

HOUSE BILL REPORT

SSB 5460

As Passed House:

April 11, 2021

Title: An act relating to implementing recommendations of the autonomous vehicle work group.

Brief Description: Implementing recommendations of the autonomous vehicle work group.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Nguyen and Van De Wege).

Brief History:

Committee Activity:

Transportation: 3/15/21, 3/31/21 [DP].

Floor Activity:

Passed House: 4/11/21, 86-12.

Brief Summary of Substitute Bill

- Removes the prohibition on driving a motor vehicle equipped with a television viewer, screen, or other means of visually receiving a television broadcast when moving images are visible to the driver.
- Delays from taking effect by one year requirements for autonomous vehicle testing related to providing certain testing information to the Department of Licensing and periodic collision and moving violation reporting.
- Defines "autonomous" to mean a Level 4 or Level 5 driving automation system according the Society of Automotive Engineering International's standard for the purposes of autonomous vehicle testing requirements.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass. Signed by 24 members: Representatives Fey, Chair; Wylie,

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

1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry, Chapman, Duerr, Entenman, Goehner, Griffey, Hackney, Klicker, Lovick, Paul, Ramel, Riccelli, Slatter, Taylor, Valdez and Wicks.

Minority Report: Do not pass. Signed by 2 members: Representatives Orcutt and Sutherland.

Minority Report: Without recommendation. Signed by 3 members: Representatives Dent, McCaslin and Walsh.

Staff: Jennifer Harris (786-7143).

Background:

Distracted Driving Laws.

No person is permitted to drive a motor vehicle equipped with a television viewer, screen, or other means of visually receiving a television broadcast when the moving images are visible to the driver while operating the motor vehicle on a public road, except for live video of the motor vehicle backing up. This prohibition does not apply to law enforcement vehicles communicating with mobile computer networks.

A person who uses a personal electronic device while driving a motor vehicle on a public highway is guilty of a traffic infraction. "Use" is defined to include watching video on a personal electronic device. "Personal electronic device" is defined as any portable electronic device that is capable of wireless communication or electronic data retrieval and is not manufactured primarily for hands-free use in a motor vehicle. It includes, but is not limited to, a cell phone, tablet, laptop, two-way messaging device, or electronic game.

It is a secondary traffic infraction to drive dangerously distracted, which is defined as engaging in an activity not related to the operation of a motor vehicle in a manner that interferes with the safe operation of the motor vehicle.

Autonomous Vehicle Testing Pilot Program.

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

To test an AV under the Department of Licensing's (DOL's) AV self-certification testing pilot program, the testing entity must:

- hold an umbrella liability insurance policy that covers the entity in an amount of not less than \$5 million per occurrence for damages by reason of bodily injury or death or

- property damage caused by the operation of an AV included in the AV self-certification testing pilot program; and
- maintain proof of this policy with the DOL in a form and manner specified by the DOL.

As of October 1, 2021, in order to test an AV on public roadways under the DOL's AV self-certification testing pilot program, the following information must be provided by the self-certifying entity testing the AV:

- contact information specified by the DOL;
- local jurisdictions where testing is planned;
- the vehicle identification numbers (VINs) of the AVs being tested, provided that the vehicles are mandated to have VINs by state or federal law; and
- proof of an insurance policy that meets the requirements for AVs participating in the pilot program (see below for details).

Also as of October 1, 2021, by February 1 of each year, self-certifying entities testing AVs must submit a report to the DOL that includes information from the prior calendar year on:

- vehicle collisions that involve an autonomous motor vehicle during testing on a public roadway and that are required by law to be reported to law enforcement; and
- moving violations for which a traffic citation or infraction was issued that involve an autonomous motor vehicle during testing on a public roadway.

Once these requirements are in effect, the DOL must provide public access to the information reported by self-certifying entities, and must provide an annual report to the House of Representatives and Senate transportation committees summarizing the information reported by self-certifying entities.

As of October 1, 2021, the self-certifying entity testing the AV on public roadways must provide written notice in advance of testing to every local and state law enforcement agency with jurisdiction over any of the public roadways on which testing will occur in the applicable jurisdictions. For testing primarily on limited access highways during which the AV will travel through multiple local jurisdictions, which may include the limited incidental use of other roadways, the self-certifying entity is only required to provide written notice to the Washington State Patrol.

Society of Automotive Engineering International Standards.

The Society of Automotive Engineering International (SAE) is an international association of engineers and related technical experts in the aerospace, automotive, and commercial-vehicle industries. The SAE has developed international standard J3016 related to automated driving that include Levels 1 to 5 of driving automation—Level 0 meaning no automation to Level 5 meaning full vehicle autonomy. The SAE standard J3016 was incorporated in the United States Department of Transportation's federal automated vehicles policy in 2016.

Summary of Bill:

The prohibition on driving a motor vehicle equipped with a television viewer, screen, or other means of visually receiving a television broadcast when moving images are visible to the driver is removed.

The date related to the following AV testing requirements is moved from October 1, 2021, to October 1, 2022: providing certain testing information (as specified above) to the DOL; collision and moving violation reporting; and annual reporting to the transportation committees of the Legislature by the DOL.

"Autonomous" is defined to mean a Level 4 or Level 5 driving automation system according to the SAE's standard, as of October 1, 2022, or on a date provided in rule by the DOL. These levels of automation are levels that do not require the driver to take over driving from the vehicle while it is operating in an autonomous mode with its automated driving features activated.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed, except for section 1, relating to the regulation of autonomous vehicle testing, which takes effect October 1, 2022.

Staff Summary of Public Testimony:

(In support) This bill includes recommendations by the autonomous vehicle work group and passed unopposed in the Senate. These recommendations resulted from an in-depth review process. Due to delays caused by the pandemic, stakeholders have not been able to meet to work on last year's bill on autonomous vehicle testing regulation. There was an understanding that last year's bill would be addressed in 2021. That is why a delay in its effective date is included in this bill. The bill also changes the law on vehicle equipment television viewer infractions. Distracted driving laws make that law unnecessary.

(Opposed) None.

Persons Testifying: Senator Nguyen, prime sponsor; Rose Feliciano, Internet Association; Ryan Spiller, Alliance of Automotive Innovators; Reema Griffith, Washington State Transportation Commission; and Debi Besser, Washington Traffic Safety Commission.

Persons Signed In To Testify But Not Testifying: None.