



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

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE SUBSTITUTE NO. 1
FOR
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. The human safety operator must hold a commercial driver license that is valid for the vehicle being driven.

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.

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

23 (b) A person who violates subsection (a) of this section is subject to a fine of not less than \$1000 nor more than
24 \$3000. For each subsequent offense occurring within 3 years of the former offense, the person shall be fined not less than
25 \$3000 nor more than \$7500. For purposes of this section, the person in violation and subject to fines is presumed to be the
26 vehicle's registered owner.

27 (c) Nothing in this section shall be construed to preclude or otherwise limit prosecution of or conviction for a
28 violation of this chapter or any other provision of law.

29 (d) By January 1, 2029, and upon appropriation by the General Assembly, the Department of Transportation shall
30 submit a report to the members of the General Assembly and the Governor evaluating the performance of autonomous
31 vehicle technology and its impact on public safety and employment in the transportation sector for autonomous vehicles
32 with a gross vehicle weight of 10,001 pounds or more. The report must include a summary of disengagements, crashes, and
33 other information the Department of Transportation believes is relevant. The report must include a recommendation on
34 whether the General Assembly should remove, modify, or maintain the requirement for an autonomous vehicle with a gross
35 vehicle weight of 10,001 pounds or more to operate with a human safety operator physically present in the vehicle. While
36 preparing the report, the Department of Transportation shall do all of the following:

37 (1) Consult with the Department of Safety and Homeland Security on traffic impacts, driver and
38 passenger safety risks, and impacts on other motorists, bicyclists, and pedestrians.

39 (2) Consult with the Department of Labor on any job-related impacts, including worker displacement and
40 shortcomings in retraining opportunities.

41 (3) Consider the impact on infrastructure and any deficiencies or needs with current infrastructure.

42 (4) Consult with independent experts on the performance of the technology, public safety impacts, and
43 any other relevant factors in considering deployment.

44 (e) The Department of Safety and Homeland Security, the Department of Labor, and all other relevant state
45 agencies shall provide additional information, as specified by the Department of Transportation, as needed to research the
46 report required by this section.

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 goods, 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.

This Act is a substitute for and differs from Senate Bill No. 258 in the following ways:

1. The substitute requires a human safety operator to hold a commercial driver license that is valid for the vehicle being driven.
2. The substitute clarifies that the person subject to the fines of this Act is presumed to be the vehicle's registered owner.
3. The substitute directs to the Department of Transportation to submit a report evaluating the performance of autonomous vehicle technology to the General Assembly and the Governor by January 1, 2029.

Author: Senator Mantzavinos