

FINAL BILL REPORT

ESHB 2676

C 182 L 20
Synopsis as Enacted

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

Sponsors: House Committee on Transportation (originally sponsored by Representatives Kloba, Boehnke and Hudgins).

House Committee on Transportation
Senate Committee on Transportation

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.

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.

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.

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 pilot program participants must self-certify to the Department of Licensing (DOL) that they are compliant with all applicable requirements before beginning a pilot program.

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), the 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 to provide a report to the Governor and the Legislature by November 15 of each year. The AV Work Group is set to remain active through the end of 2023.

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.

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:

Autonomous Vehicle Testing Pilot Program Reporting Requirements.

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).

Any AV associated with the DOL's pilot program that does not have a VIN and is not otherwise required to have a VIN assigned to it under federal or state law must be assigned a unique identification number for the vehicle that is provided to the DOL and that is displayed in the vehicle in a manner similar to the display of VINs in motor vehicles.

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 for the following:

1. 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
2. moving violations for which a traffic citation or infraction was issued that involve an autonomous motor vehicle during testing on a public roadway.

The information provided by the self-certifying entity to the DOL must include whether the autonomous driving system was operating the vehicle at the time of or immediately prior to the collision or moving violations. In the case of collisions, the information provided must also include details regarding the collision, including any loss of life, injury, or property damage that resulted from the collision.

All other rights and duties applicable in the event of a motor vehicle collision continue to apply.

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 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.

Pilot Program Law Enforcement Notification Requirements.

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, including:

- city police departments within city limits where testing will occur;
- county sheriff departments outside of city limits in counties where testing will occur;
- and

- the WSP when testing will occur on limited access highways.

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 WSP. Written notice provided to law enforcement agencies must:

Written notice provided to law enforcement agencies must:

- be provided not less than 14 days or more than 60 days in advance of testing;
- include contact information the law enforcement agency can use to communicate with the self-certifying entity regarding the testing planned; and
- provide the physical description of the AV being testing, including its make, model, color, and license plate number.

Pilot Program Insurance or Equivalent Requirements.

To test an AV under the 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.

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.

Votes on Final Passage:

House	70	28	
Senate	48	0	(Senate amended)
House	84	13	(House concurred)

Effective: June 11, 2020
October 1, 2021 (Section 2)