

OFFICE OF THE DIRECTOR  
DEPARTMENT OF MOTOR VEHICLES  
P.O. BOX 932328  
SACRAMENTO, CA 94232-3280



## TITLE 13: DEPARTMENT OF MOTOR VEHICLES

### NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (department) proposes to amend Sections 227.26 and 227.28 in Article 3.7, and Section 228.02 in Article 3.8, Chapter 1, Division 1, Title 13 of the California Code of Regulations, related to the testing of autonomous vehicles.

### PUBLIC HEARING

A public hearing has been scheduled to provide interested parties an opportunity to provide statements, both oral and in writing, on this proposed regulatory action.

The department will hold the hearing beginning at 10:00 A.M. on Thursday, **May 30, 2019**, at the department's headquarters complex at 2415 First Avenue, Sacramento, California. The public hearing will be held in the Assembly Room, which is accessible to persons with disabilities. The Assembly Room is located in a secure area of the building so please check-in at the security station.

Parking near the hearing venue is limited, so please plan accordingly. The public hearing will conclude when all attendees who wish to comment have provided their comment. If necessary, the department reserves the right to limit the length of time each participant has to comment.

### DEADLINE FOR WRITTEN COMMENTS

Any interested party or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 p.m., **May 27, 2019**, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.

### AUTHORITY AND REFERENCE

The department proposes to adopt these regulations under the authority granted by Vehicle Code sections 1651 and 38750, in order to implement, interpret, or make specific Vehicle Code sections 410 and 38750.

### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Senate Bill 1298 (Chapter 570; Statutes of 2012) enacted Vehicle Code §38750 which requires the DMV to adopt regulations necessary to ensure the safe operation of autonomous vehicles on public roads, with or without the presence of a driver inside the vehicle. The department initially adopted regulations for the testing of autonomous vehicles that require the presence of a driver inside the vehicle in 2014. Currently there are 61 manufacturers testing autonomous vehicles with test drivers behind the wheel on public streets in California.

Subsequently, the department adopted regulations for the testing of autonomous vehicles that do not require the presence of a driver inside the vehicle and for the submission of an application to the department for the deployment of autonomous vehicles on public roads. For ease of reference the department refers to the operation of autonomous vehicles by members of the public as "deployment." Currently there is one manufacturer that has received a permit to test autonomous vehicles that do not require the presence of a driver inside the vehicle.

Senate Bill 1298 did not restrict the testing or deployment of autonomous vehicles on public roads to vehicles capable of carrying passengers; however, Section 227.28 of the existing regulations specifies that certain vehicles shall not be approved for testing or deployment. One of the vehicle types excluded under Section 227.28 is motortrucks. As defined in Vehicle Code Section 410 a "motortruck" is "a motor vehicle designed, used, or maintained primarily for the transportation of property." The department is amending Section 227.28 to include the testing or deployment of autonomous vehicles that can be classified as a motortruck with a gross vehicle weight rating of less than 10,001 pounds.

The department has determined that this action will likely provide an assurance of safety to the general public when technology manufacturers and researchers are developing and testing automated vehicle driving systems on public roadways.

### **CONSISTENCY AND COMPATIBILITY WITH STATE REGULATIONS**

The department has conducted a review of other state regulations and has concluded that these are the only regulations related to the process by which an automobile manufacturer or company may test the automated operation of motortruck. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

### **COMPARABLE FEDERAL STATUTES OR STATE REGULATIONS**

Motor vehicle safety standards are established by the National Highway Traffic Safety Administration, however, there are currently no comparable federal or state regulations related to the testing of automated motortrucks.

### **ECONOMIC AND FISCAL IMPACT DETERMINATIONS**

The department has made the following initial determinations concerning the proposed regulatory action:

- *Cost or Savings to Any State Agency:* None.
- *Other Non-Discretionary Cost or Savings to Local Agencies:* None.
- *Costs or Savings in Federal Funding to the State:* None.
- *Effects on Housing Costs:* None.
- *Cost to any local agency or school district requiring reimbursement pursuant to Gov. Code section 17500 et seq.:* None.
- *Cost Impact on Representative Private Persons or Businesses:* Other than the costs associated with securing the evidence of financial responsibility as required by Vehicle Code section 38750, and the costs of applying for a permit to test and deploy vehicles as specified in the regulations, the department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- *Small Business Impact:* This proposed action may impact small businesses.
- *Local Agency/School District Mandate:* The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- *Significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states:* The department does not anticipate any significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This proposed action allows for the testing and deployment of automated motortrucks and is anticipated to benefit businesses in California.

## **RESULTS OF THE ECONOMIC IMPACT STATEMENT**

The department has made the following determinations when assessing the economic impact associated with this proposed regulation:

The department has determined that this action may impact the creation of jobs, the expansion of businesses currently doing business in California, and will likely provide an assurance of safety to the general public when technology manufacturers and researchers are developing and testing automated vehicle driving systems on public roadways. The department does not anticipate any impacts to the creation or elimination of existing businesses, to health and worker safety, or the state's environment.

## **PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS**

A pre-notice workshop was conducted on October 19, 2018 at the State Capitol. The workshop was attended by participants representing the automotive manufacturing industry, ride sharing companies, auto clubs, and various city and county governments.

## **ALTERNATIVES CONSIDERED**

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

## **CONTACT PERSON**

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Randi Calkins, Regulations Analyst  
Department of Motor Vehicles  
Legal Affairs Division  
PO Box 932382, MS C-244  
Sacramento, CA 94232-3820

Any inquiries or comments concerning the proposed rulemaking action requiring more immediate response may use:

Telephone: (916) 657-8898  
Facsimile: (916) 657-6243

E-Mail: LADRegulations@dmv.ca.gov

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

Brian G. Soublet, Deputy Director/Chief Counsel  
Department of Motor Vehicles  
Telephone: (916) 657-6469

### **AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS**

The department has prepared an Initial Statement of Reasons for the proposed regulatory action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the Express Terms of the proposed regulatory action using underline or italics to indicate additions to, and strikeout to indicate deletions from the California Code of Regulations.

The contact person identified in this notice shall also make available to the public, upon request, the Final Statement of Reasons and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (the Notice of Proposed Regulatory Action, the Initial Statement of Reasons, and Express Terms) may be accessed at <http://www.dmv.ca.gov/portal/dmv/detail/about/lad/regactions>.

### **AVAILABILITY OF MODIFIED TEXT**

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the fully modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Request for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.