ALLIANCE FOR AUTOMOTIVE INNOVATION

February 6, 2025

The Honorable Marc Korman
Chair, House Environment and Transportation Committee
251 Taylor House Office Building
Annapolis, Maryland 21401

HB 439 - Vehicle Laws – Fully Autonomous Vehicles – Human Safety Operators and Reporting Requirements
Position: Unfavorable

Chair Korman:

On behalf of the Alliance for Automotive Innovation,[1] please accept the following comments in opposition to SB 439. The bill raises a series of concerns for automakers and automotive technology developers. We appreciate and support the desire to ensure that autonomous vehicle (AV) deployment in Maryland is conducted in a safe, transparent manner. However, the provisions imposed by this bill create unnecessary obstacles to deploying this technology.

AVs Can Improve Safety

The cars and trucks that consumers are buying today are the safest vehicles ever built. Even so, more than 40,990 people died in traffic crashes in the United States in 2023, including 621 in Maryland[2][3]. The 621 deaths in 2023 were an increase from 566 fatalities in 2022. The evidence shows that driver behavior – drivers who are impaired, unbelted, speeding, or driving recklessly – are significant factors in the increase in roadway fatalities. That is what vehicle safety is a priority and automated vehicle technology holds the promise to increase safety and reduce these numbers.

AV Deployment Is a Key Component of American Competitiveness

Autonomous driving has the attention of Washington, D.C., and the state's – and rightly so. Government has a role to play here, with governments at the state and federal level playing their traditional regulatory roles. Regulatory harmonization and coordination is key to creating a clear pathway for AV deployment and the significant safety, mobility and efficiency benefits that AVs promise. On top of the obvious safety benefits, AVs can provide accessible transportation options for seniors and individuals with disabilities and a chance to reduce traffic congestion and create new jobs and supply chains. All stakeholders should strive toward building trust within the AV ecosystem.

[1] From the manufacturers producing most vehicles sold in the U.S., to autonomous vehicle innovators, to equipment suppliers, battery producers, and semiconductor makers – the Alliance for Automotive Innovation represents the full auto industry, a sector supporting 10 million American jobs and five percent of the overall economy. Active in Washington, D.C. and all 50 states, the association is committed to a cleaner, safer, and smarter personal transportation future. www.autosinnovate.org.
[2] https://zerodeathsmd.gov/resources/crashdata/crashdashboard/
[3] https://crashstats.nhtsa.dot.gov/Api/Public/Publication/813561

HB 439 Creates Unnecessary Obstacles to Testing and Deployment in Maryland.

Innovative technologies that can make a difference have already been developed or are well on the way to being made commercially available. The right policies need to be in place to support the continued development of AV technology. However, HB 493 creates significant obstacles to the deployment of AV technology. Those include burdensome reporting requirements that do not provide meaningful, objective data; ambiguous definitions that leave questions about which vehicles are subject to the law; and a need to revise weight thresholds. Furthermore, the bill does not differentiate between testing and deployment, a key issue for developers of AV technologies.

Burdensome Reporting Requirements. The bill asks operators to report significant amounts of information over and above what NHTSA requests of companies but does not specify what is meant by broad topics such as "vehicle performance data". This term is not defined, and it is not clear what performance data would need to be submitted with a collision report. In addition, protections should be provided for confidential business information ("CBI") reported related to AV performance, consistent with other AV reporting structures in place that provide such protections.

HB 439 also requires companies to submit incident reports with details about each disengagement. To give a sense of potential volume, the California Department of Motor Vehicles (DMV)[4] recently published reports showing that approximately 4.5 million autonomous miles were logged in 2024. Data from 2023-2024 shows there were over 30,000 disengagements during that period. Disengagements have long been criticized as an invalid metric and one that is often used to incorrectly compare technology from different AV companies or as a proxy for commercial readiness.

It should be noted that similar legislation was vetoed by California Governor Gavin Newsom in 2024.[5] That veto largely focused on the administrative costs and impracticality of executing the requirements in the bill. **The California DMV estimated a cost of $28 million over the first three years to implement these requirements**.[6]

Applicability. The definition of "fully autonomous vehicles" could be interpreted to be broad and apply to vehicles that are defined "Level 3" in the SAE hierarchy (which starts at Level 0—no automation, and runs to Level 5 -full automation"). Level 3 vehicles are expected to be deployed as personally owned vehicles, making the reporting requirements unrealistic. While difficult but doable in the testing phase, once deployed it would be incredibly difficult to collect the large amount of data required by the bill in a timely and accurate manner for personally owned vehicles. Additionally, the data required is onerous and it is unlikely the Motor Vehicle Administration would be able to process the information to determine what is relevant.

[4] https://www.dmv.ca.gov/portal/vehicle-industry-services/autonomous-vehicles/disengagement-reports/
[5] https://www.gov.ca.gov/wp-content/uploads/2024/09/AB-3061-Veto-Message.pdf
[6] https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=202320240AB3061#

Weight Thresholds Should Be Revised. HB 439 also creates confusion with the weight thresholds cited in the bill. For clarity, and so as not to capture passenger vehicles, the weight threshold for applicability of requirements in HB 439 from should be increased from 10,001lbs to 14,001lbs. Under existing federal and state regulations, vehicles over 10,000 pounds but under 14,001 pounds fall within regulatory Class 2b, which includes many light-duty vehicles such as pickup trucks and vans. These vehicles are often used for personal or mixed-use applications rather than for commercial purposes. Historically, vehicle regulations have differentiated Class 2b vehicles from Class 3 and above (14,001+ pounds) due to their differing roles in transportation.

By setting the threshold at 14,001 pounds, HB 439 would better target the commercial and heavy-duty sectors. This adjustment would also align with existing regulatory distinctions, avoiding unintended burdens on light-duty vehicles that do not fit the commercial use cases the bill seeks to address.

Conclusion

AVs hold tremendous promise for a cleaner, safer, smarter future for mobility, but only if we work together on smart policies that are modernized to address the tremendous opportunities that AV technologies hold when it comes to improving roadway safety and expanded mobility for millions of Americans. As our companies start to make plans and critical decisions about where and how and when to build and deploy these technologies, they need to know that policies are in place here in the U.S. that will support those plans and those decisions.

Unfortunately, we cannot support the approach in HB 439 and request an unfavorable report. Thank you for your consideration of our position. For more information, please contact our local representative, Bill Kress, at (410) 375-8548.

Respectfully submitted,

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