

Introduced by Senator Cortese
(Principal coauthor: Assembly Member Rodriguez)

January 9, 2024

An act to add Section 53075.1 to the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 915, as introduced, Cortese. Local government: autonomous vehicles.

Existing law authorizes an autonomous vehicle, as defined, to be operated on public roads for testing purposes by a driver who possesses the proper class of license for the type of vehicle being operated if certain requirements are met, including that the vehicle is being operated solely by employees, contractors, or other persons designated by the manufacturer. Existing law prohibits an autonomous vehicle from being operated on public roads until the manufacturer submits an application to the Department of Motor Vehicles containing certain certifications regarding safety and other technological requirements and the department approves that application pursuant to adopted regulations. Existing law, commencing January 1, 2030, and to the extent authorized by federal law, prohibits the operation of certain new autonomous vehicles that are not zero-emission vehicles, as defined.

Existing law provides for the local regulation of certain types of transportation services, including taxicab companies. Existing law requires each city or county in which a taxicab company is substantially located to adopt an ordinance or resolution in regards to taxicab transportation service, which includes provisions for a permitting program for taxicab drivers. Under existing law, it is unlawful to operate

a taxicab company without a valid permit to operate issued by each city or county in which the taxicab company is substantially located.

This bill would prohibit an autonomous vehicle service, which has received approval to conduct commercial passenger service or engage in commercial activity using driverless vehicles by the Department of Motor Vehicles, the Public Utilities Commission, or another state agency, from commencing operation within a local jurisdiction until authorized by a local ordinance enacted pursuant to the bill's provisions. The bill would authorize each city, county, or city and county in which an autonomous vehicle has received authorization to operate, to protect the public health, safety, and welfare by adopting an ordinance or resolution in regard to autonomous vehicle services within that jurisdiction. The bill would require each city, county, or city and county that adopts an ordinance or resolution to include certain provisions within that ordinance or resolution. These would include a policy for entry into the business of providing autonomous vehicle services including a permitting program, the establishment of reasonable vehicle caps and hours of service restrictions, and the establishment of an interoperability or override system accessible by first responders in case of an emergency.

The bill would authorize each city, county, or city and county to levy service charges, fees, or assessments in the amount sufficient to pay for the costs of carrying out an ordinance or resolution adopted in regard to autonomous vehicle services. The bill would require a permitted autonomous vehicle service conducting passenger service to take various actions, including maintaining reasonable financial responsibility and keeping its vehicles in safe operating condition, as specified. The bill would make it unlawful to operate an autonomous vehicle service without a valid permit to operate issued by the local jurisdiction in which the service is substantially located, with violations subject to administrative fines. The bill would also authorize a city, county, or city and county to enter into an agreement with another city, county, or city and county to form a joint powers authority or into an agreement with a transit agency for the purpose of regulating or administering autonomous vehicle services within jurisdictional boundaries. To the extent the bill would impose new duties on local jurisdictions, it would create a state-mandated local program.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) California has witnessed the growth and expansion of
4 autonomous vehicle services in urban areas across the state,
5 including the bay area and Los Angeles.

6 (b) The approval and deployment of autonomous vehicle
7 services in California is governed entirely by the Department of
8 Motor Vehicles and the Public Utilities Commission, and currently
9 allows for minimal local control or public input.

10 (c) The deployment of autonomous vehicle services, over the
11 objections of local government, the general public, law
12 enforcement, and emergency responders, has led to numerous
13 accidents, injuries, and traffic congestion.

14 (d) Given the localized nature of transportation, the deployment
15 and regulation of autonomous vehicle services requires local
16 approval and local control.

17 (e) This act shall be known as the “Autonomous Vehicle Service
18 Deployment and Data Transparency Act (AVS-DDTA).”

19 (f) The purpose of this act is to prioritize local control in the
20 decision to deploy autonomous vehicle services, where an entity
21 has already received any deployment approval by the Department
22 of Motor Vehicles, the Public Utilities Commission, or any other
23 state agency.

24 SEC. 2. Section 53075.1 is added to the Government Code, to
25 read:

26 53075.1. (a) Upon receiving approval to conduct commercial
27 passenger service or engage in commercial activity using driverless
28 vehicles by the Department of Motor Vehicles, the Public Utilities
29 Commission, or any other state agency, an autonomous vehicle
30 service shall not commence operation within a local jurisdiction

1 until authorized by a local ordinance enacted pursuant to this
2 section.

3 (b) Notwithstanding Chapter 8 (commencing with Section 5351)
4 of Division 2 of the Public Utilities Code, every city, county, or
5 city and county in which an autonomous vehicle service has
6 received authorization to operate, may protect the public health,
7 safety, and welfare by adopting an ordinance or resolution in regard
8 to autonomous vehicle services within the jurisdiction of the city,
9 county, or city and county.

10 (c) Each city, county, or city and county that adopts an ordinance
11 or resolution pursuant to subdivision (b) shall provide, at a
12 minimum, a policy for entry into the business of providing
13 autonomous vehicle services in that ordinance or resolution. The
14 policy shall include, but not be limited to, a permitting program
15 for autonomous vehicle services that includes all of the following
16 provisions:

17 (1) The establishment or registration of rates for the provision
18 of an autonomous vehicle service conducting commercial passenger
19 service that meets the following requirements:

20 (A) The autonomous vehicle service may set fares or charge a
21 flat rate. However, the city, county, or city and county may set a
22 maximum rate.

23 (B) The autonomous vehicle service may use any type of device
24 or technology approved by the Division of Measurement Standards
25 to calculate fares, including the use of Global Positioning System
26 metering, provided that the device or technology complies with
27 Section 12500.5 of the Business and Professions Code and with
28 all regulations established pursuant to Section 12107 of the
29 Business and Professions Code.

30 (C) The autonomous vehicle service shall disclose fares, fees,
31 or rates to the customer. A permitted robotaxi company may satisfy
32 this requirement by disclosing fares, fees, or rates on its internet
33 website, mobile telephone application, or telephone orders upon
34 request by the customer. The rate may also be provided on the
35 exterior of the vehicle or be clearly visible in either print or
36 electronic form inside the robotaxi.

37 (2) The establishment of reasonable vehicle caps and hours of
38 service restrictions.

1 (3) The establishment of a certification process to ensure that
2 all autonomous vehicle services comply with the state and federal
3 disability access laws.

4 (4) The establishment of a fee schedule and disciplinary process
5 for any moving violations or traffic obstruction caused during the
6 operation of a vehicle by an autonomous vehicle service.

7 (5) The establishment of an interoperability or override system
8 accessible by first responders in the case of an emergency.

9 (6) The establishment of any data transparency of sharing
10 agreements necessary to administer or carry out an ordinance
11 adopted pursuant to subdivision (b).

12 (d) Each city, county, or city and county may levy service
13 charges, fees, or assessments in an amount sufficient to pay for
14 the costs of carrying out an ordinance or resolution adopted in
15 regard to autonomous vehicle services pursuant to this section.

16 (e) A permitted autonomous vehicle service conducting
17 passenger service shall do all of the following:

18 (1) Maintain reasonable financial responsibility to conduct
19 passenger transportation services in accordance with the
20 requirements of an ordinance or resolution adopted pursuant to
21 subdivision (b).

22 (2) Maintain a disabled access education and training program
23 to instruct its employees on compliance with the federal Americans
24 with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) and
25 amendments thereto, and state disability rights laws, including
26 making clear that it is illegal to decline to serve a person with a
27 disability or who has a service animal.

28 (3) Maintain its motor vehicles used in passenger transportation
29 services in a safe operating condition, and in compliance with the
30 Vehicle Code, subject to annual inspection by the city, county, or
31 city and county in which it is substantially located, at a facility
32 that is certified by the National Institute for Automotive Service
33 Excellence or a facility registered with the Bureau of Automotive
34 Repair.

35 (4) Provide the city, county, or city and county that has issued
36 a permit under this section an address of an office or terminal
37 where documents supporting the factual matters specified in the
38 showing required by this subdivision may be inspected by the
39 permitting city, county, or city and county.

1 (5) Comply with all provisions of an ordinance adopted pursuant
2 to this section.

3 (f) (1) It shall be unlawful to operate an autonomous vehicle
4 service without a valid permit to operate issued by each city,
5 county, or city and county in which the service is substantially
6 located.

7 (2) The minimum fine for violation of paragraph (1) shall be
8 five thousand dollars (\$5,000) and may be imposed
9 administratively by the permitting city, county, or city and county.

10 (g) A city or county may do any of the following:

11 (1) Enter into an agreement with any other city, county, or city
12 and county to form a joint powers authority for the purpose of
13 regulating or administering autonomous vehicle services that are
14 substantially located within the jurisdictional boundaries of the
15 joint powers authority. For purposes of this paragraph, an
16 autonomous vehicle service is substantially located within the
17 jurisdictional boundaries of the joint powers authority if it is
18 substantially located within one of the parties to the joint powers
19 agreement.

20 (2) Enter into an agreement with a transit agency for the purpose
21 of regulating or administering the autonomous vehicle service
22 substantially located within the jurisdictional boundaries of the
23 transit agency. For purposes of this paragraph, an autonomous
24 vehicle service is substantially located within the jurisdictional
25 boundaries of the transit agency if it is substantially located within
26 the city or county that enters into an agreement pursuant to this
27 clause, and the transit agency may exercise all powers granted to
28 the city or county that is a party to the agreement by this section
29 in order to regulate or administer robotaxi companies within those
30 boundaries.

31 (h) For purposes of this section:

32 (1) “Autonomous vehicle service” means any entity that has
33 received authority to conduct commercial passenger service or
34 engage in commercial activity using driverless vehicles by the
35 Department of Motor Vehicles, the Public Utilities Commission,
36 or any other state agency.

37 (2) “Reasonable vehicle caps” shall mean that the allowable
38 number of vehicles does not contribute to a significant and
39 measurable increase in traffic congestion as determined by the
40 local jurisdiction’s appropriate transportation agency.

1 (3) “Substantially located” means in reference to a city or
2 county, or city and county, that the autonomous vehicle service
3 has been granted authority to conduct commercial passenger service
4 or engage in commercial activity using driverless vehicles by the
5 Department of Motor Vehicles, the Public Utilities Commission,
6 or any other state agency.

7 (i) Notwithstanding any other provision of this section, an airport
8 operator shall have separate and ultimate authority to regulate
9 autonomous vehicle service access to the airport and set access
10 fees for autonomous vehicles at the airport.

11 (j) Nothing in this section shall affect the authority of a
12 jurisdiction to regulate autonomous vehicle service to an airport
13 it owns or operates and to set access fees or requirements.

14 SEC. 3. The Legislature finds and declares that Section 2 of
15 this act adding Section 53075.1 to the Government Code addresses
16 a matter of statewide concern rather than a municipal affair as that
17 term is used in Section 5 of Article XI of the California
18 Constitution. Therefore, Section 2 of this act applies to all cities,
19 including charter cities.

20 SEC. 4. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 a local agency or school district has the authority to levy service
23 charges, fees, or assessments sufficient to pay for the program or
24 level of service mandated by this act, within the meaning of Section
25 17556 of the Government Code.

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