

AMENDED IN ASSEMBLY MARCH 4, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 33

Introduced by Assembly Member Aguiar-Curry

December 2, 2024

An act to ~~amend Section 38750 of the Vehicle Code,~~ *add Sections 38760, 38761, and 40010 to the Vehicle Code*, relating to autonomous vehicles.

LEGISLATIVE COUNSEL’S DIGEST

AB 33, as amended, Aguiar-Curry. Autonomous vehicles.

Existing law authorizes the operation of an autonomous vehicle on public roads for testing purposes by a driver who possesses the proper class of license for the type of vehicle operated if specified requirements are satisfied. Existing law prohibits the operation of an autonomous vehicle on public roads until the manufacturer submits an application to the Department of Motor Vehicles, as specified, and that application is approved. *Existing law makes it a crime to violate, or fail to comply with, any provision of the Vehicle Code or any local ordinance adopted pursuant to this code.*

This bill would prohibit the delivery of commercial goods, as defined, directly to a residence or to a business for its use or retail sale through the operation of autonomous vehicles without a human operator on any highway within the State of California. The bill would exclude the transportation of prepared meals and food intended for immediate consumption from restaurants or food establishments directly to consumers from this prohibition. The bill would declare that a violation of this prohibition is not a crime, and instead punishable by a civil fine

not to exceed \$25,000 for each instance of the violation. The bill would make certain findings and declarations related to these provisions.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. The Legislature finds and declares all of the*
2 *following:*

3 *(a) The deployment of autonomous vehicles (AVs) for*
4 *commercial purposes poses potential risks to road safety, especially*
5 *given the technology's reliance on complex algorithms that can*
6 *be prone to unforeseen errors and failures.*

7 *(b) The widespread use of AVs in the delivery industry threatens*
8 *the livelihoods of thousands of Californians employed as drivers*
9 *and delivery personnel whose work provides stable, well-paying*
10 *jobs that support families and communities.*

11 *(c) While technological innovation is valuable, it must be*
12 *balanced against the potential displacement of workers and the*
13 *economic impact on local economies. Preserving good jobs and*
14 *ensuring robust workforce participation is essential to California's*
15 *long-term economic health.*

16 *(d) The state must prioritize the development and enforcement*
17 *of regulations that protect public safety, promote job security, and*
18 *maintain oversight over emerging technologies.*

19 *SEC. 2. Section 38760 is added to the Vehicle Code, to read:*

20 *38760. For purposes of Section 38761, the following definitions*
21 *shall apply:*

22 *(a) "Autonomous vehicle" has the same meaning as that term*
23 *is defined in paragraph (2) of subdivision (a) of Section 38750.*

24 *(b) "Commercial goods" means any goods, wares, merchandise,*
25 *or other tangible items requiring transportation for a fee or a*
26 *commercial purpose. Commercial goods include any items for*
27 *which a motor carrier permit is required pursuant to Division*
28 *14.85 (commencing with Section 34600). Commercial goods does*
29 *not include any prepared meals and food intended for immediate*
30 *consumption by consumers through food delivery, as described in*
31 *subdivision (c).*

1 (c) “Food delivery” means the transportation of prepared meals
2 and food intended for immediate consumption from restaurants
3 or food establishments directly to consumers.

4 (d) (1) “Human operator” means a person operating an
5 autonomous vehicle or vehicle equipped with autonomous
6 technology who is trained in operating and shutting off the vehicle.
7 A human operator shall meet all federal and state qualifications
8 for the type of vehicle being operated, whether in automated or
9 nonautomated mode.

10 (2) The definition of “operator” as that term is defined in
11 paragraph (4) of subdivision (a) of Section 38750 is separate and
12 distinct and shall not apply to Section 38761.

13 (e) “Motor carrier permit” means the authorization issued by
14 the Department of Motor Vehicles that allows motor carriers to
15 transport property for compensation pursuant to Chapter 2
16 (commencing with Section 34620) of Division 14.85.

17 SEC. 3. Section 38761 is added to the Vehicle Code, to read:

18 38761. (a) Notwithstanding any other law, the delivery of
19 commercial goods directly to a residence or to a business for its
20 use or retail sale through the operation of autonomous vehicles
21 without a human operator is prohibited on any highway within
22 the State of California.

23 (b) Food delivery is excluded from the prohibition described in
24 subdivision (a).

25 SEC. 4. Section 40010 is added to the Vehicle Code, to read:

26 40010. A violation of Section 38761 is not an infraction and
27 shall instead be punishable by a civil fine not to exceed twenty-five
28 thousand dollars (\$25,000) for each instance of the violation.

29 SECTION 1. ~~Section 38750 of the Vehicle Code, as amended~~
30 ~~by Section 1 of Chapter 682 of the Statutes of 2024, is amended~~
31 ~~to read:~~

32 ~~38750. (a) For purposes of this division, the following~~
33 ~~definitions apply:~~

34 ~~(1) “Autonomous technology” means technology that has the~~
35 ~~capability to drive a vehicle without the active physical control or~~
36 ~~monitoring by a human operator.~~

37 ~~(2) (A) “Autonomous vehicle” means any vehicle equipped~~
38 ~~with autonomous technology that has been integrated into that~~
39 ~~vehicle that meets the definition of Level 3, Level 4, or Level 5 of~~
40 ~~SAE International’s “Taxonomy and Definitions for Terms Related~~

1 to Driving Automation Systems for On-Road Motor Vehicles,
2 standard J3016 (APR2021),” as may be revised.

3 (B) ~~An autonomous vehicle does not include a vehicle that is~~
4 ~~equipped with one or more collision avoidance systems, including,~~
5 ~~but not limited to, electronic blind spot assistance, automated~~
6 ~~emergency braking systems, park assist, adaptive cruise control,~~
7 ~~lane keep assist, lane departure warning, traffic jam and queuing~~
8 ~~assist, or other similar systems that enhance safety or provide driver~~
9 ~~assistance, but are not capable, collectively or singularly, of driving~~
10 ~~the vehicle without the active control or monitoring of a human~~
11 ~~operator.~~

12 (3) ~~“Department” means the Department of Motor Vehicles.~~

13 (4) ~~An “operator” of an autonomous vehicle is the person who~~
14 ~~is seated in the driver’s seat, or, if there is no person in the driver’s~~
15 ~~seat, causes the autonomous technology to engage.~~

16 (5) ~~A “manufacturer” of autonomous technology is the person,~~
17 ~~as defined in Section 470, that originally manufactures a vehicle~~
18 ~~and equips autonomous technology on the originally completed~~
19 ~~vehicle or, in the case of a vehicle not originally equipped with~~
20 ~~autonomous technology by the vehicle manufacturer, the person~~
21 ~~that modifies the vehicle by installing autonomous technology to~~
22 ~~convert it to an autonomous vehicle after the vehicle was originally~~
23 ~~manufactured.~~

24 (b) ~~An autonomous vehicle may be operated on public roads~~
25 ~~for testing purposes by a driver who possesses the proper class of~~
26 ~~license for the type of vehicle being operated if all of the following~~
27 ~~requirements are met:~~

28 (1) ~~The autonomous vehicle is being operated on roads in this~~
29 ~~state solely by employees, contractors, or other persons designated~~
30 ~~by the manufacturer of the autonomous technology.~~

31 (2) ~~The driver is seated in the driver’s seat, monitoring the safe~~
32 ~~operation of the autonomous vehicle, and capable of taking over~~
33 ~~immediate manual control of the autonomous vehicle in the event~~
34 ~~of an autonomous technology failure or other emergency.~~

35 (3) ~~Prior to the start of testing in this state, a manufacturer~~
36 ~~performing the testing shall obtain an instrument of insurance,~~
37 ~~surety bond, or proof of self-insurance in the amount of five million~~
38 ~~dollars (\$5,000,000), and shall provide evidence of the insurance,~~
39 ~~surety bond, or self-insurance to the department consistent with~~
40 ~~the regulations adopted pursuant to subdivision (d).~~

1 ~~(e) Except as provided in subdivision (b), an autonomous vehicle~~
2 ~~shall not be operated on public roads until the manufacturer submits~~
3 ~~an application that is approved by the department pursuant to the~~
4 ~~regulations adopted pursuant to subdivision (d). The application~~
5 ~~shall contain, at a minimum, all of the following certifications:~~

6 ~~(1) A certification by the manufacturer that the autonomous~~
7 ~~technology satisfies all of the following requirements:~~

8 ~~(A) The autonomous vehicle has a mechanism to engage and~~
9 ~~disengage the autonomous technology that is easily accessible by~~
10 ~~the operator.~~

11 ~~(B) The autonomous vehicle has a visual indicator inside the~~
12 ~~cabin to indicate when the autonomous technology is engaged.~~

13 ~~(C) The autonomous vehicle has a system to safely alert the~~
14 ~~operator if an autonomous technology failure is detected while the~~
15 ~~autonomous technology is engaged, and when an alert is given,~~
16 ~~the system shall do either of the following:~~

17 ~~(i) Require the operator to take control of the autonomous~~
18 ~~vehicle.~~

19 ~~(ii) If the operator does not or is unable to take control of the~~
20 ~~autonomous vehicle, the autonomous vehicle shall be capable of~~
21 ~~coming to a complete stop.~~

22 ~~(D) The autonomous vehicle shall allow the operator to take~~
23 ~~control in multiple manners, including, without limitation, through~~
24 ~~the use of the brake, the accelerator pedal, or the steering wheel,~~
25 ~~and it shall alert the operator that the autonomous technology has~~
26 ~~been disengaged.~~

27 ~~(E) The autonomous vehicle's autonomous technology meets~~
28 ~~Federal Motor Vehicle Safety Standards for the vehicle's model~~
29 ~~year and all other applicable safety standards and performance~~
30 ~~requirements set forth in state and federal law and the regulations~~
31 ~~promulgated pursuant to those laws.~~

32 ~~(F) The autonomous technology does not make inoperative any~~
33 ~~Federal Motor Vehicle Safety Standards for the vehicle's model~~
34 ~~year and all other applicable safety standards and performance~~
35 ~~requirements set forth in state and federal law and the regulations~~
36 ~~promulgated pursuant to those laws.~~

37 ~~(G) The autonomous vehicle has a separate mechanism, in~~
38 ~~addition to, and separate from, any other mechanism required by~~
39 ~~law, to capture and store the autonomous technology sensor data~~
40 ~~for at least 30 seconds before a collision occurs between the~~

1 autonomous vehicle and another vehicle, object, or natural person
2 while the vehicle is operating in autonomous mode. The
3 autonomous technology sensor data shall be captured and stored
4 in a read-only format by the mechanism so that the data is retained
5 until extracted from the mechanism by an external device capable
6 of downloading and storing the data. The data shall be preserved
7 for three years after the date of the collision.

8 (2) ~~A certification that the manufacturer has tested the~~
9 ~~autonomous technology on public roads and has complied with~~
10 ~~the testing standards, if any, established by the department pursuant~~
11 ~~to subdivision (d).~~

12 (3) ~~A certification that the manufacturer will maintain, an~~
13 ~~instrument of insurance, a surety bond, or proof of self-insurance~~
14 ~~as specified in regulations adopted by the department pursuant to~~
15 ~~subdivision (d), in an amount of five million dollars (\$5,000,000).~~

16 (d) (1) ~~The department shall adopt regulations setting forth~~
17 ~~requirements for the submission of evidence of insurance, surety~~
18 ~~bond, or self-insurance required by subdivision (b), the submission~~
19 ~~and approval of an application to operate an autonomous vehicle~~
20 ~~pursuant to subdivision (c), and processes related to notices of~~
21 ~~autonomous vehicle noncompliance pursuant to Section 38752.~~

22 (2) ~~The regulations shall include any testing, equipment, and~~
23 ~~performance standards, in addition to those established for purposes~~
24 ~~of subdivision (b), that the department concludes are necessary to~~
25 ~~ensure the safe operation of autonomous vehicles on public roads,~~
26 ~~with or without the presence of a driver inside the vehicle. In~~
27 ~~developing these regulations, the department may consult with the~~
28 ~~Department of the California Highway Patrol, the Institute of~~
29 ~~Transportation Studies at the University of California, or any other~~
30 ~~entity identified by the department that has expertise in automotive~~
31 ~~technology, automotive safety, and autonomous system design.~~

32 (3) ~~The department may establish additional requirements by~~
33 ~~the adoption of regulations, which it determines, in consultation~~
34 ~~with the Department of the California Highway Patrol, are~~
35 ~~necessary to ensure the safe operation of autonomous vehicles on~~
36 ~~public roads, including, but not limited to, regulations regarding~~
37 ~~the aggregate number of deployments of autonomous vehicles on~~
38 ~~public roads, special rules for the registration of autonomous~~
39 ~~vehicles, new license requirements for operators of autonomous~~
40 ~~vehicles, regulations for notices of autonomous vehicle~~

1 nonecompliance, and rules for revocation, suspension, or denial of
2 any license or any approval issued pursuant to this division.

3 ~~(4) The department shall hold public hearings on the adoption~~
4 ~~of any regulation applicable to the operation of an autonomous~~
5 ~~vehicle without the presence of a driver inside the vehicle.~~

6 ~~(e) (1) The department shall approve an application submitted~~
7 ~~by a manufacturer pursuant to subdivision (c) if it finds that the~~
8 ~~applicant has submitted all information and completed testing~~
9 ~~necessary to satisfy the department that the autonomous vehicles~~
10 ~~are safe to operate on public roads and the applicant has complied~~
11 ~~with all requirements specified in the regulations adopted by the~~
12 ~~department pursuant to subdivision (d).~~

13 ~~(2) Notwithstanding paragraph (1), if the application seeks~~
14 ~~approval for autonomous vehicles capable of operating without~~
15 ~~the presence of a driver inside the vehicle, the department may~~
16 ~~impose additional requirements it deems necessary to ensure the~~
17 ~~safe operation of those vehicles, and may require the presence of~~
18 ~~a driver in the driver's seat of the vehicle if it determines, based~~
19 ~~on its review pursuant to paragraph (1), that such a requirement is~~
20 ~~necessary to ensure the safe operation of those vehicles on public~~
21 ~~roads.~~

22 ~~(f) The department shall post a public notice on its internet~~
23 ~~website when it adopts the regulations required by subdivision (d).~~
24 ~~The department shall not approve an application submitted pursuant~~
25 ~~to the regulations until 30 days after the public notice is provided.~~

26 ~~(g) Federal regulations promulgated by the National Highway~~
27 ~~Traffic Safety Administration shall supersede the provisions of~~
28 ~~this division when found to be in conflict with any other state law~~
29 ~~or regulation.~~

30 ~~(h) The manufacturer of the autonomous technology installed~~
31 ~~on a vehicle shall provide a written disclosure to the purchaser of~~
32 ~~an autonomous vehicle that describes what information is collected~~
33 ~~by the autonomous technology equipped on the vehicle. The~~
34 ~~department may promulgate regulations to assess a fee upon a~~
35 ~~manufacturer that submits an application pursuant to subdivision~~
36 ~~(e) to operate autonomous vehicles on public roads in an amount~~
37 ~~necessary to recover all costs reasonably incurred by the~~
38 ~~department.~~

39 ~~(i) (1) Commencing January 1, 2030, to the extent authorized~~
40 ~~by federal law, any autonomous vehicle with a model year of 2031~~

1 or later and a gross vehicle weight rating of less than 8,501 pounds
2 shall only be operated pursuant to a deployment permit pursuant
3 to Article 3.8 (commencing with Section 228.00) of Chapter 1 of
4 Division 1 of Title 13 of the California Code of Regulations if the
5 vehicle is a zero-emission vehicle, as defined in Section 44258 of
6 the Health and Safety Code.
7 (2) The department shall not commence rulemaking for the
8 adoption of regulations implementing this subdivision before
9 January 1, 2027.