



**TESTIMONY IN PARTIAL SUPPORT OF SENATE BILL 909**

**Vehicle Laws – Fully Autonomous Vehicle**

**TO:** Members of the Judicial Proceedings Committee  
**FROM:** Professor Will Hubbard, University of Baltimore School of Law  
**DATE:** March 2, 2026

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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 Senate Bill 909 with amendments.**

This bill authorizes the use of “fully autonomous” vehicles on Maryland roads, provided that certain conditions are met. SB 909 4:22-24. As an innovation scholar, I applaud Maryland’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. Nevertheless, like any motor vehicle, AVs pose dangers to many people, including passengers, other drivers, and pedestrians. Consequently, AVs should still 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. I am concerned that SB 909 needs amendment to strike the right balance.

Every state has enacted laws designed to ensure that motor vehicles are operated safely. These laws, like speed limits and obeying traffic signals, are familiar to anyone who drives. Importantly, many of these laws target the conduct of “drivers” and “operators.” For instance, Section 21-302 of the Maryland Transportation Code states, By targeting the conduct of “drivers” and “operators” these laws identify a person who will be responsible for violations. Holding that person responsible encourages lawful behavior.

Unfortunately, the identity of the “driver” or “operator” of an AV is unclear. In AVs, the 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. As a result, our traditional notions of “driver” may not make sense with AVs. After all, the basic goal of these technologies is to relieve humans of the burdens of

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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), [The Collision Course Between Outdated State Laws and Automated Vehicles | Cardozo Law Review](#); William Hubbard, *Drivers of Effective Laws for Automated Vehicles*, 70 *VILLANOVA L. REV.* 115 (2025), [Drivers of Effective Laws for Automated Vehicles | Published in Villanova Law Review](#).

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

driving. Current statutory definitions do not help to identify the “driver” or “operator” of an AV. The Maryland Transportation Code defines “driver” as “any individual who drives a vehicle.”<sup>3</sup> Maryland law defines “operator” simply as being equivalent to “driver.”<sup>4</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”? This is no small problem. My scholarship has identified more than 680 Maryland laws that rely on the term “driver” or “operator.”<sup>5</sup>

SB 909 acknowledges this problem with identifying the “operator” of an AV and provides a 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.” SB 909 3:15-18, 5:29-33. However, this approach to defining the “operator” of an AV is flawed in that it substantially undermines the enforcement of vehicle laws regarding AVs. Critically, 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>6</sup>

Enforcement mechanisms 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 substantially 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 be “capable of operating in accordance with the Maryland Vehicle Law.” *Id.* at 5:29-30. In contrast, to be licensed to operate motor vehicles on Maryland roads, human drivers must actually demonstrate their ability 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. For instance, while the bill requires that an AV be “capable of operating in accordance with Maryland law” it does not provide any verification mechanism or certification for that “capability.” *Id.* Moreover, the safety enforcement mechanisms described in the bill either (1) are substantially less robust than those for conventional vehicles or (2) will require a substantial expansion of oversight by the Maryland Department of Transportation. Notably, the bill nowhere 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 ticketing or victim recovery. *Id.* at 5:12-24.

Instead, the bill states, “If the Administration has information ... indicating that an autonomous

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<sup>3</sup> Md. Code Ann., Transp. § 11-115 (West 2024).

<sup>4</sup> *Id.* § 11-142 (West 2024).

<sup>5</sup> Hubbard & Starger, *supra* note 1, at 2319.

<sup>6</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.

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 7:23-28. 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. 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 those administrative resources to provide oversight on par with the traditional application of Rules of the Road by law enforcement.<sup>7</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 traffic or motor vehicle laws. This type of approach has already been adopted in three states: Arizona, Louisiana, and Pennsylvania.<sup>8</sup> Under this approach, the enforcement of Maryland vehicle laws regarding AVs would more closely align to 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 Senate Bill 909 with the amendments described above.**

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<sup>7</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.” SB909 7:12-17.

<sup>8</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.