**Subchapter D—Safety Events: Methods of Investigation and Treatment**

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| Investigation of safety events | 27. | The investigation of a safety event under this Subchapter is a proceeding that includes gathering information, analyzing it for the purpose of understanding the reasons or factors that contributed to its occurrence, and the issuance of recommendations for the improvement of safety in the use of autonomous vehicles. | | |
| Reporting and correcting malfunctions | 28. | (a) | If the holder of a self-driving system license discovers a malfunction in the performance of the driving task by the self-driving system that entails correction for reasons of public safety or compliance with the terms of the license— | |
|  |  |  | (1) | he or she shall report this to the authorized person at the Licensing Authority; |
|  |  |  | (2) | he or she shall advise the owner of the vehicle or the holder of the self-driving system operator’s license to whom the malfunction pertains of the malfunction and ways of treating it, in a way and at such times as the Minister shall determine in administrative orders. |
|  |  | (b) | A holder of a self-driving system operator’s license who discovers a malfunction in the performance of the task of driving shall report this to the holder of the self-driving system license. | |
| Traffic violations | 29. | (a) | If an autonomous vehicle commits a traffic violation that is associated with the performance of the task of driving, the authorized person shall serve notice thereof to the Licensing Authority, the holder of the self-driving system operator’s license, and the holder of the self-driving system license.  In this Subchapter, an “authorized person” is a member of the Police, an employee of the Licensing Authority who is authorized for this purpose, or any other person authorized to serve notice of a fine. | |
|  |  | (b) | The Licensing Authority shall act to inquire into the circumstances of the violation and, for this purpose, may require each license holder to present it, within a period to be determined, with an examination report on the circumstances of the violation and the measures taken to prevent its recurrence, and may also send an examiner representing it to examine the autonomous vehicle with which the violation was committed (in this Subsection—the inquiry proceeding). To invoke its powers under this Section, the Licensing Authority may avail itself of persons at the Israel Police or other elements that the Minister of Transport shall determine. | |
|  |  | (c) | The examiner referenced in Subsection (b) shall have the powers that are invested in an inspector under Section 192 of the Licensing Law, *mutatis mutandis.* | |
| Powers vis-à-vis license holders | 30. | (a) | After the completion of the inquiry proceeding, which shall include giving the license holder an opportunity to present his or her case, and in accordance with its outcomes, the Licensing Authority may order the repair of defects, impose temporary restrictions on the terms of the license, and also, where necessary, demand revision of a term or of the outline of the self-driving system license. An instruction to make such a modification may be time-limited. | |
|  |  | (b) | In special cases where a genuine menace to safety is found, the Licensing Authority may suspend the license until the terms that it lays down are met or until its instructions for the repair of defects are implemented. | |
|  | 31. | The provisions of Section 30 shall apply to the holder of a self-driving system operator’s license if it is found in the inquiry proceeding that the violation was caused by actions taken by the holder of the self-driving system operator’s license. | | |
|  | 32. | The Licensing Authority may have the license given under this Chapter revoked in the following cases: | | |
|  |  | (a) | The license holder violated restrictions or failed to honor terms and failed to repair defects that were found pursuant to the inquiry proceeding, provided the license holder is given forewarning before said revocation of license. | |
|  |  | (b) | In respect of the revocation of a self-driving system license— | |
|  |  |  | (1) | it is found in the inquiry proceeding that the self-driving system license was given on the basis of false representation of the capabilities of the self-driving system; |
|  |  |  | (2) | it is found in the inquiry proceeding that the license holder repeatedly violated the terms of the license or the approved outline, and the Minister of Transport is convinced that the continued manner of driving by the system may endanger the public’s safety and that this danger cannot be averted by invoking the powers of the Licensing Authority under Section 30. |
|  |  | (c) | In respect of revoking a self-driving system operator’s license—if it is found in the inquiry proceeding that recurrent violations of the provisions of the Addendum have been recorded against the license holder, and the Minister of Transport is convinced that continued operation of the driving system by the license holder may endanger the public’s safety and that this danger cannot be averted by invoking the powers of the Licensing Authority under Section 30, the Minister of Transport may, by order, amend the Addendum so as to augment it with provisions in which all of the following exist: | |
|  |  |  | (1) | they are meant to assure the safety of passengers in an autonomous vehicle or of pedestrians; |
|  |  |  | (2) | they are directives for which the requirement of compliance applies to the holder of a self-driving system operator’s license by law or by their nature. |
|  |  | (d) | A self-driving system license shall not be revoked if at the time the traffic violation is committed the self-driving system operated in accordance with the guiding rules and the decision-making system that the Licensing Authority approved. | |
|  | 33. | If, after the inquiry proceeding is completed, it is found that the traffic violation occurred due to one of the violations listed in Section 35, the Licensing Authority may, in addition to invoking the administrative measures in Sections 30–32, impose a financial sanction on the violator. | | |
|  | 34. | If, after the inquiry proceeding is completed, the examiner representing the Licensing Authority believes that suspicion exists that a violation has been committed other than that for which the inquiry proceeding was held, he or she shall advise the Attorney General to this effect and shall present him or her with all material in his or her possession pertaining to the investigation. | | |
|  | 35. | A decision of the Licensing Authority under Sections 30–32 may be appealed to the Administrative Affairs Court. | | |

**Subchapter E—Sanctions**

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|  | 36. | In this Subchapter, the “basic sum” is as defined in the Licensing Law in relation to the holder of a license for the manufacture of road-transport products. | |
|  | 37. | The director of the Licensing Authority may apply a financial sanction under the provisions of this Subchapter in a sum equal to the basic sum, in each of the following events: | |
|  |  | (1) | the holder of a self-driving system license and the holder of a self-driving system operator’s license use a self-driving system after their license has expired; |
|  |  | (2) | the holder of a self-driving system license allows the use of a self-driving system of a model other than that for which his or her license was issued, in contravention of the provisions of Section 1; |
|  |  | (3) | the holder of a self-driving system operator’s license operates a self-driving system of a model other than that for which his or her license was issued, in contravention of the provisions of Section 20; |
|  |  | (4) | the holder of a self-driving system license modifies the self-driving system without reporting said modification, in contravention of the provisions of Section 15; |
|  |  | (5) | the holder of a self-driving system operator’s license fails to update or maintain the self-driving system, in contravention of the provisions of Section 21(c). |
|  |  | (6) | the holder of a self-driving system license fails to discharge his or her obligation to see to the repair of malfunctions under Section 28(a). |
|  | 38. | The director of the Licensing Authority may impose a financial sanction under the provisions of this Subchapter in a sum equal to 50 percent of the basic sum in each of the following events: | |
|  |  | (1) | the holder of a self-driving system operator’s license fails to possess in his or her vehicle the licenses required under Regulation 9, *mutatis mutandis*; |
|  |  | (2) | the holder of a self-driving system operator’s license fails to have a reflective vest in his or her vehicle, in contravention of the provisions of Section 65b of the Ordinance; |
|  |  | (3) | the holder of a self-driving system operator’s license fails to have a warning triangle in his or her vehicle, in contravention of the provisions of Regulation 367; |
|  |  | (4) | the holder of a self-driving system license and the holder of a self-driving system operator’s license violate a reporting or documentation requirement under Section 23; |
|  | 39. | The provisions of Sections 204–216 of the Licensing Law shall apply to the imposition of a sanction under this Subchapter, *mutatis mutandis.* | |

**Subchapter F—Penalties**

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|  | 40. | (a) | The following shall be liable to a fine as set forth in the Section 61(a)(2) of the Penal Law: | |
|  |  |  | (1) | a holder of a self-driving system operator’s license who fails to present his or her license or other identifying mark required under the Ordinance in a manner that shall be visible to a member of the Police or other authorized person; |
|  |  |  | (2) | a holder of a self-driving system operator’s license who finds that a vehicle owned or possessed by him or her was involved in a road accident in which a person was injured or property was damaged that was not reported to the authorized person; |
|  |  |  | (3) | a license holder who fails to present an investigation report under his or her auspices where this is required by Section 29(b); |
|  |  |  | (4) | a holder of a self-driving system license who introduces modifications in the self-driving system without receiving authorization therefor, in accordance with the provisions of Section 15. |
|  |  | (b) | The following shall be liable to imprisonment or a fine as set forth in Section 61(a)(4) of the Penal Law: | |
|  |  |  | (1) | a person who operates a self-driving system without possessing a license therefor; |
|  |  |  | (2) | a manufacturer, importer, or developer of a self-driving system who installs or allows the use of a self-driving system for which no license was obtained under this Chapter; |
|  |  |  | (3) | a person who deliberately falsifies the driving data of the self-driving system; |
|  |  |  | (4) | a person who knows that the vehicle was involved in a road accident and instructs the self-driving system to leave the scene of the accident without obtaining permission for this from a member of the Police or other authorized person. |
|  |  |  | (5) | a license holder under this Chapter whose license was revoked or suspended and who operates a self-driving system that is forbidden for use without a license under this Ordinance, or one who drives in contravention of terms or restrictions that were added to his or her license under Section 30 or 31 as long as they are in effect. |
|  |  |  | (6) | a person who forges any identifying mark of a vehicle or any license issued under this Chapter, or who fraudulently modifies them, uses them, or lends them to another, or allows another to use them. |
|  |  |  | (7) | a person whose license, issued to him or her under this Chapter, was revoked or suspended or subjected to conditions and applies for a license or the renewal thereof, or who receives a license and does not advise the Licensing Authority of said revocation, suspension, or conditions. |
| Incidence of Chapters 6 and 7 | 41. | (a) | The provisions of Chapters 6 and 7 of the Ordinance shall not apply to a self-driving system license and to the holder of a self-driving system operator’s license unless the Minister so determines by order. | |
| Restriction of criminal liability | No person shall incur criminal liability for an offense perpetrated pursuant to an act of driving by a self-driving system if said driving system operated in accordance with the guiding rules and a decision-making system approved by the Licensing Authority. | | | |

**Amendments to the Ordinance**

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| Reporting and correcting malfunctions | 27d | (a) | If a traffic violation has been committed by a vehicle, the vehicle owner shall be deemed as having driven the vehicle at the time or as having stationed or parked it in a place where its stationing or parking is forbidden by statutory provision, as the case may be, except where he or she proves who it was that drove, stationed, or parked the vehicle as aforesaid, or proves to whom he or she entrusted possession of the vehicle (hereinafter—the possessor) or if it is proved that the vehicle was taken from him or her without his or her knowledge and consent. |
|  |  | (b) | If the owner of the vehicle proves to whom possession of the vehicle was given, said possession in Subsection (a) shall apply to the possessor. |
|  |  | (c) | If the possessor proves that he or she handed possession of the vehicle to another person, possession as aforesaid in Subsection (a) shall apply to said person. |
|  |  | (d) | If the vehicle that committed a violation is an autonomous vehicle and its owner proves that the offense was committed while the self-driving system was performing the task of driving, the provisions of Subchapter D of this Chapter (Autonomous Vehicle) shall apply to the violation. |
| Electronic record—admissible evidence | 27d | (a) | An electronic record[[1]](#footnote-1) presented in the manner set forth in regulations under Subsection (b) shall be admissible evidence in any legal proceeding relating to the number of passengers in a vehicle and other matters that the Minister shall determine. |

**Addendum … Section 31(c)**

1. Paid transport of passengers in contravention of the provisions of Section 84a
2. Transport of passengers exceeding the number permitted under Regulation 84(b) or under the terms of the license
3. Provisions of Regulation 96
4. Provisions of Regulation 306
5. Provisions of Regulation 308(d) or 309

1. An “electronic record” is one of the following:

   (1) a photograph created by a camera or a filming device that is operated electronically or in some other manner;

   (2) information received or saved by electronic, digital, or optical devices, where it is viewed, read, or retrieved in such ways, including output. [↑](#footnote-ref-1)