

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



HOUSE BILL 26-1286

BY REPRESENTATIVE(S) Lieder and Richardson, Bacon, Barron, Brown, Camacho, Carter, Clifford, Duran, Feret, Flannell, Froelich, Garcia, Garcia Sander, Goldstein, Hamrick, Hartsook, Jackson, Joseph, Lukens, Mabrey, Martinez, Mauro, Nguyen, Paschal, Ricks, Rutinel, Rydin, Slaugh, Smith, Soper, Titone, Velasco, Willford, Winter T., Woodrow, Woog, Zokaie, Espenosa, Lindsay, Phillips, Sirota, Story;
also SENATOR(S) Kolker and Liston, Danielson, Exum, Kipp, Marchman, Mullica, Sullivan, Coleman.

CONCERNING A REQUIREMENT THAT A COMMERCIAL MOTOR VEHICLE HAVE A HUMAN PRESENT WHEN THE COMMERCIAL MOTOR VEHICLE IS BEING DRIVEN BY AN AUTOMATED DRIVING SYSTEM, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

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

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

(1) SUBJECT TO SECTION 42-2-410, a person may use an automated

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

driving system to drive a motor vehicle or to control a function of a motor vehicle if the system is capable of complying with every state and federal law that applies to the function that the system is operating.

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

42-2-410. Automated driving systems for commercial motor vehicles - exceptions - definitions - repeal.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 3. Appropriation. (1) For the 2026-27 state fiscal year, \$14,357 is appropriated to the department of revenue. This appropriation is from the Colorado DRIVES vehicle services account in the highway users tax fund created in section 42-1-211 (2), C.R.S. To implement this act, the

department may use this appropriation as follows:

- (a) \$10,400 for DRIVES maintenance and support;
- (b) \$984 for use by the division of motor vehicles for personal services related to driver services;
- (c) \$1,353 for use by the executive director's office for personal services related to administration and support; and
- (d) \$1,620 for payments to OIT.

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

SECTION 5. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate

preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO