

CONCURRENCE IN SENATE AMENDMENTS

AB 87 (Ting and Frazier)

As Amended August 6, 2018

Majority vote

ASSEMBLY:

SENATE:

Original Committee Reference: **TRANS.**

SUMMARY: Allows a peace officer or an employee engaged in enforcing traffic or parking laws to remove a vehicle operating using autonomous technology without an approved application or permit that is required to test, deploy or otherwise operate the autonomous vehicle (AV) on public roads.

The Senate amendments delete the Assembly version of the bill and instead:

- 1) Allow a peace officer or an employee engaged in enforcing traffic or parking laws to remove a vehicle operating using autonomous technology without an approved application or permit that is required to test, deploy or otherwise operate the autonomous vehicle on public roads.
- 2) Prohibit a peace officer from stopping a vehicle for the sole purpose of determining whether the vehicle is operating without an approved application or permit required to test, deploy, or otherwise operate the autonomous vehicle on public roads.
- 3) Allow the registered owner of or person in control of the autonomous vehicle, who furnishes the impounding agency with proof of an approved testing or deployment permit, to remove the vehicle from impoundment.
- 4) Define “autonomous technology” to mean technology that has the capability to drive a vehicle without the active physical control or monitoring by a human operator.
- 5) Define “autonomous vehicle” to mean any vehicle equipped with autonomous technology that has been integrated into that vehicle.
- 6) Allow the registered owner or person in control of the AV to have the vehicle released to them if they either show proof of a permit to operate an AV or sign a sworn statement to DMV that states the AV will not be operated using autonomous technology without first obtaining a valid permit.

AS PASSED BY THE ASSEMBLY, this bill required the Department of Motor Vehicles (DMV) to include specific proposed requirements related to the testing of driverless autonomous vehicles in its adopted autonomous vehicle regulations.

FISCAL EFFECT: According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state cost.

COMMENTS: According to the Author, “Autonomous vehicles can create new opportunities for disabled, elderly, and low-income people to be mobile. While this exciting technology has the potential to transform transportation, public safety should be the first priority. For the safe deployment of autonomous vehicles, it is essential that law enforcement has the tools to remove

illegally operating autonomous vehicles from public roads. This bill gives law enforcement the authority to impound an autonomous vehicle operating without a valid permit and to hold onto that vehicle until a valid permit or certificate of planned non-operation is furnished.”

Background: In December 2016, Uber was found testing unpermitted AVs in the City of San Francisco. Due to the lack of clarity in the law, San Francisco Police Department was unable to impound the vehicles. In response, DMV revoked the vehicle registration of Uber’s AVs, though the vehicles themselves had no problems.

In response, Uber released a press statement at the time stating that “we cannot in good conscience sign up for regulation for something we are not doing,” and later had a truck pick up its 16 autonomous vehicles from San Francisco and move them to Arizona for testing, citing a friendlier regulatory environment. In March 2017 Uber obtained a permit to test their vehicles in California, and began to legally operate the vehicles in San Francisco.

In March 2018 an Uber vehicle operating in autonomous mode struck and killed a pedestrian in Arizona. After the accident, Uber did not renew its permit to test in California.

What is Required Under a Driverless Testing Permit? DMV regulations authorizing AV manufacturers to test and deploy driverless AVs on public roads took effect on April 2, 2018. In order to incentivize testing of these vehicles, DMV prohibits AV companies from receiving compensation while in the testing phase, while allowing AV companies to receive compensation after they receive a deployment permit.

In order to test a driverless AV, the manufacturer must first have tested the AV under controlled conditions that simulate, as close as practicable, each operational design domain in which the manufacturer intends the vehicle to operate on public roads and the manufacturer has reasonably determined that it is safe to operate the vehicles in each operational design domain. The manufacturer must provide local authorities with a written notification of the operational design domain of the test vehicles, when and where the testing will begin, and contact information.

The manufacturer must develop a law enforcement interaction plan including what information they will make available to first responders. The interaction plan must include: a) how to communicate with a remote operator, b) Where vehicle registration and proof of insurance is located in the vehicle, c) How to safely remove the vehicle from the roadway; and, d) how to recognize is the vehicle is in autonomous mode and how to disengage autonomous mode. The plan must be provided to local officials and DMV.

DMV regulations also require AVs to have a data recorder that can record accidents 30 seconds after an accident occurs. Manufacturers must report AV collisions to DMV within 10 days. In addition, AV manufacturers must provide disengagement reports to DMV yearly. Further, a manufacturer is required to continuously monitor the status of the vehicle with a two-way communication link while the test vehicle is operated without a driver.

Committee Comments: AVs have the potential to be lethal. Without a DMV permit, law enforcement and other first responders would not know where these vehicles are being tested, what they are capable of, and no one would certify whether they have been tested in private settings before being tested on public roads.