

Authorizing Automated Vehicle Platooning

A Guide for State
Legislators, 2017 Edition

By Marc Scribner

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Automated vehicles have captured the public’s imagination in recent years following successful on-road demonstrations by developers such as Google.¹ The prospect of enjoying the benefits of personal mobility without the traditional responsibilities of driving has led to overly broad claims in the popular press based on scant information about the technology and its potential uses. One writer recently suggested that automated vehicles should be banned because they allegedly threaten public transit and the environment,² while another argued that automated vehicles should be mandated within a few years because they promise substantial safety benefits over traditional driving.³ These extreme examples indicate the range of uninformed opinion that plagues much of the public debate on road vehicle automation.

However, some scholars have taken a systematic approach to the technology and its applications, developing inventories of potential problems and working to address them.⁴ In the legal realm, one key development was the publication of a 2012 paper by Bryant Walker Smith, law professor at the University of South Carolina and chair of the Transportation Research Board’s Standing Committee on Emerging Technology Law at the National Academies. Smith concluded that in most U.S. jurisdictions, automated vehicles are not explicitly prohibited by current laws, although he highlighted several potential conflicts in state motor vehicle codes that may preclude certain operations.⁵ One problem he identified is states’ following-too-closely (FTC) statutes, which outlaw many automated vehicle platooning applications.

Automated vehicle platooning—often referred to as road trains, connected automated vehicles, or cooperative automated vehicles—is one of the more promising potential functions of automated vehicle technology. Platooned vehicles can travel closer together at highway speeds, mitigating traffic congestion, improving fuel economy, and increasing vehicle throughput without costly roadway capacity expansions.⁶ In the freight sector, trucking companies are eager to move their goods with fewer workers, in order to both address the chronic shortage of qualified commercial drivers and permanently reduce labor costs.

With the coming advent of automated vehicles, numerous sections of state motor vehicle codes likely will need revision if we are to take advantage of the full range of benefits offered by vehicle automation technology.

Authorizing automated vehicle platoons in each jurisdiction merely requires exempting automated vehicle platoons from existing follow-to-closely rules.

¹ Google, “Google Self-Driving Car Project,” Google website, <https://www.google.com/selfdrivingcar/>.

² Rebecca Solnit, “We don’t need self-driving cars—we need to ditch our vehicles entirely,” *The Guardian*, April 6, 2016, <http://www.theguardian.com/commentisfree/2016/apr/06/self-driving-cars-public-transportation>.

³ Kevin Roose, “Driving should be illegal,” *Fusion*, October 5, 2015, <http://fusion.net/story/207965/driving-should-be-illegal/>.

⁴ Bryant Walker Smith, “How Governments Can Promote Automated Driving,” working paper, March 17, 2016, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2749375.

⁵ Smith, *Automated Vehicles Are Probably Legal in the United States* (Stanford, California: Center for Internet and Society) November 1, 2012, <http://cyberlaw.stanford.edu/publications/automated-vehicles-are-probably-legal-united-states>.

⁶ European Automobile Manufacturers Association, “What are the benefits of truck platooning?” EAMA website, March 10, 2016, <http://www.acea.be/news/article/what-are-the-benefits-of-truck-platooning>.

State FTC rules vary by vehicle class and rule type. Most class-specific FTC rules are contained within a single statutory section. The three vehicle classes are:

- Cars (including light-duty trucks);
- Heavy trucks; and
- Caravans (sometimes called motorcades).

The four FTC rule types are:

- “Reasonable and prudent;”
- Time;
- Distance; and
- “Sufficient space to enter and occupy without danger.”

A “reasonable and prudent” rule requires a vehicle operator to follow the vehicle in front of her while allowing for sufficient space to stop in an emergency. In application, this is a subjective standard that grants law enforcement a large degree of leeway. It is the most common FTC rule for cars and is sometimes combined with other types of rules.

Time-based FTC rules specify the time interval between vehicles, such as by forbidding drivers from following less than “at least two seconds behind the vehicle being followed.”⁷ This is the least common rule type and is limited to just two jurisdictions, Alaska and Utah.

Distance rules specify the precise safe following distance either by codifying a fixed distance interval or, in the case of Alabama, a proportional distance interval requiring that “the driver of a vehicle shall leave a distance of at least 20 feet for each 10 miles per hour of speed between the vehicle that he or she is driving and the vehicle that he or she is following.”⁸ This rule type is most common among the heavy truck and caravan vehicle classes.

The “sufficient space to enter and occupy without danger” rule, which is most common among the heavy truck and caravan vehicle classes, aims to allow other road users to pass other vehicles safely and enter and exit the roadway.

A few U.S. jurisdictions lack explicit FTC rules, relying instead on broader reckless driving statutes. A number of jurisdictions do not fully define all vehicle classes, which means the “car” class becomes the default rule for all vehicles. Further, some jurisdictions distinguish between road types. A few jurisdictions have functionally identical rule types featuring different terminology, but these are rare exceptions.

Exempting automated vehicle platoons from existing FTC rules is slightly more complicated in some jurisdictions, such as those in which FTC rules are spread through two or three class-specific statutory sections. For example, California’s FTC rules are divided into three separate statutory sections for cars, heavy trucks, and caravans. In addition, two jurisdictions, Alaska and Massachusetts, codify their FTC rules within administrative, rather than statutory codes.

⁷ Alaska Admin. Code tit. 13, § 02.090(a).

⁸ Ala. Code § 32-5A-89(a).

Utah was the first state to exempt and authorize the testing of connective vehicles in 2015.⁹ Florida followed suit in early 2016.¹⁰ Beginning in 2017, Arkansas, Georgia, North Carolina, South Carolina, Tennessee, and Texas have enacted FTC rule exemptions allowing for commercial platooning, and several other jurisdictions are considering similar reforms.

This handbook, an update of the 2016 edition, provides a comprehensive national overview of FTC statutes and regulations and recommends specific changes for each jurisdiction.

It presents two model amendments for each jurisdiction. The first, the “strong amendment,” is self-executing and would preclude the state from promulgating any regulations restricting automated vehicle platoons. This is the most liberal, strongly pro-market method of authorizing automated vehicle platooning. The second, the “weak amendment,” would require agency implementation and grant state motor vehicle authorities discretion in how they promulgate platooning FTC rules, while providing a statutory backstop aimed at preventing excessively burdensome regulation.

From a pro-market perspective, the strong amendment offers the greatest protections against potential burdensome regulations. However, some legislatures may prefer to authorize platooning under a regulated rollout and thus prefer the weak amendment. In the latter case, lawmakers who opt for agency action will need to examine what additional agency resources may be required to carry out the weak amendment’s administrative mandate.

Finally, readers should note that this report is based upon an inventory of state laws as published rather than as interpreted by the courts. A legal analysis of that type is beyond the scope of this report.

⁹ Utah Code § 41-6a-711(2)(b).

¹⁰ Fla. Stat. § 316.0896.

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Alabama

Citation: Ala. Code § 32-5A-89

Following-Too-Closely Rule Types by Vehicle Class

Cars: Distance, proportional interval of 20 feet for each 10 mph of speed

Heavy Trucks: Distance, 300 feet

Caravans: Sufficient space to enter and occupy without danger

Strong Amendment:

Ala. Code § 32-5A-89 is amended by adding subsection (d), which reads as follows:

(d) The preceding subsections do not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Weak Amendment:

Ala. Code § 32-5A-89 is amended by adding subsection (d), which reads as follows:

(d) The preceding subsections do not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Alabama State Law Enforcement Agency. The agency shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

Alaska

Citation: Alaska Admin. Code tit. 13, § 02.090

Following-Too-Closely Rule Types by Vehicle Class

Cars: Time, 2 seconds

Heavy Trucks: Sufficient space to enter and occupy without danger

Caravans: Sufficient space to enter and occupy without danger

Strong Amendment:

Alaska Admin. Code tit. 13, § 02.090 is amended by adding subsection (d), which reads as follows:

(d) The preceding subsections do not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Weak Amendment:

Alaska Admin. Code tit. 13, § 02.090 is amended by adding subsection (d), which reads as follows:

(d) The preceding subsections do not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Department of Administration, Division of Motor Vehicles. The department shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

Arizona

Citation: Ariz. Rev. Stat. Ann. § 28-730

Following-Too-Closely Rule Types by Vehicle Class

Cars: Reasonable and prudent

Heavy Trucks: Sufficient space to enter and occupy without danger

Caravans: Sufficient space to enter and occupy without danger

Strong Amendment:

Ariz. Rev. Stat. Ann. § 28-730 is amended by adding subsection (D), which reads as follows:

D. The preceding subsections do not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Weak Amendment:

Ariz. Rev. Stat. Ann. § 28-730 is amended by adding subsection (D), which reads as follows:

D. The preceding subsections do not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Department of Transportation. The department shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

Arkansas

In April 2017, Arkansas enacted legislation to authorize automated truck platooning by exempting vehicles equipped with “driver-assistive truck platooning systems” from FTC rules.¹¹ Operators are required to submit an operating plan to the State Highway Commission, which then has 45 days to reject the plan. However, as this exemption only applies to heavy trucks, it could be improved to authorize platooning for all vehicle classes. In addition, the operating plan submission and approval requirement is unnecessary and should be abolished.

Citation: Ark. Code § 27-51-305

Following-Too-Closely Rule Types by Vehicle Class

Cars: Reasonable and prudent

Heavy Trucks: Distance, 200 feet

Caravans: Undefined

Strong Amendment:

Ark. Code § 27-51-305 is amended by adding subsection (c), which reads as follows:

(c) The preceding subsections do not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Weak Amendment:

Ark. Code § 27-51-305 is amended by adding subsection (c), which reads as follows:

(c) The preceding subsections do not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the State Highway Commission. The commission shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

¹¹ MOTOR VEHICLES—AUTONOMOUS TECHNOLOGY—TESTING, 2017 Arkansas Laws Act 797 (H.B. 1754).

California

Citations

Cars: Cal. Veh. Code § 21703

Heavy Trucks: Cal. Veh. Code § 21704

Caravans: Cal. Veh. Code § 21705

Following-Too-Closely Rule Types by Vehicle Class

Cars: Reasonable and prudent

Heavy Trucks: Distance, 300 feet

Caravans: Distance, 100 feet

Strong Amendments:

Cal. Veh. Code § 21703 is amended by adding the following sentence to the end of the section, which reads as follows:

This section does not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Cal. Veh. Code § 21704 is amended by adding the following sentence to the end of the section, which reads as follows:

This section does not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Cal. Veh. Code § 21705 is amended by adding the following sentence to the end of the section, which reads as follows:

This section does not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Weak Amendments:

Cal. Veh. Code § 21703 is amended by adding the following sentences to the end of the section, which reads as follows:

This section does not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Department of Motor Vehicles. The department shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

Cal. Veh. Code § 21704 is amended by adding the following sentences to the end of the section, which reads as follows:

This section does not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Department of Motor Vehicles. The department shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

Cal. Veh. Code § 21705 is amended by adding the following sentences to the end of the section, which reads as follows:

This section does not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Department of Motor Vehicles. The department shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

Colorado

Citation: Colo. Rev. Stat. § 42-4-1008

Following-Too-Closely Rule Types by Vehicle Class

Cars: Reasonable and prudent

Heavy Trucks: Sufficient space to enter and occupy without danger

Caravans: Sufficient space to enter and occupy without danger

Strong Amendment:

Colo. Rev. Stat. § 42-4-1008 is amended by redesignating subsection (4) as subsection (5) and adding a new subsection (4), which reads as follows:

(4) The preceding subsections do not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Weak Amendment:

Colo. Rev. Stat. § 42-4-1008 is amended by redesignating subsection (4) as subsection (5) and adding a new subsection (4), which reads as follows:

(4) The preceding subsections do not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Department of Revenue. The department shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

Connecticut

Citation: Conn. Gen. Stat. § 14-240

Following-Too-Closely Rule Types by Vehicle Class

Cars: Reasonable and prudent

Heavy Trucks: Undefined

Caravans: Sufficient space to enter and occupy without danger

Strong Amendment:

Conn. Gen. Stat. § 14-240 is amended by redesignating subsection (d) as subsection (e) and adding a new subsection (d), which reads as follows:

(d) The preceding subsections shall not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Weak Amendment:

Conn. Gen. Stat. § 14-240 is amended by redesignating subsection (d) as subsection (e) and adding a new subsection (d), which reads as follows:

(d) The preceding subsections shall not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Department of Motor Vehicles. The department shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

Delaware

Citation: Del. Code tit. 21, § 4123

Following-Too-Closely Rule Types by Vehicle Class

Cars: Reasonable and prudent

Heavy Trucks: Distance, 300 feet

Caravans: Sufficient space to enter and occupy without danger

Strong Amendment:

Del. Code tit. 21, § 4123 is amended by adding subsection (d), which reads as follows:

(d) The preceding subsections do not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Weak Amendment:

Del. Code tit. 21, § 4123 is amended by adding subsection (d), which reads as follows:

(d) The preceding subsections do not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Department of Transportation. The department shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

District of Columbia

The District of Columbia lacks a formal following-too-closely rule. However, conduct generally prohibited by FTC rules such as those in other jurisdictions can be enforced under the District's reckless driving statute.

Citation: D.C. Code § 50-2201.04

Following-Too-Closely Rule Types by Vehicle Class

Cars: Undefined

Heavy Trucks: Undefined

Caravans: Undefined, although the District does regulate funeral processions, parades, and other explicitly authorized processions under D.C. Mun. Regs. tit. 18, § 2218.

Strong Amendment:

D.C. Code § 50-2201.04 is amended by redesignating subsection (f) as subsection (g) and adding a new subsection (f), which reads as follows:

(f) The preceding subsections do not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Weak Amendment:

D.C. Code § 50-2201.04 is amended by redesignating subsection (f) as subsection (g) and adding a new subsection (f), which reads as follows:

(f) The preceding subsections do not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Department of Motor Vehicles. The department shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

Florida

In early 2016, Florida became the second U.S. jurisdiction to explicitly exempt connected vehicle testing from following-too-closely rules. The law took effect on July 1, 2016. However, the current statute does not authorize non-testing operations and therefore can be improved.

Citation: Fla. Stat. § 316.0895

Following-Too-Closely Rule Types by Vehicle Class

Cars: Reasonable and prudent

Heavy Trucks: Distance, 300 feet

Caravans: Sufficient space to enter and occupy without danger

Strong Amendment:

Fla. Stat. § 316.0895 is amended by redesignating subsection (4) as subsection (5) and adding new subsection (4), which reads as follows:

(4) The preceding subsections do not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Weak Amendment:

Fla. Stat. § 316.0895 is amended by redesignating subsection (4) as subsection (5) and adding new subsection (4), which reads as follows:

(4) The preceding subsections do not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Department of Highway Safety and Motor Vehicles. The department shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

Georgia

In May 2017, Georgia enacted legislation to authorize automated platooning by exempting “vehicles traveling in the same lane utilizing vehicle-to-vehicle communication technology to automatically coordinate the movement of such vehicles” from FTC rules.¹² The exemption does not differentiate between vehicle classes and is self-executing.

Citation: Ga. Code § 40-6-49

Following-Too-Closely Rule Types by Vehicle Class

Cars: Reasonable and prudent

Heavy Trucks: Sufficient space to enter and occupy without danger

Caravans: Sufficient space to enter and occupy without danger

¹² GA LEGIS 267 (2017), 2017 Georgia Laws Act 267 (H.B. 472).

Guam

Citation: 16 G.C.A. § 3320

Following-Too-Closely Rule Types by Vehicle Class

Cars: Reasonable and prudent

Heavy Trucks: Undefined

Caravans: Undefined

Strong Amendment:

16 G.C.A. § 3320 is amended by adding the following sentence at the end of the section, which reads as follows:

This section not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Weak Amendment:

16 G.C.A. § 3320 is amended by adding the following sentences at the end of the section, which reads as follows:

This section does not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Department of Revenue and Taxation. The department shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

Hawaii

Citation: Haw. Rev. Stat. § 291C-50

Following-Too-Closely Rule Types by Vehicle Class

Cars: Reasonable and prudent

Heavy Trucks: Sufficient space to enter and occupy without danger

Caravans: Sufficient space to enter and occupy without danger

Strong Amendment:

Haw. Rev. Stat. § 291C-50 is amended by adding subsection (d), which reads as follows:

(d) The preceding subsections do not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Weak Amendment:

Haw. Rev. Stat. § 291C-50 is amended by adding subsection (d), which reads as follows:

(d) The preceding subsections do not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the director of transportation by rules and regulations, pursuant to chapter 91. The director shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

Idaho

Citation: Idaho Code § 49-638

Following-Too-Closely Rule Types by Vehicle Class

Cars: Reasonable and prudent

Heavy Trucks: Sufficient space to enter and occupy without danger

Caravans: Sufficient space to enter and occupy without danger

Strong Amendment:

Idaho Code § 49-638 is amended by adding subsection (4), which reads as follows:

(4) The preceding subsections do not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Weak Amendment:

Idaho Code § 49-638 is amended by adding subsection (4), which reads as follows:

(4) The preceding subsections do not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Idaho Transportation Department. The department shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

Illinois

Citation: 625 Ill. Comp. Stat. 5/11-710

Following-Too-Closely Rule Types by Vehicle Class

Cars: Reasonable and prudent

Heavy Trucks: Sufficient space to enter and occupy without danger

Caravans: Sufficient space to enter and occupy without danger

Strong Amendment:

625 Ill. Comp. Stat. 5/11-710 is amended by adding subsection (d), which reads as follows:

(d) The preceding subsections do not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Weak Amendment:

625 Ill. Comp. Stat. 5/11-710 is amended by adding subsection (d), which reads as follows:

(d) The preceding subsections do not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Department of Transportation. The department shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

Indiana

Citations

Cars: Ind. Code § 9-21-8-14

Heavy Trucks: Ind. Code § 9-21-8-15

Caravans: Ind. Code § 9-21-8-16

Following-Too-Closely Rule Types by Vehicle Class

Cars: Reasonable and prudent

Heavy Trucks: Distance, 300 feet

Caravans: Sufficient space to enter and occupy without danger

Strong Amendments:

Ind. Code § 9-21-8-14 is amended by adding the following sentence to the end of the section, which reads as follows:

This section does not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Ind. Code § 9-21-8-15 is amended by adding the following sentence to the end of the section, which reads as follows:

This section does not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Ind. Code § 9-21-8-16 is amended by adding the following sentence to the end of the section, which reads as follows:

This section does not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Weak Amendments:

Ind. Code § 9-21-8-14 is amended by adding the following sentences to the end of the section, which reads as follows:

This section does not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Bureau of Motor Vehicles. The bureau shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

Ind. Code § 9-21-8-15 is amended by adding the following sentence to the end of the section, which reads as follows:

This section does not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Bureau of Motor Vehicles. The bureau shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

Ind. Code § 9-21-8-16 is amended by adding the following sentences to the end of the section, which reads as follows:

This section does not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Bureau of Motor Vehicles. The bureau shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

Iowa

Citations

Cars: Iowa Code § 321.307

Heavy Trucks: Iowa Code § 321.308

Following-Too-Closely Rule Types by Vehicle Class

Cars: Reasonable and prudent

Heavy Trucks: Distance, 300 feet

Caravans: Undefined

Strong Amendments:

Iowa Code § 321.307 is amended by adding the following sentence to the end of the section, which reads as follows:

This section does not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Iowa Code § 321.308 is amended by adding the following sentence to the end of the section, which reads as follows:

This section does not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Weak Amendments:

Iowa Code § 321.307 is amended by adding the following sentences to the end of the section, which reads as follows:

This section does not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Department of Transportation. The department shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

Iowa Code § 321.308 is amended by adding the following sentences to the end of the section, which reads as follows:

This section does not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Department of Transportation. The department shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

Kansas

Citation: Kan. Stat. § 8-1523

Following-Too-Closely Rule Types by Vehicle Class

Cars: Reasonable and prudent

Heavy Trucks: Sufficient space to enter and occupy without danger

Caravans: Sufficient space to enter and occupy without danger

Strong Amendment:

Kan. Stat. § 8-1523 is amended by adding subsection (d), which reads as follows:

(d) The preceding subsections do not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Weak Amendment:

Kan. Stat. § 8-1523 is amended by adding subsection (d), which reads as follows:

(d) The preceding subsections do not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Department of Revenue. The department shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

Kentucky

Citation: Ky. Rev. Stat. § 189.340

Following-Too-Closely Rule Types by Vehicle Class

Cars: Reasonable and prudent

Heavy Trucks: Distance, 250 feet

Caravans: Undefined

Strong Amendment:

Ky. Rev. Stat. § 189.340 is amended by adding paragraph (c) to subsection (8), which reads as follows:

(c) This subsection does not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Weak Amendment:

Ky. Rev. Stat. § 189.340 is amended by adding paragraph (c) to subsection (8), which reads as follows:

(c) This subsection does not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Kentucky Transportation Cabinet. The cabinet shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

Louisiana

Citation: La. Stat. § 32:81

Following-Too-Closely Rule Types by Vehicle Class

Cars: Reasonable and prudent

Heavy Trucks: Distance, 400 feet

Caravans: Sufficient space to enter and occupy without danger

Strong Amendment:

La. Stat. § 32:81 is amended by adding subsection (D), which reads as follows:

D. The preceding subsections do not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Weak Amendment:

La. Stat. § 32:81 is amended by adding subsection (D), which reads as follows:

D. The preceding subsections do not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Department of Public Safety and Corrections. The department shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

Maine

Citation: Me. Rev. Stat. tit. 29-A, § 2066

Following-Too-Closely Rule Types by Vehicle Class

Cars: Reasonable and prudent

Heavy Trucks: Distance, 150 feet

Caravans: Sufficient space to enter and occupy without danger

Strong Amendment:

Me. Rev. Stat. tit. 29-A, § 2066 is amended by adding subsection (6), which reads as follows:

6. The preceding subsections do not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Weak Amendment:

Me. Rev. Stat. tit. 29-A, § 2066 is amended by adding subsection (6), which reads as follows:

6. The preceding subsections do not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Department of Public Safety. The department shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

Maryland

Citation: Md. Code, Transp. § 21-310

Following-Too-Closely Rule Types by Vehicle Class

Cars: Reasonable and prudent

Heavy Trucks: Sufficient space to enter and occupy without danger

Caravans: Sufficient space to enter and occupy without danger

Strong Amendment:

Md. Code, Transp. § 21-310 is amended by adding subsection (f), which reads as follows:

(f) The preceding subsections do not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Weak Amendment:

Md. Code, Transp. § 21-310 is amended by adding subsection (f), which reads as follows:

(f) The preceding subsections do not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Department of Transportation. The department shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

Massachusetts

Citation: 720 Mass. Code Regs. 9.06

Following-Too-Closely Rule Types by Vehicle Class

Cars: Reasonable and prudent

Heavy Trucks: Distance, 200 feet

Caravans: Undefined

Strong Amendment:

720 Mass. Code Regs. 9.07 is amended by adding the following paragraph at the end of subsection (1), which reads as follows:

The provisions of 720 CMR 9.06(7) and (8) shall not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Weak Amendment:

720 Mass. Code Regs. 9.07 is amended by adding the following paragraph at the end of subsection (1), which reads as follows:

The provisions of 720 CMR 9.06(7) and (8) shall not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Department of Transportation. The department shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

Michigan

Citations

Cars: Mich. Comp. Laws § 257.643

Heavy Trucks: Mich. Comp. Laws § 257.643a

Following-Too-Closely Rule Types by Vehicle Class

Cars: Reasonable and prudent

Heavy Trucks: Distance, 500 feet; sufficient space to enter and occupy without danger

Caravans: Undefined

Strong Amendments:

Mich. Comp. Laws § 257.643 is amended by redesignating subsection (4) as subsection (5) and adding a new subsection (4), which reads as follows:

(4) The preceding subsections do not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Mich. Comp. Laws § 257.643a is amended by redesignating subsection (2) as subsection (3) and adding a new subsection (2), which reads as follows:

(2) The preceding subsections do not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Weak Amendments:

Mich. Comp. Laws § 257.643 is amended by redesignating subsection (4) as subsection (5) and adding a new subsection (4), which reads as follows:

(4) The preceding subsections do not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Department of State. The department shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

Mich. Comp. Laws § 257.643a is amended by redesignating subsection (2) as subsection (3) and adding a new subsection (2), which reads as follows:

(2) The preceding subsections do not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Department of State. The department shall

promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

Minnesota

Citation: Minn. Stat. § 169.18

Following-Too-Closely Rule Types by Vehicle Class

Cars: Reasonable and prudent

Heavy Trucks: Distance, 500 feet

Caravans: Undefined

Strong Amendment:

Minn. Stat. § 169.18 is amended by adding paragraph (d) to subdivision 8, which reads as follows:

(d) The preceding subsections do not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Weak Amendment:

Minn. Stat. § 169.18 is amended by adding paragraph (d) to subdivision 8, which reads as follows:

(d) The preceding subsections do not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Department of Public Safety in the least restrictive means for ensuring the safe and adequate operation of vehicles.

Mississippi

Citation: Miss. Code. § 63-3-619

Following-Too-Closely Rule Types by Vehicle Class

Cars: Reasonable and prudent

Heavy Trucks: Distance, 300 feet

Caravans: Undefined

Strong Amendment:

Miss. Code. § 63-3-619 is amended by adding subsection (3), which reads as follows:

(3) The preceding subsections do not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Weak Amendment:

Miss. Code. § 63-3-619 is amended by adding subsection (3), which reads as follows:

(3) The preceding subsections do not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Department of Public Safety. The department shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

Missouri

Citations

Cars: Mo. Stat. § 304.017

Heavy Trucks: Mo. Stat. § 304.044

Following-Too-Closely Rule Types by Vehicle Class

Cars: Reasonable and prudent

Heavy Trucks: Distance, 300 feet

Caravans: Undefined

Strong Amendments:

Mo. Stat. § 304.017 is amended by redesignating subsection (2) as subsection (3) and adding a new subsection (2), which reads as follows:

2. The preceding subsections do not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Mo. Stat. § 304.044 is amended by redesignating subsection (3) as subsection (4) and adding a new subsection (3), which reads as follows:

3. The preceding subsections do not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Weak Amendments:

Mo. Stat. § 304.017 is amended by redesignating subsection (2) as subsection (3) and adding a new subsection (2), which reads as follows:

2. The preceding subsections do not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Department of Public Safety. The department shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

Mo. Stat. § 304.044 is amended by redesignating subsection (3) as subsection (4) and adding a new subsection (3), which reads as follows:

3. The preceding subsections do not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Department of Public Safety. The department shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

Montana

Citation: Mont. Code § 61-8-329

Following-Too-Closely Rule Types by Vehicle Class

Cars: Reasonable and prudent

Heavy Trucks: Undefined

Caravans: Sufficient space to enter and occupy without danger

Strong Amendment:

Mont. Code § 61-8-329 is amended by adding subsection (3), which reads as follows:

(3) The preceding subsections do not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Weak Amendment:

Mont. Code § 61-8-329 is amended by adding subsection (3), which reads as follows:

(3) The preceding subsections do not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Department of Justice in the least restrictive means for ensuring the safe and adequate operation of vehicles.

Nebraska

Citation: Neb. Rev. Stat. § 60-6,140

Following-Too-Closely Rule Types by Vehicle Class

Cars: Reasonable and prudent

Heavy Trucks: Distance, 100 feet

Caravans: Sufficient space to enter and occupy without danger

Strong Amendment:

Neb. Rev. Stat. § 60-6,140 is amended by adding subsection (6), which reads as follows:

(6) Subsections (1) through (3) do not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Weak Amendment:

Neb. Rev. Stat. § 60-6,140 is amended by adding subsection (6), which reads as follows:

(6) Subsections (1) through (3) do not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Department of Motor Vehicles. The department shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

Nevada

Citation: Nev. Rev. Stat. § 484B.127

Following-Too-Closely Rule Types by Vehicle Class

Cars: Reasonable and prudent

Heavy Trucks: Distance, 500 feet

Caravans: Sufficient space to enter and occupy without danger

Strong Amendment:

Nev. Rev. Stat. § 484B.127 is amended by adding subsection (4), which reads as follows:

4. The preceding subsections do not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Weak Amendment:

Nev. Rev. Stat. § 484B.127 is amended by adding subsection (4), which reads as follows:

4. The preceding subsections do not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Department of Motor Vehicles. The department shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

New Hampshire

Citation: N.H. Rev. Stat. § 265:25

Following-Too-Closely Rule Types by Vehicle Class

Cars: Reasonable and prudent

Heavy Trucks: Sufficient space to enter and occupy without danger

Caravans: Sufficient space to enter and occupy without danger

Strong Amendment:

N.H. Rev. Stat. § 265:25 is amended by redesignating subsection (IV) as subsection (V) and adding a new subsection (IV), which reads as follows:

IV. The preceding subsections do not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Weak Amendment:

N.H. Rev. Stat. § 265:25 is amended by redesignating subsection (IV) as subsection (V) and adding a new subsection (IV), which reads as follows:

IV. The preceding subsections do not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Department of Safety. The department shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

New Jersey

Citation: N.J. Stat. § 39:4-89

Following-Too-Closely Rule Types by Vehicle Class

Cars: Reasonable and prudent

Heavy Trucks: Distance, 100 feet

Caravans: Undefined

Strong Amendment:

N.J. Stat. § 39:4-89 is amended by adding the following sentence at the end of the section, which reads as follows:

This section does not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Weak Amendment:

N.J. Stat. § 39:4-89 is amended by adding the following sentences at the end of the section, which reads as follows:

This section does not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Motor Vehicle Commission. The commission shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

New Mexico

Citation: N.M. Stat. § 66-7-318

Following-Too-Closely Rule Types by Vehicle Class

Cars: Reasonable and prudent

Heavy Trucks: Distance, 300 feet

Caravans: Distance, 300 feet

Strong Amendment:

N.M. Stat. § 66-7-318 is amended by adding subsection (D), which reads as follows:

D. The preceding subsections do not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Weak Amendment:

N.M. Stat. § 66-7-318 is amended by adding subsection (D), which reads as follows:

D. The preceding subsections do not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Motor Vehicle Division. The division shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

New York

Citation: N.Y. Veh. & Traf. Law § 1129

Following-Too-Closely Rule Types by Vehicle Class

Cars: Reasonable and prudent

Heavy Trucks: Sufficient space to enter and occupy without danger

Caravans: Sufficient space to enter and occupy without danger

Strong Amendment:

N.Y. Veh. & Traf. Law § 1129 is amended by adding subsection (d), which reads as follows:

(d) The preceding subsections do not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Weak Amendment:

N.Y. Veh. & Traf. Law § 1129 is amended by adding subsection (d), which reads as follows:

(d) The preceding subsections do not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Department of Motor Vehicles. The department shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

North Carolina

In July 2017, North Carolina enacted legislation to authorize automated platooning by exempting “commercial motor vehicles traveling at close following distances in a unified manner through the use of an electronically interconnected braking system” from FTC rules if “the Department of Transportation has by traffic ordinance authorized travel by platoon.” However, the exemption requires administrative implementation and exempts only commercial motor vehicles. It could be improved by adopting a self-executing exemption that applies to all vehicle classes.

Citation: N.C. Gen. Stat. § 20-152

Following-Too-Closely Rule Types by Vehicle Class

Cars: Reasonable and prudent

Heavy Trucks: Undefined

Caravans: Sufficient space to enter and occupy without danger

Strong Amendment:

N.C. Gen. Stat. § 20-152 is amended by striking subsection (c) and adding new subsection (c), which reads as follows:

(c) The preceding subsections do not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Weak Amendment:

N.C. Gen. Stat. § 20-152 is amended by striking subsection (c) and adding new subsection (c), which reads as follows:

(c) The preceding subsections do not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Department of Transportation. The department shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

North Dakota

Citation: N.D. Cent. Code § 39-10-18

Following-Too-Closely Rule Types by Vehicle Class

Cars: Reasonable and prudent

Heavy Trucks: Sufficient space to enter and occupy without danger

Caravans: Sufficient space to enter and occupy without danger

Strong Amendment:

N.D. Cent. Code § 39-10-18 is amended by adding subsection (4), which reads as follows:

4. The preceding subsections do not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Weak Amendment:

N.D. Cent. Code § 39-10-18 is amended by adding subsection (4), which reads as follows:

4. The preceding subsections do not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Department of Transportation. The department shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

Ohio

Citation: Ohio Rev. Code § 4511.34

Following-Too-Closely Rule Types by Vehicle Class

Cars: Reasonable and prudent

Heavy Trucks: Sufficient space to enter and occupy without danger; distance, 300 feet “while ascending to the crest of a grade beyond which the driver's view of a roadway is obstructed”

Caravans: Sufficient space to enter and occupy without danger

Strong Amendment:

Ohio Rev. Code § 4511.34 is amended by adding the following sentence at the end of subsection (A), which reads as follows:

This section does not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Weak Amendment:

Ohio Rev. Code § 4511.34 is amended by adding the following sentences at the end of subsection (A), which reads as follows:

This section does not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Department of Public Safety. The department shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

Oklahoma

Citation: Okla. Stat. tit. 47, § 11-310

Following-Too-Closely Rule Types by Vehicle Class

Cars: Reasonable and prudent

Heavy Trucks: Distance, 300 feet

Caravans: Distance, 200 feet

Strong Amendment:

Okla. Stat. tit. 47, § 11-310 is amended by adding subsection (e), which reads as follows:

(e) The preceding subsections do not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Weak Amendment:

Okla. Stat. tit. 47, § 11-310 is amended by adding subsection (e), which reads as follows:

(e) The preceding subsections do not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Department of Public Safety. The department shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

Oregon

Citation: Or. Rev. Stat. § 811.485

Following-Too-Closely Rule Types by Vehicle Class

Cars: Reasonable and prudent

Heavy Trucks: Sufficient space to enter and occupy without danger

Caravans: Sufficient space to enter and occupy without danger

Strong Amendment:

Or. Rev. Stat. § 811.485 is amended by redesignating subsection (3) as subsection (4) adding a new subsection (3), which reads as follows:

(3) This section does not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Weak Amendment:

Or. Rev. Stat. § 811.485 is amended by redesignating subsection (3) as subsection (4) adding a new subsection (3), which reads as follows:

(3) This section does not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Department of Transportation. The department shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

Pennsylvania

Citation: 75 Pa. Stat. and Cons. Stat. § 3310

Following-Too-Closely Rule Types by Vehicle Class

Cars: Reasonable and prudent

Heavy Trucks: Sufficient space to enter and occupy without danger

Caravans: Sufficient space to enter and occupy without danger

Strong Amendment:

75 Pa. Stat. and Cons. Stat. § 3310 is amended by adding subsection (d), which reads as follows:

(d) Exemption for connected vehicles.--The preceding subsections do not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Weak Amendment:

75 Pa. Stat. and Cons. Stat. § 3310 is amended by adding subsection (d), which reads as follows:

(d) Exemption for connected vehicles.--The preceding subsections do not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Department of Transportation. The department shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

Puerto Rico

Citation: 9 L.P.R.A. § 5290

Following-Too-Closely Rule Types by Vehicle Class

Cars: Prudent

Heavy Trucks: Undefined

Caravans: Undefined

Strong Amendment:

9 L.P.R.A. § 5290 is amended by adding the following sentence between the second and third paragraphs of this section, which reads as follows:

This section does not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Weak Amendment:

9 L.P.R.A. § 5290 is amended by adding the following sentences between the second and third paragraphs of this section, which reads as follows:

This section does not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Department of Transportation and Public Works. The department shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

Rhode Island

Citation: 31 R.I. Gen. Laws § 31-15-12

Following-Too-Closely Rule Types by Vehicle Class

Cars: Reasonable and prudent

Heavy Trucks: Undefined

Caravans: Undefined

Strong Amendment:

31 R.I. Gen. Laws § 31-15-12 is amended by redesignating the text of the section as subsection (a) and adding subsection (b), which reads as follows:

(b) This section does not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Weak Amendment:

31 R.I. Gen. Laws § 31-15-12 is amended by redesignating the text of the section as subsection (a) and adding subsection (b), which reads as follows:

(b) This section does not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Department of Revenue. The department shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

South Carolina

In May 2017, South Carolina enacted legislation to authorize automated truck platooning by exempting “the operator of any nonleading commercial motor vehicle subject to Federal Motor Carrier Safety Regulations and traveling in a series of commercial vehicles using cooperative adaptive cruise control or any other automated driving technology” from FTC rules.¹³ However, as this exemption only applies to commercial motor vehicles, it could be improved to authorize platooning for all vehicle classes.

Citation: S.C. Code § 56-5-1930

Following-Too-Closely Rule Types by Vehicle Class

Cars: Reasonable and prudent

Heavy Trucks: Sufficient space to enter and occupy without danger

Caravans: Sufficient space to enter and occupy without danger

Strong Amendment:

S.C. Code § 56-5-1930 is amended by adding subsection (d), which reads as follows:

(d) The preceding subsections do not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Weak Amendment:

S.C. Code § 56-5-1930 is amended by adding subsection (d), which reads as follows:

(d) The preceding subsections do not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Department of Motor Vehicles. The department shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

¹³ SC LEGIS 66 (2017), 2017 South Carolina Laws Act 66 (H.3883).

South Dakota

Citations

Cars: S.D. Codified Laws § 32-26-40

Heavy Trucks: S.D. Codified Laws § 32-26-41

Caravans: S.D. Codified Laws § 32-26-42

Following-Too-Closely Rule Types by Vehicle Class

Cars: Reasonable and prudent

Heavy Trucks: Sufficient space to enter and occupy without danger

Caravans: Sufficient space to enter and occupy without danger

Strong Amendments:

S.D. Codified Laws § 32-26-40 is amended by redesignating the text of the section as subsection (a) and adding subsection (b), which reads as follows:

(b) This section does not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

S.D. Codified Laws § 32-26-41 is amended by redesignating the text of the section as subsection (a) and adding subsection (b), which reads as follows:

(b) This section does not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

S.D. Codified Laws § 32-26-42 is amended by redesignating the text of the section as subsection (a) and adding subsection (b), which reads as follows:

(b) This section does not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Weak Amendments:

S.D. Codified Laws § 32-26-40 is amended by redesignating the text of the section as subsection (a) and adding subsection (b), which reads as follows:

(b) This section does not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices

that are approved by the Department of Public Safety. The department shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

S.D. Codified Laws § 32-26-41 is amended by redesignating the text of the section as subsection (a) and adding subsection (b), which reads as follows:

(b) This section does not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Department of Public Safety. The department shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

S.D. Codified Laws § 32-26-42 is amended by redesignating the text of the section as subsection (a) and adding subsection (b), which reads as follows:

(b) This section does not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Department of Public Safety. The department shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

Tennessee

In April 2017, Tennessee enacted legislation to authorize automated platooning by exempting “a group of individual motor vehicles that are traveling in a unified manner at electronically coordinated speeds” from FTC rules.¹⁴ Operators are required to submit an operating plan to the Department of Transportation and Department of Safety, either of which then has 30 days to reject the plan. The operating plan submission and approval requirement is unnecessary and should be abolished.

Citation: Tenn. Code § 55-8-124

Following-Too-Closely Rule Types by Vehicle Class

Cars: Reasonable and prudent

Heavy Trucks: Distance, 300 feet

Caravans: Sufficient space to enter and occupy without danger

¹⁴ TRAFFIC RULES AND REGULATIONS, 2017 Tennessee Laws Pub. Ch. 171 (S.B. 676).

Texas

In May 2017, Texas enacted legislation to authorize automated platooning by permitting that “a vehicle equipped with a connected braking system that is following another vehicle equipped with that system may be assisted by the system to maintain an assured clear distance or sufficient space as required by this section.”¹⁵ However, this does not explicitly exempt platooning vehicles from the “assured clear distance” or “sufficient space” FTC rules and could thus be improved.

Citation: Tex. Transp. Code § 545.062

Following-Too-Closely Rule Types by Vehicle Class

Cars: Assured clear distance

Heavy Trucks: Sufficient space to enter and occupy without danger

Caravans: Sufficient space to enter and occupy without danger

Strong Amendment:

Tex. Transp. Code § 545.062 is amended by striking subsection (d) and adding new subsection (d), which reads as follows:

(d) The preceding subsections do not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Weak Amendment:

Tex. Transp. Code § 545.062 is amended by striking subsection (d) and adding new subsection (d), which reads as follows:

(d) The preceding subsections do not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Department of Motor Vehicles. The department shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

¹⁵ USE OF CONNECTED BRAKING SYSTEMS TO MAINTAIN DISTANCE BETWEEN VEHICLES, 2017 Tex. Sess. Law Serv. Ch. 19 (H.B. 1791) (VERNON’S).

United States Virgin Islands

The U.S. Virgin Islands lack a formal following-too-closely rule. However, conduct generally prohibited by following-too-closely rules in other jurisdictions can be enforced under the Virgin Islands' reckless driving statute.

Citation: 20 V.I.C. § 492

Following-Too-Closely Rule Types by Vehicle Class

Cars: Undefined

Heavy Trucks: Undefined

Caravans: Undefined

Strong Amendment:

20 V.I.C. § 492 is amended by adding the following sentence to the end of the section, which reads as follows:

This section does not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Weak Amendment:

20 V.I.C. § 492 is amended by adding the following sentences to the end of the section, which reads as follows:

This section does not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Bureau of Motor Vehicles. The bureau shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

Utah

In 2015, Utah became the first U.S. jurisdiction to explicitly exempt connected vehicle testing from following-too-closely rules. However, the current statute does not authorize non-testing operations or operations within urban areas and therefore can be improved.

Citation: Utah Code § 41-6a-711

Following-Too-Closely Rule Types by Vehicle Class

Cars: Time, 2 seconds

Heavy Trucks: Sufficient space to enter and occupy without danger

Caravans: Sufficient space to enter and occupy without danger

Strong Amendment:

Utah Code § 41-6a-711 is amended by striking paragraph (b) from subsection (2) and replacing it with a new paragraph (b), which reads as follows:

(b) the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Weak Amendment:

Utah Code § 41-6a-711 is amended by striking paragraph (b) from subsection (2) and replacing it with a new paragraph (b), which reads as follows:

(b) connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Department of Transportation in consultation with the Department of Public Safety. The department shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

Vermont

Citation: Vt. Stat. tit. 23, § 1039

Following-Too-Closely Rule Types by Vehicle Class

Cars: Reasonable and prudent

Heavy Trucks: Sufficient space to enter and occupy without danger

Caravans: Sufficient space to enter and occupy without danger

Strong Amendment:

Vt. Stat. tit. 23, § 1039 is amended by adding subsection (d), which reads as follows:

(d) The preceding subsections do not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Weak Amendment:

Vt. Stat. tit. 23, § 1039 is amended by adding subsection (d), which reads as follows:

(d) The preceding subsections do not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Agency of Transportation. The agency shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

Virginia

Citation: Va. Code § 46.2-816

Following-Too-Closely Rule Types by Vehicle Class

Cars: Reasonable and prudent

Heavy Trucks: Undefined

Caravans: Undefined

Strong Amendment:

Va. Code § 46.2-816 is amended by adding the following sentence at the end of the section, which reads as follows:

This section does not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Weak Amendment:

Va. Code § 46.2-816 is amended by adding the following sentences at the end of the section, which reads as follows:

This section does not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Department of Motor Vehicles. The department shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

Washington

Citation: Wash. Rev. Code § 46.61.145

Following-Too-Closely Rule Types by Vehicle Class

Cars: Reasonable and prudent

Heavy Trucks: Sufficient space to enter and occupy without danger

Caravans: Sufficient space to enter and occupy without danger

Strong Amendment:

Wash. Rev. Code § 46.61.145 is amended by adding subsection (4), which reads as follows:

(4) The preceding subsections do not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Weak Amendment:

Wash. Rev. Code § 46.61.145 is amended by adding subsection (4), which reads as follows:

(4) The preceding subsections do not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the State Patrol. The State Patrol shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

West Virginia

Citation: W. Va. Code § 17C-7-10

Following-Too-Closely Rule Types by Vehicle Class

Cars: Reasonable and prudent

Heavy Trucks: Distance, 200 feet

Caravans: Sufficient space to enter and occupy without danger

Strong Amendment:

W. Va. Code § 17C-7-10 is amended by adding subsection (d), which reads as follows:

(d) The preceding subsections do not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Weak Amendment:

W. Va. Code § 17C-7-10 is amended by adding subsection (d), which reads as follows:

(d) The preceding subsections do not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Department of Transportation. The department shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

Wisconsin

Citation: Wis. Stat. § 346.14

Following-Too-Closely Rule Types by Vehicle Class

Cars: Reasonable and prudent

Heavy Trucks: Distance, 500 feet

Caravans: Sufficient space to enter and occupy without danger; distance of less than 500 feet is prima facie evidence the operator is violating the subsection

Strong Amendment:

Wis. Stat. § 346.14 is amended by adding subsection (3), which reads as follows:

(3) The preceding subsections do not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Weak Amendment:

Wis. Stat. § 346.14 is amended by adding subsection (3), which reads as follows:

(3) The preceding subsections do not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Department of Transportation. The department shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

Wyoming

Citation: Wyo. Stat. § 31-5-210

Following-Too-Closely Rule Types by Vehicle Class

Cars: Reasonable and prudent, sufficient space to enter and occupy without danger

Heavy Trucks: Sufficient space to enter and occupy without danger

Caravans: Sufficient space to enter and occupy without danger

Strong Amendment:

Wyo. Stat. § 31-5-210 is amended by adding subsection (d), which reads as follows:

(d) The preceding subsections do not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Weak Amendment:

Wyo. Stat. § 31-5-210 is amended by adding subsection (d), which reads as follows:

(d) The preceding subsections do not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Department of Transportation. The department shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

About the Author

Marc Scribner is a Senior Fellow at the Competitive Enterprise Institute. He focuses on transportation, land use, and urban growth policy issues. Prior to joining CEI in 2008, he worked in the Congress department at Federal News Service, where he covered domestic policy.

Scribner has written numerous articles on transportation and land use issues for a variety of publications, including *USA Today*, *The Washington Post*, CNN.com, MSNBC.com, *Forbes*, and *National Review*. His work has been cited by *The Wall Street Journal*, *New York Times*, *Washington Post*, *Los Angeles Times*, *Scientific American*, *Congressional Quarterly*, *Washington Monthly*, *POLITICO*, CNN, Bloomberg, BBC, C-SPAN, and other print, television, and radio outlets. He currently resides in Washington, D.C.



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