



WASHINGTON STATE
AUTONOMOUS VEHICLE
WORK GROUP

MEETING SUMMARY

Meeting: Licensing Subcommittee

Location: Teleconference - Skype

Date: April 7, 2020

First Name	Last Name	Organization
Alan	Werner	Society for Engineers
Amanda	Anderson	Peloton
Beau	Perschbacher	Washington Department of Licensing (DOL)
Corey	Paulson	WA DOL
Daniela	Bremmer	Washington State Department of Transportation (WSDOT)
Debi	Besser	Washington Traffic Safety Committee (WTSC)
Drew	Wilder	University of Washington
Jason	Beloso	WSDOT
Jennifer	Harris	Washington House Transportation Committee Staff
Jill	Johnson	WA DOL
Kit	Chiu	WSP USA
Leonard	Byrne	Society for Engineers
Matthew	Eng	City of Seattle
Mike	Walton	Unknown
Reema	Griffith	Transportation Commission
Ryan	Spiller	Alliance for Automotive Innovation
Sadeeq	Simmons	WA DOL
Steve	Crown	Unknown
Steve	Gano	Uber
Ted	Bailey	WSDOT
Thad	Duvall	Douglass County Auditor
Thomas	Platts	WSDOT
Will	Saunders	Washington Department of Licensing



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WELCOME AND INTRODUCTIONS

Beau Perschbacher & Drew Wilder

- Introductions
- Review agenda

Topic closed.

REVIEW AND VOTE ON RECOMMENDATION FROM SAFETY SUBCOMMITTEE

Beau Perschbacher & Drew Wilder

- Debi Besser provided an overview of a recommendation that the Safety Subcommittee had originally received from the Licensing Subcommittee on the issue of television viewer screens outlined in RCW 46.37.480
 - This section of the policy indicates that: *“No person shall drive any motor vehicle equipped with any television viewer, screen, or other means of visually receiving a television broadcast when the moving images are visible to the driver while operating the motor vehicle on a public road, except for live video of the motor vehicle backing up.”*
- The licensing subcommittee had previously recommended a repeal of this section on the basis that:
 - The language used was deemed to be out of date as screens are now capable of doing much more than receive television broadcasts;
 - The use of electronic devices in vehicles and dangerously distracted driving are already addressed in other policies;
 - Law enforcement rarely uses this policy to enforce distracted driving; and
 - The policy may be perceived as a potential barrier to advancing technology.
- Discussion:
 - A question was raised regarding how this policy compares to federal restrictions. Debi indicated that this was not part of prior discussions. However, the federal government has a role in approving all vehicles sold. Many vehicles on the road today are already equipped with screens for an array of uses, and so this issue of screens in vehicles may be less of an issue.
- Beau put forward a motion to vote on the approval of this recommendation going forward.
 - 0 votes No
 - 26 votes Yes (27 attendees at the moment, minus 1 attendee who indicated via email that they would abstain from voting).
 - Motion was unanimously approved

Topic closed.

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REVIEW HB 2676

Beau Perschbacher & Jill Johnson

- Jill Johnson led the subcommittee in a review of House Bill 2676, relating to the self-certification program for the testing of autonomous vehicles (AVs).
- Jill indicated that the bill was developed closely with Representative Kloba and is intended to extend the self-certification program that is already in place.
- Altogether, there are 3 new sections relating to:
 - Insurance requirements;
 - Information required on the self-certification form and requirements to report collisions involving AVs; and
 - Requirements to notify law enforcement of testing.
- Section 1 requires that all entities testing AVs in the state of Washington hold an umbrella liability insurance policy that provides coverage of no less than \$5 million.
 - Entities will still need to maintain their baseline motor vehicle insurance in addition to this coverage.
 - The method for submitting evidence of coverage is still being contemplated, and it remains unclear what documentation will be required.
 - This part of the bill will become effective in June 2020, ahead of the rest of the bill, as proponents felt that this was important to have in force at an earlier date.
- Section 2 expands on the requirements of the self-certification program
 - This part of the bill will be effective October 1, 2021
 - Two key requirements to note include:
 - (1) Expanded requirements for the types of information that needs to be submitted to the department of licensing (DOL) for the self-certification testing program. This is likely to include contact information, local jurisdiction where testing will occur, VINs for the vehicles being tested, or some other unique identifier if no VIN is available, and proof of insurance, as noted in Section 1;
 - (2) Requirement for self-certifying entities to submit by February 1st of each year, a report of any incident that their vehicles were involved in over the prior year, including collisions and any infractions. Incidents only need to be reported if the vehicle was operating during or shortly prior to the AV being in operation, and not for incidents where the vehicle was not in operation.
 - The DOL is contemplating an administrative fee to cover costs associated with this program, but will not be charging participating entities at this time.
 - The DOL will be required to provide the information collected from participating entities to the public, and to report the information to the legislature each year.

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- The report is expected to be high level, covering mainly the contact information of the testing entities, along with any incidents that occurred
 - The format of the report is still to be determined, but more clarity will come as the first report is developed for submission in December 2021.
- Section 3 relates to requirements for participating entities to notify relevant law enforcement entities of their testing activities
 - Self-certifying entities will be required to provide notice in writing to all law enforcement entities within the jurisdictions where they are conducting testing. For example, entities testing exclusively on state owned highways need only notify the Washington State Patrol and the enforcement entities of the jurisdictions at each end of the highway facility where they enter and exit. They would not be required to notify law enforcement entities of the jurisdictions which they pass through while on the highway.
 - The written notice needs to include contact information for communicating with the testing entity, along with identifying features of the vehicle being tested
- On June 11, 2020, the effective date for Section 1:
 - The self-certification form will change to one that includes the new insurance requirement
 - Communications on the department website will indicate this new requirement
 - Notification, possibly by email blast, will also be sent directly to the 15 companies in active testing to indicate this change.
- On October 1, 2021, the remainder of the bill will become effective. The department expects that displaying this information in publicly accessible ways will be more difficult and will be working with stakeholders to figure out what this will look like. Changes to the website and communications materials are expected.
- Discussion:
 - In regards to Section 1
 - Concerns were raised in relation to the cost of the required insurance, as larger companies may have greater capacity to carry the cost of premiums.
 - Questions were also raised in relation to the mechanism by which testing entities will be required to submit evidence of coverage.
 - While it has yet to be determined the exact way in which testing entities will be instructed to submit their evidence of coverage, Drew Wilder suggested that it may be streamlined for the department to receive the proof of coverage directly from commercial insurance agents rather than from the testing entity.
 - Commercial insurance agents may face strict penalties for falsifying documents, so requiring the documents directly from them may decrease the risk of documents being doctored in transition.

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- Subcommittee members discussed the level of information that would need to be provided to the DOL by testing entities or their commercial insurance agents, and whether part of this information may be redacted.
 - A key concern related to information associated with premiums paid.
 - Drew Wilder responded that it may be possible, depending on the document. The information that the DOL would likely need is proof of the level of coverage provided.
 - A comment was made on the use of the term “Umbrella” in the policy, and whether the DOL would accept a policy that is not termed as such.
 - Drew Wilder responded that it’s unlikely that the DOL would reject a policy that is not referred to specifically as “umbrella” as will mainly be looking for documentation of evidence that indicates a level of financial responsibility that sufficiently meets the set requirements.
 - There was discussion on the appropriate documentation that DOL should request
 - Subcommittee members indicated that a certificate of insurance may provide the right level of information, and in combination with having the information sent directly from the insurance agents, would help to streamline the process.
 - The DOL has a duty to read documents that it requests. Documents such as the policy, or letters of endorsement, include additional detail that may weigh down the process.
 - It was suggested that the liability subcommittee be consulted on this matter.
 - **ACTION: Licensing subcommittee to refer this matter to the Liability subcommittee**
 - Subcommittee members also asked whether the “Umbrella” insurance policy could cover multiple states for companies that are testing in multiple locations, or if a Washington specific policy would be needed.
 - Subcommittee members agreed that this would largely depend on the specific policy, as an “Umbrella” policy refers to a general insurance policy that would cover whatever is spelled out on the declaration page. It may be possible for insurance companies to provide coverage for entities conducting business in multiple states.
 - An analogy was drawn to the trucking industry where insurance requirements are applied nationally. One subcommittee member suggested that this may point to the need for a national strategy.
 - In regards to Section 2
 - One subcommittee member raised the need for balance between the collection of data, and the protection of propriety.
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- The member reminded the subcommittee that as local jurisdictions contemplate asking for data, anything collected becomes subject to public access. There are concerns from testing entities that some data may reveal proprietary information that competitors could take advantage of.
 - For some of the information spelled out in the bill, there may be a need to consider whether the information is needed or just a nice to have.
 - Subcommittee members raised that it would be helpful if there was system that could help deliver the collected information to the appropriate enforcement agencies, rather than have testing entities be responsible for sending the information.
 - It was noted that many testing entities test across the country, making it difficult for them to keep track of which enforcement entities need to receive the information.
 - Jill Johnson responded that while it will be difficult to have this system on the law enforcement end, the DOL will strive to have a streamlined approach for reporting to the DOL. Only the notification for testing provided as part of the initial report needs to be sent directly to the enforcement entities.
 - Relating to the requirements for the annual collision report, subcommittee members debated the amount of information that would need to be provided.
 - Subcommittee members had differing opinions on whether collision data should be reported for all incidents involving test vehicles while in or shortly after operation, or if this should be limited to only incidents involving test vehicles when the automation feature is engaged. There were concerns that testing entities may be able to disengage their automation features at the time of an incident, and potentially result in under-reporting.
 - Some members also wanted to limit the types of incidents that need to be reported to those where the testing vehicle is deemed at fault. However, others noted that the point of this reporting is to develop a complete data set to understand potential issues more fully. While a testing vehicle may not be at fault according to police reports, if a particular vendor's vehicles are repeatedly involved in similar types of incidents (such as being rear-ended), this may point to other underlying issues that would be of interest to lawmakers and the public.
 - A question was asked if entities who register to test in Washington but do not actually do active testing or have no reportable incidents would still have to sign or submit some sort of documentation in lieu of the report.
 - A representative of the DOL noted that this will likely be required as the legislature would be interested in the information whether or not incidents are recorded.
- In regards to Section 3:
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- Subcommittee members noted that it would be difficult for testing entities to know which law enforcement entities they would need to notify, and would like an approach where they would be able to issue a notification automatically.
 - Representatives of the DOL indicated that their role in this notification process will be minimal, and it will be up to the individual jurisdictions involved. However, they would like to bring this issue up to the Executive Committee.
- Subcommittee members also noted that in addition to contact information and vehicle traits, the notification to law enforcements should also include information for safety and law enforcement entities to appropriately engage with the testing vehicle in an emergency situation, such as how to disengage it if no on-board operator is present.
- In regards to the possible administrative fee noted in Section 2:
 - Representatives from the DOL indicated that there remains some time before this part of the bill comes into force, so there is still opportunity to consider what this will look like.
 - One subcommittee member noted that it may be useful for the DOL to observe how this process pans out over the course of the year, and re-examine what the administrative burden looks like before a fee is determined.
- In regards to public access to information and annual reporting to the legislature:
 - Representatives from the DOL indicated that the information, as long as there is nothing proprietary in nature, would be useful for the public to have.
 - Asked about the types of questions that the DOL is receiving from the public, it was indicated that many questions pertained to where and when testing is happening, and whether AVs were involved in any collisions. These questions are difficult to answer at the moment due to the lack of data, but will be improved with this bill.

Topic Closed.

WRAP UP AND NEXT STEPS

Beau Perschbacher & Drew Wilder

- In closing, the co-chairs of the subcommittee ask that any subcommittee members with additional written feedback can send that directly to them.
- One final question was asked in regards to the level of automation that this bill pertains to.
 - Subcommittee members generally agreed that, based on ongoing discussions on this matter, the bill appears to refer to only higher levels of automation, as vehicles with levels 1 and 2 automation are already available on the mass market.

Topic Closed.

MEETING ADJOURNED.
