ALLIANCE FOR AUTOMOTIVE INNOVATION

Transmitted Electronically via LADRegulations@dmv.ca.gov

February 4, 2026

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

Re: Second 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") Second Modified Regulatory Text for autonomous vehicle (AV) testing and deployment. We commend the Department for its thoughtful approach to regulating autonomous vehicles in California and its continued responsiveness to industry concerns. We believe the Department has made significant progress on this rulemaking, and offer three closing recommendations for your consideration.

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.

The Department has made needed revisions to optimize the regulatory framework for safer roadway outcomes and more efficient industry oversight. We appreciate the definitional clarifications relating to the safety case; additional alignment with the National Highway Traffic Safety Administration's Standing General Order; the extended implementation periods for reporting on dynamic driving task (DDT) performance relevant system failures, immobilizations, vehicle miles traveled, and braking events; and the additional clarity around reporting timelines for the deployment program. We commend the Department's continued willingness to account for stakeholder feedback to make these regulations more workable while continuing to prioritize safety, transparency, and accountability.

We appreciate the opportunity to highlight our outstanding priorities for your consideration. First, we would like to reiterate two concerns from our previous feedback relating to minimum mileage

requirements and notices of noncompliance. In addition, we request further clarity regarding the permit duration for existing permit holders.

Minimum Mileage Requirements for Driverless Testing and Deployment Permits

Under second modified Article 3.7 § 227.42 and second modified Article 3.8 § 228.08, applicants for driverless testing and deployment permits must have met minimum mileage requirements within the intended operational design domain (ODD) at the time of submission. 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 certain ODDs. We ask the Department to provide flexibility by clarifying that all ADS miles, including both drivered and driverless miles, count toward the mileage requirements for driverless permits. In addition, we ask the Department to consider allowing applicants to certify their mileage at the time of application and to continue working towards the mileage requirement while their application is under review.

Notices of Noncompliance

We appreciate the Department's efforts to clarify the regulatory requirements under § 228.42 relating to notices of autonomous vehicle noncompliance, however, this process would still pose challenges for manufacturers and owners of privately owned vehicles. 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 DMV. We continue to urge the Department to simplify this process by excluding privately owned vehicles from notice of noncompliance requirements or 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.

Permit Duration for Existing Permit Holders

In addition to the recommendations outlined above, we ask that the Department confirm that current permit holders can retain their permits through the full term. Prematurely terminating existing permits and forcing participants to simultaneously reapply under the new regulations would cause significant disruption to the AV industry and create processing challenges for the Department.

Thank you again for your work on this important issue and the additional opportunity to comment. We support the Department's efforts to update California's AV regulations and appreciate its responsiveness to stakeholder feedback. Please do not hesitate to reach out with any questions or concerns.

Sincerely,

Lindsay Abate

Lindsay M. Abate
Alliance for Automotive Innovation