



SPONSOR: Sen. Mantzavinos & Rep. Matthews
Sens. Gay, Walsh; Rep. Morrison

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE BILL NO. 258

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO AUTONOMOUS VEHICLES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1: Amend § 101, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

For the purposes of this title, unless the context otherwise clearly indicates:

() “Autonomous technology” means technology that has the capability to drive a vehicle without the active physical control or monitoring by a human safety operator.

() “Autonomous vehicle” means any motor vehicle equipped with autonomous technology that has been integrated into that vehicle that meets the classifications of levels 3, 4, or 5 of the SAE International’s J3016 Levels of Driving Automation as it existed in July 2023. An autonomous vehicle does not include a vehicle that is equipped with one or more collision avoidance systems, including electronic blind spot assistance, automated emergency braking systems, park assist, adaptive cruise control, lane keep assist, lane departure warning, traffic jam and queuing assist, or other similar systems that enhance safety or provide driver assistance, but are not capable, collectively or singularly, of driving the vehicle without the active control or monitoring of a human safety operator.

() “Human Safety Operator” means an individual who is physically inside an automated vehicle and has immediate access to controls for steering, braking, and acceleration.

Section 2. Amend Chapter 41, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Subchapter XIV. Automated Vehicles

§ 4199D. Human safety operators.

(a) An autonomous vehicle with a gross weight of 10,001 pounds or more must not be operated on a highway of this State for testing purposes, transporting goods, or transporting passengers without a human safety operator physically present in the autonomous vehicle at the time of operation.

22 (b) A person who violates subsection (a) of this section is subject to a fine of not less than \$1000 nor more than
23 \$3000. For each subsequent offense occurring within 3 years of the former offense, the person shall be fined not less than
24 \$3000 nor more than \$7500.
25 (c) Nothing in this section shall be construed to preclude or otherwise limit prosecution of or conviction for a
26 violation of this chapter or any other provision of law.

SYNOPSIS

This Act prohibits any autonomous vehicle with a gross weight of 10,001 pounds or more from being operated on a Delaware highway for testing purposes, transporting good, or transporting passengers without a human safety operator being physically present within the autonomous vehicle. A two-thirds vote requirement is required under Section 28 of Article IV of the Delaware Constitution.

Author: Senator Mantzavinos