



**TESTIMONY REGARDING HOUSE BILL 1295**  
**VEHICLE LAWS – FULLY AUTONOMOUS VEHICLE**

**TO:** Members of the Environment and Transportation Committee  
**FROM:** Professor Will Hubbard, University of Baltimore School of Law  
**DATE:** March 3, 2026  
**POSITION:** Favorable with Amendment

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I am a professor at the University of Baltimore School of Law. My academic research focuses on legal aspects of innovation, including the regulation of autonomous vehicles under state law.<sup>1</sup> I offer this written testimony in my capacity as an academic researcher. **I support House Bill 1295 with an amendment.**

This bill authorizes the use of “fully autonomous” vehicles on Maryland roads, provided that certain conditions are met. HB 1295:23-25. As an innovation scholar, I applaud the General Assembly’s efforts to support the deployment in our state of new technologies, like autonomous vehicles (“AVs”).<sup>2</sup> These vehicles have the potential to offer great benefits. Computerized drivers eventually may be safer than average humans, and self-driving technologies may extend the benefits of driving to people who otherwise cannot drive, including those with disabilities. On the other hand, like any motor vehicle, AVs pose dangers to many people, including passengers, other drivers, and pedestrians. Consequently, AVs should be subject to some legal oversight. The regulation of AVs thus involves a delicate balance: providing sufficient regulation to ensure safety while also encouraging the development and deployment of new technologies. This need for legal oversight highlights another strength of HB 1295, as my scholarship has demonstrated that more than 800 existing Maryland laws would be unclear when applied to AVs.<sup>3</sup> Legal reform regarding AVs is necessary. Nevertheless, I am concerned that HB 1295 needs amendment.

Every state has enacted laws designed to ensure that motor vehicles are operated safely. These laws, like speed limits and requirements to obey traffic signals, are familiar to anyone who drives. Importantly, many of these laws target the conduct of “drivers” and “operators” of motor vehicles. For instance, Section 21-302 of the Maryland Transportation Code states, “Drivers of vehicles that are going in opposite directions shall pass each other to the right.” By targeting the conduct of “drivers” and “operators” these laws identify a person who will be responsible for violations. Holding responsible the person in control of the operation of the vehicle encourages lawful behavior.

Unfortunately, the identity of the “driver” or “operator” of an AV is unclear. In AVs, the

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<sup>1</sup> Two of my articles directly address automated vehicles. William Hubbard & Colin Starger, *The Collision Course Between Outdated State Laws and Automated Vehicles*, 46 CARDOZO L. REV. 2319 (2025), <https://cardozolawreview.com/the-collision-course-between-outdated-state-laws-and-automated-vehicles/>; William Hubbard, *Drivers of Effective Laws for Automated Vehicles*, 70 VILLANOVA L. REV. 115 (2025), <https://www.villanovawlawreview.com/article/133873-drivers-of-effective-laws-for-automated-vehicles>.

<sup>2</sup> I consider the terms “autonomous” and “automated” interchangeable in this context and use the term “AV” to address both.

<sup>3</sup> Hubbard & Starger, *supra* note 1, at 2309-18 (estimating that 842 Maryland laws are unclear when applied to AVs).

person in the driver’s seat may not be performing the kinds of tasks we traditionally think of as driving. That person may behave more like a passenger. In some AVs, there may not even be a person in the driver’s seat at all. Indeed, the heart of HB 1295 is allowing for the use in Maryland of “a fully autonomous vehicles ... without a human driver.” HB 1295 at 4:23-25 (emphasis added). As a result, our traditional notions of “driver” do not apply to AVs. Current statutory definitions do not help to identify the “driver” or “operator” of an AV. The Maryland Transportation Code simply defines “driver” as “any individual who drives a vehicle.”<sup>4</sup> Maryland law defines “operator” simply as being equivalent to “driver.”<sup>5</sup> With no clear “driver” or “operator” for an AV, the application of laws addressed to “drivers” and “operators” is likewise unclear. For instance, if an AV does not have a “driver,” is it subject to the law that states that “[d]rivers of vehicles that are going in opposite directions shall pass each other to the right”?<sup>6</sup> Clearly, such laws should apply to AVs. Moreover, this is not some isolated problem. My scholarship has identified more than 680 Maryland laws that rely on the term “driver” or “operator.”<sup>7</sup>

HB 1295 acknowledges this problem with identifying the “operator” of an AV and provides a partial definition. Specifically, the bill defines “operator” as the “automated driving system,” which in turn is defined to be “the hardware and software that are collectively capable of performing the entire dynamic driving task on a sustained basis.” HB 1295 3:16-19, 5:30-6:1. However, this approach to defining the “operator” of an AV is problematic because the “automated driving system” is not a legal person. A pedestrian who is hit by an AV cannot bring a lawsuit against a collection of “hardware and software.” Likewise, a law enforcement officer cannot issue a ticket to the electronic brain of an AV. A law that identifies the “automated driving system” as the “operator” makes about as much sense as declaring that the steering wheel of a traditional vehicle is a “driver” of that vehicle.<sup>8</sup>

Enforcement mechanisms like tickets and lawsuits need to target a legally responsible actor, not a part of a car. By defining the “operator” to be the “automated driving system,” the proposed bill undermines the consequences of violating Maryland Rules of the Road and thereby limits the enforcement of these laws regarding AVs. This is particularly troubling given that the bill does not require that an AV demonstrate any level of capability before being deployed on Maryland roads, requiring only that AVs simply “[be] capable of operating in accordance with the Maryland Vehicle Law.” *Id.* at 5:30-31. However, the bill does not provide any verification mechanism or certification for that “capability.” *Id.* In contrast, to be licensed to operate motor vehicles on Maryland roads, human drivers must actually demonstrate their abilities to operate motor vehicles in accordance with Maryland law by passing various tests.

Other provisions of the bill do not offset this reduction in enforcement mechanisms for Maryland vehicle laws. The safety enforcement mechanisms described in the bill either (1) are less robust than those for conventional vehicles or (2) will require a substantial expansion of oversight by the Maryland Department of Transportation to achieve practical parity. Notably, the bill nowhere

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<sup>4</sup> Md. Code Ann., Transp. § 11-115 (West 2024).

<sup>5</sup> *Id.* § 11-142.

<sup>6</sup> *Id.* § 21-302.

<sup>7</sup> Hubbard & Starger, *supra* note 1, at 2319.

<sup>8</sup> I discuss additional concerns with defining the “driver” or “operator” to be the “automated driving system” in one of my articles. Hubbard, *supra* note 1, at 154-56.

addresses the ticketing of AVs for violating traffic laws or lawsuits by accident victims. For instance, the required First Responder Interaction Plan does not address these issues. *Id.* at 5:13-25. Instead, the bill states, “If the Administration has information ... indicating that an autonomous vehicle ... may endanger persons on the highway, the Administration may issue a request for relevant information to the person who submitted the first responder interaction plan.” *Id.* at 7:25-30. Based on that information, the Administration may ultimately revoke the AV’s permission to operate in Maryland, but only after (1) giving an AV provider “a reasonable time” to respond, (2) “considering and evaluating all responses,” and (3) potentially holding a hearing. *Id.* at 8:1-9:6. Naturally, because AVs are new technologies Maryland officials currently have a limited capacity to scrutinize and oversee sophisticated AV companies. Substantial investment would be required to expand the administrative resources to provide oversight for AVs on par with the traditional application of Rules of the Road to conventional vehicles.<sup>9</sup>

For all of these reasons, I recommend that a provision be added to the bill stating that (1) the person who submitted the first responder interaction plan certifies that the autonomous vehicle is capable of operating in accordance with the Maryland Vehicle Law, and (2) the person who submits this certification may be issued a traffic citation or other applicable penalty if the vehicle fails to comply with Maryland motor vehicle laws. This type of approach has already been adopted in three states: Arizona, Louisiana, and Pennsylvania.<sup>10</sup> Under this approach, the enforcement of Maryland vehicle laws regarding AVs would more closely match that for conventional vehicles.

In sum, given the problems with identifying the “driver” or “operator” of an AV, it is vital that Maryland update its laws to support the deployment of AVs. As a Maryland citizen and a legal scholar, I am excited to see lawmakers working on these issues. However, Maryland’s AV laws should also ensure that AVs obey Maryland’s Rules of the Road by identifying an entity that is responsible for violations. **For the foregoing reasons, I urge a favorable report on House Bill 1295 with the amendment described above.**

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<sup>9</sup> The bill also prohibits local governments from stepping in to fill this enforcement gap. The bill prohibits any “state agency or local political subdivision” from prohibiting the operation of fully autonomous vehicles or adding any requirements regarding “the operation of fully autonomous vehicles.” HB 1295 7:14-19.

<sup>10</sup> Ariz. Rev. Stat. Ann. § 28-9702(C)(2) (2025); La. Stat. Ann. § 32:400.3-400.4 (2025); 75 Pa. Cons. Stat. § 8510.1 (2025). I discuss further the merits of this approach in one of my articles. *See* Hubbard, *supra* note 1, at 163-66.