

Authorizing Automated Vehicle Platooning

A Guide for State
Legislators, 2018 Edition

By Marc Scribner

July 2018



ISSUE ANALYSIS 2018 NO. 1

Authorizing Automated Vehicle Platooning

A Guide for State Legislators, 2018 Edition

By Marc Scribner

Automated vehicles have captured the public’s imagination in recent years following successful on-road demonstrations by developers such as Waymo.¹ The prospect of enjoying the benefits of personal mobility without the traditional responsibilities of driving has led to extreme 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 Unfortunately, these extreme examples indicate the range of opinion that characterizes 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 more closely 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. Fortunately, authorizing automated vehicle platoons in each jurisdiction merely requires exempting automated vehicle platoons from existing following-too-closely rules.

-
1. Waymo, “Journey,” Waymo website, accessed June 26, 2018, <https://waymo.com/journey/>.
 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 W. Smith, “How Governments Can Promote Automated Driving,” *New Mexico Law Review*, Vol. 47 (Winter 2017), pp. 99–138, <http://digitalrepository.unm.edu/nmlr/vol47/iss1/5/>.
 5. Smith, “Automated Vehicles Are Probably Legal in the United States” *Texas A&M Law Review*, Vol 1, No. 3 (2014), pp. 411–521.
 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 while allowing for sufficient space to stop in an emergency. In practice, 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 barring 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 only 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, and rely instead on broader reckless driving statutes. This occurs in non-states such as the District of Columbia and Guam. Some do not fully define all vehicle classes, which means the “car” class becomes the default rule for all vehicles. In addition, 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 across 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.

To date, 16 U.S. jurisdictions have authorized automated vehicle platooning. In 2015, Utah became the first state to exempt from FTC rules and authorize the testing of connected vehicles, when it enacted the

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

8. Ala. Code § 32-5A-89(a).

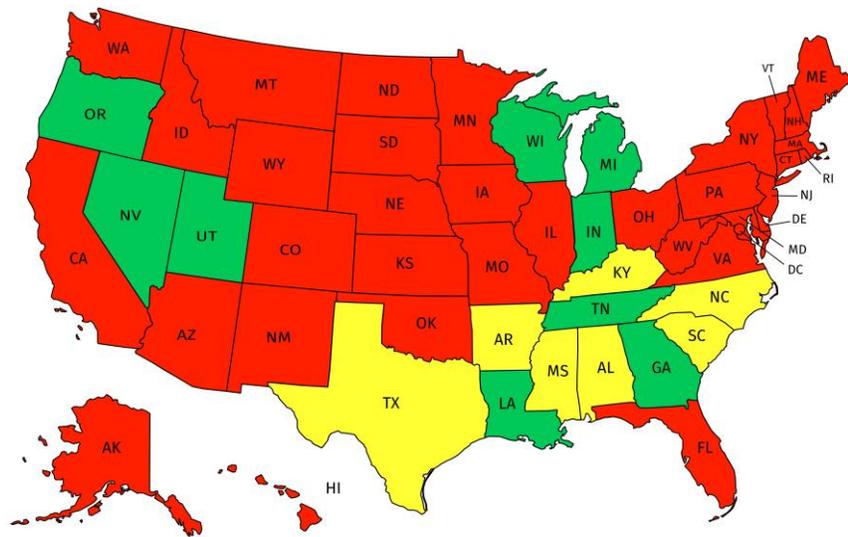
first law in the U.S. to attempt to address vehicle platooning.⁹ Florida followed suit in 2016.¹⁰ Also in 2016, Michigan enacted a comprehensive automated vehicle law that included an FTC rule exemption.¹¹ In 2017, Arkansas, Georgia, North Carolina, South Carolina, Tennessee, and Texas have enacted FTC rule exemptions allowing for commercial platooning. And in the first half of 2018, nine more jurisdictions—Alabama, Indiana, Kentucky, Louisiana, Mississippi, Nevada, Oregon, Utah, and Wisconsin—enacted FTC rule exemptions.

This handbook, currently in its third annual edition, provides a comprehensive national overview of FTC statutes and regulations. It recommends specific changes for each jurisdiction that has yet to provide appropriate FTC rule exemptions for platooning vehicles.

It presents two model amendments for each jurisdiction. The first, the “strong amendment,” is self-executing and would preclude agencies from promulgating any regulations restricting automated vehicle platoons. This is the most strongly pro-market method of authorizing automated vehicle platooning. The second, the “weak amendment,” would require agency implementation and grant 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 protection 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 to empower agency administrators will need to examine what additional agency resources may be required to carry out the weak amendment’s administrative mandate.

Each jurisdiction entry in this handbook displays a traffic light icon at the upper right hand corner of the page. The displayed signal phase—red, yellow, or green—corresponds to actions taken by the jurisdiction to authorize automated vehicle platooning. A red light means the jurisdiction has not yet provided an FTC rule exemption for platooning vehicles. A yellow light means the jurisdiction has taken some action to authorize platooning while also enacting or maintaining unnecessary restrictions. A green light means the jurisdiction has fully authorized platooning without unnecessary restrictions on operations. In the 2018 edition, nine jurisdictions received green lights, seven yellow, and 34 red.



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. 2015 Utah Laws Ch. 277 (H.B. 373).

10. 2016 Fla. Sess. Law Serv. Ch. 2016-239 (H.B. 7061).

11. 2016 Mich. Legis. Serv. P.A. 332 (S.B. 995).

Table of Contents

Alabama	6
Alaska	7
Arizona.....	8
Arkansas.....	9
California	10
Colorado.....	12
Connecticut	13
Delaware	14
District of Columbia	15
Florida.....	16
Georgia.....	17
Guam.....	18
Hawaii.....	19
Idaho	20
Illinois	21
Indiana	22
Iowa	23
Kansas	25
Kentucky.....	26
Louisiana.....	27
Maine	28
Maryland.....	29
Massachusetts	30
Michigan	31
Minnesota.....	32
Mississippi	33
Missouri	34
Montana	36
Nebraska	37
Nevada	38
New Hampshire	39

New Jersey.....	40
New Mexico.....	41
New York.....	42
North Carolina	43
North Dakota.....	44
Ohio	45
Oklahoma.....	46
Oregon	47
Pennsylvania.....	48
Puerto Rico.....	49
Rhode Island	50
South Carolina	51
South Dakota.....	52
Tennessee.....	54
Texas.....	55
United States Virgin Islands	56
Utah.....	57
Vermont	58
Virginia	59
Washington	60
West Virginia.....	61
Wisconsin.....	62
Wyoming	63



Alabama

In March 2018, Alabama enacted legislation to authorize automated truck platooning. It stated, “trailing trucks in a truck platoon are exempt from [FTC rules] if the truck platoon is engaged in electronic brake coordination.”¹² However, as this exemption only applies to “commercial trucks,” it could be improved to authorize platooning for all vehicle classes.

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 striking subsection (d) and adding new subsection (d), which reads as follows:

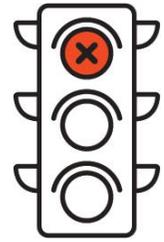
(d) The preceding subsections do not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Weak Amendment:

Ala. Code § 32-5A-89 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 Alabama State Law Enforcement Agency. The agency shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

12. 2018 Alabama Laws Act 2018-286 (S.B. 125).



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.¹³ 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.

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 striking subsections (c) and (d) 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:

Ark. Code § 27-51-305 is amended by striking subsections (c) and (d) 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 State Highway Commission. The commission shall promulgate rules in the least restrictive means for ensuring the safe and adequate operation of vehicles.

13. 2017 Arkansas Laws Act 797 (H.B. 1754).



California

In October 2017, California extended the California Department of Transportation (Caltrans) platooning test pilot until January 1, 2020.¹⁴ It had originally been set to expire January 1, 2018. Outside of the Caltrans test pilot, platooning operations remain prohibited under the state's FTC rules.

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.

14. 2017 Cal. Legis. Serv. Ch. 472 (A.B. 669).

Weak Amendments:

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

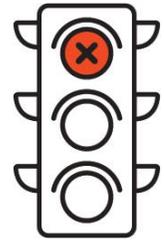
This section does not apply to connected vehicle technology testing and operations that use networked wireless communication among vehicles, infrastructure, or communication devices that are approved by the Department of Motor Vehicles. The department shall promulgate rules in the least restrictive means 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.¹⁵ The law took effect on July 1, 2016. However, the current statute does not authorize non-testing operations and therefore can be improved. In March 2018, a legislative proposal to exempt platooning heavy trucks, with a maximum platoon length of two trucks, from FTC rules passed the House, but was indefinitely postponed and withdrawn from consideration in the Senate.¹⁶ Florida's 2016 platooning test pilot remains in place.

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:

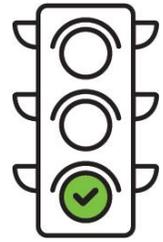
Fla. Stat. § 316.0895 is amended by redesignating subsection (4) as subsection (5) and adding new subsection (4), which reads as follows:

(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.

15. 2016 Fla. Sess. Law Serv. Ch. 2016-239 (H.B. 7061).

16. 2018 FL H.B. 1189.

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.¹⁷ The exemption does not differentiate between vehicle classes and is self-executing.

Citation: Ga. Code § 40-6-49

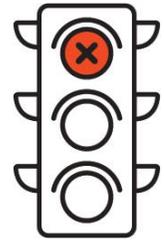
Following-Too-Closely Rule Types by Vehicle Class

Cars: Reasonable and prudent

Heavy Trucks: Sufficient space to enter and occupy without danger

Caravans: Sufficient space to enter and occupy without danger

17. 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 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:

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

In February 2018, a legislative proposal to exempt platooning vehicles from FTC rules—provided the operators’ general plan is not rejected by the Departments of Transportation or State Police within 30 days of filing—was introduced in the House and referred to the Committee on Rules.¹⁸

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.

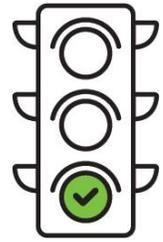
Weak Amendment:

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.

18. 2018 IL H.B. 4654.

Indiana



In March 2018, Indiana enacted legislation to authorize automated vehicle platooning by defining “vehicle platoon” as “a group of motor vehicles that are traveling in a unified manner under electronic coordination at speeds and following distances that are faster and closer than would be reasonable and prudent without electronic coordination” and exempting “a person who drives a motor vehicle in a vehicle platoon with respect to another motor vehicle in the same vehicle platoon” from FTC rules.¹⁹ Platoon operators must file a general plan with the Department of Transportation, which can approve or reject the plan within 30 days of receipt.

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

19. 2018 Ind. Legis. Serv. P.L. 185-2018 (H.E.A. 1290).



Iowa

In February 2017, a legislative proposal to exempt platooning heavy trucks from FTC rules was introduced in the House.²⁰ It failed to pass by session adjournment in April 2017.

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.

20. 2017 IA H.F. 465.

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

In February 2018, a legislative proposal to exempt platooning vehicles from FTC rules, provided the platoon operates on a four-lane divided highway, was introduced in the House.²¹ It failed to pass by session adjournment in May 2018.

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.

21. 2018 KS H.B. 2605.



Kentucky

In March 2018, Kentucky enacted legislation to authorize automated truck platooning by defining “platoon” as “a group of two (2) individual commercial motor vehicles traveling in a unified manner at electronically coordinated speeds” and exempting “a trailing commercial motor vehicle involved in a platoon” from FTC rules. Platoon operators must file a general plan with the Department of Transportation or the state police, which can approve or reject it within 30 days of receipt.²² However, as this exemption only applies to “commercial motor vehicles” and limits platoon length to “two (2) individual commercial motor vehicles,” it could be improved to authorize platooning for all vehicle classes and all lengths.

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 striking paragraph (c) of subsection (8) and adding new paragraph (c) to subsection (8), which reads as follows:

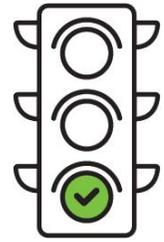
(c) This subsection does not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

Weak Amendment:

Ky. Rev. Stat. § 189.340 is amended by striking paragraph (c) of subsection (8) and adding new 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.

22. 2018 Kentucky Laws Ch. 33 (SB 116).



Louisiana

In May 2018, Louisiana enacted legislation to authorize automated vehicle platooning by defining “platoon” or “platooning” as “a group of individual motor vehicles ... utilizing vehicle-to-vehicle communication technology to travel in a unified manner at close following distances” and exempting “a non-lead motor vehicle in a platoon” from FTC rules. Platoon operators must file an operational plan with the Department of Public Safety and Correction’s Office of State Policy and the Department of Transportation and Development, which must then approve the plan prior to operations.²³

Citation: La. Stat. § 32:81

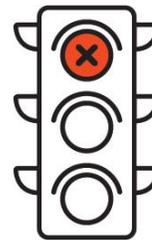
Following-Too-Closely Rule Types by Vehicle Class

Cars: Reasonable and prudent

Heavy Trucks: Distance, 400 feet

Caravans: Sufficient space to enter and occupy without danger

23. 2018 La. Sess. Law Serv. Act 310 (H.B. 308).



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:

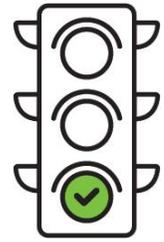
720 Mass. Code Regs. 9.07 is amended by adding the following paragraph at the end of subsection (1), which reads as follows:

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

In December 2016, Michigan enacted legislation to authorize automated vehicle platooning by defining “platoon” as “a group of individual motor vehicles that are traveling in a unified manner at electronically coordinated speeds” and exempting “a vehicle in a platoon” from FTC rules. Platoon operators must file a plan for general platoon operations with the Departments of State Police and Transportation, which can approve or reject the plan within 30 days of receipt.²⁴

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

24. 2016 Mich. Legis. Serv. P.A. 332 (S.B. 995).



Minnesota

In March 2018, a legislative proposal to exempt platooning vehicles from FTC rules was introduced in the House and Senate.²⁵ It failed to pass by session adjournment in May 2018.

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.

25. 2018 MN H.F. 4041, S.F. 3632.



Mississippi

In April 2018, Mississippi enacted legislation to authorize automated vehicle platooning by defining “platoon” as “a group of individual motor vehicles traveling in a unified manner at electronically coordinated speeds at following distances that are closer than would be reasonable and prudent without such coordination” and exempting platoons from FTC rules.²⁶ Platoon operators must file a plan for approval of general operations with the Department of Transportation. If the Department of Transportation approves the submission, it shall forward the plan to the Department of Public Safety for approval. Approval or disapproval must take place within 30 days of receipt. However, as this exemption limits the maximum length of a platoon to two vehicles that can only be operated on limited-access, minimum-four-lane divided highways, it could be improved to authorize platooning for all lengths and all road types.

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 striking subsection (3) and adding 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 Amendment:

Miss. Code. § 63-3-619 is amended by striking subsection (3) and adding 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.

26. 2018 Miss. Laws H.B. 1343.



Missouri

In January 2018, a legislative proposal to exempt platooning vehicles from FTC rules was introduced in the House.²⁷ It failed to pass by session adjournment in May 2018.

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.

27. 2018 MO H.B. 1295.

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

In January 2018, a legislative proposal to exempt platooning vehicles from FTC rules was introduced in the Legislature.²⁸ It was indefinitely postponed in April 2018.

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:

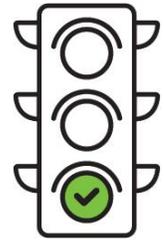
(6) Subsections (1) through (3) do not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

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.

28. 2018 NE L.B. 1122.



Nevada

In November 2017, Nevada enacted legislation to authorize automated vehicle platooning by defining “driver-assistive platooning technology” as “technology which enables two or more trucks or other motor vehicles to travel on a highway at electronically coordinated speeds in a unified manner at a following distance that is closer than would be reasonable and prudent without the use of the technology” and exempting platoons from FTC rules.²⁹ The exemption does not differentiate between vehicle classes and is self-executing.

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

29. 2017 Nevada Laws Ch. 608 (A.B. 69).



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.”³⁰ 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.

30. 2017 North Carolina Laws S.L. 2017-169 (H.B. 716).



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:

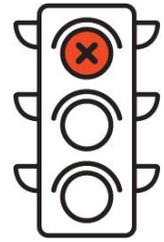
N.D. Cent. Code § 39-10-18 is amended by adding subsection (4), which reads as follows:

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:

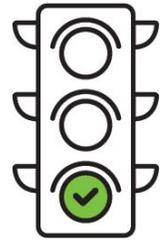
(e) The preceding subsections do not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

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



In April 2018, Oregon enacted legislation to authorize automated vehicle platooning by defining “connected automated braking system” as “a system that uses vehicle-to-vehicle communication to electronically coordinate the braking of a lead vehicle with the braking of one or more following vehicles” and exempting vehicles operating as part of a connected automated braking system from FTC rules.³¹ The exemption does not differentiate between vehicle classes and is self-executing.

Citation: Or. Rev. Stat. § 811.485

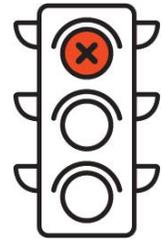
Following-Too-Closely Rule Types by Vehicle Class

Cars: Reasonable and prudent

Heavy Trucks: Sufficient space to enter and occupy without danger

Caravans: Sufficient space to enter and occupy without danger

31. 2018 Oregon Laws Ch. 93 (H.B. 4059).



Pennsylvania

In December 2017, legislation to exempt platooning vehicles was introduced in the House, where it passed unanimously in March 2018.³² It was then referred to the Senate's Committee on Transportation. No further action has taken place.

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.

32. 2017 PA H.B. 1958.



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.³³ 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 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:

S.C. Code § 56-5-1930 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.

33. 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.³⁴ 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.

Citation: Tenn. Code § 55-8-124

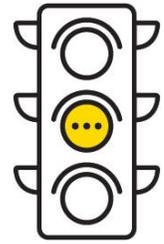
Following-Too-Closely Rule Types by Vehicle Class

Cars: Reasonable and prudent

Heavy Trucks: Distance, 300 feet

Caravans: Sufficient space to enter and occupy without danger

34. 2017 Tennessee Laws Pub. Ch. 171 (S.B. 676).



Texas

In May 2017, Texas enacted legislation to authorize automated platooning. It stated 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.”³⁵ 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:

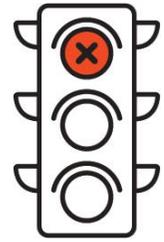
(d) The preceding subsections do not apply to the operator of any non-leading vehicle traveling in a procession of vehicles if the speed of each vehicle is automatically coordinated.

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.

35. 2017 Tex. Sess. Law Serv. Ch. 19 (H.B. 1791).



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. In March 2018, Utah enacted legislation to authorize automated vehicle platooning by defining “connected platooning system” as “a system that uses vehicle-to-vehicle communication to electronically coordinate the speed and braking of a lead vehicle with the speed and braking of one or more following vehicles” and exempting non-leading vehicles in a platoon from FTC rules.³⁶ The exemption does not differentiate between vehicle classes and is self-executing.

Citation: Utah Code § 41-6a-711

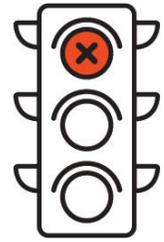
Following-Too-Closely Rule Types by Vehicle Class

Cars: Time, 2 seconds

Heavy Trucks: Sufficient space to enter and occupy without danger

Caravans: Sufficient space to enter and occupy without danger

36. 2018 Utah Laws Ch. 263 (S.B. 56).



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:

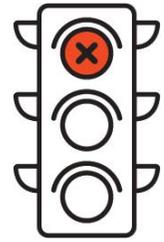
Va. Code § 46.2-816 is amended by adding the following sentence at the end of the section, which reads as follows:

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:

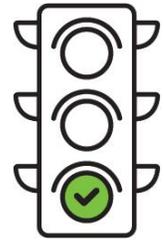
W. Va. Code § 17C-7-10 is amended by adding subsection (d), which reads as follows:

(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

In April 2017, Wisconsin enacted legislation to authorize automated vehicle platooning by defining “platoon” as “a group of individual motor vehicles traveling in a unified manner at electronically coordinated speeds” and exempting non-leading vehicles in a platoon from FTC rules.³⁷ The exemption does not differentiate between vehicle classes and is self-executing.

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

37. 2017-2018 Wisc. Legis. Serv. Act 294 (2017 S.B. 695).



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. Scribner joined CEI in 2008. He focuses on transportation, land use, and urban growth policy issues. These include infrastructure investment and operations, transportation safety and security, risk and regulation, privatization and public finance, urban redevelopment and property rights, and emerging transportation technologies such as automated road vehicles and unmanned aircraft systems. He frequently advises policy makers on these matters at the federal, state, and local levels.

He has appeared on television and radio programs in outlets such as National Public Radio, Fox Business Network, and the Canadian Broadcasting Corporation, and has written for numerous publications, including *USA Today*, *The Washington Post*, *Wired*, CNN.com, MSNBC.com, *Forbes*, and *National Review*.

Scribner's 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.



The Competitive Enterprise Institute promotes the institutions of liberty and works to remove government-created barriers to economic freedom, innovation, and prosperity through timely analysis, effective advocacy, inclusive coalition-building, and strategic litigation.

COMPETITIVE ENTERPRISE INSTITUTE

1310 L Street NW, 7th Floor

Washington, DC 20005

202-331-1010

cei.org