

Date of Hearing: April 26, 2017

ASSEMBLY COMMITTEE ON COMMUNICATIONS AND CONVEYANCE

Miguel Santiago, Chair

AB 623 (Rodriguez) – As Amended April 17, 2017

**SUBJECT:** Autonomous vehicles: accident reporting

**SUMMARY:** Requires the operator of an autonomous vehicle (AV) to follow existing motor vehicle accident reporting requirements, and requires the California Highway Patrol (CHP) or any other peace officer to specify an AV was involved in the traffic collision in any manner.

**EXISTING LAW:**

- 1) Authorizes the Department of Motor Vehicles (DMV) to suspend, cancel, or revoke the registration of a vehicle or a certificate of ownership, registration card, license plate, or permit under specified circumstances, including when DMV determines that a registered vehicle is mechanically unfit or unsafe to be operated or moved upon the highways. (Vehicle Code (VEH) Section 8800)
- 2) Requires CHP to prepare and on request supply to police departments, coroners, sheriffs, and other suitable agencies or individuals, specified forms for accident reports, which reports shall call for sufficiently detailed information to disclose with reference to a traffic accident the cause, conditions then existing, and the persons and vehicles involved. (VEH Section 2407)
- 3) Requires CHP to tabulate and authorizes it to analyze all accident reports and publish annually or at more frequent intervals statistical information based thereon as to the number and location of traffic accidents, as well as other information relating to traffic accident prevention. (VEH Section 2408)
- 4) Requires the driver of a motor vehicle who is in any manner involved in an accident originating from the operation of the motor vehicle on a street or highway, or is involved in a specified reportable off-highway accident, that has resulted in damage to the property of any one person in excess of \$1,000, or in bodily injury, or in the death of any person to report the accident, within 10 days after the accident, either personally or through an insurance agent, broker, or legal representative, on a form approved by CHP, as specified. (VEH Section 16000)
- 5) Defines “autonomous vehicle” to mean any vehicle equipped with autonomous technology that has been integrated into that vehicle. Specifies that a AV does not include a vehicle that is equipped with one or more collision avoidance systems, including, but not limited to, electronic blind spot assistance, automated emergency braking systems, park assist, adaptive cruise control, lane keep assist, lane departure warning, traffic jam and queuing assist, or other similar systems that enhance safety or provide driver assistance, but are not capable, collectively or singularly, of driving the vehicle without the active control or monitoring of a human operator. (VEH Section 38750)

- 6) Authorizes an AV to operate on public roads for testing purposes by a driver who possesses the proper class of license for the type of vehicle being operated if specified requirements are met. (VEH Section 38750)
- 7) Prohibits an AV from operating on public roads until the manufacturer submits an application to DMV, and that application is approved by DMV pursuant to the specified regulations adopted by DMV. (VEH Section 38750)
- 8) Requires DMV, as soon as practicable, but no later than January 1, 2015, to adopt regulations setting forth requirements for the specified submission of evidence of insurance, surety bond, or self-insurance, and the submission and approval of an application to operate an specified AV. (VEH Section 38750)
- 9) Requires DMV's AV regulations to include any testing, equipment, and performance standards, in addition to those established, as specified, that DMV concludes are necessary to ensure the safe operation of AVs on public roads, with or without the presence of a driver inside the vehicle. (VEH Section 38750)
- 10) Requires DMV to approve an application submitted by a manufacturer, as specified, if it finds that the applicant has submitted all information and completed testing necessary to satisfy DMV that the AVs are safe to operate on public roads and the applicant has complied with all requirements specified in the specified regulations adopted by the department. (VEH Section 38750)
- 11) Authorizes DMV, for an application seeking approval for AVs capable of operating without the presence of a driver inside the vehicle, to impose additional requirements it deems necessary to ensure the safe operation of those vehicles, and may require the presence of a driver in the driver's seat of the vehicle if it determines, based on its specified review, that such a requirement is necessary to ensure the safe operation of those vehicles on public roads. (VEH Section 38750)

**FISCAL EFFECT:** Unknown. This bill is keyed fiscal by Legislative Counsel.

**COMMENTS:**

- 1) **Authors Statement:** According to the author, "Our State and the economy are experiencing incredible innovation and technological advances that have the potential to leave us safer and more efficient. With bold action and rapid development must come safeguards to ensure that the very people who will benefit from this technology in the future are not the ones injured in its deployment. AB 623 gathers important information on when an autonomous vehicle is involved in an accident to help ensure public safety is not at risk."
- 2) **Background:** California law regulates different modes of passenger transportation for compensation. The California Public Utilities Commission is responsible for the permitting and regulation of passenger carriers, such as shuttles and tour buses, as well as limousines and households good carriers. The DMV is responsible for the registration of motor vehicles and CHP is responsible for certain vehicle inspections and patrol over California highways.

Over the past few years, California has seen the rapid development of automotive technology. This means that within the next decade, partially and fully automated vehicles are nearing a point in which widespread deployment becomes a reality. Deployment of AVs has the potential to transform personal mobility and safety. In 2015, over 35,000 people died on US roadways, of those, 94% of crashes can be tied to human error. Automated driving has the potential to decrease the number of crashes tied to human choices and behavior. In addition, AVs opens new doors and opportunities for a new class of people and communities, such as people with disabilities, the elderly, or low-income. AVs have the potential to transform how cities, and the state, think about urban planning and public transit, as well as energy use and pollution.

Although, the rise of new technology is inevitable, in order for the state to keep pace, society must find a balance between the development of emerging technology and the unknown socioeconomic impacts and safety concerns. Essential to safe deployment and reassuring the public about the impact of AVs is rigorous testing conducted in collaboration between the public and private sector to ensure that sufficient data is available to determine safe performance in order for policymakers to make informed decisions over the speed of which AVs are deployed on our public roads.

- 3) **DMV Autonomous Vehicle Regulations:** In 2012, the Legislature passed SB 1298 (Padilla) Chapter 570, Statutes of 2012, which established conditions for the operation of AVs upon public roadways. SB 1298 required DMV to adopt regulations for the operation of AVs by January 1, 2015. The DMV rolled out its regulation in two stages. In the first stage, DMV established regulations for insurance requirements for the purposes of testing AVs , while stage two established regulations for the full deployment of AVs for non-testing purposes. Although, DMV adopted testing regulations by May 2014, it is still finalizing regulations for non-testing purposes. The DMV has submitted proposed regulations for non-testing purposes in March 2017 for public comment. The DMV anticipates adopting finalized regulations before the end of 2017. The final regulations will not take effect for 120 days after they have been adopted.
- 4) **Vehicle Accident Reporting:** The CHP prepares a standard accident reporting form used by law enforcement agencies throughout California known as CHP 555 or the Traffic Collision Report. The form requires extensive information regarding a vehicles accident, including the location of the accident, weather conditions, characteristics of the vehicles involved, parties involved, and factors such as sobriety or inattention affecting the parties involved. The CHP tabulates and may use the information to analyze and publish statistical information on the number and location of traffic accidents, as well as other information relating to traffic accident prevention.

While the current DMV regulations required accident reporting for AVs being operated for testing purposes, it does not include them for AVs being operated for non-testing purposes.

This bill requires the operator of an AV to follow existing motor vehicle accident reporting requirements, and requires CHP or any other peace officer to specify an AV was involved in the traffic collision in its accident reports.

It is unclear whether or not CHP can use its existing CHP 555 form for the AV accident reporting required under this bill or if CHP would be required to develop new or additional forms.

- 5) **Related Legislation:** AB 87 (Ting) of 2017 requires DMV to revoke the registration for the vehicle if it determines that an AV is being operated in violation of specified requirements. *Status: Pending in the Assembly Committee on Transportation.*

AB 399 (Grayson) of 2017 authorizes the Contra Costa Transportation Authority to conduct a pilot project for the testing of AVs that do not have a driver seated in the driver's seat and are not equipped with a steering wheel, a brake pedal, or an accelerator if the testing is conducted only at specified locations and the AV operates at speeds of less than 35 miles per hour, for an additional 12 months. *Status: Pending in the Assembly Committee on Transportation.*

AB 1141 (Berman) of 2017 require DMV, to adopt regulations, in consultation with the Department of Transportation and CHP, setting forth standards for the testing of AVs used to transport freight by September 30, 2018. *Status: Pending in the Assembly Committee on Communications and Conveyance.*

AB 1160 (Bonta) of 2017 expands the definition of AV to also include any vehicle equipped with technology that makes it capable of operation that meets the definitions of Levels 3, 4, or 5 of the Society of Automotive Engineers' "Taxonomy and Definitions for Terms Related to On-Road Motor Vehicle Automated Driving Systems, Standard J3016." *Status: Pending in the Assembly Committee on Communications and Conveyance.*

AB 1444 (Baker) of 2017 authorizes the Livermore Amador Valley Transit Authority to conduct a demonstration project for the testing of autonomous vehicles without a driver in the driver's seat under specific conditions. *Status: Pending in the Assembly Committee on Communications and Conveyance.*

SB 251 (Cannella) of 2017 authorizes the County of Merced to conduct a pilot project for the testing of AVs without a driver in the driver's seat under specified conditions. *Status: Pending in the Senate Committee on Transportation and Housing.*

- 6) **Prior Legislation:** AB 1298 (Padilla) of 2012 establishes conditions for the operation of AVs upon public roadways. *Status: Chaptered by the Secretary of State, Chapter 570, Statutes of 2012.*

AB 770 (Nakano) of 2001 requires any collision report prepared by CHP, or any other peace officer, to include specified information. *Status: Chaptered by the Secretary of State, Chapter 710, Statutes of 2001.*

- 7) **Double-referral:** This bill is double referred, having been previously heard by the Assembly Committee on Transportation on April 17, 2017 and approved on a 13-0 vote.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

None on file.

**Opposition**

None on file.

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