Chapter 28.00
Regulation of Motor Vehicles
Operated by Autonomous Technology

540 CMR 28.01: Scope and Applicability

540 CMR 28.00 is adopted by the Registrar of Motor Vehicles pursuant to the authority of M.G.L. c. 90, § 31 and in furtherance of Executive Order #572. 540 CMR 28.00 is intended as a temporary regulation to govern the operation of Autonomous Vehicles on public ways in the Commonwealth. The regulation of Autonomous Vehicles on public ways during the initial development, testing and demonstration of vehicles with autonomous or remote control technology is necessary to ensure that the vehicles are properly directed, operated and controlled in the interests of public safety. 540 CMR 28.00 is enforceable by State Police, local police and police officers appointed by the trustees of the Commonwealth’s state universities and community colleges under section 22 of chapter 15A.

540 CMR 28.02: Definitions:

Active Control means the operator is physically manipulating the systems which control the motor vehicle.

Application to Test means the MassDOT/RMV application for permission to test or demonstrate Autonomous Vehicles on public ways in the Commonwealth.

Autonomous Technology means technology installed on a motor vehicle that has the capability to drive the vehicle without the active control or monitoring by a human operator.

Autonomous Vehicle means a motor vehicle equipped with Autonomous Technology, whether the technology directing movement of the vehicle is mechanical, electrical or computer generated and that allows the vehicle to operate without monitoring and control by an active operator. It includes Highly Automated Vehicles, defined by the Society of Automotive Engineers (SAE) as meeting SAE Levels 3, 4, or 5.

Highly Automated Vehicle (HAV) means a motor vehicle equipped with a level of Autonomous Technology that is defined by the Society of Automotive Engineers as meeting SAE Levels 3, 4 or 5 and which may be capable of directing and controlling the vehicle without an active operator.

MassDOT/RMV means the Massachusetts Department of Transportation and its Registry of Motor Vehicles Division acting in concert as the state agency responsible for overseeing the regulation of testing and demonstration of Autonomous on public ways;
MOU means the Memorandum of Understanding containing the terms and conditions governing the operation and testing of Autonomous Vehicles on public ways.

Written Permission means the document issued by the MassDOT/RMV containing the terms and conditions that authorize a person or organization to test or demonstrate an Autonomous Vehicle on public ways.

540 CMR 28.03 General Restrictions:
(1) No motor vehicle may be operated on a public way unless the vehicle is under the active control of a licensed operator who is seated in the driver's seat unless paragraph number (2) applies.

(2) A motor vehicle may be operated on a public way as part of a test or demonstration of Autonomous Technology and not under the active control of an operator, if the owner or person in possession of the motor vehicle:

(i) has filed an Application to Test with the Registrar of Motor Vehicles of MassDOT/RMV which has been approved by the MassDOT/RMV;
(ii) has entered into a Memorandum of Understanding (MOU) as contemplated by Executive Order # 572 with the MassDOT/RMV and with the state or municipal authority with jurisdiction over the public way(s) where the demonstration or testing will take place;
(iii) is in compliance with the terms and conditions of the approved Application and MOU;
(iv) is in compliance with the terms of any agreement entered into with any municipality that has agreed to allow testing or demonstrations of an Autonomous Vehicle on ways controlled by that municipality; and
(v) has been issued and is in possession of written permission, issued by the MassDOT/RMV, when operating or controlling the vehicle or the written permission is affixed to the vehicle when operated on a public way.

(3) Any person who receives written permission from the MassDOT/RMV to operate, test or demonstrate an Autonomous Vehicle on public ways, shall abide by the terms of that written permission, the approved application and the MOU. Any violation of that permission, approval or MOU may result in the termination of permission, as determined solely by the Registrar, in consultation with any municipality where a violation of the permission occurred.

(4) The Registrar may revoke the registration of any vehicle operating on a public way in violation of 540 CMR 28.03(1) or 28.03(2) and may suspend or revoke the right to operate of any vehicle registered in another jurisdiction for such violation. The operation of a vehicle in violation of 540 CMR 28.03(1) or 28.03(2) shall be presumed to be an immediate threat to public safety under M.G.L. c.90, § 22(a) and shall be presumed to be operating so that the lives and safety of the public might be endangered under M.G.L. c. 90, §24(2)(a). Pursuant to section 22(a) the revocation of registration or suspension of the right to operate shall be without a prior hearing.
(5) Any person (1) in possession of a valid driver’s license issued by the Registrar who operates, causes to be operated or allows to be operated a motor vehicle that is not under the active control of a licensed person seated in the driver’s seat, or (2) who operates, causes to be operated or allows to be operated an Autonomous Vehicle s/he owns or controls, without being in possession of written permission from the MassDOT/RMV and/or without being in compliance with such permission, shall be deemed to be operating a motor vehicle in violation of 540 CMR 28.03(1) or 28.03(2), (as applicable) and shall be subject to a fine under M.G.L. c. 90, §20 and his license may be suspended under M.G.L. c. 90, § 22(a).

(6) Any Autonomous Vehicle operating on a public way in violation of 540 CMR 28.03(1) or 28.03(2) shall be deemed to be unregistered under M.G.L. c.90, Section 9 and may be towed from the public way at the owner’s expense. The citing and towing of any such vehicle shall be reported by the law enforcement agency to the Registrar at MassDOT/RMV within 5 calendar days.