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**SENATE BILL 5594**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senators Boehnke, Nguyen, Liiias, and King

1 AN ACT Relating to the operation of fully autonomous vehicles;  
2 amending RCW 46.30.050; adding new sections to chapter 46.92 RCW; and  
3 repealing RCW 46.92.010.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.92  
6 RCW to read as follows:

7 The definitions in this section apply throughout this section and  
8 sections 2 through 11 of this act unless the context clearly requires  
9 otherwise.

10 (1) "Automated driving system" means the hardware and software  
11 that are collectively capable of performing the entire dynamic  
12 driving task on a sustained basis, regardless of whether it is  
13 limited to a specific operational design domain.

14 (2) "Dynamic driving task" means all of the real-time operational  
15 and tactical functions required to operate a vehicle in on-road  
16 traffic, excluding the strategic functions such as trip scheduling  
17 and selection of destinations and waypoints, and including:

18 (a) Lateral vehicle motion control via steering;

19 (b) Longitudinal motion control via acceleration and  
20 deceleration;

1 (c) Monitoring the driving environment via object and event  
2 detection, recognition, classification, and response preparation;

3 (d) Object and event response execution;

4 (e) Maneuver planning; and

5 (f) Enhancing conspicuity via lighting, signaling, and gesturing.

6 (3) "Dynamic driving task fallback" means the response by the  
7 person or human driver to either perform the dynamic driving task or  
8 achieve a minimal risk condition after the occurrence of any dynamic  
9 driving task performance-relevant system failure or upon operational  
10 design domain exit, or the response by an automated driving system to  
11 achieve minimal risk condition, given the same circumstances.

12 (4) "Fully autonomous vehicle" means a motor vehicle equipped  
13 with an automated driving system designed to function without a human  
14 driver as a level four or five system under the society of automotive  
15 engineers international standard J3016B, as it existed on the  
16 effective date of this section, or such subsequent date as may be  
17 provided by the department by rule, consistent with the purposes of  
18 this section.

19 (5) "Human driver" means a natural person in the vehicle with a  
20 valid license to operate a motor vehicle who controls all or part of  
21 the dynamic driving task.

22 (6) "Minimal risk condition" means a condition to which a person,  
23 human driver, or an automated driving system may bring a vehicle  
24 after performing the dynamic driving task fallback in order to reduce  
25 the risk of a crash when a given trip cannot or should not be  
26 completed.

27 (7) "On-demand autonomous vehicle network" means a transportation  
28 service network that uses a software application or other digital  
29 means to dispatch or otherwise enable the prearrangement of  
30 transportation with fully autonomous vehicles for purposes of  
31 transporting passengers or goods, including for-hire transportation  
32 and transportation of passengers or goods for compensation.

33 (8) "Operational design domain" means operating conditions under  
34 which a given automated driving system is specifically designed to  
35 function including, but not limited to, environmental, geographical,  
36 and time-of-day restrictions, or the requisite presence or absence of  
37 certain traffic or roadway characteristics.

38 (9) "Request to intervene" means notification by an automated  
39 driving system to a human driver, that the human driver should

1 promptly begin or resume performance of part or all of the dynamic  
2 driving task.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.92  
4 RCW to read as follows:

5 (1) A person may operate a fully autonomous vehicle on the public  
6 roadways of this state without a human driver when the automated  
7 driving system is engaged and the vehicle meets the following  
8 conditions:

9 (a) If a failure of the automated driving system occurs that  
10 renders that system unable to perform the entire dynamic driving task  
11 relevant to its intended operational design domain, the fully  
12 autonomous vehicle must achieve a minimal risk condition;

13 (b) The fully autonomous vehicle is capable of operating in  
14 compliance with the applicable traffic and motor vehicle safety laws  
15 and rules under this title when reasonable to do so, unless an  
16 exemption has been granted by the department; and

17 (c) When required by federal law, the vehicle displays the  
18 required manufacturer's certification label indicating that at the  
19 time of its manufacture it has been certified to be in compliance  
20 with all applicable federal motor vehicle safety standards, including  
21 reference to any exemption granted by the national highway traffic  
22 safety administration.

23 (2) Before operating a fully autonomous vehicle on the public  
24 roadways of this state without a human driver, a person must submit a  
25 law enforcement interaction plan to the Washington state patrol that  
26 describes:

27 (a) How to communicate with a fleet support specialist who is  
28 available during the times the vehicle is in operation;

29 (b) How to safely remove the fully autonomous vehicle from the  
30 roadway and steps to safely tow the vehicle;

31 (c) How to recognize whether the fully autonomous vehicle is in  
32 autonomous mode; and

33 (d) Any additional information the manufacturer or owner deems  
34 necessary regarding hazardous conditions or public safety risks  
35 associated with the operation of the fully autonomous vehicle.

36 (3) Before operating a fully autonomous vehicle on any public  
37 roadways, a person must:

1 (a) Submit to the department the most recent voluntary self-  
2 assessment that the person has submitted to the national highway  
3 traffic safety administration; and

4 (b) Until December 31, 2028, provide notice to the law  
5 enforcement agencies with jurisdiction over the area the person will  
6 operate the autonomous motor vehicle. Such notice must be provided  
7 within 14 days of operation and include the contact information of  
8 the owner of the autonomous vehicle and a copy of the law enforcement  
9 interaction plan described in subsection (2) of this section.

10 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.92  
11 RCW to read as follows:

12 When an automated driving system installed on a motor vehicle is  
13 engaged:

14 (1) The automated driving system is considered the driver or  
15 operator, for the purpose of assessing compliance with applicable  
16 traffic or motor vehicle laws under this title, and is deemed to  
17 satisfy electronically all physical acts required by a driver or  
18 operator of the vehicle; and

19 (2) The automated driving system is considered to be licensed to  
20 drive under chapter 46.20 RCW to operate the vehicle.

21 NEW SECTION. **Sec. 4.** A new section is added to chapter 46.92  
22 RCW to read as follows:

23 Before operating a fully autonomous vehicle on public roadways in  
24 this state without a human driver, a person must submit proof of  
25 financial responsibility satisfactory to the department that the  
26 fully autonomous vehicle is covered by insurance or proof of self-  
27 insurance that satisfies the requirements of RCW 46.30.020.

28 NEW SECTION. **Sec. 5.** A new section is added to chapter 46.92  
29 RCW to read as follows:

30 (1) In the event of an accident or collision involving a fully  
31 autonomous vehicle:

32 (a) The fully autonomous vehicle must remain on the scene of the  
33 accident or collision when required under RCW 46.52.020, consistent  
34 with its capability under section 2 of this act.

35 (b) The owner of the fully autonomous vehicle, or a person on  
36 behalf of the vehicle owner, must report the accident or collision  
37 consistent with RCW 46.52.030.

1 (2) By February 1st of each year, and until February 1, 2028, the  
2 owner of the autonomous vehicle or a person on behalf of the vehicle  
3 owner must submit a report covering crashes or collisions required to  
4 be reported under subsection (1) of this section from the prior  
5 calendar year to the department and all municipalities where the  
6 autonomous vehicle operated for more than five calendar days in the  
7 prior calendar year.

8 NEW SECTION. **Sec. 6.** A new section is added to chapter 46.92  
9 RCW to read as follows:

10 An on-demand autonomous vehicle network must be permitted to  
11 operate pursuant to state laws governing the operation of  
12 transportation network companies, taxis, or any other ground  
13 transportation for-hire of passengers under chapter 46.72 or 46.72B  
14 RCW, with the exception that any provision under chapter 46.72 or  
15 46.72B RCW that reasonably applies only to a human driver would not  
16 apply to the operation of fully autonomous vehicles with the  
17 automated driving system engaged on an on-demand autonomous vehicle  
18 network.

19 NEW SECTION. **Sec. 7.** A new section is added to chapter 46.92  
20 RCW to read as follows:

21 A fully autonomous vehicle must be properly registered in  
22 accordance with chapter 46.16A RCW, and identified on the certificate  
23 of title and registration as a fully autonomous vehicle.

24 NEW SECTION. **Sec. 8.** A new section is added to chapter 46.92  
25 RCW to read as follows:

26 (1) A person may operate a motor vehicle equipped with an  
27 automated driving system capable of performing the entire dynamic  
28 driving task if:

29 (a) Such automated driving system will issue a request to  
30 intervene whenever the automated driving system is not capable of  
31 performing the entire dynamic driving task with the expectation that  
32 the person will respond appropriately to such a request; and

33 (b) The automated driving system is capable of being operated in  
34 compliance with chapter 46.61 RCW when reasonable to do so unless an  
35 exemption has been granted by the department.

36 (2) This section does not prohibit or restrict a human driver  
37 from operating a fully autonomous vehicle equipped with controls that

1 allow for the human driver to control all or part of the dynamic  
2 driving task.

3 NEW SECTION. **Sec. 9.** A new section is added to chapter 46.92  
4 RCW to read as follows:

5 A fully autonomous vehicle that is also a commercial motor  
6 vehicle as defined in RCW 46.16A.010 may operate on the public  
7 roadways of this state, except that any provision under this title  
8 that reasonably applies only to a human driver does not apply to such  
9 a vehicle operating with the automated driving system engaged.

10 NEW SECTION. **Sec. 10.** A new section is added to chapter 46.92  
11 RCW to read as follows:

12 A fully autonomous vehicle that is designed to be operated  
13 exclusively by the automated driving system for all trips is not  
14 subject to motor vehicle equipment laws or rules pursuant to chapter  
15 46.37 RCW that: (1) Relate to or support motor vehicle operation by a  
16 human driver seated in the vehicle; and (2) are not relevant for an  
17 automated driving system.

18 NEW SECTION. **Sec. 11.** A new section is added to chapter 46.92  
19 RCW to read as follows:

20 (1) Unless otherwise provided in this chapter, fully autonomous  
21 vehicles and automated driving systems are governed exclusively by  
22 this chapter. The department is the sole and exclusive state agency  
23 that may implement the provisions of this chapter.

24 (2) No state agency, political subdivision, municipality, or  
25 local entity may prohibit the operation of fully autonomous vehicles,  
26 automated driving systems, or on-demand autonomous vehicle networks,  
27 or otherwise enact or keep in force rules or ordinances that would  
28 impose taxes, fees, or other requirements, including performance  
29 standards, specific to the operation of fully autonomous vehicles,  
30 automated driving systems, or on-demand autonomous vehicle networks  
31 in addition to the requirements of this chapter.

32 **Sec. 12.** RCW 46.30.050 and 2020 c 182 s 1 are each amended to  
33 read as follows:

34 ~~(1) ((No entity may test an autonomous motor vehicle on any  
35 public roadway under the department's autonomous vehicle self-  
36 certification testing pilot program unless:~~

1       ~~(a) The entity holds))~~ A person operating an autonomous vehicle  
2 on any public road of this state without a human driver shall hold an  
3 umbrella liability insurance policy that covers the entity in an  
4 amount not less than ((five million dollars)) \$5,000,000 per  
5 occurrence for damages by reason of bodily injury or death or  
6 property damage, caused by the operation of an autonomous ((motor))  
7 vehicle ((for which information is provided under the autonomous  
8 vehicle self-certification testing pilot program; and

9       ~~(b) The entity maintains))~~ .

10       (2) A person operating an autonomous vehicle on public roads in  
11 this state without a human driver shall maintain proof of this policy  
12 with the department in a form and manner specified by the department.

13       ~~((2))~~ (3) Requirements related to proof of motor vehicle  
14 insurance under RCW 46.30.020 and penalties for providing false  
15 evidence of motor vehicle insurance under RCW 46.30.040 are  
16 applicable to this section.

17       NEW SECTION. Sec. 13. RCW 46.92.010 (Testing—Self-certification  
18 pilot program—Information to be provided—Unique identification  
19 number—Notice—Fee—Public access—Operation) and 2021 c 193 s 1 &  
20 2020 c 182 s 2 are each repealed.

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