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CALIFORNIA'S SELF-DRIVING VEHICLE LAW

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You asked for a summary of California's Self-Driving Vehicle law.

SUMMARY

On September 25, 2012, California Gov. Brown signed into law SB 1298, which allows self-driving ("autonomous") vehicles to operate on that state's roads. California is the third state (after Nevada and Florida) to allow the operation of autonomous vehicles. The new law will be codified as Division 16.6 (beginning with § 38750) of the California Vehicle Code. It will take effect January 1, 2013.

The California legislature found that autonomous vehicles "offer significant potential safety, mobility and commercial benefits for individuals and businesses," and approved the measure to encourage their testing and operation on California roads.

Under the new law, autonomous technology is technology able to drive a vehicle without a person physically controlling or monitoring it. A manufacturer is someone who either builds a vehicle equipped with autonomous technology, or who retrofits an existing vehicle with this technology. (A vehicle with advanced safety technology, such as collision avoidance systems, but that cannot operate without a driver's control, is not considered an autonomous vehicle.)

The California legislation addresses the testing and general operation of these vehicles and requires the California Department of Motor Vehicles (CA DMV) to adopt regulations for both.

TESTING AUTONOMOUS VEHICLES

The law allows self-driving vehicles to operate on California roads for testing purposes if they have an operator present. Before conducting these tests, a manufacturer must obtain, and provide to CA DMV, proof of insurance, a surety bond, or self-insurance of \$5 million.

Only a manufacturer's properly licensed employee, contractor, or other designated person may operate the vehicle on public roads for testing purposes. The operator must sit in the vehicle's driver's seat, monitor its operation, and be able to take control of the vehicle in an emergency.

GENERAL OPERATION

The law allows for the general operation of these vehicles once a vehicle manufacturer applies for, and receives, CA DMV approval. To obtain this approval, a manufacturer must, at a minimum, certify to CA DMV that (1) it will maintain \$5 million in self-insurance or surety bond coverage, (2) the vehicle meets specific operating and safety requirements, and (3) it has successfully tested the technology on public roads and complied with any CA DMV testing standards. CA DMV must approve the application if it finds a manufacturer has submitted the information, completed the testing, and complied with all the regulatory requirements CA DMV adopts. The department may charge manufacturers a reasonable fee to cover their costs.

The law allows manufacturers to seek approval for autonomous vehicles capable of operating without a driver. It allows CA DMV to impose additional requirements for such vehicles and to require the presence of a driver if it finds it necessary for safe operation. CA DMV must notify the legislature when a manufacturer seeks approval of a driverless vehicle and when the department approves it. The approval cannot take effect for at least 180 days after the application is submitted.

Operating and Safety Requirements

In seeking approval to operate autonomous vehicles, a manufacturer must certify to CA DMV that the vehicle:

1. has a mechanism to engage and disengage the technology, easily accessible by an operator;
2. indicates visually to the operator that the autonomous technology is engaged;
3. alerts the operator if the technology fails, and either (a) requires the operator to take control of the vehicle or (b) enables the vehicle to come to a complete stop;
4. allows the operator to take control in several ways (e.g., by means of the steering wheel or gas and brake pedals) and alerts the operator when the technology is disengaged;
5. meets federal safety standards for the vehicle's model year, as well as all other applicable safety standards and performance requirements;
6. does not render any such standards inoperative;
7. has a separate mechanism to capture and store technology sensor data for at least 30 seconds before a collision occurs between the vehicle and a person, object, or other vehicle; and
8. is able to extract this collision data from the vehicle.

The collision data must be preserved for three years after the date of the collision.

CA DMV REGULATIONS

The law requires the CA DMV to adopt regulations by January 1, 2015 governing the safe operation of autonomous vehicles both for testing and general operation. The regulations must address such issues as submitting evidence of insurance; the application and approval process; and testing, equipment, and performance standards necessary for safe operation, with or without a driver. In developing these regulations, the department may consult with the California Highway Patrol (CHP), the University of California's Institute of Transportation Studies, and other entities with expertise in automotive technology,

vehicle safety, and autonomous system design. The law does not limit or expand the current authority to drive autonomous vehicles on California's public roads until 120 days after the CA DMV adopts the regulations on insurance and the application process.

The law requires the department to hold a public hearing before adopting any regulation concerning the operation of a vehicle without a driver present. And, it allows CA DMV, in consultation with CHP, to establish additional regulations if necessary to address such issues as the total number of autonomous vehicles on the road; special rules for registration; new license requirements; and rules for revoking, suspending, or denying a license or approval related to autonomous vehicles.

The law requires that federal regulations supersede the state regulations when the regulations conflict. The law also requires manufacturers to notify a buyer in writing of the information collected by the autonomous technology.

MORE INFORMATION

More information on the law is available on the California legislature's website, at: http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sb_1298&sess=CUR&house=B&author=padi1la.

News articles on autonomous vehicles can be found at <http://www.cnn.com/2012/09/18/tech/innovation/ieee-2040-cars/index.html> and <http://spectrum.ieee.org/automaton/robotics/artificial-intelligence/intelligent-cars-could-boost-highway-capacity-by-273>.

Information on automated driving legislation in other states can be found at the website of the Stanford University Center for Internet and Society at http://cyberlaw.stanford.edu/wiki/index.php/Automated_Driving:_Legislative_and_Regulatory_Action.

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