

## CHAPTER 277

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**MOTOR VEHICLES AND TRAFFIC REGULATION**

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## SENATE BILL 17-213

BY SENATOR(S) Hill and Moreno, Baumgardner, Cooke, Crowder, Gardner, Holbert, Lambert, Lundberg, Marble, Smallwood, Tate, Todd, Williams A., Zenzinger, Grantham;  
also REPRESENTATIVE(S) Winter and Bridges, Lundeen, Arndt, Becker K., Buckner, Covarrubias, Garnett, Ginal, Gray, Hansen, Kennedy, Kraft-Tharp, Lawrence, Liston, Melton, Nordberg, Saine, Singer, Valdez, Wist, Young, Coleman, Hooton, Jackson, Michaelson Jenet, Pabon, Sias, Duran.

**AN ACT****CONCERNING AUTHORIZATION FOR AUTOMATED DRIVING SYSTEMS TO CONTROL MOTOR VEHICLES THROUGHOUT COLORADO.**

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

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

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

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

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

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

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

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

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

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

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

(i) The use of motor vehicles with level 0 to 3 automation, as described by SAE International standard J3016, is legal under Colorado law with a human driver in the vehicle and, therefore, need not be addressed in this act.

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

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

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

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

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

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

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

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

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

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

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

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

**42-4-242. Automated driving systems - safe harbor.** (1) A PERSON MAY USE AN AUTOMATED 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.

(2) ANY PROVISION IN ARTICLES 1 TO 3 OF THIS TITLE 42 AND THIS ARTICLE 4 THAT BY ITS NATURE REGULATES A HUMAN DRIVER, INCLUDING SECTION 42-2-101, DOES NOT APPLY TO AN AUTOMATED DRIVING SYSTEM, EXCEPT FOR LAWS REGULATING THE PHYSICAL DRIVING OF A VEHICLE.

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

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

(4) THE COLORADO DEPARTMENT OF TRANSPORTATION SHALL REPORT TO THE TRANSPORTATION LEGISLATION REVIEW COMMITTEE BY SEPTEMBER 1 OF EACH YEAR, CONCERNING THE TESTING OF AUTOMATED DRIVING SYSTEMS IN COLORADO. THE FIRST REPORT IS DUE BY SEPTEMBER 1, 2018. NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136, THE REPORTING REQUIREMENT CONTAINED IN THIS SUBSECTION (4) CONTINUES INDEFINITELY.

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

**SECTION 5. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of

this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 1, 2017