

# SENATE BILL REPORT

## SB 5460

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As Reported by Senate Committee On:  
Transportation, February 22, 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:** Senators Nguyen and Van De Wege.

**Brief History:**

**Committee Activity:** Transportation: 2/18/21, 2/22/21 [DPS].

### Brief Summary of First Substitute Bill

- Defines autonomous as a level four or five driving automation system as provided in the Society of Automotive Engineering International's standard J3016.
- Removes the prohibition of operating, on a public road, a motor vehicle that is equipped with a television viewer, screen, or other means of visually receiving a television broadcast when the moving images are visible to the driver.
- Delays the effective date of the Department of Licensing Autonomous Vehicle Self-certification Testing Pilot Program and the addition of the definition of "autonomous" to October 1, 2022.

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### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** That Substitute Senate Bill No. 5460 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland, Das, Fortunato, Hawkins, Lovelett, Nguyen, Nobles, Padden, Randall, Sheldon, Wilson, C. and Wilson, J.

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*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.*

**Staff:** Kimberly Johnson (786-7472)

**Background:** Screens in a Motor Vehicle. Under current law, a person may not, on a public road, operate 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. This prohibition does not apply to law enforcement.

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. 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.

Department of Licensing Autonomous Vehicle Self-Certification Testing Pilot Program—Effective October 1, 2021. To test an AV on public roadways, the following information must be provided to the DOL by the entity testing the AV: contact information, the local jurisdiction where testing is planned, VIN number, and proof of an insurance policy.

By February 1st of each year, self-certifying entities testing AVs must submit a report to DOL that includes information from the prior calendar year regarding collisions and moving violations that involve an autonomous motor vehicle during testing on a public roadway.

The entity testing the AV on a public roadway 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.

To test an AV under the 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 DOL in a form and manner specified by DOL.

Autonomous Vehicle Work Group. A law enacted in 2018 established an AV Work Group convened by the Washington State Transportation Commission (Commission). The AV Work Group is tasked with developing policy recommendations to address the operation of AVs on public roadways in the state, and includes participation from the Office of the Governor, the Office of the Insurance Commissioner (OIC), DOL, the Washington State Department of Transportation (WSDOT), the Washington State Patrol (WSP), and the Washington Traffic Safety Commission (WTSC). The AV Work Group includes four

members from the House of Representatives and four members from the Senate. The Commission has the option of inviting additional participation.

The AV Work Group is responsible for following developments in AV technology, deployment, and policy; exploring changes to state law, rules, and policy; disseminating information on AVs; and engaging the public to inform policy development at the direction of the Legislature. The Commission is required to develop and update recommendations annually based on the input provided by the AV Work Group, and provide a report to the Governor and the Legislature by November 15th of each year. The AV Work Group is set to remain active through the end of 2023.

Society of Automotive Engineering International Standards. The Society of Automotive Engineering International (SAE) is a global association of more than 128,000 engineers and related technical experts in the aerospace, automotive, and commercial-vehicle industries. SAE has developed international standard J3016 related to automated driving that include levels one to five of driving automation—level zero meaning no automation to level five meaning full vehicle autonomy. SAE standard J3016 was adopted by the U.S. Department of Transportation in 2016 for use in its federal automated vehicles policy.

**Summary of Bill (First Substitute):** For purposes of the DOL AV self-certification testing pilot program, "autonomous" is defined as a level four or five driving automation system as provided in the SAE standard J3016, as it existed on the effective date of this section, or such subsequent date as may be provided by DOL by rule.

The effective date of the DOL AV self-certification testing pilot program is moved back one year to October 1, 2022.

The prohibition of operating, on a public road, 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, is repealed.

**EFFECT OF CHANGES MADE BY TRANSPORTATION COMMITTEE (First Substitute):**

- Removes the grant of rule making authority for DOL to administer and implement the DOL AV self-certification testing pilot program.
- Delays the effective date of the DOL AV self-certification testing pilot program and the new definition of "autonomous" to October 1, 2022.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** The bill contains several effective dates. Please refer to the bill.

**Staff Summary of Public Testimony on Original Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: I have served on the AV Work Group whose purpose is to allow us to build a thoughtful framework for autonomous vehicles in Washington State. This legislation is from the AV Executive Committee of the Work Group based on suggestions from the policy subcommittees. The bill carries forward some of the recommendations from the AV Work Group which the Transportation Commission has endorsed. The bill removes some obstacles that hinder the advancement of AV testing in our state. Clarification of the rule making authority would be helpful to DOL as we administer the program and will allow us to react to federal changes in the AV space.

OTHER: We would like to ask for the removal of the rulemaking authority for the DOL. The recommendation to the Washington Transportation Commission was to have discussions of appropriate sideboards for the rulemaking authority and while the Commission may not have concerns with carte blanche grant of authority, we recommended that this would need to be worked out further. Those conversations have not occurred and therefore we request that the grant of rule making authority be removed. We would also like you to consider to delay the effective date of last year's bill to allow for us to further work with DOL and the Legislature on the implementation of the underlying AV testing program. WAYMO has concerns about the broad grant of the rule making authority and request its removal.

**Persons Testifying:** PRO: Senator Joe Nguyen, Prime Sponsor; Reema Griffith, Washington State Transportation Commission; Shelly Baldwin, Washington Traffic Safety Commission; Beau Perschbacher, Washington State Department of Licensing.

OTHER: Samantha Kersul, TechNet; Rose Feliciano, Internet Association; Brent Ludeman, Waymo.

**Persons Signed In To Testify But Not Testifying:** No one.