
HOUSE BILL 2131

State of Washington

65th Legislature

2017 Regular Session

By Representatives Hudgins, Morris, and Clibborn

1 AN ACT Relating to the regulation of autonomous vehicles; and
2 adding a new chapter to Title 46 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The definitions in this section apply
5 throughout this chapter unless the context clearly requires
6 otherwise.

7 (1) "Autonomous technology" means technology that has the
8 capability to drive a vehicle without the active physical control or
9 monitoring of a human operator.

10 (2) "Autonomous vehicle" means any vehicle equipped with
11 technology that has the capability of operating or driving the
12 vehicle without the active physical control or monitoring of a human
13 operator, whether or not the technology is engaged, excluding
14 vehicles equipped with one or more systems that enhance safety or
15 provide driver assistance but are not capable of driving or operating
16 the vehicle without the active physical control or monitoring of a
17 human operator. An "autonomous vehicle" meets the definition of level
18 3, 4, or 5 of the society of automotive engineers' "Taxonomy and
19 Definitions for Terms Related to On-Road Motor Vehicle Automated
20 Driving Systems."

21 (3) "Department" means the department of licensing.

1 (4) A "manufacturer" of autonomous technology is the person, as
2 defined in RCW 46.04.405, that originally manufactures a vehicle and
3 equips autonomous technology on the originally completed vehicle or,
4 in the case of a vehicle not originally equipped with autonomous
5 technology by the vehicle manufacturer, the person that modifies the
6 vehicle by installing autonomous technology to convert it to an
7 autonomous vehicle after the vehicle was originally manufactured.

8 (5) An "operator" of an autonomous vehicle is the person who is
9 seated in the driver's seat, or if there is no person in the driver's
10 seat, causes the autonomous technology to engage.

11 NEW SECTION. **Sec. 2.** (1) An autonomous vehicle may be operated
12 on public roads for testing purposes by a driver who possesses the
13 proper class of license for the type of vehicle being operated if all
14 of the following requirements are met:

15 (a) The autonomous vehicle is being operated on roads in this
16 state solely by employees, contractors, or other persons designated
17 by the manufacturer of the autonomous technology.

18 (b) The driver is seated in the driver's seat, monitoring the
19 safe operation of the autonomous vehicle, and is capable of taking
20 over immediate manual control of the autonomous vehicle in the event
21 of an autonomous technology failure or other emergency.

22 (c) Prior to the start of testing in this state, the manufacturer
23 performing the testing obtains a motor vehicle liability policy, is
24 self-insured, is covered under a certificate of deposit, or is
25 covered by a liability bond in the amount of five million dollars,
26 and provides evidence of the liability policy, self-insurance, the
27 certificate of deposit, or the liability bond to the department as
28 required by rule.

29 (2) The department may adopt rules to assess a fee upon a
30 manufacturer that submits an application to test autonomous vehicles
31 on public roads in an amount necessary to recover all costs
32 reasonably incurred by the department.

33 NEW SECTION. **Sec. 3.** Except as provided in section 2 of this
34 act, an autonomous vehicle may not be operated on public roads until
35 the manufacturer submits an application to the department, and that
36 application is approved by the department as required by rule and to
37 the extent permitted by federal law. The application must contain, at

1 a minimum, all of the following certifications to the extent
2 permitted by federal law:

3 (1) A certification by the manufacturer that the autonomous
4 technology satisfies all of the following requirements:

5 (a) The autonomous vehicle has a mechanism to engage and
6 disengage the autonomous technology that is easily accessible to the
7 operator.

8 (b) The autonomous vehicle has a visual indicator inside the
9 cabin to indicate when the autonomous technology is engaged.

10 (c) The autonomous vehicle has a system to safely alert the
11 operator if an autonomous technology failure is detected while the
12 autonomous technology is engaged, and when an alert is given, the
13 system does either of the following:

14 (i) Requires the operator to take control of the autonomous
15 vehicle; or

16 (ii) If the operator does not or is unable to take control of the
17 autonomous vehicle, the autonomous vehicle is capable of coming to a
18 complete stop.

19 (d) The autonomous vehicle allows the operator to take control in
20 multiple manners including, without limitation, the use of the brake
21 pedal, the accelerator pedal, or the steering wheel, and it alerts
22 the operator that the autonomous technology has been disengaged.

23 (e) The autonomous vehicle's autonomous technology meets federal
24 motor vehicle safety standards for the vehicle's model year and all
25 other applicable safety standards and performance requirements set
26 forth in state and federal law and the regulations promulgated
27 pursuant to those laws.

28 (f) The autonomous technology does not make inoperative any
29 federal motor vehicle safety standards for the vehicle's model year
30 and all other applicable safety standards and performance
31 requirements set forth in state and federal law and the regulations
32 promulgated pursuant to those laws.

33 (g) The autonomous vehicle has a separate mechanism, in addition
34 to and separate from any other mechanism required by law, to capture
35 and store the autonomous technology sensor data for at least thirty
36 seconds before a collision occurs between the autonomous vehicle and
37 another vehicle, object, or natural person while the vehicle is
38 operating in autonomous mode. The autonomous technology sensor data
39 must be captured and stored in a read-only format by the mechanism so
40 that the data is retained until extracted from the mechanism by an

1 external device capable of downloading and storing the data. The data
2 must be preserved for three years after the date of the collision.

3 (2) A certification that the manufacturer has tested the
4 autonomous technology on public roads and has complied with the
5 testing standards, if any, established by the department by rule.

6 (3) A certification that the manufacturer will maintain a motor
7 vehicle liability policy, self-insurance, a certificate of deposit,
8 or a liability bond, as required by rule, of five million dollars.

9 NEW SECTION. **Sec. 4.** (1) As soon as practicable, but by January
10 1, 2020, the department must adopt rules setting forth requirements
11 for the submission of evidence of a motor vehicle liability policy,
12 self-insurance, a certificate of deposit, or a liability bond as
13 required under section 2 of this act, and the submission and approval
14 of an application to operate an autonomous vehicle pursuant to
15 section 3 of this act.

16 (2) Any adopted rules must include any testing, equipment, and
17 performance standards, in addition to those established for purposes
18 of this section, that the department concludes are necessary to
19 ensure the safe operation of autonomous vehicles on public roads,
20 with or without the presence of a driver inside the vehicle, as
21 permitted by federal law. In developing these rules, the department
22 may consult with the Washington state patrol, the department of
23 transportation, the Washington traffic safety commission, or any
24 other entity identified by the department that has expertise in
25 automotive technology, automotive safety, and autonomous vehicle
26 system design.

27 (3) The department may establish additional requirements by rule,
28 which it determines, in consultation with the Washington state
29 patrol, are necessary to ensure the safe operation of autonomous
30 vehicles on public roads including, but not limited to, rules
31 regarding the aggregate number of deployments of autonomous vehicles
32 on public roads, special rules for the registration of autonomous
33 vehicles, new license requirements for operators of autonomous
34 vehicles, and rules for the revocation, suspension, or denial of any
35 license or any approval issued under this chapter.

36 (4) The department must hold public hearings on the adoption of
37 any rule applicable to the operation of an autonomous vehicle without
38 the presence of a driver inside the vehicle.

1 (5) The department may adopt rules to assess a fee upon a
2 manufacturer that submits an application to operate autonomous
3 vehicles on public roads in an amount necessary to recover all costs
4 reasonably incurred by the department.

5 NEW SECTION. **Sec. 5.** (1) Except as provided in subsection (2)
6 of this section, the department must approve an application to
7 operate an autonomous vehicle submitted by a manufacturer if it finds
8 that the applicant has submitted all information and completed the
9 testing necessary to satisfy the department that the autonomous
10 vehicle is safe to operate on public roads and the applicant has
11 complied with all requirements specified in the rules adopted by the
12 department under section 4 of this act.

13 (2) If the application to operate an autonomous vehicle submitted
14 by a manufacturer is for the approval of an autonomous vehicle
15 capable of operating without the presence of a driver inside the
16 vehicle, the department may impose additional requirements that it
17 deems necessary to ensure the safe operation of the vehicle, and may
18 require the presence of a driver in the driver's seat of the vehicle
19 if it determines, based on its review under subsection (1) of this
20 section, that such a requirement is necessary to ensure the safe
21 operation of the vehicle on public roads. The department must notify
22 the transportation committees of the legislature of receipt of an
23 application from a manufacturer seeking approval to operate an
24 autonomous vehicle capable of operating without the presence of a
25 driver inside the vehicle and of approval of the application.
26 Approval of the application may occur not before one hundred eighty
27 days after the date the application is submitted.

28 NEW SECTION. **Sec. 6.** This chapter does not limit or expand the
29 existing authority to operate autonomous vehicles on public roads
30 until one hundred twenty days after the department adopts the rules
31 as required in section 4 of this act.

32 NEW SECTION. **Sec. 7.** Any federal regulation promulgated by the
33 national highway traffic safety administration supersedes any
34 provision of this chapter found to be in conflict with it.

35 NEW SECTION. **Sec. 8.** The manufacturer of the autonomous
36 technology installed on a vehicle must provide a written disclosure

1 to the purchaser of an autonomous vehicle that describes what
2 information is collected by the autonomous technology equipped on the
3 vehicle.

4 NEW SECTION. **Sec. 9.** Sections 1 through 8 of this act
5 constitute a new chapter in Title 46 RCW.

--- END ---