronic device" does not include
33 two-way radio, citizens band radio, or amateur radio equipment.

34 (c) "Use" or "uses" means:

35 (i) Holding a personal electronic device in either hand or both
36 hands;

37 (ii) Using your hand or finger to compose, send, read, view,
38 access, browse, transmit, save, or retrieve email, text messages,
39 instant messages, photographs, or other electronic data; however,

1 this does not preclude the minimal use of a finger to activate,
2 deactivate, or initiate a function of the device; or
3 (iii) Watching video on a personal electronic device.

4 NEW SECTION. **Sec. 24.** If any provision of this act or its
5 application to any person or circumstance is held invalid, the
6 remainder of the act or the application of the provision to other
7 persons or circumstances is not affected.

8 NEW SECTION. **Sec. 25.** Sections 2 through 10 of this act are
9 each added to chapter 46.04 RCW.

10 NEW SECTION. **Sec. 26.** Sections 1, 11, and 13 through 16 of this
11 act constitute a new chapter in Title 46 RCW.

12 NEW SECTION. **Sec. 27.** This act takes effect January 1, 2021.

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