



Transmitted Electronically via LADRegulations@dmv.ca.gov

December 18, 2025

Joseph Chapman
Assistant Chief Counsel
Department of Motor Vehicles
Legal Affairs Division
2415 First Avenue, MS C-128
Sacramento, CA 95818

Re: Modified Regulations for Autonomous Vehicle Testing and Deployment

Dear Mr. Chapman:

The Alliance for Automotive Innovation (Auto Innovators) appreciates the opportunity to submit comments regarding the California Department of Motor Vehicles (“Department”) modified regulations for autonomous vehicle (AV) testing and deployment. We commend the Department for its thoughtful approach to regulating autonomous vehicles in California and its responsiveness to industry concerns over the course of this rulemaking process. We noted numerous provisions throughout the regulations where the Department made appropriate revisions to optimize the regulatory framework for safer roadway outcomes and more efficient industry oversight. While we highlight below select provisions that could benefit from additional refinement or clarification, we appreciate the Department’s efforts to make these regulations more workable for industry without sacrificing safety, transparency or accountability.

Auto Innovators represents the full auto industry, including the manufacturers producing most vehicles sold in the U.S., equipment suppliers, battery producers, semiconductor makers, technology companies, and autonomous vehicle developers. Our mission is to work with policymakers to realize a cleaner, safer, and smarter transportation future and to maintain U.S. competitiveness in cutting-edge automotive technology. Representing approximately 5 percent of the country’s GDP, responsible for supporting nearly 10 million jobs, and driving \$1 trillion in annual economic activity, the automotive industry is the nation’s largest manufacturing sector.

Auto Innovators’ goal is to support the Department in advancing the competitiveness of the U.S. AV industry, ensuring efficient regulatory oversight and industry compliance, and improving mobility and safety for all Californians. These comments supplement those we submitted in response to the Department’s September 2024 informal draft regulations and May 2025 proposed regulations. As noted above, we support many of the changes the Department made throughout these modified regulations, including:

- better aligning California’s regulatory framework with SAE standards;
- extending the permitting period from one year to two years;
- improving opportunities for electronic data submission while providing more standardized reporting templates;
- making reporting obligations more targeted and subject to more reasonable reporting timelines and cadence;
- more closely aligning numerous regulatory provisions with the statutory requirements in AB 1777;
- modifying vehicle override requirements; and
- addressing feedback relating to first responder interaction and training.

While we greatly appreciate the changes noted above, we would like to highlight a few outstanding areas that could benefit from additional refinement or clarification. Highlighted below are suggestions for: (1) further refining certain definitions; (2) clarifying minimal risk condition requirements for level 3 vehicles; (3) removing third-party expert consultation in safety case reviews; (4) clarifying permitting requirements; (5) streamlining reporting requirements; and (6) improving notice of noncompliance procedures.

Definitions

- **Definition of “deployment”:** The Department altered the definition of “deployment” in modified Article 3.8 § 228.02 to read “the operation of an autonomous vehicle on public roads outside of a testing program authorized by the department pursuant to Article 3.7 of this Chapter.” We have interpreted this change as an *expansion* of what constitutes deployment activities without imposing ex ante restrictions on specific deployment use cases. We request that the Department clarify in the regulatory text that this interpretation is correct.
- **Definition of “end user”:** We support the incorporation of the term “end user” into the testing and deployment regulations. However, we seek additional clarity regarding whom/which entities may constitute an “end user.” For example, it would be helpful if the regulations could specify whether a ride share platform or operator would be considered an end user under the modified regulations.

Minimal Risk Condition Requirements for Level 3 Vehicles

Based on SAE J3016, a level 3 system is not required to perform the Minimal Risk Maneuver (MRM) to achieve a Minimal Risk Condition (MRC); rather, it should have a failure mitigation strategy that includes engaging the fallback-ready user to perform the MRM when necessary or allowing the vehicle to stop safely in the lane of travel. We are concerned that the modified regulations may create

a contradictory requirement. While the fallback-ready user is seemingly permitted to perform the MRM to achieve a MRC for drivered testing, the regulations are not as clear for deployed vehicles. We propose the following edits to Article 3.8 § 228.08(a)(6):

“the manufacturer shall describe ~~how the automated driving system is~~ **the intended safety measures** designed to ~~address react~~ when the vehicle is outside of its operational design domain...Such reactions can include, but are not limited to, measures such as the **fallback-ready user driver**, or remote **fallback-ready user driver**, performing the dynamic driving task fallback...”¹

Safety Case Requirements

- **Third-party expert consultation:** Under modified Article 3.7 § 227.28(d) and modified Article 3.8 § 228.08(a)(1)(C), the Department may consult with third-party experts when reviewing a safety case. However, the modified regulations do not provide any specifics on the roles or qualifications of those third-party experts. Given the sensitivity of information included in a safety case submission, this also raises concerns over the protection of confidential business information (CBI). Absent more detailed information on the exact qualifications of these experts, their specific role and evaluation criteria, and CBI protections, we ask that the Department remove this provision/allowance. Moreover, although the Department’s statement of reasons suggests that this addition aligns with Cal. Veh. Code 38750(d)(2), that authority is limited to the development of regulations, and does not extend to the execution or enforcement of such.

Permitting Requirements

- **Modification applications for software updates:** Modified Article 3.7 § 227.16 a (4) could be interpreted to require manufacturers to submit a Driverless Testing Permit Operational Parameters Modification Application each time they update the software version of the ADS. Such a requirement would be administratively challenging without producing commensurate safety oversight benefit. We encourage the Department to provide additional clarity regarding the parameters that would trigger the submission of a permit modification application. For example, manufacturers should not be required to submit a permit modification if they push a new software version to fix minor glitches. Further clarity would be appreciated.
- **Minimum mileage requirements for driverless and deployment permits:** Under modified Article 3.7 § 227.42 and modified Article 3.8 § 228.08, applicants for driverless testing and deployment permits must have met minimum mileage requirements (25,000 and 50,000 miles, respectively) within the intended operational design domain (ODD) when applying. We note that these minimums apply, regardless of the size of the geographical area or the prevalence of highway mileage, which makes the mileage threshold disproportionately difficult to meet for

¹ Article 3.8, 228.08 (a) (6) pg. 13-14.

certain ODDs. We ask the Department to provide additional flexibility by clarifying that all ADS miles count toward the mileage requirement.

- **Communication link:** Modified Article 3.8 § 228.08 (b) (1) (A) requires that a manufacturer “has a system and process, which includes use of a **redundant** communications network, to continuously monitor the status and the functionality of the vehicle...” We are concerned about ambiguity in how this redundancy requirement may be interpreted and the potential implications. We encourage the Department to insert “**robust**” in place of “redundant.”²

Reporting Requirements

- **Level 3 privately owned vehicles:** We appreciate the efforts the Department has made to better tailor reporting requirements to private ownership use cases. While the reporting requirements are more workable than previously proposed, we are still concerned about the ability of manufacturers to report on the activities of privately owned vehicles in a timely manner while maintaining consumer privacy protections. Due to the challenges detailed below relating to braking events, DDT-relevant system failures, autonomous miles traveled, and notices of noncompliance, we continue to recommend that privately owned level 3 vehicles be exempted from the reporting requirements, or alternatively, subject to less frequent or detailed obligations.
- **Braking events:** We appreciate the changes the Department made to the thresholds for reporting hard braking events. While we acknowledge the need to track the prevalence of harsh braking, we are concerned that braking to disengage the ADS in the level 3 context may be conflated with hard braking. In addition, we are concerned that, as currently proposed, braking events and dynamic driving task failures may be susceptible to double counting. We ask the Department to further clarify these reporting requirements.
- **Dynamic driving task performance relevant system failures:** We recommend that the Department add clarifying language to the DDT performance relevant system failure reporting requirements to reference receipt of notice by a manufacturer from the private owner. We propose the following edits to Article 3.8 § 228.38 (a) and (b):
 - (a) “Manufacturers that provide privately owned vehicles for non-commercial use shall report each instance of a dynamic driving task performance relevant system failure, **subject to receipt of such notice**, but are not required to provide the date and time...”
 - (b) “Every manufacturer...shall prepare and submit to the department a quarterly report summarizing reported occurrences of dynamic driving task performance relevant system failures **for which notice was received.**”³

² Article 3.8, 228.08 (b) (1) (A), p. 17.

³ Article 3.8, 228.38 (a) and (b), p. 38

- **Vehicle miles traveled:** We encourage the Department to add language to modified Article 3.8 § 228.40 to clarify that only autonomous miles driven in California must be reported under the reportable mileage requirement.
- **Absence of reportable events:** Throughout the reporting categories, there is a requirement to affirmatively report to the Department the absence of reportable events on a regular basis. We respectfully urge the Department to eliminate the requirement to consistently report the absence of events, or alternatively, require such reporting on a much less frequent basis (e.g., annually), as it would not serve a clear safety objective.

Notices of Autonomous Vehicle Noncompliance

We appreciate the Department's efforts to clarify the regulatory requirements under modified Article 3.8 § 228.42 relating to notices of autonomous vehicle noncompliance, however, this process would still pose challenges for manufacturers and would create duplicative work for all parties. It would be impractical for manufacturers to obtain notices placed on personally-owned AVs, as it would require the owner to transmit the notice to the manufacturer, who would then transmit it to Department. We continue to urge the Department to simplify this process by requiring the peace officer to electronically transmit all notices of noncompliance directly to the Department. Upon receipt by the Department, the manufacturer should be given an opportunity to provide additional information about the incident, respond to any questions, and have an opportunity to contest the notice.

Conclusion

Auto Innovators supports the Department's efforts to update California's AV testing and deployment regulations in a way that prioritizes safety and helps maintain U.S. AV leadership. We appreciate the Department's responsiveness to industry concerns and the additional opportunity to provide feedback. We are available as a resource should you wish to discuss any of our outstanding technical recommendations. Thank you again for your work on this important issue. Please do not hesitate to reach out with any questions or concerns.

Sincerely,

Lindsay Abate

Lindsay M. Abate
Director, Technology Policy
Alliance for Automotive Innovation