

SENATE BILL REPORT

SB 5872

As of January 26, 2024

Title: An act relating to vehicle and operator requirements for autonomous vehicles.

Brief Description: Concerning vehicle and operator requirements for autonomous vehicles.

Sponsors: Senators Lovick, Dhingra, Hasegawa, Kuderer, Lovelett, Valdez and Wilson, C..

Brief History:

Committee Activity: Transportation: 1/30/24.

Brief Summary of Bill

- Requires a human safety operator to be physically present inside an autonomous vehicle (AV) when in operation to monitor performance and intervene if necessary.
- Requires AVs to meet federal standards and regulations for a motor vehicle, and the human safety operator to meet all state and federal requirements to operate motor vehicles and AVs.

SENATE COMMITTEE ON TRANSPORTATION

Staff: Brandon Popovac (786-7465)

Background: 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 participate in the pilot program, all vehicle owners must attest to proof of financial responsibility, and developing entities must self-certify to the Department of Licensing (DOL) that they comply with all applicable requirements before beginning a pilot program.

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.

Autonomous Vehicle Self-Certification Testing Pilot Program. To test an AV on public roadways, the following information must be provided to DOL by the entity testing the AV:

- contact information;
- the local jurisdiction where testing is planned;
- vehicle identification 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. The AV Work Group convened by the Washington State Transportation Commission was tasked with developing policy recommendations to address the operation of AVs on public roadways in the state. The AV Work Group was responsible for:

- following developments in AV technology, deployment, and policy;
- exploring changes to state law, rules, and policy;
- disseminating information on AVs;
- engaging the public to inform policy development at the direction of the Legislature; and
- developing and updating recommendations annually based on the input provided by the AV Work Group, and providing a report to the Governor and the Legislature by November 15th of each year.

Before it expired, the AV Work Group released a Roadmap to the Future report in December 2023 addressing the following focus areas to accommodate AV operations on state public roadways: agency readiness, public outreach, equity, safety, testing and pilots, and a path to deployment.

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: Every AV registered in the state must meet federal standards and regulations for a motor vehicle.

Human safety operators must be physically present inside an AV when in operation to monitor performance and intervene if necessary, including operating, stopping, or shutting off the AV. The human safety operator must also meet all state and federal requirements to operate motor vehicles and AVs.

The operation of AVs under DOL’s self-certification testing pilot program is subject to the new AV vehicle and operator requirements.

AV is defined as a motor vehicle equipped with a level four or five automated driving system under SAE standard J3016. Human safety operator is defined as a person who controls the entire dynamic driving task for an AV.

Appropriation: None.

Fiscal Note: Available.

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

Effective Date: Ninety days after adjournment of session in which bill is passed.