

Order to Adopt
Title 13, Division 1, Chapter 1

Article 3.7 – Testing of Autonomous Vehicles

§227.26. Prohibitions on Operations on Public Roads.

A manufacturer shall not permit any of its autonomous test vehicles to be operated on public roads in California:

(a) By a person other than one of its employees, contractors, or designees who has been identified to the department as authorized by the manufacturer to operate the manufacturer's autonomous vehicle.

(b) By a person who does not meet the requirements of Section 227.34 of this Article.

(c) Except as provided in section 227.38, when an autonomous vehicle test driver is not seated in the vehicle's driver seat and monitoring its operations and able to take over physical control of the vehicle in the event of an autonomous technology failure or other emergency.

(d) When the manufacturer does not have in effect evidence or proof of financial responsibility as required by Vehicle Code section 38750 and these regulations and as required by Division 7 (commencing with Section 16000) of the Vehicle Code.

(e) When the Manufacturer's Testing Permit is revoked, suspended, expired, or otherwise not in full force and effect.

(f) When members of the public that are not employees, contractors, or designees are charged a fee to ride in the vehicle, or the manufacturer receives compensation for providing a ride to the members of the public.

(g) When members of the public are charged a fee or the manufacturer receives compensation for transporting property in motortrucks as defined in Section 227.28 of this article.

NOTE: Authority cited: Sections 1651 and 38750, Vehicle Code. Reference: Sections 16000 and 38750, Vehicle Code.

§227.28. Vehicles Excluded from Testing and Deployment.

(a) The following vehicles shall not be approved for testing or deployment as autonomous vehicles on public roads:

(1) Trailers as defined in Vehicle Code section 242 (camp trailer), section 324 (fifth-wheel travel trailer), and section 635 (trailer coach).

(2) Motorcycles as defined in Vehicle Code section 400.

(3) Motor vehicles with interstate operating authority pursuant to Vehicle Code sections 8050 through 8058.

(4) A vehicle with a gross vehicle weight rating of 10,001 or more pounds.

(5) Vehicles described in Vehicle Code sections 31309 and 34500, excluding motortrucks as defined in Vehicle Code section 410 with a gross vehicle weight rating of less than 10,001 pounds.

(b) A permit to test or deploy autonomous vehicles is not a substitute for and does not replace any other license or permit requirement that may be necessary for a manufacturer's intended operation of vehicles on public roads.

NOTE: Authority cited: Sections 1651 and 38750, Vehicle Code. Reference: Sections 242, 260, 324, 400, 410, 635, 8050 through 8058, and 38750 Vehicle Code.

Article 3.8 – Deployment of Autonomous Vehicles

§228.02. Definitions

As used in this article the following definitions apply:

(a) “Autonomous technology data recorder” is a mechanism, in addition to, and separate from, any other mechanism required by law, installed in an autonomous vehicle to record technical information about the status and operation of the vehicle's autonomous technology sensors for 30 seconds prior to a collision.

(b) “Autonomous vehicle” means any vehicle equipped with technology that is a combination of both hardware and software that has the capability of performing the dynamic driving task without the active physical control or monitoring of a natural person, excluding vehicles equipped with one or more

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systems that enhance safety or provide driver assistance but are not capable of driving or operating the vehicle without the active physical control or monitoring of a human. For the purposes of this article an “autonomous vehicle” meets the definition of levels 3, 4, or 5 of the SAE International's *Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles, Standard J3016 (SEP2016)*, which is hereby incorporated by reference.

(c) “Deployment” means the operation of an autonomous vehicle on public roads by members of the public who are not employees, contractors, or designees of a manufacturer or for purposes of sale, lease, providing transportation services or transporting property for a fee, or otherwise making commercially available outside of a testing program.

(d) The definitions specified in Section 227.02 of Article 3.7 shall also apply to this article.

Note: Authority cited: Sections 1651 and 38750, Vehicle Code. Reference: Section 38750, Vehicle Code.