A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Autonomous Vehicles Act of 2012 to establish an Autonomous Vehicles Testing Program to be administered by the District Department of Transportation, to authorize the District Department of Transportation to issue permits for the testing of autonomous vehicles on public roadways in the District, to authorize the District Department of Transportation to suspend or revoke permits, to authorize the District Department of Transportation to restrict testing under certain conditions, to establish operational standards for autonomous vehicles, and to require an autonomous driving provider to report certain data and accident information to the District Department of Transportation.

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

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

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

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

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

“(1) “Associated autonomous vehicle” means an autonomous vehicle that an autonomous driving provider identifies in its permit application pursuant to section 4b.
“(1A) “Autonomous driving provider” means a person issued a testing permit by the Department pursuant to section 4b.

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

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

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

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

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

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

(5) New paragraphs (2A), (2B), (2C), (2D), and (2E) are added to read as follows:
“(2A) “Department” means the District Department of Transportation.

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

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

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

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

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

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

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

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

“Sec. 3. Autonomous vehicle testing permitted.”.
(2) The lead-in language is amended by striking the word “roadway” and inserting the phrase “roadway for the purpose of testing the autonomous vehicle” in its place.

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

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

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

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

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

“Sec. 4b. Autonomous Vehicle Testing Program.

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

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

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

“(1) Applicant information, including the applicant’s name, address, and principal point of contact for testing;
“(2) Vehicle information for each associated autonomous vehicle used for testing, including tag number and state of issuance, vehicle information number, vehicle make, model, and year, and proof of current vehicle registration;

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

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

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

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

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

(C) A certificate of self-insurance; and

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

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

(1) That the associated autonomous vehicles used for testing comply with all applicable federal laws and regulations; provided, that if the National Highway Safety Administration ("NHTSA") has granted the autonomous driving provider an applicable exemption or waiver for the vehicles, the applicant shall provide proof upon request of the Director;
“(2) That the autonomous vehicles have been tested under controlled conditions for the operational design domain in which the applicant intends the autonomous vehicles to operate, and the applicant has reasonably determined that the autonomous vehicles are capable of operation within the parameters of the operational design domain;

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

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

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

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

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

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

“(9) That quality controls are in place to ensure that the requirements of paragraphs (1) through (8) of this subsection are complied with and to ensure safe operation of the autonomous vehicle.
“(e) In its application, each applicant shall provide its most recent Voluntary Safety
Self-Assessment as established by NHTSA or a comparable safety and risk mitigation plan that
includes:

“(1) A general overview of the intended operational design domain for testing;
“(2) A description of how the disengagement technology complies with industry
standards;
“(3) A description of how the autonomous driving provider validates continued
functionality of the autonomous driving system;
“(4) A description of the criminal background and driver record checks conducted
for safety operators; and
“(5) A description of the safety operator training program.

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

“Sec. 4c. Testing permitting process; suspension or revocation of permit.
“(a) Upon receipt of a notice of testing application, the Department shall, within 20
business days, approve the application, deny the application, or request clarification of the
applicant.
“(b)(1) If approved, the Department shall issue a testing permit to the autonomous driving
provider, which shall be valid for one year from the permit’s issue date and may be renewed
annually.
“(2) If clarification is required, the Department shall provide the applicant with the areas where additional information is necessary. The applicant shall have 10 business days to respond to the Department with the requested information. Upon receipt of the additional information, the Department shall have 10 business days to approve, decline, or request clarification on the updated application.

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

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

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

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

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

“(3) The autonomous driving system used on a vehicle permitted by the Department is the subject of an active National Traffic Safety Board investigation; or
“(4) The autonomous driving provider fails to disclose any known violations of paragraph (2) or paragraph (3) of this subsection.

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

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

“Sec. 4d. Restrictions on testing.

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

“Sec. 4e. Data and accident reporting.
“(a) On a quarterly basis, an autonomous driving provider shall provide to the Department in a form approved by the Department, the following:

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

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

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

“(A) The approximate location of the disengagement;

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

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

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

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

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

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

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

“(D) The name and title of the autonomous driving provider representative reporting the accident.
“(2) The autonomous driving provider shall provide additional information to the Department related to the accident as it becomes available.

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

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

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

“Sec. 5. Rules.

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

Sec. 3. Fiscal impact statement.


Sec. 4. Effective date.
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.