

**Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 26-0333.01 Jery Payne x2157

HOUSE BILL 26-1286

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A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT A COMMERCIAL MOTOR VEHICLE**
102 **HAVE A HUMAN PRESENT WHEN THE COMMERCIAL MOTOR**
103 **VEHICLE IS BEING DRIVEN BY AN AUTOMATED DRIVING SYSTEM.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill prohibits using an automated driving system to drive a commercial motor vehicle unless an individual who holds a commercial driver's license is in the vehicle, monitors the vehicle's driving, and intervenes, if necessary, to avoid illegal or unsafe driving. If the commercial vehicle is transporting hazardous materials, the individual

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

must be in the driver's seat. The penalty is \$1,000 for a first offense, is \$2,000 for a second offense, and doubles for each subsequent offense.

The bill does not apply to a light-duty vehicle or a truck-mounted attenuator.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 42-4-242, **amend** (1)
3 as follows:

4 **42-4-242. Automated driving systems - safe harbor.**

5 (1) SUBJECT TO SECTION 42-2-410, a person may use an automated
6 driving system to drive a motor vehicle or to control a function of a motor
7 vehicle if the system is capable of complying with every state and federal
8 law that applies to the function that the system is operating.

9 **SECTION 2.** In Colorado Revised Statutes, **add** 42-2-410 as
10 follows:

11 **42-2-410. Automated driving systems for commercial motor**
12 **vehicles - exceptions - definitions.**

13 (1) A PERSON SHALL NOT USE AN AUTOMATED DRIVING SYSTEM ON
14 A HIGHWAY TO DRIVE A COMMERCIAL MOTOR VEHICLE UNLESS AN
15 INDIVIDUAL WHO HOLDS A COMMERCIAL DRIVER'S LICENSE:

16 (a) IS PHYSICALLY PRESENT IN THE COMMERCIAL MOTOR VEHICLE;

17 (b) IS SEATED IN THE DRIVER'S SEAT OF THE COMMERCIAL MOTOR
18 VEHICLE IF HAZARDOUS MATERIALS ARE BEING TRANSPORTED;

19 (c) MONITORS THE PERFORMANCE OF THE COMMERCIAL MOTOR
20 VEHICLE WHILE DRIVING ON THE ROADWAY; AND

21 (d) INTERVENES, IF NECESSARY, TO AVOID ILLEGAL OR UNSAFE
22 DRIVING OF THE COMMERCIAL MOTOR VEHICLE.

23 (2) THIS SECTION DOES NOT AFFECT THE DUTY OF A PERSON TO

1 COMPLY WITH PART 3 OF ARTICLE 20 OF THIS TITLE 42.

2 (3) A PERSON THAT VIOLATES THIS SECTION COMMITS A CLASS A
3 TRAFFIC INFRACTION AND IS SUBJECT TO THE PENALTIES SET FORTH IN
4 SECTION 42-4-1701 (4)(a)(I)(A) AND (4)(g).

5 (4) THIS SECTION DOES NOT APPLY TO A LIGHT-DUTY VEHICLE OR
6 A TRUCK-MOUNTED ATTENUATOR.

7 (5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
8 REQUIRES:

9 (a) "COMMERCIAL MOTOR VEHICLE" HAS THE SAME MEANING AS
10 "COMMERCIAL VEHICLE" AS SET FORTH IN SECTION 42-4-235 (1)(a).

11 (b) "TRUCK-MOUNTED ATTENUATOR" MEANS A HEAVY-DUTY
12 TRUCK FITTED WITH AN ENERGY-ABSORBING CRASH DEVICE THAT ACTS AS
13 A MOBILE BARRIER TO BE THE FIRST POINT OF CONTACT IN A REAR-END
14 COLLISION AND THAT IS USED TO PROTECT PERSONNEL IN A HIGHWAY
15 CONSTRUCTION OR MAINTENANCE ZONE.

16 **SECTION 3.** In Colorado Revised Statutes, 42-4-1701, **amend**
17 (4)(a)(I)(A); and **add** (4)(g) as follows:

18 **42-4-1701. Traffic offenses and infractions classified -**
19 **penalties - penalty and surcharge schedule - repeal.**

20 (4) (a) (I) Except as provided in subsection (5)(c) of this section,
21 every person who is convicted of, who admits liability for, or against
22 whom a judgment is entered for a violation of this title 42 to which
23 subsection (5)(a) or (5)(b) of this section applies shall be fined or
24 penalized and have a surcharge levied in accordance with sections
25 24-4.1-119 (1)(f) and 24-4.2-104 (1)(b)(I), in accordance with the penalty
26 and surcharge schedule set forth in subsections (4)(a)(I)(A) to (4)(a)(I)(S)
27 of this section; or, if no penalty or surcharge is specified in the schedule,

1 the penalty for class A and class B traffic infractions is fifteen dollars,
 2 and the surcharge is four dollars. These penalties and surcharges apply
 3 whether the defendant acknowledges the defendant's guilt or liability in
 4 accordance with the procedure set forth by subsection (5)(a) of this
 5 section, is found guilty by a court of competent jurisdiction, or has
 6 judgment entered against the defendant by a county court magistrate.
 7 Penalties and surcharges for violating specific sections are as follows:

| 8 | Section Violated | Penalty | Surcharge |
|----|---|-----------------|------------------|
| 9 | (A) Driver's license violations: | | |
| 10 | 42-2-101 | \$ 35.00 | \$ 10.00 |
| 11 | 42-2-101 (2), (3), or (5) | 15.00 | 6.00 |
| 12 | 42-2-103 | 15.00 | 6.00 |
| 13 | 42-2-105 | 70.00 | 10.00 |
| 14 | 42-2-105.5 (4) | 65.00 | 10.00 |
| 15 | 42-2-106 | 70.00 | 10.00 |
| 16 | 42-2-115 | 35.00 | 10.00 |
| 17 | 42-2-116 (6)(a) | 30.00 | 6.00 |
| 18 | 42-2-119 | 15.00 | 6.00 |
| 19 | 42-2-134 | 35.00 | 10.00 |
| 20 | 42-2-136 | 35.00 | 10.00 |
| 21 | 42-2-138 | 100.00 | 15.00 |
| 22 | 42-2-139 | 35.00 | 10.00 |
| 23 | 42-2-140 | 35.00 | 10.00 |
| 24 | 42-2-141 | 35.00 | 10.00 |
| 25 | 42-2-204 | 70.00 | 10.00 |
| 26 | 42-2-404 | 100.00 | 15.00 |
| 27 | 42-2-410 | 1,000.00 | 150.00 |

1 (g) THE PENALTY FOR A SECOND CONVICTION FOR VIOLATING
2 SECTION 42-2-410 IS TWO THOUSAND DOLLARS, AND THE PENALTY FOR
3 VIOLATING SECTION 42-2-410 DOUBLES FOR EACH SUBSEQUENT
4 CONVICTION.

5 **SECTION 4. Applicability.** This act applies to offenses
6 committed on or after the effective date of this act.

7 **SECTION 5. Refer to people under referendum.** At the
8 election held on November 3, 2026, the secretary of state shall submit this
9 act by its ballot title to the registered electors of the state for their
10 approval or rejection. Each elector voting at the election may cast a vote
11 either "Yes/For" or "No/Against" on the following ballot title: "Shall
12 there be a change to the Colorado Revised Statutes creating new law to
13 prohibit the use of an automated driving system on a highway to drive a
14 commercial motor vehicle unless an individual who holds a commercial
15 driver's license is physically present in the commercial motor vehicle, is
16 seated in the driver's seat of the commercial motor vehicle while
17 hazardous materials are being transported, monitors the performance of
18 the commercial motor vehicle while driving on the roadway, and
19 intervenes, if necessary, to avoid illegal or unsafe driving of the
20 commercial motor vehicle?" Except as otherwise provided in section
21 1-40-123, Colorado Revised Statutes, if a majority of the electors voting
22 on the ballot title vote "Yes/For", then the act will become part of the
23 Colorado Revised Statutes.