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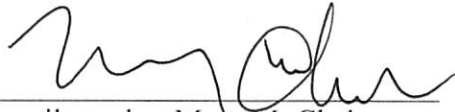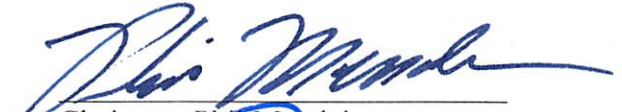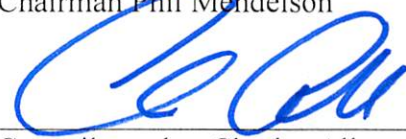Councilmember Mary M. Cheh

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Chairman Phil Mendelson

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Councilmember Charles Allen

A BILL

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend the Autonomous Vehicle Act of 2012 to modernize the framework for autonomous vehicles operating within the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Autonomous Vehicles Amendment Act of 2019."

Sec. 2. The Autonomous Vehicle Act of 2012, effective Apr. 23, 2013 (D.C. Law 19-278; D.C. Official Code § 50-2351 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 50-2351) is amended to read as follows:

"Sec. 2. Definitions.

"For the purposes of this chapter, the term:

"(1) "ADP" means an automated driving provider that manufactures an automated driving system for installation on a motor vehicle. This includes original equipment manufacturers, multiple and final stage manufacturers, alterers, and modifiers.

"(2) "ADS" means the automated driving system that includes the hardware and software that are collectively capable of performing the entire dynamic driving task on a sustained basis while engaged, regardless of whether it is limited to a specific operator design domain. The term

27 does not include active safety systems or driver-assistance systems, including systems to provide

28 electronic blind-spot assistance, crash avoidance, emergency braking, parking assistance, adaptive

29 cruise control, lane-keep assistance, lane-departure warning, or traffic-jam and queuing assistance,

30 unless the system alone or in combination with other systems enables the vehicle to perform the

31 entire dynamic driving task on a sustained basis without active control or monitoring by a human

32 operator.

33   "(3) "Alterer" means an individual or company that makes changes to a complete vehicle

34 prior to the vehicle being available for its first retail sale or deployed.

35   "(4) "Autonomous vehicle" means a vehicle equipped with an automated driving system.

36 This includes vehicles designated as Level 3, 4, or 5 in the June 2018 revision of the SAE

37 International J3016.

38   "(5) "Dynamic driving task" means the real-time operational and tactical functions required

39 to operate a vehicle in on-road traffic, including:

40   "(A) Lateral vehicle motion control via steering;

41   "(B) Longitudinal vehicle motion control via acceleration and deceleration;

42   "(C) Monitoring the driving environment via object and event detection,

43 recognition, classification, and response preparation;

44   "(D) Object and event response execution;

45   "(E) Maneuver planning; and

46   "(F) Enhancing conspicuity via lighting, signaling and gesturing.

47   "The term does not include the strategic functions such as trip scheduling and selection of

48 destinations and waypoints.

49   "(6) "DMV" means the District of Columbia Department of Motor Vehicles.

50   "(7) "Human driver" means the person in active control of performing the entire dynamic

51   driving task on a sustained basis, or in a fallback position to become the operator of a Level 3

52   autonomous vehicle when the ADS disengages.

53   "(8) "Minimal risk condition" means a condition in which an ADS may reduce the risk of

54   a crash of an autonomous vehicle when a trip cannot or should not be completed, for example by

55   exiting the vehicles operating design domain or experiencing an ADS system failure.

56   "(9) "Modifier" means individuals or companies selling equipment for, or making changes

57   to, existing vehicles after first retail sale or deployment.

58   "(10) "Operator design domain" means the specific conditions under which a given ADS

59   is designed to function, including but not limited to roadway type, speed range, environmental

60   conditions, and other domain constraints.

61   "(11) "Operator" means either the human driver in active control of a motor vehicle, or the

62   ADP when the ADS is engaged.

63   "(12) "Public roadway" means a street, road, or public thoroughfare that allows motor

64   vehicles.

65   "(13) "Traffic control device" means a traffic signal, traffic sign, electronic traffic sign,

66   pavement marking, or other sign, device, or apparatus designed and installed to direct moving

67   traffic.".

68   (b) Section 3 (D.C. Official Code § 50-2352) is amended to read as follows:

69   "Sec. 3. Autonomous vehicle permitted and registration requirements.

70   "(a) An autonomous vehicle must be properly registered pursuant to the District of

71   Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 679; D.C. Official Code §

72   50-1501 *et seq.*), to operate on a public roadway.

73 "(b)(1) When registering, or renewing the registration of any motor vehicle, the DMV shall

74 ascertain and record whether the vehicle is an autonomous vehicle. If the vehicle is an autonomous

75 vehicle, the registration shall record the vehicles ADP on the vehicle registration, and the DMV

76 shall issue a special registration plate for the autonomous vehicle.

77 "(2) The DMV shall not register an autonomous vehicle unless:

78 "(A) The autonomous vehicle meets Federal Motor Vehicle Safety

79 Standards for the vehicle's model year and all other applicable safety standards and performance

80 requirements as set forth in District and federal laws and regulations. A certification that such

81 requirements are met shall be *prima facie* evidence that these requirements are met.

82 "(B) The autonomous vehicle is capable of operating in compliance with

83 the District's applicable traffic laws, motor vehicle laws, and traffic control devices.

84 "(C) The autonomous vehicle has a system to safely alert the vehicle

85 passengers if a failure is detected while the ADS is engaged. The ADS manufacturer shall certify

86 that they will be able to do the following when an alert is given:

87 "(i) Bring the autonomous vehicle to a minimal risk condition; or

88 "(ii) Allow the human driver to resume operation of the autonomous

89 vehicle, but only after sufficient indication and time for a typical person to respond appropriately

90 to the driving situation at hand.

91 "(D) The person registering the vehicle provides proof that the ADP is

92 licensed under section 3A.

93 "(c) Any modification of a motor vehicle to include an ADS for the first time shall

94 invalidate its prior registration.

95　　　　　"(d) Any intentional modification to an autonomous vehicle or its equipment that alters its

96　　　ADS shall invalidate its registration, unless such alteration is:

97　　　　　　　"(1) Required by law;

98　　　　　　　"(2) Made by or on behalf of the ADP; or

99　　　　　　　"(3) Otherwise permitted by DMV regulations.

100　　　　　"(e) The DMV may decline to register or, with reasonable notice to the owner and the ADP,

101　　　suspend, revoke, or decline to renew the registration of any autonomous vehicle that it determines

102　　　to be unsafe, improperly equipped, or otherwise unfit to be operated on a highway. In deciding

103　　　whether to register or revoke the registration of any autonomous vehicle, the DMV may by rule or

104　　　in practice treat as conclusive a decision by the responsible agency of another state to restrict the

105　　　registration of the relevant make, model, kind, or category of motor vehicle or equipment.

106　　　　　"(f) The registration of an autonomous vehicle shall create no presumption as to the safety

107　　　of the vehicle or its equipment and shall not be interpreted to abrogate or amend any statutory or

108　　　regulatory provisions or any aspects of the common law pertaining to liability for any harm or

109　　　injury caused.".

110　　　　　(c) A new section 3A is added to read as follows:

111　　　　　"3A. Autonomous vehicles license requirements.

112　　　　　"(a) Only an appropriately licensed ADP or human driver may operate an autonomous

113　　　vehicle on the public roads in the District.

114　　　　　"(b) The DMV shall provide a license to an ADP to operate an autonomous vehicle on the

115　　　public roads in the District if the following requirements are met:

116   "(1) The ADP certifies that they shall not, and do not, enter into, enforce, or offer

117   to enter into a pre-dispute arbitration agreement with any passenger, human driver, or other

118   individual riding in, hailing, or involved in a collision with an autonomous vehicle.

119   "(2) The ADP has in place and has provided the DMV with evidence of the ADP's

120   ability to respond to a judgment or judgments for damages for personal injury, death, or property

121   damage arising from the operation of an autonomous vehicle on public roads in the amount of at

122   least twenty-five million dollars ($25,000,000), in the form of:

123   "(A) An instrument of insurance issued by an insurer admitted to issue

124   insurance in the District;

125   "(B) A surety bond issued by an admitted surety insurer or an eligible

126   surplus lines insurer, and not a deposit in lieu of bond; or

127   "(C) A proof of self-insurance in a form and manner approved by the DMV.

128   "(3) The ADP warrants that it shall operate in compliance with the District's

129   applicable traffic laws and traffic control devices.

130   "(4) The ADP delivers to the DMV for filing a statement that consents to the

131   jurisdiction of the District and provides the address of a registered agent in the District and the

132   name of its registered agent at that office for service of process.

133   "(c) The DMV may, with reasonable notice to the ADP, decline to license or suspend,

134   revoke, or decline to renew the license of the ADP that it determines to be unsafe or otherwise

135   unfit to operate an autonomous vehicle on a public roadway. In deciding whether to license an

136   ADP, the DMV may by rule or in practice treat as conclusive a decision by the responsible agency

137   of another state to license the ADP.

138   "(d) The licensing of an ADP shall create no presumption as to the safety of ADS and shall

139   not be interpreted to abrogate or amend any statutory or regulatory provisions or any aspects of

140   the common law pertaining to liability for any harm or injury caused.".

141   (d) Sec. 4 (D.C. Official Code § 50-2353) is amended to read as follows:

142   "Sec. 4. Liability of automated driving provider.

143   "(a) The ADP shall be deemed the operator or driver of an autonomous vehicle when the

144   ADS is engaged for the purpose of the Districts laws and regulations.

145   "(b) It is the duty of the ADP to use due care and reasonable diligence to avoid a collision

146   or injury and to maintain the vehicle under reasonable control when the ADS is engaged.

147   "(c) The violation of a District law or regulation regarding motor vehicle operations by an

148   ADP, that causes harm to another person, is negligence per se.

149   "(d) It shall be the responsibility of the occupants of an autonomous vehicle and not the

150   ADS manufacturer to comply with the District's requirements regarding child passenger

151   restraining systems under section 4 of the Child Restraint Act of 1982, effective March 10, 1983

152   (D.C. Law 4-194; D.C. Official Code § 50-1703).

153   "(f) The requirements of section 10c of the District of Columbia Traffic Act, 1925,

154   approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.05c) may be satisfied by an

155   ADP if:

156   "(1) The autonomous vehicle remains at the scene of the collision until law

157   enforcement arrives; and

158   "(2) The ADP promptly contacts law enforcement and communicates the

159   information as required by section 10c(a) of the District of Columbia Traffic Act, 1925, approved

160 March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.05c(a)), along with whether the

161 vehicles ADS was engaged at the time of the collision.

162 "(g) If a human driver engages the ADS on an autonomous vehicle or a vehicle is equipped

163 with a safety system that automatically activates without driver input, the question of whether the

164 human driver, the manufacturer of the vehicle, a third party, or all may be legally responsible for

165 a collision or harmful event shall be governed by existing applicable common law or District law

166 and regulations.

167 "(h) This act is supplemental and shall not be construed as to repeal, modify, or preempt

168 any liability that shall have been incurred under existing common law or District law and

169 regulations.".

170 (e) Sec 5 (D.C. Official Code § 50-2354) is amended by striking the phrase "December 31,

171 2013" and inserting the phrase "December 31, 2019" in its place.

172 Sec. 3. Fiscal impact statement.

173 The Council adopts the fiscal impact statement in the committee report as the fiscal impact

174 statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved

175 December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

176 Sec. 4. Effective date.

177 This act shall take effect following approval by the Mayor (or in the event of veto by the

178 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as

179 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24,

180 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of

181 Columbia Register.