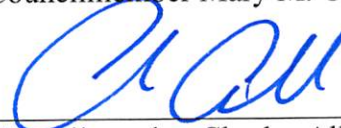


1 
2 Chairman Phil Mendelson


Councilmember Mary M. Cheh


Councilmember Charles Allen

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9 A BILL
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14 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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18 To amend the Autonomous Vehicles Act of 2012 to establish an Autonomous Vehicles Testing
19 Program to be administered by the District Department of Transportation, to authorize the
20 District Department of Transportation to issue permits for the testing of autonomous
21 vehicles on public roadways in the District, to authorize the District Department of
22 Transportation to suspend or revoke permits, to authorize the District Department of
23 Transportation to restrict testing under certain conditions, to establish operational standards
24 for autonomous vehicles, and to require an autonomous driving provider to report certain
25 data and accident information to the District Department of Transportation.
26

27 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
28 act may be cited as the “Autonomous Vehicles Testing Program Amendment Act of 2019”.

29 Sec. 2. The Autonomous Vehicle Act of 2012, effective April 23, 2013 (D.C. Law 19-
30 278; D.C. Official Code § 50-2351 *et seq.*), is amended as follows:

31 (a) Section 2 (D.C. Official Code § 50-2351) is amended as follows:

32 (1) Paragraph (1) is redesignated as paragraph (1D)

33 (2) New paragraphs (1), (1A), (1B), and (1C) are added to read as follows:

34 “(1) “Associated autonomous vehicle” means an autonomous vehicle that
35 an autonomous driving provider identifies in its permit application pursuant to section 4b.

36 “(1A) “Autonomous driving provider” means a person issued a testing
37 permit by the Department pursuant to section 4b.

38 “(1B) “Autonomous driving system” means the combination of hardware
39 and software collectively capable of performing the entire dynamic driving task on a sustained
40 basis, and which meets the definition of Levels 3, 4, or 5 of the Society of Automotive Engineers
41 Internationals’ Taxonomy and Definitions for Terms Related to Driving Automation Systems for
42 On-Road Motor Vehicles, standard J3016.

43 “(1C) “Autonomous operation” means the performance of the entire
44 dynamic driving task by an autonomous driving system. Autonomous operation begins upon the
45 performance of the entire dynamic driving task by an autonomous driving system and continues
46 until a human driver or operator terminates the performance, but if a human driver or operator
47 terminates the performance to mitigate an imminent crash hazard caused by the autonomous
48 driving system, autonomous operation continues until the crash hazard is no longer present.”.

49 (3) The newly designated paragraph (1D) is amended to read as follows:

50 “(1E) “Autonomous vehicle” means a motor vehicle with an autonomous
51 driving system, regardless of whether the vehicle is under autonomous operation.”.

52 (4) Paragraph (2) is amended to read as follows:

53 “(2) “Driver” or “operator” shall have the same meaning as provided in
54 section 2(2) of the Motor Vehicle Safety Responsibility Act of the District of Columbia,
55 approved May 25, 1954 (68 Stat. 120; D.C. Official Code § 50-1301.02(2)); provided, that an
56 autonomous driving provider is the exclusive driver or operator of an associated autonomous
57 vehicle under autonomous operation.”.

58 (5) New paragraphs (2A), (2B), (2C), (2D), and (2E) are added to read as follows:

59 “(2A) “Department” means the District Department of Transportation.

60 “(2B) “Director” means the Director of the Department.

61 “(2C) “Dynamic driving task” means the real-time operational and tactical
62 functions collectively required to operate a vehicle in on-road traffic, including controlling
63 lateral and longitudinal vehicle motion, monitoring the driving environment, executing responses
64 to objects and events, planning vehicle maneuvers, and enhancing vehicle conspicuity. The term
65 “dynamic driving task” excludes the strategic functions of driving, including scheduling trips,
66 selecting destinations, and specifying routes.

67 “(2D) “Operate” shall have the same meaning as provided in section 1(10) of
68 Title IV of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat.
69 679; D.C. Official Code § 50-1501.01(10); provided, that an autonomous driving provider
70 exclusively operates an associated autonomous vehicle under autonomous operation.

71 “(2E) “Operational design domain” means the environmental, geographic, time-
72 of-day, traffic, infrastructure, and other conditions under which an autonomous driving system is
73 specifically designed to function.”.

74 (6) New paragraph (3A) is added to read as follows:

75 “(3A) “Testing” means the operation of an autonomous vehicle on public roads by
76 employees, contractors, or designees of an autonomous driving provider for the purpose of
77 assessing, demonstrating, or validating the autonomous vehicle’s capabilities.”.

78 (b) Section 3 (D.C. Official Code § 50-2352) is amended as follows:

79 (1) The section heading is amended to read as follows:

80 “Sec. 3. Autonomous vehicle testing permitted.”.

81 (2) The lead-in language is amended by striking the word “roadway” and inserting
82 the phrase “roadway for the purpose of testing the autonomous vehicle” in its place.

83 (3) Paragraph (2) is amended by striking the phrase “; and” and inserting a
84 semicolon in its place.

85 (4) Paragraph (3) is amended by striking the period and inserting the phrase “;
86 and” in its place.

87 (5) A new paragraph (4) is added to read as follows:

88 “(4) After December 31, 2019, is an associated vehicle with an autonomous
89 driving provider that holds a valid testing permit issued by the Department pursuant to this act.”.

90 (c) New sections 4b, 4c, 4d, and 4e are added to read as follows:

91 “Sec. 4b. Autonomous Vehicle Testing Program.

92 “(a) There is established an Autonomous Vehicle Testing Program (“AV Testing
93 Program”), which shall be administered by the Department in accordance with this act.

94 “(b) Under the AV Testing Program, the Director may issue a permit to an autonomous
95 driving provider authorizing the testing of associated autonomous vehicles subject to the
96 provisions of this act and any reasonable terms and conditions that the Director may require.

97 “(c) Before testing in the District, an autonomous driving provider applicant (“applicant”)
98 shall submit a notice of testing application in a format approved by the Department. A completed
99 application shall include:

100 “(1) Applicant information, including the applicant’s name, address, and principal
101 point of contact for testing;

102 “(2) Vehicle information for each associated autonomous vehicle used for testing,
103 including tag number and state of issuance, vehicle information number, vehicle make, model,
104 and year, and proof of current vehicle registration;

105 “(3) Safety operator information including name, driver’s license number and
106 state of issuance, and safety operator training program completion date;

107 “(4) Testing location information, including a list of geographic areas where
108 testing is expected to occur, by ward;

109 “(5) Evidence of the autonomous driving provider’s ability to respond to a
110 judgment or judgments for damages, personal injury, death, or property damage from the
111 operation of autonomous vehicles on public roads in the amount of \$5 million in the form of:

112 “(A) An instrument of insurance issued by an insurer admitted to issue
113 insurance in the District;

114 “(B) A surety bond issued by an admitted surety insurer or an eligible
115 surplus lines insurer, and not a deposit in lieu of bond; or

116 “(C) A certificate of self-insurance; and

117 “(6) A permit application fee, as set by the Department.

118 “(d) In its application, each applicant shall certify under penalty of perjury the following:

119 “(1) That the associated autonomous vehicles used for testing comply with all
120 applicable federal laws and regulations; provided, that if the National Highway Safety
121 Administration (“NHTSA”) has granted the autonomous driving provider an applicable
122 exemption or waiver for the vehicles, the applicant shall provide proof upon request of the
123 Director;

124 “(2) That the autonomous vehicles have been tested under controlled conditions
125 for the operational design domain in which the applicant intends the autonomous vehicles to
126 operate, and the applicant has reasonably determined that the autonomous vehicles are capable of
127 operation within the parameters of the operational design domain;

128 “(3) That the autonomous driving provider and its associated vehicles comply
129 with the requirements of section 3;

130 “(4) That the autonomous driving provider is capable of collecting the data
131 required by section 4e, and that the autonomous driving provider will provide such data to the
132 Department and applicable law enforcement agencies upon request;

133 “(5) That the autonomous driving provider has implemented reasonable measures
134 to mitigate cybersecurity risk, including adopting industry standards, best practices, company
135 policies, or other methods;

136 “(6) That the autonomous driving provider has implemented a safety operator
137 training program;

138 “(7) That all safety operators have successfully completed the autonomous driving
139 provider’s safety operator training program before testing in an associated autonomous vehicle in
140 the District;

141 “(8) That the autonomous driving provider has conducted all criminal and driver
142 background checks as the Department may require; and

143 “(9) That quality controls are in place to ensure that the requirements of
144 paragraphs (1) through (8) of this subsection are complied with and to ensure safe operation of
145 the autonomous vehicle.

146 “(e) In its application, each applicant shall provide its most recent Voluntary Safety
147 Self-Assessment as established by NHTSA or a comparable safety and risk mitigation plan that
148 includes:

149 “(1) A general overview of the intended operational design domain for testing;

150 “(2) A description of how the disengagement technology complies with industry
151 standards;

152 “(3) A description of how the autonomous driving provider validates continued
153 functionality of the autonomous driving system;

154 “(4) A description of the criminal background and driver record checks conducted
155 for safety operators; and

156 “(5) A description of the safety operator training program.

157 “(f) Any records provided to the Department by an eligible entity or permit holder under
158 this act shall not be disclosed to a third party by the Department, including through a request
159 submitted pursuant to the Freedom of Information Act of 1976, effective March 29, 1977 (D.C.
160 Law 1-96; D.C. Official Code § 2-531 *et seq.*).

161 “Sec. 4c. Testing permitting process; suspension or revocation of permit.

162 “(a) Upon receipt of a notice of testing application, the Department shall, within 20
163 business days, approve the application, deny the application, or request clarification of the
164 applicant.

165 “(b)(1) If approved, the Department shall issue a testing permit to the autonomous driving
166 provider, which shall be valid for one year from the permit’s issue date and may be renewed
167 annually.

168 “(2) If clarification is required, the Department shall provide the applicant with
169 the areas where additional information is necessary. The applicant shall have 10 business days to
170 respond to the Department with the requested information. Upon receipt of the additional
171 information, the Department shall have 10 business days to approve, decline, or request
172 clarification on the updated application.

173 “(3) If declined, the Department shall provide a written explanation to the
174 applicant providing the reasons why the application was denied and provide an opportunity to
175 meet with the Department. An applicant may resubmit a new application until a permit is
176 approved.

177 “(c) After receiving a permit to operate, an autonomous driving provider shall notify the
178 Department of material changes to its testing program or the scope of its operational design
179 domain.

180 “(d) The Department may suspend or revoke a testing permit where any act or omission
181 of the autonomous driving provider or one of its agents, employees, contractors, or designees
182 makes the conduct of the autonomous vehicle testing an unreasonable risk to the public. Such
183 conduct may include:

184 “(1) A determination that the autonomous driving provider made a materially
185 false statement in its permit application;

186 “(2) An autonomous vehicle permitted by the Department is involved in a
187 collision that result in serious bodily injury or death;

188 “(3) The autonomous driving system used on a vehicle permitted by the
189 Department is the subject of an active National Traffic Safety Board investigation; or

190 “(4) The autonomous driving provider fails to disclose any known violations of
191 paragraph (2) or paragraph (3) of this subsection.

192 “(e) Upon suspension or revocation of a permit by the Department, the autonomous
193 driving provider shall be entitled to request reinstatement. A permit shall not be reinstated until
194 the autonomous driving provider has established to the Department’s satisfaction that it has taken
195 appropriate action to correct any deficiencies that caused the suspension or revocation or, in the
196 case of an accident that causes serious bodily injury or death, that the autonomous driving
197 provider can provide evidence that the associated autonomous vehicle was not at fault.

198 “(f) Civil fines and penalties may be imposed as sanctions for any infraction of the
199 provisions of this act, or rules issued pursuant to this act, pursuant to the Department of
200 Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C.
201 Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*).

202 “Sec. 4d. Restrictions on testing.

203 “The Department may order an autonomous driving provider to temporarily restrict or
204 cease testing on select roadways or District-wide under certain circumstances, including
205 emergencies, special events, or a specific roadway condition that raises safety concerns. The
206 Department shall provide the autonomous driving provider with reasonable notice about how,
207 where, and when testing will be restricted or ceased, and the reasons for such restriction or
208 prohibition. To the extent practicable, the Department may consider a proposal from an
209 autonomous driving provider to continue testing during the restricted period. This paragraph
210 shall only apply to associated autonomous vehicles when under autonomous operation.

211 “Sec. 4e. Data and accident reporting.

212 “(a) On a quarterly basis, an autonomous driving provider shall provide to the
213 Department in a form approved by the Department, the following:

214 “(1) The total number of miles traveled on public roadways by each associated
215 autonomous vehicle under autonomous operation, broken down by month;

216 “(2) The total number of disengagements, broken down by month;

217 “(3) The circumstances or testing conditions at the time of each disengagement,
218 including:

219 “(A) The approximate location of the disengagement;

220 “(B) A description of the facts causing the disengagement, including
221 weather conditions, road surface or traffic conditions, construction, emergencies, or accidents.

222 “(C) Whether the safety operator or the autonomous driving system
223 initiated the disengagement; and

224 “(4) The nature and location of any incidents involving the cyber hacking of an
225 autonomous driving system.

226 “(b)(1) An autonomous driving provider shall notify the Department of the occurrence of
227 an accident involving an associated autonomous vehicle that results in property damage, bodily
228 injury, or death within six hours of the accident. In its initial notification, the autonomous driving
229 provider shall disclose information requested by the Department, including the following:

230 “(A) The name of the safety operator involved in the accident;

231 “(B) The approximate date, time, and location of the accident;

232 “(C) The severity of the accident, to the extent known; and

233 “(D) The name and title of the autonomous driving provider representative
234 reporting the accident.

235 “(2) The autonomous driving provider shall provide additional information to the
236 Department related to the accident as it becomes available.

237 “(3) Each associated autonomous vehicle shall be equipped with a data recorder
238 that captures and stores sensor data for all vehicle functions that are controlled by the
239 autonomous driving system while the vehicle is under autonomous operation. Upon request by
240 the Department or a law enforcement agency, an autonomous driving provider shall provide such
241 operational data from at least 30 seconds before an accident occurs until the completion of the
242 accident.

243 “(c) For the purpose of this section, “disengagement” means a deactivation of
244 autonomous operation when a failure of the autonomous driving system is detected or when safe
245 operation of the autonomous vehicle requires that the autonomous vehicle safety operator
246 disengage autonomous operation and take immediate manual control of the vehicle.

247 (d) Section 5 (D.C. Official Code § 50-2354) is amended to read as follows:

248 “Sec. 5. Rules.

249 “On or before December 31, 2019, the Department, pursuant to Title I of the District of
250 Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C.
251 Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this act.”.

252 Sec. 3. Fiscal impact statement.

253 The Council adopts the fiscal impact statement in the committee report as the fiscal
254 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
255 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

256 Sec. 4. Effective date.

257 This act shall take effect following approval by the Mayor (or in the event of veto by the
258 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
259 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
260 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
261 Columbia Register.