

Date of Hearing: July 5, 2021

ASSEMBLY COMMITTEE ON TRANSPORTATION

Laura Friedman, Chair

SB 570 (Wieckowski) – As Amended June 23, 2021

SENATE VOTE: 40-0

SUBJECT: Vehicles: equipment

SUMMARY: Removes various motor vehicle safety requirements for vehicles that are not capable of operation by a human driver seated in the vehicle, provided that the removal is consistent with federal law, and removes preempted muffler requirements for non-internal combustion engines (ICE). Specifically, **this bill:**

- 1) Removes the following requirements for a motor vehicle that is not capable of operation by an human driver so long as the exemption is consistent with federal law:
 - a) Speedometer.
 - b) Hi-beam indicator light.
 - c) Brakes capable of being activated by a human driver.
 - d) Windshield wipers.
 - e) Side mirrors.
 - f) Defrosting devices.
- 2) Removes the requirement for a motor vehicle that is not capable of operation with a human occupant to have a windshield.
- 3) Removes the requirement for non-ICE cars to have an adequate muffler.

EXISTING LAW:

Imposes all of the above safety requirements for motor vehicles, with some exceptions for motor cycles.

EXISTING FEDERAL LAW:

- 1) Imposes certain safety requirements on motor vehicles, including a requirement that they have windshields, speedometers, hi-beam indicator lights, breaks, side mirrors, defrosting devices, mufflers for ICE engines amongst other safety requirements.
- 2) Preempts a state or a political subdivision from prescribing a motor vehicle safety standard that is not identical to existing federal law.

FISCAL EFFECT: Unknown.

COMMENTS: In 1965, Ralph Nader wrote a book entitled *Unsafe at Any Speed*, which focused on alleged defects of the Chevrolet Corvair. His book, coupled with the fact that automobile accidents had become the leading cause of death of Americans under the age of 44, led to a series of congressional oversight hearings on automobile safety. Senator Robert Kennedy brought national spotlight to the issue when he revealed that General Motors was secretly employing detectives in an attempt to find negative information on Ralph Nader.

By 1966, Congress passed and President Johnson signed the National Traffic and Motor Vehicle Safety Act. That law established the National Highway Safety Bureau (later to be succeeded by the National Highway Traffic Safety Administration (NHTSA), which was granted the authority to mandate uniform safety standards on vehicles. As a result of the creation of that agency, vehicle manufacturers began to have various requirements placed on them, including the requirement to have shoulder-lap belts, collapsible steering columns, shatter proof windshields, among other things. Most recently, NHTSA has imposed a requirement that new vehicles have backup cameras.

The National Traffic and Motor Vehicle Safety Act explicitly prohibits states from imposing vehicle safety requirements that are not identical to existing federal law. Specifically, the act states: “When a motor vehicle safety standard is in effect under this chapter, a state or a political subdivision may prescribe or continue in effect a standard applicable to the same aspect or performance of a motor vehicle or motor vehicle equipment only if the standard is identical to the standard prescribed under this chapter.”

NHTSA has not developed comprehensive regulations related to AVs and safety standards for AVs. Instead, they have released *Ensuring American Leadership in Automated Vehicle Technologies: Automated Vehicles 4.0*. This document is their fourth document providing guiding principles, but not regulations, for AV innovation and development.

Since 2017, Congress has considered but ultimately rejected legislation to provide exemptions to motor vehicle safety requirements for autonomous vehicles (AV). Senator Dianne Feinstein has been one of the leading voices opposing that legislation, writing in 2018, “Until new safety standards are put in place, the interim framework must provide the same level of safety as current standards. Self-driving cars should be no more likely to crash than cars currently do, and should provide no less protection to occupants or pedestrians in the event of a crash. Exemptions from current safety standards should be temporary and reviewable, and the caps on the total number of exemptions should apply to companies, not individual models. Federal regulators should have clear direction to gather and analyze data on the deployment of these vehicles, including their incident data. The bill must also make clear that it will not interfere with traffic laws and other traditional state or local responsibilities, which are essential to public safety.”

According to the author, “California is the leader in advanced transportation and technology. However, our statutes and associated codes do not always keep up with advancements in technology. Specifically, California’s vehicle code equipment list has not been updated in decades and does not reflect advancements in electric and autonomous technologies. For example, all vehicles are currently required to be equipped with a muffler, even electric vehicles that do not have tailpipes and associated engine noise and emissions. SB 570 is a technical clean-up of California’s vehicle code equipment list to update the equipment list to reflect advancements in all-electric (EV) and AV that are exclusively operated by AV technology.”

In February of 2020, NHTSA granted Nuro a request for a temporary exemption from certain low-speed-vehicle safety standard requirements. Nuro is an AV designed exclusively for the delivery of goods and is incapable of carrying human passengers. NHSTA concluded that Nuro's vehicle could temporarily receive an exemption from the requirements that it be equipped with exterior and/or interior mirrors, a windshield, a backup camera, and "field of view and image size test procedure" requirements.

In 2012, the Legislature passed SB 1298 (Padilla), Chapter 570, Statutes of 2012, which permitted AVs to be operated on public roads for testing purposes by a driver under certain conditions. In 2014, DMV released regulations to allow for the testing of AVs with a test driver, and in April 2018, DMV finalized regulations for the testing and deployment of AVs on public roads without a driver, with certain limitations. 58 companies currently have a testing permit with a driver, and eight companies have received a testing permit without a driver. One company has received a deployment permit.

DMV requires compliance with NHSTA safety standards in order for a vehicle to receive a testing or deployment permit, and specifically permits vehicles to not comply with these safety requirements if, and only if they have received an exemption from NHSTA.

To date, Nuro is the only American manufactured vehicle to receive such an exemption for their vehicle. Nuro currently has a deployment permit to operate their vehicle in parts of California. Nuro has not received any tickets for failing to have any of the safety requirements this bill exempts them from, nor was lacking these features a hindrance to Nuro registering their vehicle or receiving a deployment permit to operate the vehicle in the State of California. DMV's autonomous vehicle regulations require federal compliance with motor vehicle safety standards, unless a company has been granted an express exemption from compliance with those standards.

According to Nuro, which is supporting this bill, "SB 570 would clean-up the state vehicle code to make clear that under state law, autonomous vehicles designed to never have a human driver, like Nuro's R2 vehicle, do not require equipment used only by human operators, such as mirrors, windshield wipers, or dashboard indicators."

Committee comments: While NHSTA has provided Nuro with a temporary exemption from certain motor vehicle safety requirements, no other American auto-manufacturer has received such an exemption. If law enforcement issued a ticket to Nuro for not having a windshield, side mirrors, windshield wipers or a speedometer, then that ticket would likely be invalidated by courts under the doctrine of federal preemption. However, if law enforcement issued a similar ticket to any other AV, they would be in compliance with federal and state law.

A blanket exemption for these safety requirements under California law would be out of compliance with federal law, which to date requires all of the motor vehicle safety requirements this bill exempts. To address this issue, the author accepted amendments prior to this hearing to clarify that the exemptions provided for AVs under this bill only apply to the extent that they are consistent with federal law. Therefore, it would be clear under California statute that a ticket issued to Nuro for lacking a windshield, side mirrors or the other components exempted under this bill would not be valid, but such tickets could continue to be issued against other AVs that have not received an exemption from NHTSA.

Nuro's exemption is temporary, and NHTSA nor Congress have made any final decisions on safety requirements for AVs. It is possible that this bill may be used to influence the federal

government to begin taking steps to provide for further safety exemptions for AVs that may no longer be necessary if the vehicle is not capable of operating with a human operator, considering none of the provisions of this bill could take effect without federal action, even prior to the preemption language being added to the bill.

The Legislature should consider if it wants to influence federal legislation on motor vehicle safety requirements.

Previous Legislation:

AB 808 (Chu) of 2019 would have required passenger vehicles to have daytime running lights. That bill failed passage in Assembly Transportation Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

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Opposition

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