

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 13-0130.01 Jery Payne x2157

SENATE BILL 13-016

SENATE SPONSORSHIP

Brophy,

HOUSE SPONSORSHIP

(None),

Senate Committees
Transportation

House Committees

A BILL FOR AN ACT

101 CONCERNING THE USE OF GUIDANCE SYSTEMS TO DRIVE A MOTOR
102 VEHICLE.

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://www.leg.state.co.us/billsummaries>.)

The bill makes a legislative declaration and clarifies that a person may drive using a guidance system but requires the system to:

- ! Safely operate in conformity with traffic law;
- ! Have an override switch;
- ! Return control to the driver when the driver steers, brakes,

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.

- or uses the override switch;
- ! Show the driver whether the system is engaged;
- ! Alert the driver and bring the motor vehicle to a stop unless the driver takes manual control upon detecting a system failure.

A driver needs a license and insurance when using a guidance system. A driver may use a mobile phone, including text messaging, while using a guidance system. A driver of a motor truck or in a motorcade need not leave room for another vehicle to enter the space in front of the driver while using the guidance system.

By August 30, 2018, the department of revenue and state patrol will give a report on guidance systems and make recommendations to the general assembly concerning the use of guidance systems.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 intends to encourage the adaptation and use of self-driving vehicles on
4 our roadways. The general assembly finds that manufacturing self-driving
5 vehicles will be accelerated when manufacturers are assured of protection
6 from liability arising from operation of these vehicles. The general
7 assembly further finds that safety and access to education and health care
8 will be enhanced through the use of self-driving vehicles.

9 (2) The general assembly encourages the Colorado state patrol to
10 observe the safety of self-driving vehicles and to recommend to the
11 general assembly safe ways of expanding use of self-driving vehicles in
12 Colorado and potential changes to the motor vehicle code for self-driving
13 vehicles.

14 **SECTION 2.** In Colorado Revised Statutes, 42-1-102, **amend**
15 (27); and **add** (26.5) as follows:

16 **42-1-102. Definitions.** As used in articles 1 to 4 of this title,
17 unless the context otherwise requires:

18 (26.5) "DRIVE" MEANS TO TAKE PHYSICAL CONTROL OF A MOTOR

1 VEHICLE FOR THE PURPOSE OF MOVING THE MOTOR VEHICLE TO ANOTHER
2 PLACE.

3 (27) "Driver" means every person, including a minor driver under
4 the age of twenty-one years, who drives ~~or is in actual physical control of~~
5 a MOTOR vehicle.

6 **SECTION 3.** In Colorado Revised Statutes, 42-4-239, **amend** (4)
7 as follows:

8 **42-4-239. Misuse of a wireless telephone - definitions - penalty**
9 **- preemption.** (4) Subsection (2) or (3) of this section ~~shall~~ DOES not
10 apply to a person who is using the wireless telephone:

11 (a) To contact a public safety entity; ~~or~~

12 (b) During an emergency; OR

13 (c) WHILE DRIVING BY MEANS OF A GUIDANCE SYSTEM THAT
14 COMPLIES WITH SECTION 42-4-242 AND THAT IS IN FULL CONTROL OF THE
15 DIRECTION AND SPEED OF THE MOTOR VEHICLE.

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

18 **42-4-242. Self-driving motor vehicles - guidance systems.**

19 (1) **Authorization - standards.** A PERSON MAY USE A GUIDANCE SYSTEM
20 TO DRIVE A MOTOR VEHICLE, BUT A PERSON SHALL NOT DRIVE A MOTOR
21 VEHICLE BY MEANS OF A GUIDANCE SYSTEM UNLESS THE SYSTEM:

22 (a) IS CAPABLE OF OPERATING SAFELY IN CONFORMITY WITH
23 TRAFFIC LAW;

24 (b) HAS AN OVERRIDE SWITCH THAT, WHEN ACTIVATED BY THE
25 DRIVER, IMMEDIATELY RETURNS MANUAL CONTROL TO THE DRIVER;

26 (c) IMMEDIATELY RETURNS MANUAL CONTROL TO THE DRIVER
27 WHEN THE DRIVER USES THE BRAKE, ATTEMPTS TO STEER, OR USES THE

1 OVERRIDE SWITCH;

2 (d) HAS AN INDICATOR THAT IS CLEARLY VISIBLE TO THE DRIVER
3 AND SHOWS WHETHER THE SYSTEM IS ENGAGED;

4 (e) IS CAPABLE OF DETECTING WHETHER THE DRIVER IS MANUALLY
5 CONTROLLING THE VEHICLE; AND

6 (f) UPON DETECTING A SYSTEM FAILURE, IMMEDIATELY ALERTS
7 THE DRIVER AND BRINGS THE MOTOR VEHICLE TO A STOP UNLESS THE
8 DRIVER TAKES MANUAL CONTROL.

9 (2) **License required - responsibility.** (a) NOTHING IN THIS
10 SECTION AUTHORIZES A PERSON TO DRIVE A MOTOR VEHICLE BY MEANS OF
11 A GUIDANCE SYSTEM WITHOUT HOLDING A VALID DRIVER'S LICENSE OR
12 PERMIT UNLESS AUTHORIZED BY ARTICLE 2 OF THIS TITLE.

13 (b) THE DRIVER IS RESPONSIBLE FOR ANY DAMAGE CAUSED BY A
14 MOTOR VEHICLE BEING DRIVEN BY MEANS OF A GUIDANCE SYSTEM TO THE
15 SAME DEGREE AS IF THE DRIVER WERE MANUALLY DRIVING THE MOTOR
16 VEHICLE. NOTHING IN THIS SECTION AUTHORIZES A PERSON TO DRIVE A
17 MOTOR VEHICLE WITHOUT BEING FINANCIALLY RESPONSIBLE AS REQUIRED
18 BY THIS ARTICLE.

19 (3) **Evaluation.** BY AUGUST 30, 2018, THE DEPARTMENT AND THE
20 COLORADO STATE PATROL SHALL SUBMIT A JOINT REPORT TO THE
21 GENERAL ASSEMBLY. THE REPORT MUST ANALYZE THE USE OF GUIDANCE
22 SYSTEMS TO DRIVE MOTOR VEHICLES AND MAKE RECOMMENDATIONS
23 CONCERNING ANY PROPOSED LEGISLATION TO THE TRANSPORTATION
24 LEGISLATION REVIEW COMMITTEE CREATED IN SECTION 43-2-145, C.R.S.

25 **SECTION 5.** In Colorado Revised Statutes, 42-4-1008, **amend**
26 (2) and (3) as follows:

27 **42-4-1008. Following too closely.** (2) The driver of any motor

1 truck or motor vehicle drawing another vehicle when traveling upon a
2 roadway outside of a business or residence district and which is following
3 another motor truck or motor vehicle drawing another vehicle shall,
4 whenever conditions permit, leave sufficient space so that an overtaking
5 vehicle may enter and occupy ~~such~~ THE space without danger; except that
6 this ~~shall~~ DOES not:

7 (a) Prevent a motor truck or motor vehicle drawing another
8 vehicle from overtaking and passing any like vehicle or other vehicle; OR

9 (b) APPLY TO A MOTOR VEHICLE DRIVEN BY MEANS OF A GUIDANCE
10 SYSTEM THAT COMPLIES WITH SECTION 42-4-242 AND THAT IS IN FULL
11 CONTROL OF THE DIRECTION AND SPEED OF THE MOTOR VEHICLE.

12 (3) THE DRIVER OF A motor ~~vehicles being driven upon any~~
13 VEHICLE ON A roadway outside of a business or residence district in a
14 caravan or motorcade, whether or not towing other vehicles, shall ~~be so~~
15 ~~operated as to~~ allow sufficient space between each ~~such~~ vehicle or
16 combination of vehicles so as to enable any other vehicle to enter and
17 occupy ~~such~~ THE space without danger; EXCEPT THAT this ~~provision shall~~
18 DOES not apply to:

19 (a) Funeral processions; OR

20 (b) A MOTOR VEHICLE DRIVEN BY MEANS OF A GUIDANCE SYSTEM
21 THAT COMPLIES WITH SECTION 42-4-242 AND THAT IS IN FULL CONTROL OF
22 THE DIRECTION AND SPEED OF THE MOTOR VEHICLE.

23 **SECTION 6. Act subject to petition - effective date.** This act
24 takes effect at 12:01 a.m. on the day following the expiration of the
25 ninety-day period after final adjournment of the general assembly (August
26 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a
27 referendum petition is filed pursuant to section 1 (3) of article V of the

1 state constitution against this act or an item, section, or part of this act
2 within such period, then the act, item, section, or part will not take effect
3 unless approved by the people at the general election to be held in
4 November 2014 and, in such case, will take effect on the date of the
5 official declaration of the vote thereon by the governor.