

# Reason Foundation Review of Delaware Senate Bill 46 (2025)



*Automated vehicle technology under development could greatly improve road safety and efficiency. Unfortunately, Senate Bill 46 would move Delaware in the wrong direction.*

## 1. The First and Only State to Outlaw Driverless Trucks?

- ❖ S.B. 46 would prohibit the operation on public roads of heavy-duty autonomous vehicles (those weighing more than 26,000 lbs) without a human operator seated within the vehicle cab.
- ❖ This would deter the introduction of safer trucks by eliminating the realization of their business benefits.
- ❖ If enacted, Delaware would become the *only state* in the country to enshrine in statute a blanket, preemptive ban on driverless trucks.
- ❖ Three dozen states have explicitly authorized the testing and/or deployment of autonomous trucks on public roads.

## 2. Based on Failed California Legislation

- ❖ S.B. 46 is based on legislation first introduced in California in 2023 (Assembly Bill 316).
- ❖ In 2023 and 2024 (Assembly Bill 2286), California Gov. Gavin Newsom vetoed the proposed ban on driverless trucks as being unnecessary and harmful to the state's reputation as a global leader in technological innovation.

## 3. Autonomous Vehicles Are Already Making Roads Safer

- ❖ Automated driving systems cannot drive drunk, drugged, drowsy, or distracted. According to the National Highway Traffic Safety Administration, human error is a critical factor in more than 90% of motor vehicle crashes.
- ❖ According to research by leading reinsurance company Swiss Re and autonomous vehicle developer Waymo, Waymo's automated driving system is already far safer when compared to a typical human driver—with an 88% reduction in property damage claims and a 92% reduction in bodily injury claims.
- ❖ Delaware's roads are the most dangerous in the region. According to Reason Foundation's 27th Annual Highway Report, Delaware ranks #43 nationally in its urban highway fatality rate and #38 in its rural highway fatality rate.

## 4. No New Authorities Are Needed to Prohibit Unsafe Driverless Trucks

- ❖ Delaware's regulators at the Division of Motor Vehicles already have the authority to refuse, rescind, cancel, or suspend registration of any motor vehicle that is "unsafe or unfit to be operated" (21 Del. C. §§ 2161, 2162).

### Reason Transportation Policy Contact

- Marc Scribner, Senior Transportation Policy Analyst ([marc.scribner@reason.org](mailto:marc.scribner@reason.org))