

First Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

**PREAMENDED**

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

LLS NO. 17-0707.04 Jery Payne x2157

**SENATE BILL 17-213**

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**SENATE SPONSORSHIP**

**Hill and Moreno,**

**HOUSE SPONSORSHIP**

**Winter and Bridges, Lundeen**

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**Senate Committees**  
Transportation

**House Committees**  
Transportation & Energy

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**A BILL FOR AN ACT**

101 **CONCERNING AUTHORIZATION FOR AUTOMATED DRIVING SYSTEMS TO**  
102 **CONTROL MOTOR VEHICLES THROUGHOUT COLORADO.**

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**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 declares that the regulation of automated driving systems is a matter of statewide concern, and, therefore, local authorities are prohibited from regulating these systems. The use of automated driving systems is authorized if the system is capable of conforming to every state and federal law applying to driving. If not, a person testing a system is required to coordinate with the Colorado state patrol and the Colorado

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

SENATE  
3rd Reading Unamended  
March 22, 2017

SENATE  
Amended 2nd Reading  
March 21, 2017

department of transportation.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 hereby finds and declares that:

4 (a) Innovative technology in the form of automated driving  
5 systems can save lives and improve mobility;

6 (b) In 2016, more than 600 people died on Colorado roads and  
7 highways, but because human error contributes to most crashes, the use  
8 of automated driving systems could reduce traffic fatalities by up to 90  
9 percent;

10 (c) Nationwide, 2016 saw more than 2 million crashes, which has  
11 significant financial consequences;

12 (d) Automated driving systems could provide mobility options for  
13 people who are young, elderly, disabled, poor, or impaired;

14 (e) Automated driving systems offer a solution for cost-efficient  
15 last-mile connections with existing public transit;

16 (f) The testing and deployment of these technologies in Colorado  
17 will build on Colorado's reputation as a hub for advanced technologies;

18 (g) As automated vehicles are tested and deployed in Colorado,  
19 the public safety will continue to be a top consideration and priority for  
20 the General Assembly for all vehicles and pedestrians;

21 (h) Automated driving systems will affect those employed in the  
22 transit industry and the executive branch and the general assembly are  
23 encouraged to study those affects; and

24 (i) The use of motor vehicles with level 1 to 3 automation, as

1 described by SAE International standard J3016, is legal under Colorado  
2 law and, therefore, need not be addressed in this act.

3 **SECTION 2.** In Colorado Revised Statutes, 42-1-102, **amend** the  
4 introductory portion; and add (7.7), (27.8), and (43.3) as follows:

5 **42-1-102. Definitions.** As used in articles 1 to 4 of this ~~title~~ TITLE  
6 42, unless the context otherwise requires:

7 (7.7) "AUTOMATED DRIVING SYSTEM" MEANS HARDWARE AND  
8 SOFTWARE THAT ARE COLLECTIVELY CAPABLE, WITHOUT ANY  
9 INTERVENTION OR SUPERVISION BY A HUMAN OPERATOR, OF PERFORMING  
10 ALL ASPECTS OF THE DYNAMIC DRIVING TASK FOR A VEHICLE ON A  
11 PART-TIME OR FULL-TIME BASIS, DESCRIBED AS LEVELS 4 AND 5  
12 AUTOMATION IN SAE INTERNATIONAL'S STANDARD J3016, AS IT EXISTED  
13 IN SEPTEMBER 2016.

14 (27.8) (a) "DYNAMIC DRIVING TASK" MEANS ALL OF THE  
15 FOLLOWING ASPECTS OF DRIVING:

16 (I) OPERATIONAL ASPECTS, INCLUDING STEERING, BRAKING,  
17 ACCELERATING, AND MONITORING THE VEHICLE AND THE ROADWAY; AND

18 (II) TACTICAL ASPECTS, INCLUDING RESPONDING TO EVENTS,  
19 DETERMINING WHEN TO CHANGE LANES, TURNING, USING SIGNALS, AND  
20 OTHER RELATED ACTIONS.

21 (b) "DYNAMIC DRIVING TASK" DOES NOT INCLUDE STRATEGIC  
22 ASPECTS, INCLUDING DETERMINING DESTINATIONS OR WAY POINTS, OF  
23 DRIVING.

24 (43.3) "HUMAN OPERATOR" MEANS A NATURAL PERSON IN THE  
25 VEHICLE WITH IMMEDIATE ACCESS TO CONTROLS FOR STEERING, BRAKING,  
26 AND ACCELERATION.

27 **SECTION 3.** In Colorado Revised Statutes, 42-4-110, **add** (6) as

1 follows:

2 **42-4-110. Provisions uniform throughout state.** (6) (a) THE  
3 GENERAL ASSEMBLY HEREBY FINDS THAT THE USE OF AUTOMATED  
4 DRIVING SYSTEMS WILL HELP PEOPLE WHO MAY HAVE DIFFICULTY  
5 DRIVING, INCLUDING PEOPLE WHO ARE ELDERLY AND PEOPLE WITH  
6 DISABILITIES, GAIN ACCESS TO GOODS AND SERVICES ESSENTIAL TO DAILY  
7 LIFE. THIS ACCESS REQUIRES TRAVELING ACROSS AND IN MULTIPLE  
8 JURISDICTIONS. THEREFORE, THE REGULATION OF AUTOMATED DRIVING  
9 SYSTEMS IS A MATTER OF STATEWIDE CONCERN.

10 (b) A STATE AGENCY OR A POLITICAL SUBDIVISION OF THE STATE  
11 SHALL NOT ADOPT OR ENFORCE A POLICY, RULE, OR ORDINANCE THAT SETS  
12 STANDARDS FOR AN AUTOMATED DRIVING SYSTEM THAT ARE DIFFERENT  
13 FROM THE STANDARDS SET FOR A HUMAN DRIVER.

14 **SECTION 4.** In Colorado Revised Statutes, **add** 42-4-242 as  
15 follows:

16 **42-4-242. Automated driving systems - safe harbor.** (1) A  
17 PERSON MAY USE AN AUTOMATED DRIVING SYSTEM TO DRIVE A MOTOR  
18 VEHICLE OR TO CONTROL A FUNCTION OF A MOTOR VEHICLE IF THE SYSTEM  
19 IS CAPABLE OF COMPLYING WITH EVERY STATE AND FEDERAL LAW THAT  
20 APPLIES TO THE FUNCTION THAT THE SYSTEM IS OPERATING.

21 (2) ANY PROVISION IN ARTICLES 1 TO 3 OF THIS TITLE 42 AND THIS  
22 ARTICLE 4 THAT BY ITS NATURE REGULATES A HUMAN DRIVER, INCLUDING  
23 SECTION 42-2-101, WHICH REQUIRES THAT A HUMAN DRIVER BE LICENSED,  
24 BUT NOT THE SAFE DRIVING OF A MOTOR VEHICLE, INCLUDING SAFE  
25 DRIVING REQUIREMENTS IMPOSED ON A COMMON CARRIER OR THE HOLDER  
26 OF A COMMERCIAL DRIVER'S LICENSE, DOES NOT APPLY TO AN AUTOMATED  
27 DRIVING SYSTEM.

1           (3) (a) IF AN AUTOMATED DRIVING SYSTEM IS NOT CAPABLE OF  
2           COMPLYING WITH EVERY STATE AND FEDERAL LAW THAT APPLIES TO THE  
3           FUNCTION THE SYSTEM IS OPERATING, A PERSON SHALL NOT TEST THE  
4           SYSTEM UNLESS APPROVED BY THE COLORADO STATE PATROL AND THE  
5           COLORADO DEPARTMENT OF TRANSPORTATION, IN ACCORDANCE WITH A  
6           PROCESS overseen by the COLORADO STATE PATROL AND THE  
7           COLORADO DEPARTMENT OF TRANSPORTATION.

8           (b) A PERSON WHO VIOLATES THIS SUBSECTION (3) COMMITS A  
9           CLASS B TRAFFIC OFFENSE. UPON DETERMINING THAT THERE IS PROBABLE  
10          CAUSE TO BELIEVE THAT A MOTOR VEHICLE WAS USED TO VIOLATE THIS  
11          SUBSECTION (3), A PEACE OFFICER OF THE STATE PATROL MAY IMPOUND OR  
12          IMMOBILIZE THE MOTOR VEHICLE UNTIL THE PERSON WHO VIOLATED THIS  
13          SECTION HAS OBTAINED THE REQUIRED APPROVAL IN ACCORDANCE WITH  
14          SUBSECTION (3)(a) OF THIS SECTION OR SIGNED AN AFFIDAVIT, UNDER  
15          PENALTY OF PERJURY, STATING THE PERSON'S INTENTION TO CEASE USING  
16          THE AUTOMATED DRIVING SYSTEM IN COLORADO WITHOUT THE REQUIRED  
17          APPROVAL.

18          (4) THE COLORADO DEPARTMENT OF TRANSPORTATION SHALL  
19          REPORT TO THE TRANSPORTATION LEGISLATION REVIEW COMMITTEE BY  
20          SEPTEMBER 1 OF EACH YEAR, CONCERNING THE TESTING OF AUTOMATED  
21          DRIVING SYSTEMS IN COLORADO. THE FIRST REPORT IS DUE BY SEPTEMBER  
22          1, 2018.

23          (5) LIABILITY FOR A CRASH INVOLVING AN AUTOMATED DRIVING  
24          SYSTEM DRIVING A MOTOR VEHICLE THAT IS NOT UNDER HUMAN CONTROL  
25          IS DETERMINED IN ACCORDANCE WITH PRODUCT LIABILITY LAW, COMMON  
26          LAW, OR OTHER APPLICABLE FEDERAL OR STATE LAW.

27          **SECTION 5. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the  
2 ninety-day period after final adjournment of the general assembly (August  
3 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a  
4 referendum petition is filed pursuant to section 1 (3) of article V of the  
5 state constitution against this act or an item, section, or part of this act  
6 within such period, then the act, item, section, or part will not take effect  
7 unless approved by the people at the general election to be held in  
8 November 2018 and, in such case, will take effect on the date of the  
9 official declaration of the vote thereon by the governor.