

# Autonomous Vehicles Licensing Subcommittee

Beau Perschbacher, Policy and Legislative Director, DOL

Drew Wilder, Vicarious Liability Risk Management LLC

# Overview of presentation

- **Engrossed Substitute House Bill 2676**
- **Feedback on House Bill 2470 (Uniform Law Commission proposal)**
- **Research on AV models:** California and Arizona
- **Subcommittee Recommendations**
  - Amendment to RCW 46.37.480 - Television viewers
  - Rulemaking authority for self-certification program
- **Upcoming subcommittee activities**

# Engrossed Substitute House Bill 2676

2020 legislation that established minimum requirements for the testing of autonomous vehicles:

## Section 1 (effective June 11, 2020)

- Testing entities must submit the following information to DOL: contact information, local jurisdictions where they plan to test vehicles, the vehicle identification numbers (VIN or other identifying numbers).
- Entities must maintain a \$5 million insurance policy and provide proof to DOL

## Section 2 (effective October 1, 2021)

- Testing entities must provide notice to law enforcement before testing on public roadways and to report annually to DOL any infractions and collisions that occur when the vehicle is in automation mode.
- Requires DOL to make information available to the public that the entities submit to the agency and report annually to the Legislature.

# Engrossed Substitute House Bill 2676 (continued)

## Feedback on Section 2 of the bill

- Difficulty for testing entities to know which law enforcement entities they would need to notify when testing goes throughout the state.
- Discussion of the right amount of data for collision reporting:
  - Only when the AV is at fault?
  - Only when the AV system is engaged?
  - Some raised concerns that we'd lose important data
- Discussed benefits of developing a law enforcement protocol for how to interact with AVs being tested in the state.

# Engrossed Substitute House Bill 2676 (continued)

## Current participants of self-certification testing program:

BMW of North America, LLC (based in New Jersey)

LM Industries Group, Inc. (based in Arizona)

NVIDIA Corporation (based in California)

Optimus Ride Inc. (based in Massachusetts)

Waymo LLC. (based in California)

Zoox, Inc. (based in California)

# Uniform Law Commission Bill 2470

## Feedback on the bill

- Overall, a lot of industry concerns about the proposal.
- Central discussion was the role of the federal vs. state government in regulating the ability of a vehicle to perform safely:
  - Traditionally vehicle standards regulated by the federal government through Federal Motor Vehicle Safety Standards.
  - DOL does not have in-house expertise to technically evaluate AV safety. Option to license a thirty-party?
  - Challenge in finding an impartial third-party with enough expertise to evaluate the technology.
  - Potential to adopt the standards of another state (e.g. CA).
  - Level of risk the state assumes under the proposal

# California AV Regulations

## Discussion:

- Potential for WA to develop law enforcement AV interaction plan, something to work on with the Safety Subcommittee
  - Don't need all the details on the vehicle, but who to contact if something goes wrong on the roads, how to shut it off, tow it, etc.
  - Some industry concerns about requiring too much information as part of this process, could reveal proprietary information
- Potential for WA to define what SAE levels are required to complete self-certification
  - Most participants thought SAE level 4 & 5 were appropriate for self-certification
  - CA was statutorily required to use SAE level 3 and above

# California AV Regulations

## Discussion:

- What is the value of self-certification vs. the state reviewing and approving applications?
  - CA model provides a closed loop – companies receive positive confirmation of approved testing permit
  - Having WA approve an AV testing plan (vs. self certification) exposes the state to additional risk
- What is the value in requiring the reporting of disengagements?
  - Concerns about requiring the reporting of more data that may not be beneficial since the primary interest is understanding how the vehicles behave in autonomous mode
  - Reporting disengagements could help us understand if the transition points from AV mode to regular mode are linked to collisions

# Arizona AV Regulations

## Summary:

- Self-certification process
- Law enforcement AV interaction protocol required
- Allows operation (picking up riders), not just testing
- Overall, appears to be a “light touch” regulatory environment

## Discussion:

- The law enforcement protocol seems to be a common theme and something we should explore
- Need to start shifting our discussion to licensing/regulatory issues related to the operational deployment of AVs, not just testing

# Recommendation #1

## Amendment to RCW 46.37.480 - Television viewers

- Referred to the Licensing Subcommittee by the Safety Subcommittee
- Voted on at April 2020 meeting (26 yay, 0 nay, 1 abstain)

### Recommendation:

- Repeal Section (1) of RCW 46.37.480:

*(1) No person shall drive any motor vehicle equipped with any 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 subsection does not apply to law enforcement vehicles communicating with mobile computer networks.*

- This RCW language is obsolete and out of date.
- This citation by law enforcement is not widely used as the use of electronic devices in vehicles is already addressed in RCW 46.61.672 and RCW 46.61.673.
- Repealing this may also eliminate a potential barrier to advancing autonomous vehicle technology that may be posed by this RCW, including but not limited to, truck platooning.

# Recommendation #2

## Amendment to RCW 46.92.010 Testing—Self-certification pilot program

- Recommendation is supported by various other subcommittees, including the Safety Subcommittee.
- Voted on at October 2020 meeting (12 yay, 0 nay, 2 abstain)

### Recommendation:

- Propose language amendment to RCW 46.92.010 Testing—Self-certification pilot program

*(8) The department may develop rules for the purpose of administering and maintaining the self-certification pilot program.*

- It is unclear what SAE level of autonomous vehicle the self-certification process is intended to apply to. The Department of Licensing could clarify the issue through rulemaking, if given the authority from the Legislature.
- Granting the Department of Licensing general rulemaking authority over the self-certification program would provide the flexibility to address future items that need clarification.

# Upcoming Subcommittee Activities

- Continue to study and explore methods of AV deployment and commercialization.
- Continue to review model legislation proposals and regulatory structures in other states.
- Invite companies that completed self-certification to attend our subcommittee meetings and share their experience and future plans.

\*Next subcommittee meeting: Spring 2021