
Transportation Committee

HB 2676

Brief Description: Establishing minimum requirements for the testing of autonomous vehicles.

Sponsors: Representatives Kloba, Boehnke and Hudgins.

Brief Summary of Bill

- Requires a self-certifying entity under the Department of Licensing's (DOL) autonomous vehicle (AV) testing pilot program to provide contact information, information on testing locations, vehicle identification numbers, and proof of insurance, and to notify the DOL of any traffic incidents and autonomous driving system disengagements to avoid a possible traffic incident.
- Requires that self-certifying entities obtain an umbrella liability insurance policy that covers a minimum of \$5 million per occurrence for damages by reason of bodily injury or death or property damage caused by an AV.
- Permits the DOL to adopt a fee to be charged for self-certification to offset administrative costs of the self-certification AV testing pilot program.
- Mandates that the DOL provide public access to the information self-certifying entities provide.

Hearing Date: 2/10/20

Staff: Jennifer Harris (786-7143).

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.

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

Under Executive Order 17-02, pilot programs conducting testing with human operators present in vehicles are required to comply with the following requirements:

- Vehicles must be operated or monitored only by a trained employee, contractor, or other person authorized by the entity developing autonomous technology.
- Vehicles must be monitored, and an operator must have the ability to direct the vehicle's movement if assistance is required.
- Individuals able to exercise operational control of an autonomous vehicle during operation must possess a valid United States driver's license.

Also under the executive order, pilot programs conducting testing without human operators present in vehicles are required to comply with the following requirements:

- Vehicles must be equipped with an automated driving system that performs all aspects of the driving task on a part- or full-time basis within the vehicle's operational design limits.
- Vehicles must be capable of bringing the vehicle to a safe condition in the event of a system failure.
- Vehicles must be capable of being operated in compliance with state motor vehicle laws relevant to the vehicle's operational design limits.

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.

Motor Vehicle Insurance or Equivalent Requirements.

No person may operate a motor vehicle required to be registered in the state unless the person is insured under a motor vehicle liability policy, self-insured, covered by a certificate of deposit, or covered by a liability bond. A motor vehicle liability policy or bond must be issued by an insurance or surety company authorized to do business in the state and must provide a minimum coverage level of \$25,000 for bodily injury or death of a single person in any one accident, \$50,000 for bodily injury or death of two or more people in any one accident, and \$10,000 for injury to or destruction of property of others in any one accident.

To be self-insured, a person must have more than 25 vehicles registered in that person's name and the DOL must find that the person possesses the ability to pay a judgment obtained against him or her. The DOL will issue a certificate of deposit to the person named in it once that person has deposited \$60,000 in cash or securities that may legally be purchased by savings banks or for trust funds for a market value of \$60,000.

Proof of insurance or the equivalent for motor vehicle operation must be provided at the request of a law enforcement officer. When asked to do so by a law enforcement officer, failure to display this proof for motor vehicle operation is a traffic infraction and is subject to a fine of \$250 (\$553 with associated fees and surcharges). If a person cited for this violation provides written evidence either in person or by mail that, at the time the person was cited, he or she was in compliance with this requirement, the citation will be dismissed and the court may assess administrative costs of \$25 at the time of dismissal.

Any person who knowingly provides false evidence of financial responsibility to a law enforcement officer or to a court, including an expired or canceled insurance policy, bond, or certificate of deposit is guilty of a misdemeanor.

Summary of Bill:

Autonomous Vehicle Testing Pilot Program Reporting Requirements.

In order to test an AV 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).

Any AV that does not have a VIN and is not otherwise required to have a VIN assigned to under federal or state law must provide the DOL with a unique identification number for the vehicle and display this unique identification number in the vehicle in a manner similar to the display of vehicle identification numbers in motor vehicles.

The self-certifying entity testing the AV must notify the DOL of:

- any traffic incident and any traffic infraction involving an autonomous motor vehicle within ten days of its occurrence; and
- any autonomous driving system disengagements of the system while the vehicle is being operated that are made to avoid a possible traffic incident, including details related to the disengagement.

The DOL may adopt a fee to be charged by the DOL for self-certification in an amount sufficient to offset administration of the self-certification testing pilot program.

The DOL must provide public access to the information self-certifying entities provide to it, and must provide an annual report to the House and Senate transportation committees of the Legislature summarizing the information reported by self-certifying entities.

Pilot Program Insurance or Equivalent Requirements.

To test an AV under the DOL's AV self-certification testing pilot program, the testing entity must meet the following requirements:

- hold an umbrella liability insurance policy that covers the entity in an amount 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 for which information is provided under 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.

Requirements related to providing proof of motor vehicle insurance and penalties for providing false evidence of motor vehicle insurance generally applicable under state law are also applicable to pilot program insurance requirements.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on October 1, 2020.