



REASON FOUNDATION

REFORM ALERT: Senate Bill 67

Amendments Needed to Improve Montana's Autonomous Vehicles Regulatory Framework

Montana's Senate Bill 67 attempts to provide a regulatory framework for autonomous vehicles, but the proposal conflicts with best practices learned in other states. Transportation analysts at Reason Foundation note five flaws to address to help improve Senate Bill 67 and ensure a safe and productive future for autonomous vehicle operations in Montana.

#1 – Dual Rulemaking Authorities Are Counterproductive

Dual rulemaking authorities split between the Department of Transportation (Section 5), and the Department of Justice (Section 6) risk undue delays in the testing and deployment of autonomous vehicles in Montana. California's bifurcated and complex regulatory approach led to years of unnecessary delay for fully driverless operations.

#2 – Dangerous Road Conditions Lack Definitions and Standards

Section 5 does not provide a clear explanation of the meaning of "demonstrated to be capable of operating safely during dangerous road conditions." This vagueness leads to the question of *how* to demonstrate to the Department of Transportation, given the lack of consensus on technical standards.

#3 – Safe First Responder Interactions Are Unaddressed

While Section 6 authorizes rulemaking by the Department of Justice, which includes the Highway Patrol, it is silent on specifics. One omitted element relates to first responder interactions with disabled autonomous vehicles in roadways, a policy states are increasingly adopting. Consensus standardization of both interaction protocols and personnel training is crucial to ensure responder interactions are safe.

#4 – Misalignment with Consensus Technical Standards

The definitions of "automated driving system" in Section 3 deviate substantially from the global consensus technical standard for driving automation definitions widely adopted by the U.S. federal government and most states. Only driving automation at Levels 3-5 constitutes "automated driving systems," while Senate Bill 67 incorrectly includes all forms of sustained driving automation at Levels 1-5.

#5 – Lack of Risk-Based Regulatory Scrutiny

Section 4 groups Level 3 *automated driving systems*—which pose unique and heightened risks—with Level 1 *driving automation systems*, such as adaptive cruise control, that have been used in consumer vehicles for more than 25 years, reflecting the lack of a risk-based approach.

Bottom line: *Senate Bill 67 (as passed by the Senate) does not align with best practices and contains several problematic provisions that should be addressed by amendment to ensure automated driving systems are safely and efficiently deployed on Montana's public highways.*

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