

TESTIMONY

SB 909 / HB 1295

Vehicle Laws – Fully Autonomous Vehicles

Maryland General Assembly, 2026 Session

Submitted by Daniel Hinkle

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On Behalf of the Maryland Association for Justice

Senator William C. Smith, Jr., Chair
Senate Judicial Proceedings Committee
Maryland State Senate

Delegate Marc Korman, Chair
House Environment and Transportation Committee
Maryland House of Delegates

Re: Favorable with Amendments to SB 909 / HB 1295 – Vehicle Laws – Fully Autonomous Vehicles

Dear Senator Smith, Delegate Korman, and Members of the Committees:

This testimony is submitted on behalf of the Maryland Association for Justice in opposition to SB 909 and HB 1295 as drafted. The objection is not to the deployment of automated vehicle technology on Maryland roads. The objection is to deploying it without the accountability structures that passengers, pedestrians, and the communities these vehicles will operate in deserve—and that the technology demands.

Maryland is not the first state to grapple with these questions. Virginia Senate recently passed SB 670, a comprehensive automated vehicle law that addresses each of the gaps identified in this testimony. Maryland should look to Virginia’s framework as a model. The technology is the same. The roads are similar. The accountability standards should be too.

I. When a Automated Vehicle Hurts Someone, Maryland Should Know Who Is Responsible

When an automated vehicle causes a crash, the first question every victim, first responder, and family member will ask is: **who is accountable?** SB 909 and HB 1295 do not answer that question—and that silence benefits corporations over the people they could harm.

The bills require only that someone submit a First Responder Interaction Plan before operating. That is a notification, not accountability. There is no named responsible party, no approved permit, and no one legally on the hook when something goes wrong. Without a designated

responsible party written into law, AV companies can point fingers at each other—the software developer, the vehicle manufacturer, the fleet operator—while injured Marylanders wait for answers.

Virginia’s SB 670 solved this directly. It requires an Autonomous Operation Certificate issued to a named certificate holder who is legally responsible for the safe operation of every commercial AV on its roads. Law enforcement knows who to call. Injured parties know who to hold accountable. Regulators know who to investigate. Maryland’s bills provide none of that clarity.

Corporations that want to profit from Maryland roads should be required to put their name on the line for the safety of every passenger and pedestrian who shares those roads.

II. Maryland Should Prohibit Forced Arbitration Clauses That Shield AV Companies from Accountability

SB 909 and HB 1295 contain no protection against mandatory arbitration. That means AV companies could quietly bury fine-print clauses in their terms of service that strip crash victims of their ability to hold these corporations accountable for personal injury or death claims.

Forced arbitration removes disputes from public courts and places them into private proceedings where the company selects the arbitrator, the process is secret, and outcomes cannot be appealed even if the arbitrator gets the law wrong. It is a system designed by corporations, for corporations. A passenger injured in an automated vehicle crash in Maryland could be forced into this rigged process—one written into a terms-of-service agreement they clicked through simply to hail a ride.

Virginia’s SB 670 bans mandatory arbitration and forum selection clauses with passengers, human drivers, and crash victims outright. Maryland should do the same. If an AV company harms a Marylander, that Marylander deserves their day before an impartial decision-maker—not a process stacked against them from the start.

III. A Notification Requirement Is Not a Safety Gate—Maryland Should Require a Real Driver License System

The goal is not to make it difficult to operate in Maryland. The goal is to make sure the right people can always get the right answers. Under SB 909 and HB 1295, there is no state approval, no denial authority, and no mechanism to say “not yet” if a company’s safety record raises serious concerns. A straightforward operator registration requirement—name your company, certify your system meets the standards, identify your point of contact—would accomplish everything Maryland needs without creating a bureaucratic barrier to entry.

The difference between a notification and a permit is the difference between informing the government and being accountable to it. When something goes wrong at 2 a.m. on I-95, there should be a name, a number, and a responsible party—not a void. Virginia’s certificate system provides exactly that. Maryland’s bills do not.

We make human drivers get a drivers license before they operate a motor vehicle—why should corporate drivers get an easier pass? Because they drive multiple vehicle at once?

IV. Maryland's Enforcement Framework Misunderstands What It Is Regulating

SB 909 and HB 1295 treat what's different about automated vehicles like it is a change in the cars. It does this by treating the remedy for a defect a vehicle registration suspension. That logic is incorrect—what's different about automated vehicles is the driver, not the car.

Suspending the registration of one vehicle while the same automated driving system continues operating in dozens or hundreds of others is not safety enforcement. Law enforcement must be empowered to hold the operator accountable when there is dangerous conduct. Consider the analogy: if a human driver causes a serious crash due to reckless behavior, the answer is not to impound that one car and allow them to drive another the next day. The answer is to suspend the driver's license—to address the driver. The same logic must apply here.

When the automated driving system is the driver, enforcement must follow the driver. Maryland should have the ability to suspend or revoke an operator's authorization to deploy that system entirely—not play whack-a-mole with individual vehicle registrations while the rest of the fleet keeps operating. Virginia's certificate revocation model gets this right. Maryland's bills do not.

VI. Virginia Senate Passed a Good Bill – Maryland Should Model It

Maryland does not need to start from scratch. Virginia recently enacted SB 670, a comprehensive automated vehicle law that addresses every gap identified in this testimony. Virginia's law:

- Requires a named Autonomous Operation Certificate holder who is legally responsible for safe operation;
- Bans mandatory arbitration and forum selection clauses with passengers and crash victims;
- Establishes a state approval process so law enforcement, regulators, and the public always know who is accountable;
- Gives regulators the authority to revoke an operator's entire authorization—treating the automated driving system as the driver it is; and

Virginia drew a clear line: corporations that want to profit from Virginia's roads are accountable to Virginia's people. Maryland's bills, as written, draw no such line. The technology is the same. The roads are similar. The accountability standards should match.

Maryland should oppose SB 909 and HB 1295 as written and work with stakeholders to develop legislation that matches Virginia's accountability framework. The Maryland Association for Justice stands ready to assist in that effort and welcomes the opportunity to discuss these issues further.

Respectfully submitted,

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