

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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 - repeal.**

13 (1) A PERSON SHALL NOT USE AN AUTOMATED DRIVING SYSTEM ON
14 A HIGHWAY TO DRIVE A COMMERCIAL MOTOR VEHICLE THAT HAS A
15 MANUFACTURER'S GROSS VEHICLE WEIGHT RATING OR GROSS
16 COMBINATION WEIGHT RATING OF TWENTY-SIX THOUSAND ONE POUNDS OR
17 MORE UNLESS AN INDIVIDUAL WHO HOLDS THE APPROPRIATE COMMERCIAL
18 DRIVER'S LICENSE WITH ANY REQUIRED ENDORSEMENT FOR THE
19 COMMERCIAL VEHICLE:

20 (a) IS PHYSICALLY PRESENT IN THE CAB OF THE COMMERCIAL
21 MOTOR VEHICLE AND PREPARED TO INTERVENE, IF NECESSARY, TO AVOID
22 ILLEGAL OR UNSAFE DRIVING OF THE COMMERCIAL MOTOR VEHICLE;

23 (b) IS SEATED IN THE DRIVER'S SEAT OF THE COMMERCIAL MOTOR

1 VEHICLE IF HAZARDOUS MATERIALS ARE BEING TRANSPORTED;

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

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

6 (2) THIS SECTION DOES NOT AFFECT THE DUTY OF A PERSON TO
7 COMPLY WITH PART 3 OF ARTICLE 20 OF THIS TITLE 42.

8 (3) A PERSON THAT VIOLATES THIS SECTION COMMITS A CLASS A
9 TRAFFIC INFRACTION AND IS SUBJECT TO:

10 (a) A PENALTY OF ONE THOUSAND DOLLARS AND A SURCHARGE OF
11 ONE HUNDRED FIFTY DOLLARS FOR A FIRST CONVICTION;

12 (b) A PENALTY OF TWO THOUSAND DOLLARS AND A SURCHARGE OF
13 ONE HUNDRED FIFTY DOLLARS FOR A SECOND CONVICTION; OR

14 (c) (I) A SURCHARGE OF ONE HUNDRED FIFTY DOLLARS; AND

15 (II) A PENALTY THAT DOUBLES THE PENALTY DESCRIBED IN
16 SUBSECTION (3)(b) OF THIS SECTION FOR EACH SUBSEQUENT CONVICTION
17 AFTER THE SECOND CONVICTION.

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

20 (5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
21 REQUIRES:

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

24 (b) "TRUCK-MOUNTED ATTENUATOR" MEANS A HEAVY-DUTY
25 TRUCK FITTED WITH AN ENERGY-ABSORBING CRASH DEVICE THAT ACTS AS
26 A MOBILE BARRIER TO BE THE FIRST POINT OF CONTACT IN A REAR-END
27 COLLISION AND THAT IS USED TO PROTECT PERSONNEL IN A HIGHWAY

1 CONSTRUCTION OR MAINTENANCE ZONE.

2 (6) (a) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2031.

3 (b) THE CHIEF OF THE COLORADO STATE PATROL SHALL ANALYZE
4 THIS SECTION'S EFFECTS ON COMMERCIAL VEHICLE SAFETY ON HIGHWAYS.
5 BY NOVEMBER 1, 2030, THE CHIEF OF THE COLORADO STATE PATROL
6 SHALL, BASED ON THE REVIEW, ISSUE A REPORT TO THE HOUSE OF
7 REPRESENTATIVES TRANSPORTATION, HOUSING, AND LOCAL GOVERNMENT
8 COMMITTEE AND THE SENATE TRANSPORTATION AND ENERGY COMMITTEE,
9 OR THEIR SUCCESSOR COMMITTEES. THE REPORT MUST MAKE
10 RECOMMENDATIONS AS WHETHER TO CONTINUE THIS SECTION, AND, IF THE
11 RECOMMENDATION IS TO CONTINUE THIS SECTION, ANY RECOMMENDED
12 LEGISLATION TO IMPROVE THIS SECTION.

13

14 **SECTION 3. Applicability.** This act applies to offenses
15 committed on or after the effective date of this act.

16 **SECTION 4. Refer to people under referendum.** At the
17 election held on November 3, 2026, the secretary of state shall submit this
18 act by its ballot title to the registered electors of the state for their
19 approval or rejection. Each elector voting at the election may cast a vote
20 either "Yes/For" or "No/Against" on the following ballot title: "Shall
21 there be a change to the Colorado Revised Statutes creating new law to
22 prohibit the use of an automated driving system on a highway to drive a
23 commercial motor vehicle that has a manufacturer's gross vehicle weight
24 rating or gross combination weight rating of twenty-six thousand one
25 pounds or more unless an individual who holds a commercial driver's
26 license is physically present in the commercial motor vehicle, is seated in
27 the driver's seat of the commercial motor vehicle while hazardous

1 materials are being transported, monitors the performance of the
2 commercial motor vehicle while driving on the roadway, and intervenes,
3 if necessary, to avoid illegal or unsafe driving of the commercial motor
4 vehicle?" Except as otherwise provided in section 1-40-123, Colorado
5 Revised Statutes, if a majority of the electors voting on the ballot title
6 vote "Yes/For", then the act will become part of the Colorado Revised
7 Statutes.