

AMENDED IN ASSEMBLY APRIL 24, 2023

AMENDED IN ASSEMBLY APRIL 11, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 316

**Introduced by Assembly Members Aguiar-Curry and Friedman
(Principal coauthors: Assembly Members Kalra and Lackey)**

(Principal coauthor: Senator Ashby)

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(Coauthor: Senator Durazo)

January 26, 2023

An act to amend Section 38750 of, and to add ~~Section 38751~~ *Sections 38751 and 38752* to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 316, as amended, Aguiar-Curry. Vehicles: autonomous vehicles.

Existing law authorizes the operation of an autonomous vehicle on public roads for testing purposes by a driver who possesses the proper class of license for the type of vehicle operated if specified requirements are satisfied. Existing law prohibits the operation of an autonomous vehicle on public roads until the manufacturer submits an application to the Department of Motor Vehicles, as specified, and that application is approved.

This bill would require a manufacturer of an autonomous vehicle to report to the department a collision on a public road that involved one

of its autonomous vehicles with a gross vehicle weight of 10,001 pounds or more that is operating under a testing permit that resulted in damage of property, bodily injury, or death within 10 days of the collision.

The bill would require a manufacturer of an autonomous vehicle to annually submit to the department specified information regarding the deactivation of the autonomous mode for its autonomous vehicles with a gross vehicle weight of 10,001 pounds or more that were operating under a testing permit that authorized the vehicle to operate on public roads.

The bill would prohibit the operation of an autonomous vehicle with a gross vehicle weight of 10,001 pounds or more on public roads for testing purposes, transporting goods, or transporting passengers without a human safety operator physically present in the autonomous vehicle at the time of operation.

The bill would require the Department of Motor Vehicles, by January 1, 2029, or 5 years after commencement of testing, whichever occurs later, and upon appropriation by the Legislature, to submit a report to the appropriate policy and fiscal committees of the Legislature evaluating the performance of autonomous vehicle technology and its impact on public safety and employment in the transportation sector for autonomous vehicles with a gross vehicle weight of 10,001 pounds or more. The bill would require the Department of the California Highway Patrol, the Labor and Workforce Development Agency, the Department of Transportation, the State Air Resources Board, and other relevant state agencies to provide additional information needed to research the report.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. All of the following are the intent of the
- 2 Legislature:
- 3 (a) To prioritize public safety, job security, and infrastructure
- 4 needs in the development and deployment of autonomous vehicles
- 5 on California roads.
- 6 (b) To ensure that public policy adapts to rapid advancements
- 7 in autonomous vehicle technology.
- 8 (c) To revisit and amend applicable laws as necessary to reflect
- 9 advancements that address threats to public safety and jobs.

1 SEC. 2. Section 38750 of the Vehicle Code is amended to read:
2 38750. (a) For purposes of this division, the following
3 definitions apply:

4 (1) “Autonomous technology” means technology that has the
5 capability to drive a vehicle without the active physical control or
6 monitoring by a human operator.

7 (2) (A) “Autonomous vehicle” means any vehicle equipped
8 with autonomous technology that has been integrated into that
9 vehicle that meets the definition of Level 3, Level 4, or Level 5 of
10 SAE International’s “Taxonomy and Definitions for Terms Related
11 to Driving Automation Systems for On-Road Motor Vehicles,
12 standard J3016 (APR2021),” as may be revised.

13 (B) An autonomous vehicle does not include a vehicle that is
14 equipped with one or more collision avoidance systems, including,
15 but not limited to, electronic blind spot assistance, automated
16 emergency braking systems, park assist, adaptive cruise control,
17 lane keep assist, lane departure warning, traffic jam and queuing
18 assist, or other similar systems that enhance safety or provide driver
19 assistance, but are not capable, collectively or singularly, of driving
20 the vehicle without the active control or monitoring of a human
21 operator.

22 (3) “Department” means the Department of Motor Vehicles.

23 (4) An “operator” of an autonomous vehicle is the person who
24 is seated in the driver’s seat, or, if there is no person in the driver’s
25 seat, causes the autonomous technology to engage.

26 (5) A “manufacturer” of autonomous technology is the person,
27 as defined in Section 470, that originally manufactures a vehicle
28 and equips autonomous technology on the originally completed
29 vehicle or, in the case of a vehicle not originally equipped with
30 autonomous technology by the vehicle manufacturer, the person
31 that modifies the vehicle by installing autonomous technology to
32 convert it to an autonomous vehicle after the vehicle was originally
33 manufactured.

34 (b) An autonomous vehicle may be operated on public roads
35 for testing purposes by a driver who possesses the proper class of
36 license for the type of vehicle being operated if all of the following
37 requirements are met:

38 (1) The autonomous vehicle is being operated on roads in this
39 state solely by employees, contractors, or other persons designated
40 by the manufacturer of the autonomous technology.

1 (2) The driver shall be seated in the driver's seat, monitoring
2 the safe operation of the autonomous vehicle, and capable of taking
3 over immediate manual control of the autonomous vehicle in the
4 event of an autonomous technology failure or other emergency.

5 (3) Prior to the start of testing in this state, the manufacturer
6 performing the testing shall obtain an instrument of insurance,
7 surety bond, or proof of self-insurance in the amount of five million
8 dollars (\$5,000,000), and shall provide evidence of the insurance,
9 surety bond, or self-insurance to the department in the form and
10 manner required by the department pursuant to the regulations
11 adopted pursuant to subdivision (d).

12 (c) Except as provided in subdivision (b), an autonomous vehicle
13 shall not be operated on public roads until the manufacturer submits
14 an application to the department, and that application is approved
15 by the department pursuant to the regulations adopted pursuant to
16 subdivision (d). The application shall contain, at a minimum, all
17 of the following certifications:

18 (1) A certification by the manufacturer that the autonomous
19 technology satisfies all of the following requirements:

20 (A) The autonomous vehicle has a mechanism to engage and
21 disengage the autonomous technology that is easily accessible to
22 the operator.

23 (B) The autonomous vehicle has a visual indicator inside the
24 cabin to indicate when the autonomous technology is engaged.

25 (C) The autonomous vehicle has a system to safely alert the
26 operator if an autonomous technology failure is detected while the
27 autonomous technology is engaged, and when an alert is given,
28 the system shall do either of the following:

29 (i) Require the operator to take control of the autonomous
30 vehicle.

31 (ii) If the operator does not or is unable to take control of the
32 autonomous vehicle, the autonomous vehicle shall be capable of
33 coming to a complete stop.

34 (D) The autonomous vehicle shall allow the operator to take
35 control in multiple manners, including, without limitation, through
36 the use of the brake, the accelerator pedal, or the steering wheel,
37 and it shall alert the operator that the autonomous technology has
38 been disengaged.

39 (E) The autonomous vehicle's autonomous technology meets
40 Federal Motor Vehicle Safety Standards for the vehicle's model

1 year and all other applicable safety standards and performance
2 requirements set forth in state and federal law and the regulations
3 promulgated pursuant to those laws.

4 (F) The autonomous technology does not make inoperative any
5 Federal Motor Vehicle Safety Standards for the vehicle's model
6 year and all other applicable safety standards and performance
7 requirements set forth in state and federal law and the regulations
8 promulgated pursuant to those laws.

9 (G) The autonomous vehicle has a separate mechanism, in
10 addition to, and separate from, any other mechanism required by
11 law, to capture and store the autonomous technology sensor data
12 for at least 30 seconds before a collision occurs between the
13 autonomous vehicle and another vehicle, object, or natural person
14 while the vehicle is operating in autonomous mode. The
15 autonomous technology sensor data shall be captured and stored
16 in a read-only format by the mechanism so that the data is retained
17 until extracted from the mechanism by an external device capable
18 of downloading and storing the data. The data shall be preserved
19 for three years after the date of the collision.

20 (2) A certification that the manufacturer has tested the
21 autonomous technology on public roads and has complied with
22 the testing standards, if any, established by the department pursuant
23 to subdivision (d).

24 (3) A certification that the manufacturer will maintain, an
25 instrument of insurance, a surety bond, or proof of self-insurance
26 as specified in regulations adopted by the department pursuant to
27 subdivision (d), in an amount of five million dollars (\$5,000,000).

28 (d) (1) As soon as practicable, but no later than January 1, 2015,
29 the department shall adopt regulations setting forth requirements
30 for the submission of evidence of insurance, surety bond, or
31 self-insurance required by subdivision (b), and the submission and
32 approval of an application to operate an autonomous vehicle
33 pursuant to subdivision (c).

34 (2) The regulations shall include any testing, equipment, and
35 performance standards, in addition to those established for purposes
36 of subdivision (b), that the department concludes are necessary to
37 ensure the safe operation of autonomous vehicles on public roads,
38 with or without the presence of a driver inside the vehicle. In
39 developing these regulations, the department may consult with the
40 Department of the California Highway Patrol, the Institute of

1 Transportation Studies at the University of California, or any other
2 entity identified by the department that has expertise in automotive
3 technology, automotive safety, and autonomous system design.

4 (3) The department may establish additional requirements by
5 the adoption of regulations, which it determines, in consultation
6 with the Department of the California Highway Patrol, are
7 necessary to ensure the safe operation of autonomous vehicles on
8 public roads, including, but not limited to, regulations regarding
9 the aggregate number of deployments of autonomous vehicles on
10 public roads, special rules for the registration of autonomous
11 vehicles, new license requirements for operators of autonomous
12 vehicles, and rules for revocation, suspension, or denial of any
13 license or any approval issued pursuant to this division.

14 (4) The department shall hold public hearings on the adoption
15 of any regulation applicable to the operation of an autonomous
16 vehicle without the presence of a driver inside the vehicle.

17 (e) (1) The department shall approve an application submitted
18 by a manufacturer pursuant to subdivision (c) if it finds that the
19 applicant has submitted all information and completed testing
20 necessary to satisfy the department that the autonomous vehicles
21 are safe to operate on public roads and the applicant has complied
22 with all requirements specified in the regulations adopted by the
23 department pursuant to subdivision (d).

24 (2) Notwithstanding paragraph (1), if the application seeks
25 approval for autonomous vehicles capable of operating without
26 the presence of a driver inside the vehicle, the department may
27 impose additional requirements it deems necessary to ensure the
28 safe operation of those vehicles, and may require the presence of
29 a driver in the driver's seat of the vehicle if it determines, based
30 on its review pursuant to paragraph (1), that such a requirement is
31 necessary to ensure the safe operation of those vehicles on public
32 roads.

33 (3) (A) For autonomous vehicles with a gross vehicle weight
34 of 10,001 pounds or more, a manufacturer whose autonomous
35 vehicle is in any manner involved in a collision originating from
36 the operation of the autonomous vehicle on a public road that
37 resulted in the damage of property, bodily injury, or death while
38 operating under a valid testing permit shall report the collision to
39 the department, within 10 days of the collision, on a form specified
40 by the department.

1 (B) Subparagraph (A) does not relieve a person from compliance
2 with any other statutory or regulatory collision reporting
3 requirement.

4 (4) (A) For autonomous vehicles with a gross vehicle weight
5 of 10,001 pounds or more with a valid testing permit that authorizes
6 the vehicle to operate on public roads, a manufacturer shall submit
7 disengagement reports on an annual basis to the department.

8 (B) Disengagement reports shall summarize the circumstances
9 or conditions at the time of the disengagement, including all of the
10 following:

11 (i) The location of the disengagement on or in one of the
12 following:

13 (I) On an interstate.

14 (II) On a highway.

15 (III) On a rural road.

16 (IV) On a city street.

17 (V) In a parking facility.

18 (ii) Whether the vehicle was operating with or without a driver
19 at the time of the disengagement.

20 (iii) A description of the facts causing the disengagement,
21 including all of the following:

22 (I) Weather conditions.

23 (II) Road surface conditions.

24 (III) Traffic conditions.

25 (IV) Emergency conditions.

26 (V) Whether there was a collision.

27 (iv) The party that initiated the disengagement, including one
28 of the following:

29 (I) The autonomous technology.

30 (II) An autonomous vehicle test driver.

31 (III) A remote operator.

32 (IV) A passenger.

33 (C) The description shall be written in plain language with
34 enough detail that a nontechnical person can understand the
35 circumstances triggering the disengagement.

36 (5) For purposes of this subdivision, “disengagement” means a
37 deactivation of the autonomous mode when a failure of the
38 autonomous technology is detected or when the safe operation of
39 the vehicle requires that the autonomous vehicle test driver
40 disengage the autonomous mode and take immediate manual

1 control of the vehicle, or in the case of driverless vehicles, when
2 the safety of the vehicle, the occupants of the vehicle, or the public
3 requires that the autonomous technology be deactivated.

4 (f) The department shall post a public notice on its internet
5 website when it adopts the regulations required by subdivision (d).
6 The department shall not approve an application submitted pursuant
7 to the regulations until 30 days after the public notice is provided.

8 (g) Federal regulations promulgated by the National Highway
9 Traffic Safety Administration shall supersede the provisions of
10 this division when found to be in conflict with any other state law
11 or regulation.

12 (h) The manufacturer of the autonomous technology installed
13 on a vehicle shall provide a written disclosure to the purchaser of
14 an autonomous vehicle that describes what information is collected
15 by the autonomous technology equipped on the vehicle. The
16 department may promulgate regulations to assess a fee upon a
17 manufacturer that submits an application pursuant to subdivision
18 (c) to operate autonomous vehicles on public roads in an amount
19 necessary to recover all costs reasonably incurred by the
20 department.

21 (i) (1) Commencing January 1, 2030, to the extent authorized
22 by federal law, any autonomous vehicle with a model year of 2031
23 or later and a gross vehicle weight rating of less than 8,501 pounds
24 shall only be operated pursuant to a deployment permit pursuant
25 to Article 3.8 (commencing with Section 228.00) of Chapter 1 of
26 Division 1 of Title 13 of the California Code of Regulations if the
27 vehicle is a zero-emission vehicle, as defined in Section 44258 of
28 the Health and Safety Code.

29 (2) The department shall not commence rulemaking for the
30 adoption of regulations implementing this subdivision before
31 January 1, 2027.

32 SEC. 3. Section 38751 is added to the Vehicle Code, to read:

33 38751. (a) An autonomous vehicle with a gross vehicle weight
34 of 10,001 pounds or more shall not be operated on public roads
35 for testing purposes, transporting goods, or transporting passengers
36 without a human safety operator physically present in the
37 autonomous vehicle at the time of operation.

38 (b) For purposes of this section, the following terms have the
39 following meanings:

1 (1) “Autonomous vehicle” has the same meaning as defined in
2 Section 38750.

3 (2) “Human safety operator” means a person operating an
4 autonomous vehicle or vehicle equipped with autonomous
5 technology who is trained in operating and shutting off the vehicle.
6 A human safety operator shall meet all federal and state
7 qualifications for the type of vehicle being operated, whether in
8 automated or nonautomated mode.

9 *SEC. 4. Section 38752 is added to the Vehicle Code, to read:*

10 *38752. (a) By January 1, 2029, or five years after*
11 *commencement of testing, whichever occurs later, and upon*
12 *appropriation by the Legislature, the Department of Motor Vehicles*
13 *shall submit a report to the appropriate policy and fiscal*
14 *committees of the Legislature evaluating the performance of*
15 *autonomous vehicle technology and its impact on public safety*
16 *and employment in the transportation sector for autonomous*
17 *vehicles with a gross vehicle weight of 10,001 pounds or more.*
18 *The report shall include a summary of disengagements, crashes,*
19 *and other information the department believes is relevant. The*
20 *report shall include a recommendation on whether the Legislature*
21 *should remove, modify, or maintain the requirement for an*
22 *autonomous vehicle with a gross vehicle weight of 10,001 pounds*
23 *or more to operate with a human safety operator physically present*
24 *in the vehicle. While preparing the report, the Department of Motor*
25 *Vehicles shall do all of the following:*

26 (1) *Consult with the Department of the California Highway*
27 *Patrol on traffic impacts, driver and passenger safety risks, and*
28 *impacts on other motorists, bicyclists, and pedestrians.*

29 (2) *Consult with the Labor and Workforce Development Agency*
30 *on any job-related impacts, including worker displacement and*
31 *shortcomings in retraining opportunities.*

32 (3) *Consult with the Department of Transportation on*
33 *infrastructure impacts, deficiencies, and needs.*

34 (4) *Consult with the State Air Resources Board on how*
35 *autonomous vehicles with a gross vehicle weight of 10,001 pounds*
36 *or more impact the 2022 Scoping Plan for Achieving Carbon*
37 *Neutrality.*

38 (5) *Consult with independent experts on the performance of the*
39 *technology, public safety impacts, and any other relevant factors*
40 *in considering deployment.*

1 ***(b) The Department of the California Highway Patrol, the Labor***
2 ***and Workforce Development Agency, the Department of***
3 ***Transportation, the State Air Resources Board, and all other***
4 ***relevant state agencies shall provide additional information, as***
5 ***specified by the Department of Motor Vehicles, as needed to***
6 ***research the report required by this section.***

7 ***(c) Upon issuance of the report described in subdivision (a), it***
8 ***is the intent of the Legislature to conduct an oversight hearing to***
9 ***assess the state of autonomous vehicle technology for vehicles with***
10 ***a gross vehicle weight of 10,001 pounds or more.***

11 ***(d) The Department of Motor Vehicles shall not issue a***
12 ***deployment permit for use of autonomous vehicles with a gross***
13 ***vehicle weight of 10,001 pounds or more without a human safety***
14 ***operator earlier than one year after the oversight hearing***
15 ***described in subdivision (c), and only after express authorization***
16 ***of the Legislature and Governor.***