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**SUBSTITUTE SENATE BILL 5460**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** Senate Transportation (originally sponsored by Senators Nguyen and Van De Wege)

1 AN ACT Relating to implementing recommendations of the autonomous  
2 vehicle work group; amending RCW 46.92.010 and 46.37.480; amending  
3 2020 c 182 s 4 (uncodified); and providing an effective date.

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

5 **Sec. 1.** RCW 46.92.010 and 2020 c 182 s 2 are each amended to  
6 read as follows:

7 (1) In order to test an autonomous motor vehicle on any public  
8 roadway under the department's autonomous vehicle self-certification  
9 testing pilot program, the following information must be provided by  
10 the self-certifying entity testing the autonomous motor vehicle:

11 (a) Contact information specified by the department;

12 (b) Local jurisdictions where testing is planned;

13 (c) The vehicle identification numbers of the autonomous vehicles  
14 being tested, provided that one is required by state or federal law;  
15 and

16 (d) Proof of an insurance policy that meets the requirements of  
17 RCW 46.30.050.

18 (2) Any autonomous motor vehicle to which subsection (1) of this  
19 section is applicable and that does not have a vehicle identification  
20 number and is not otherwise required under state or federal law to  
21 have a vehicle identification number assigned to it must be assigned

1 a unique identification number that is provided to the department and  
2 that is displayed in the vehicle in a manner similar to the display  
3 of vehicle identification numbers in motor vehicles.

4 (3)(a) The self-certifying entity testing the autonomous motor  
5 vehicle on any public roadway must notify the department of:

6 (i) Any collisions that are required to be reported to law  
7 enforcement under RCW 46.52.030, involving an autonomous motor  
8 vehicle during testing on any public roadway; and

9 (ii) Any moving violations, as defined in administrative rule as  
10 authorized under RCW 46.20.2891, for which a citation or infraction  
11 was issued, involving an autonomous motor vehicle during testing on  
12 any public roadway.

13 (b) By February 1st of each year, the self-certifying entity must  
14 submit a report to the department covering reportable events from the  
15 prior calendar year.

16 (c) The self-certifying entity shall provide the information  
17 required by the department under (a) of this subsection. The  
18 information provided must include whether the autonomous driving  
19 system was operating the vehicle at the time of or immediately prior  
20 to the collision or moving violation, and in the case of a collision,  
21 details regarding the collision, including any loss of life, injury,  
22 or property damage that resulted from the collision.

23 (d) The provisions of this section are supplemental to all other  
24 rights and duties under law applicable in the event of a motor  
25 vehicle collision.

26 (4) The self-certifying entity testing the autonomous motor  
27 vehicle on public roadways under the department's autonomous vehicle  
28 self-certification testing pilot program must provide written notice  
29 in advance of testing to local and state law enforcement agencies  
30 with jurisdiction over any of the public roadways on which testing  
31 will occur that includes the expected period of time during which  
32 testing will occur in the applicable jurisdictions, including city  
33 police departments within city limits where testing will occur,  
34 county sheriff departments outside of city limits in counties where  
35 testing will occur, and the Washington state patrol when testing will  
36 occur on limited access highways, as defined in RCW 47.52.010.  
37 However, for testing primarily on limited access highways that  
38 travels through multiple local jurisdictions, which may include the  
39 limited incidental use of other roadways, the self-certifying entity  
40 must only provide written notice as specified in this subsection to

1 the Washington state patrol. Written notice provided under this  
2 subsection must: (a) Be provided not less than fourteen and not more  
3 than sixty days in advance of testing; (b) include contact  
4 information where the law enforcement agency can communicate with the  
5 self-certifying entity testing the autonomous vehicle regarding the  
6 testing planned in that jurisdiction; and (c) provide the physical  
7 description of the motor vehicle or vehicles being tested, including  
8 make, model, color, and license plate number.

9 (5) The department may adopt a fee to be charged by the  
10 department for self-certification in an amount sufficient to offset  
11 administration by the department of the self-certification testing  
12 pilot program.

13 (6) The department shall provide public access to the information  
14 self-certifying entities provide to it, and shall provide an annual  
15 report to the house and senate transportation committees of the  
16 legislature summarizing the information reported by self-certifying  
17 entities under this section.

18 (7) An autonomous motor vehicle may not be operated on any public  
19 roadway for the purposes of testing in Washington state until the  
20 department is provided with the information required under subsection  
21 (1) of this section.

22 (8) For purposes of this section, "autonomous" means a level four  
23 or five driving automation system as provided in the society of  
24 automotive engineering international's standard J3016, as it existed  
25 on the effective date of this section, or such subsequent date as may  
26 be provided by the department by rule, consistent with the purposes  
27 of this section.

28 **Sec. 2.** RCW 46.37.480 and 2011 c 368 s 1 are each amended to  
29 read as follows:

30 ~~(1) ((No person shall drive any motor vehicle equipped with any~~  
31 ~~television viewer, screen, or other means of visually receiving a~~  
32 ~~television broadcast when the moving images are visible to the driver~~  
33 ~~while operating the motor vehicle on a public road, except for live~~  
34 ~~video of the motor vehicle backing up. This subsection does not apply~~  
35 ~~to law enforcement vehicles communicating with mobile computer~~  
36 ~~networks.~~

37 ~~(2))~~) No person shall operate any motor vehicle on a public  
38 highway while wearing any headset or earphones connected to any  
39 electronic device capable of receiving a radio broadcast or playing a

1 sound recording for the purpose of transmitting a sound to the human  
2 auditory senses and which headset or earphones muffle or exclude  
3 other sounds. This subsection does not apply to students and  
4 instructors participating in a Washington state motorcycle safety  
5 program.

6 ~~((3))~~ (2) This section does not apply to authorized emergency  
7 vehicles, motorcyclists wearing a helmet with built-in headsets or  
8 earphones as approved by the Washington state patrol, or motorists  
9 using hands-free, wireless communications systems, as approved by the  
10 equipment section of the Washington state patrol.

11 NEW SECTION. **Sec. 3.** Section 1 of this act takes effect October  
12 1, 2022.

13 **Sec. 4.** 2020 c 182 s 4 (uncodified) is amended to read as  
14 follows:

15 Section 2 of this act takes effect October 1, ~~((2021))~~ 2022.

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