

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 17-0707.04 Jery Payne x2157

SENATE BILL 17-213

SENATE SPONSORSHIP

Hill and Moreno,

HOUSE SPONSORSHIP

Winter and Bridges, Lundeen

Senate Committees
Transportation

House Committees
Transportation & Energy

A BILL FOR AN ACT

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

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.

HOUSE
Amended 2nd Reading
April 3, 2017

SENATE
3rd Reading Unamended
March 22, 2017

SENATE
Amended 2nd Reading
March 21, 2017

department of transportation.

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 effects; and

24 (i) The use of motor vehicles with level 0 to 3 automation, as

1 described by SAE International standard J3016, is legal under Colorado
2 law with a human driver in the vehicle and, therefore, need not be
3 addressed in this act.

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

6 **42-1-102. Definitions.** As used in articles 1 to 4 of this ~~title~~ TITLE
7 42, unless the context otherwise requires:

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

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

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

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

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

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

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

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

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

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

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

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

26 (3) (a) IF AN AUTOMATED DRIVING SYSTEM IS NOT CAPABLE OF
27 COMPLYING WITH EVERY STATE AND FEDERAL LAW THAT APPLIES TO THE

1 FUNCTION THE SYSTEM IS OPERATING, A PERSON SHALL NOT TEST THE
2 SYSTEM UNLESS APPROVED BY THE COLORADO STATE PATROL AND THE
3 COLORADO DEPARTMENT OF TRANSPORTATION, IN ACCORDANCE WITH A
4 PROCESS OVERSEEN BY THE COLORADO STATE PATROL AND THE
5 COLORADO DEPARTMENT OF TRANSPORTATION.

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

16 (4) THE COLORADO DEPARTMENT OF TRANSPORTATION SHALL
17 REPORT TO THE TRANSPORTATION LEGISLATION REVIEW COMMITTEE BY
18 SEPTEMBER 1 OF EACH YEAR, CONCERNING THE TESTING OF AUTOMATED
19 DRIVING SYSTEMS IN COLORADO. THE FIRST REPORT IS DUE BY SEPTEMBER
20 1, 2018. NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136, THE
21 REPORTING REQUIREMENT CONTAINED IN THIS SUBSECTION (4) CONTINUES
22 INDEFINITELY.

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.