

Statement of Reasons

for the Second Modified Regulatory Text

The Department of Motor Vehicles (department) proposes to amend Sections 227.02 and 227.38 in Article 3.7 and Sections 228.06, 228.28, and 228.30 in Article 3.8, related to autonomous vehicles.

The department published notice of the proposed adoptions and amendments to Articles 3.7 and 3.8 on March 10, 2017. The comment period ended on April 24, 2017 with the department having received many written comments. The department also held a public hearing on April 25, 2017 in Sacramento. The public hearing was attended by nearly 100 individuals representing vehicle manufacturers, technology manufacturers, privacy advocates, consumer advocates, and local transportation agencies. Additionally, the department provided a Notice of Modification of Proposed Regulation on October 10, 2017 (“Notice of Modification”). The department received many additional comments on the modified regulations.

As a result of the written comments and the oral comments received at the public hearing and in response to the Notice of Modification, the department determined that further revisions are necessary to both Article 3.7 and Article 3.8.

§ 227.00. Purpose.

No additional amendments are being made to Section 227.00

§ 227.02. Definitions.

Subdivision (b) is amended to add “or a remote operator.” This addition was necessary to clarify that an autonomous test vehicle can be tested without a human test driver in the driver’s seat and to eliminate an inconsistency with the provisions of the regulations that allow the testing of vehicles that do not have test driver inside the vehicle.

§ 227.04. Requirements for a Manufacturer’s Testing Permit.

No additional amendments are being made to Section 227.04.

§ 227.06. Evidence of Financial Responsibility.

No additional amendments are being made to Section 227.06.

§ 227.08. Instrument of Insurance.

No additional amendments are being made to Section 227.08.

§ 227.10. Surety Bond.

No additional amendments are being made to Section 227.10.

§ 227.12. Certificate of Self-Insurance.

No additional amendments are being made to Section 227.12.

§ 227.14. Autonomous Test Vehicles Proof of Financial Responsibility.

No additional amendments are being made to Section 227.14.

§ 227.16. Identification of Autonomous Test Vehicles.

No additional amendments are being made to Section 227.16.

§227.18. Manufacturer’s Testing Permit and Manufacturer’s Testing Permit – Driverless Vehicles.

No additional amendments are being made to Section 227.18.

§ 227.20. Review of Application.

No additional amendments are being made to Section 227.20.

§ 227.22. Term of Permit.

No additional amendments are being made to Section 227.22

§ 227.24. Enrollment in Employer Pull Notice Program.

No additional amendments are being made to Section 227.24.

§ 227.26. Prohibitions on Operation on Public Roads.

No additional amendments are being made to Section 227.26.

§227.28. Vehicles Excluded from Testing and Deployment.

No additional amendments are being made to Section 227.28.

§ 227.30. Manufacturer’s Testing Permit Application.

No additional amendments are being made to Section 227.30

§ 227.32. Requirements for Autonomous Vehicle Test Drivers.

No additional amendments are being made to Section 227.32

§ 227.34. Autonomous Vehicle Test Driver Qualifications.

No additional amendments are being made to Section 227.34.

§ 227.36. Autonomous Vehicle Test Driver Training Program.

No additional amendments are being made to Section 227.36.

§227.38. Manufacturer’s Permit to Test Autonomous Vehicles that do not Require a Driver.

Subdivision (b) has been deleted. Many comments received during the 45 day comment period and in response to the Notice of Modification recommended that the department delete this

subdivision because existing law provides well-established principles that assist in determining fault and apportioning liability for automobile crashes.

Subdivisions (c) through (m) have been renumbered to (b) through (l).

§ 227.40. Refusal of Autonomous Vehicle Testing Permit or Testing Permit Renewal.

No additional amendments are being made to Section 227.40.

§ 227.42. Suspension or Revocation of Autonomous Vehicle Testing Permit.

No additional amendments are being made to Section 227.42

§ 227.44. Demand for Hearing.

No additional amendments are being made to Section 227.44.

§ 227.46. Reinstatement of Testing Permit.

No additional amendments are being made to Section 227.46.

§ 227.48. Reporting Collisions.

No additional amendments are being made to Section 227.48.

§227.50. Reporting Disengagement of Autonomous Mode.

No additional amendments are being made to Section 227..50

§ 227.52. Test Vehicle Registration and Certificates of Title.

No additional amendments are being made to Section 227.52.

§227.54. Transfers of Interest or Title for an Autonomous Test Vehicle.

No additional amendments are being made to Section 227.

Article 3.8 – Deployment of Autonomous Vehicles

§228.00. Purpose

No additional amendments are being made to Section 228.00.

§228.02. Definitions

No additional amendments are being made to Section 228.02.

§228.04. Financial Requirements for a Permit to Deploy Autonomous Vehicles on Public Roads.

No additional amendments are being made to Section 228.04.

§228.06. Application for a Permit for Post-Testing Deployment of Autonomous Vehicles on Public Roads.

Subdivision (a)(9)(C) is amended to delete the phrase “Shall be responsible for ensuring that the vehicle is operated using the manufacturer’s most recent updates as specified in this subsection.” The department received many comments that existing law addresses issues related to owner and manufacturer responsibilities and liability. This subdivision has been amended to require that a manufacturer shall notify registered owners of the availability of updates and provide instructions on how to access those updates.

Legislation was approved after the close of public comment period that removed the 180 requirement specified in Vehicle Code Section 38750 (e)(2) and amended Section 38750 (f) to require the department to post a notice of the adoption of the regulations on its web site and precludes the approval of an application until 30 days after the notice. Subdivision (f) has been amended to delete the reference to the 180 requirement and to add that an application will not be approved until 30 days after the department has provided the public notice required by Vehicle Code Section 38750 (f). The change is necessary to ensure that the regulations are consistent with the amended statute.

§228.08. Review of Application.

No additional amendments are being made to Section 228.08.

§228.10. Amendment of Application.

No additional amendments are being made to Section 228.10.

§228.12. Reporting Safety Defects.

No additional amendments are being made to Section 228.12.

§228.14. Conditions Related to the Term of Permit.

No additional amendments are being made to Section 228.14.

§228.16. Refusal of an Application for a Permit to Deploy.

No additional amendments are being made to Section 228.16.

§228.18. Demand for Hearing on Refusal of Permit.

No additional amendment are being made to Section 228.18.

§228.20. Suspension or Revocation of Permit.

No additional amendments are being made to Section 228.20.

§228.22. Administrative Procedures for a Suspension or Revocation of Permit.

No additional amendments are being made to Section 228.22.

§228.24. Information Privacy.

No additional amendments are being made to Section 228.24.

§228.26. Registration of Autonomous Vehicles.

No additional amendments are being made to Section 228.26.

§228.28. Driver and Manufacturer Responsibility.

The text in proposed Section 228.28 has been deleted. Many comments received during the 45 day comment period and in response to the Notice of Modification recommended that the department delete this section because existing law provides well-established principles that assist in determining fault and apportioning liability for automobile crashes. Existing law also provides that a person may not drive a motor vehicle on public roads unless the person holds a driver's license for the class of vehicle being driven.

§228.30. Statements About Autonomous Technology.

Section 228.30 has been renumbered to Section 228.28.