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SENATE BILL NO. 670
FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by Senator Salim
on February 9, 2026)
(Patron Prior to Substitute—Senator Salim)

A BILL to amend the Code of Virginia by adding in Title 46.2 a chapter numbered 14.2, consisting of sections numbered 46.2-1419 through 46.2-1430, relating to commercial use of fully autonomous vehicles.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 46.2 a chapter numbered 14.2, consisting of sections numbered 46.2-1419 through 46.2-1430, as follows:

CHAPTER 14.2.

COMMERCIAL USE OF FULLY AUTONOMOUS VEHICLES.

§ 46.2-1419. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Automated driving system" means hardware and software that are collectively capable of performing the entire dynamic driving task on a sustained basis, regardless of whether it is limited to a specific operational design domain.

"DDT fallback" means the response by:

1. The person or human driver to either perform the DDT or achieve a minimal risk condition after the occurrence of a DDT performance relevant system failure, or upon operational design domain exit; or

2. An automated driving system to achieve minimal risk condition, given the same circumstances identified in subdivision 1.

"Dynamic driving task" or "DDT" means all of the real-time operational and tactical functions required to operate a vehicle in on-road traffic, including:

1. Lateral vehicle motion control via steering;

2. Longitudinal motion control via acceleration and deceleration;

3. Monitoring the driving environment via object and event detection, recognition, classification, and response preparation;

4. Object and event response execution;

5. Maneuver planning; and

6. Enhancing conspicuity via lighting, signaling, and gesturing.

"Dynamic driving task" or "DDT" does not include strategic functions such as trip scheduling and the selection of destinations and waypoints.

"Fully autonomous vehicle" means a motor vehicle equipped with an automated driving system designed to function without a human driver as a level 4 or 5 system under SAE J3016.

"Human driver" means a natural person in the vehicle with a valid driver's license for the class of vehicle being operated who controls all or part of the dynamic driving task.

"Minimal risk condition" means a condition to which a person, a human driver, or an automated driving system may bring a vehicle after performing the DDT fallback in order to reduce the risk of a crash when a given trip cannot or should not be completed.

"On-demand autonomous vehicle network" means a digital network that connects passengers to fully autonomous vehicles or ADS-equipped vehicles for compensation.

"Operational design domain" means the operating conditions under which a given automated driving system is specifically designed to function, including (i) environmental, geographical, and time-of-day restrictions and (ii) the requisite presence or absence of certain traffic and roadway characteristics.

"Remote operator" means a natural person who (i) monitors and is capable of controlling an autonomous vehicle and (ii) is not physically located in such vehicle.

"Request to intervene" means a notification by an automated driving system to a human driver that the human driver should promptly begin or resume performance of part of or all of the dynamic driving task.

"SAE J3016" means the "Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles" published by SAE International on April 29, 2021, as revised.

§ 46.2-1420. Scope.

Unless expressly stated to the contrary, the provisions of this chapter shall only apply to fully autonomous vehicles operated to transport property or passengers in furtherance of a commercial enterprise.

Nothing in this chapter shall be construed to (i) prohibit a human driver from operating a fully autonomous vehicle equipped with controls that allow for the human driver to perform the DDT, (ii) prohibit a human driver from operating a vehicle with an automated driving system that is not a fully autonomous vehicle with such system engaged or disengaged, (iii) apply to fully autonomous vehicles operated for personal use, or (iv) apply to toy vehicles.

SENATE SUBSTITUTE

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60 **§ 46.2-1421. Use of fully autonomous vehicles to transport property or passengers permissible.**

61 A. A person may operate on the highways in the Commonwealth a fully autonomous vehicle to transport
62 property or passengers in furtherance of a commercial enterprise without a human driver if the vehicle meets
63 the following conditions:

64 1. The vehicle meets the requirements of this chapter and has been issued an autonomous operation
65 certificate by the Department;

66 2. If a failure of the automated driving system occurs that renders that system unable to perform the entire
67 dynamic driving task relevant to its intended operational design domain, the vehicle will achieve a minimal
68 risk condition and, if there is a human driver physically present in the vehicle, issue a request to intervene
69 with the expectation that the human driver will respond appropriately to such request;

70 3. The vehicle is capable of operating in compliance with the applicable traffic and motor vehicle safety
71 laws and regulations of the Commonwealth, unless an exemption has been granted by the Department;

72 4. When required by federal law, the vehicle bears the required manufacturer's certification label
73 indicating that at the time of its manufacture it has been certified to be in compliance with all applicable
74 federal motor vehicle safety standards, including any exemptions granted by the National Highway Traffic
75 Safety Administration;

76 5. The manufacturer of such vehicle certifies that it has taken reasonable action to protect the automated
77 driving system from cybersecurity threats, including unauthorized access or interference; and

78 6. If such vehicle is operated by a remote operator at any time, such remote operator shall (i) possess the
79 proper class of license of the vehicle being operated remotely, (ii) be able to communicate with vehicle
80 occupants in real time through a communication link, and (iii) be capable of performing the entire dynamic
81 driving task or achieving a minimal risk condition.

82 B. No person shall operate a fully autonomous vehicle in the Commonwealth without a human driver
83 unless such person first submits a law-enforcement interaction plan to the Department, the Department of
84 Transportation, and the Department of State Police and such plan is approved by the Department. Such law-
85 enforcement interaction plan shall describe (i) how to communicate with a fleet support specialist who is
86 available during the times the vehicle is in operation, (ii) how to safely remove the fully autonomous vehicle
87 from the highway and steps to safely tow the vehicle, (iii) how to recognize whether the automated driving
88 system is engaged on the fully autonomous vehicle, (iv) any additional information the Department,
89 Department of Transportation, Department of State Police, or manufacturer or owner of the vehicle deems
90 necessary regarding hazardous conditions or public safety risks associated with the operation of the fully
91 autonomous vehicle, and (v) that the person shall forward to the Department and the Department of State
92 Police any crash report that is required to be sent to the National Highway Traffic Safety Administration
93 related to an incident in the Commonwealth.

94 C. The autonomous operation certificate holder for any fully autonomous vehicle for which the declared
95 gross weight of the vehicle and any towed unit is more than 62,000 pounds shall notify the Department at
96 least 14 days prior to the first occurrence of the operation of such vehicle on the highways of the
97 Commonwealth without a human driver.

98 D. No operator of a fully autonomous vehicle subject to the provisions of this section shall conduct such
99 operation on the property of or into any airport unless such operation is authorized by the airport owner and
100 operator and is in compliance with the rules and regulations of that airport. The Department may take action
101 against an autonomous operation certificate holder that violates any regulation of an airport owner and
102 operator, including the suspension or revocation of such certificate.

103 **§ 46.2-1422. Licensing, titling, and registration.**

104 A. The Department shall issue autonomous operation certificates to persons for the operation of fully
105 autonomous vehicles for the transportation of property or passengers in furtherance of a commercial
106 enterprise in the Commonwealth. The Department shall only issue such autonomous operation certificates to
107 persons operating fully autonomous vehicles that meet the requirements of this chapter.

108 B. A fully autonomous vehicle shall be properly titled and registered in accordance with the requirements
109 of Chapter 6 (§ 46.2-600 et seq.). No title or registration shall be issued pursuant to this section unless the
110 manufacturer of such vehicle submits to the Department a safety management plan for such fully autonomous
111 vehicle and its automated driving system and the Department approves such safety management plan. If a
112 fully autonomous vehicle is registered in the Commonwealth, the vehicle shall be identified on the
113 registration as a fully autonomous vehicle.

114 C. The requirements under this title relating to exhibiting a driver's license and registration card are
115 satisfied if the autonomous operation certificate and vehicle registration card are in the fully autonomous
116 vehicle and available for inspection by a law-enforcement officer.

117 D. When an automated driving system installed on a motor vehicle is engaged, the automated driving
118 system is considered the driver or operator for the purpose of assessing compliance with applicable traffic or
119 motor vehicle laws and shall be required to satisfy all physical acts required by a driver or operator of the
120 vehicle. However, if a remote operator is actively controlling the vehicle, the remote operator is considered
121 the driver or operator for the purpose of assessing compliance with applicable traffic or motor vehicle laws.

122 **§ 46.2-1423. Financial responsibility requirements.**

123 A. A person operating a fully autonomous vehicle shall maintain proof of financial responsibility in the
124 same form and at the same minimum limits required under § 46.2-472 and shall also satisfy uninsured
125 motorist benefits as required by § 38.2-2206, and such coverage shall be primary.

126 B. A person operating an autonomous vehicle with its automated driving system engaged shall maintain
127 proof of financial responsibility in an amount not less than \$1 million combined single limit per occurrence
128 for third-party liability, and such coverage shall be primary. Proof of financial responsibility under this
129 subsection shall also apply to uninsured motorist benefits as required by § 38.2-2206 when those
130 requirements are not satisfied by insurance or self-insurance under subsection A. Insurers providing
131 insurance policies and self-insurance under subsection A and this subsection may contract and coordinate
132 with each other to determine which will satisfy personal injury protection and uninsured motorist benefit
133 requirements. The satisfaction of financial responsibility under this subsection shall be deemed to satisfy
134 financial responsibility under subsection A.

135 C. Financial responsibility under subsection B may be satisfied by (i) an insurance policy issued by an
136 insurer licensed in the Commonwealth or (ii) a policy issued by an eligible nonadmitted insurer authorized
137 under Chapter 48 (§ 38.2-4805.1 et seq.) of Title 38.2.

138 **§ 46.2-1424. On-demand autonomous vehicle network.**

139 An on-demand autonomous vehicle network shall be permitted to operate in the same manner as, and
140 subject to the same requirements of Chapter 20 (§ 46.2-2000 et seq.) that apply to, transportation network
141 companies, except that (i) any provision that reasonably applies only to a human driver shall not apply to the
142 operation of fully autonomous vehicles with the automated driving system engaged on an on-demand
143 autonomous vehicle network and (ii) any provision of this title that would not apply to the operation of fully
144 autonomous vehicles with the automated driving system engaged on an on-demand autonomous vehicle
145 network shall not apply to such vehicles. The Department shall issue guidance on the application of
146 requirements for transportation network companies to an on-demand autonomous vehicle network pursuant
147 to this section. On-demand autonomous vehicle networks shall not be considered a common carrier as
148 defined in § 46.2-2000 and shall not be subject to the requirements of Article 6 (§ 46.2-2074 et seq.) or
149 Article 7 (§ 46.2-2096 et seq.) of Chapter 20.

150 **§ 46.2-1425. Operation of commercial motor vehicles.**

151 A fully autonomous vehicle that is also a commercial motor vehicle, as that term is defined in
152 § 46.2-341.4, may be operated with the automated driving system engaged, provided that such operation
153 complies with all requirements of this title related to the operation of commercial motor vehicles, except that
154 any provision that by its nature reasonably applies only to a human driver shall not apply to such a vehicle
155 operating with the automated driving system engaged. Any operation of a fully autonomous vehicle that is
156 also a commercial motor vehicle shall comply with any applicable federal and state requirements for the
157 operation of commercial motor vehicles.

158 **§ 46.2-1426. Vehicle equipment standards.**

159 A fully autonomous vehicle that is designed to be operated exclusively by the automated driving system for
160 all trips shall not be subject to the provisions of this title, or any regulations promulgated pursuant to such
161 provisions, that both (i) relate to the operation of a motor vehicle by a human driver seated in such vehicle
162 and (ii) do not, by their nature, apply to an automated driving system.

163 **§ 46.2-1427. Duties following crashes.**

164 In the event of a crash involving a fully autonomous vehicle subject to the provisions of this chapter, the
165 fully autonomous vehicle shall remain at the scene of the crash when required to by state law. The person
166 operating the fully autonomous vehicle, or a person acting on behalf of the person operating the fully
167 autonomous vehicle, shall report any crash as required pursuant to Article 11 (§ 46.2-371 et seq.) of Chapter
168 3. The owner of and person operating the fully autonomous vehicle involved in such a crash, and his in-state
169 operating agent, if any, shall have access to and maintain all records related to the operation of such vehicle
170 at the time of the crash, including whether the autonomous driving system or the autonomous functions were
171 in operation at the time of the crash. There is a rebuttable presumption that any information required to be
172 maintained pursuant to this section shall be subject to mandatory disclosure under the rules of discovery.

173 **§ 46.2-1428. Penalties and suspension or revocation of autonomous operation certificates; civil penalty.**

174 A. 1. A person or entity that violates this chapter, or a regulation promulgated pursuant to this chapter, in
175 addition to any other penalties provided by law, shall be subject to a civil penalty of not more than \$1,000
176 per offense.

177 2. Each day of a violation of this chapter, or a regulation promulgated pursuant to this chapter, shall
178 constitute a separate offense, and the penalties set forth in this subsection shall be applicable to each
179 separate offense.

180 B. If the Department determines that a fully autonomous vehicle operating under an autonomous
181 operation certificate is not in safe operational condition and the operation of such vehicle on the highways of
182 the Commonwealth endangers the public, the Department shall provide to the certificate holder a notice of
183 intent to (i) suspend or revoke the autonomous operation certificate or (ii) impose restrictions on the

184 operation of such vehicle. For purposes of this subsection, the operation of an autonomous vehicle endangers
185 the public when the operation of such vehicle has resulted in or has a substantial risk of causing injury or
186 death. The provisions of this subsection are in addition to, not in place of, the authority of a law-enforcement
187 officer to remove a vehicle from the highway as authorized in § 46.2-1001.

188 C. A notice of intent under subsection B shall (i) include a summary of the Department's determination
189 and evidence supporting the determination, (ii) provide the autonomous operation certificate holder with a
190 reasonable period to (a) correct the issues identified in the Department's determination and (b) provide to the
191 Department the certification described in clause (ii) of subsection D, and (iii) specify which enforcement
192 actions described by subsection B the Department will take if the autonomous operation certificate holder
193 fails to provide the required certification within the specified period.

194 D. Before the expiration of the period specified in a notice of intent under subsection B, the autonomous
195 operation certificate holder shall (i) ensure the issues identified by the Department in the notice are
196 corrected and (ii) provide to the Department a certification acknowledging that the issues identified by the
197 Department in the notice have been corrected and explaining how the issues have been corrected, including
198 identifying operational measures implemented.

199 E. The Department may extend the period specified in a notice of intent pursuant to subsection D on a
200 written request for an extension that the Department determines is reasonable.

201 F. If the autonomous operation certificate holder fails to comply with subsection D, the Department shall
202 (i) issue a decision, as specified in the notice of intent, that (a) suspends or revokes the autonomous operation
203 certificate for the vehicle or (b) imposes restrictions on the operation of the vehicle and (ii) notify the
204 autonomous operation certificate holder of such decision.

205 G. An autonomous operation certificate holder who is notified pursuant to subsection F shall be
206 considered aggrieved and entitled to an administrative appeal. If an appeal is filed, it shall be scheduled not
207 later than 60 days after the date of the Department's final determination under this section. If a hearing is not
208 scheduled during the period required by this subsection, the autonomous operation certificate issued under
209 this chapter shall be automatically reinstated or the restriction imposed automatically removed, as
210 applicable.

211 **§ 46.2-1429. Arbitration and other clauses prohibited.**

212 No manufacturer, vehicle owner, autonomous operation certificate holder, remote operator, on-demand
213 autonomous vehicle network, or other person subject to the provisions of this chapter shall enter into,
214 enforce, or offer to enter into mandatory dispute arbitration agreements or forum selection clauses with any
215 passenger, human driver, or other individual riding in, hailing, or involved in a crash or collision with a fully
216 autonomous vehicle subject to the provisions of this chapter operated in the Commonwealth.

217 **§ 46.2-1430. Local regulation prohibited.**

218 Notwithstanding the provisions of § 15.2-2028, no locality may impose additional requirements on or
219 prohibit the operation of fully autonomous vehicles. Fully autonomous vehicles shall be subject to all local
220 ordinances and regulations applicable to a similar motor vehicle operated by a human driver.

221 **2. That the Department of Motor Vehicles shall promulgate regulations consistent with the provisions**
222 **of this act.**

223 **3. That the provisions of this act may result in a net increase in periods of imprisonment or**
224 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**
225 **appropriation cannot be determined for periods of imprisonment in state adult correctional facilities;**
226 **therefore, Chapter 725 of the Acts of Assembly of 2025 requires the Virginia Criminal Sentencing**
227 **Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of**
228 **Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of**
229 **commitment to the custody of the Department of Juvenile Justice.**