

AMENDED IN SENATE JUNE 30, 2025

AMENDED IN ASSEMBLY APRIL 1, 2025

AMENDED IN ASSEMBLY MARCH 4, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 33

Introduced by Assembly Member Aguiar-Curry
(Principal coauthor: Assembly Member Lackey)
(Coauthors: Assembly Members ~~Davies~~ Addis, Davies, and
Lowenthal)
(Coauthor: Senator Cervantes)

December 2, 2024

An act to add Sections 38760, 38761, ~~38762, and 40010~~ and 38762 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. A violation of the Vehicle Code or a local ordinance adopted pursuant to that code is an infraction.

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 an autonomous vehicle without a human *safety* operator on any highway within the State of California. The bill would ~~declare~~

~~that a violation of this prohibition is not an infraction and is 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. make a first violation of this provision subject to a \$10,000 administrative fine and a \$25,000 administrative fine for subsequent violations. The bill would authorize the department to suspend or revoke the permit of an autonomous vehicle manufacturer for repeated violations of this provision.~~

The bill would require the department to submit a report to the Legislature evaluating the performance of autonomous vehicle technology and its impact on public safety and employment, as specified. This bill would require all relevant state agencies, including, among others, the Department of Transportation and the State Air Resources Board, to provide information to the department to research this report. The bill would prohibit the department from issuing a deployment permit for the use of an autonomous vehicle to deliver commercial goods without a human *safety* operator until a later enacted statute authorizes the issuance of a permit for that purpose.

The bill would also make certain findings and declarations related to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: 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.

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

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

38760. For purposes of ~~Section 38761~~, *Sections 38761 and 38762*, the following definitions shall apply:

(a) “Autonomous vehicle” has the same meaning as that term is defined in paragraph (2) of subdivision (a) of Section 38750.

(b) “Commercial goods” means any goods, wares, merchandise, or other tangible items requiring transportation for a fee or a commercial purpose. Commercial goods include any items for which a motor carrier permit is required pursuant to Division 14.85 (commencing with Section 34600).

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

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

(d) “Motor carrier permit” means the authorization issued by the department that allows motor carriers to transport property for compensation pursuant to Chapter 2 (commencing with Section 34620) of Division 14.85.

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

38761. (a) Notwithstanding any other law, the delivery of commercial goods directly to a residence or to a business for its use or retail sale through the operation of an autonomous vehicle without a human *safety* operator is prohibited on a highway within the State of California.

(b) (1) *The department shall impose an administrative fine of ten thousand dollars (\$10,000) for a first violation of this section.*

(2) *The department shall impose an administrative fine of twenty-five thousand dollars (\$25,000) for each subsequent violation of this section.*

(3) *Penalties assessed pursuant to this section shall be recoverable by the department and deposited into the Motor*

1 *Vehicle Account in the State Transportation Fund for use by the*
2 *department in administering this chapter.*

3 *(c) The department may, subject to regulations adopted pursuant*
4 *to subdivision (d) of Section 38750 and the notice and hearing*
5 *requirements of Chapter 5 (commencing with Section 11500) of*
6 *Part 1 of Division 3 of Title 2 of the Government Code, suspend*
7 *or revoke the permit of an autonomous vehicle manufacturer for*
8 *repeated violations of this section.*

9 SEC. 4. Section 38762 is added to the Vehicle Code, to read:

10 38762. (a) (1) By January 1, 2031, or five years after
11 commencement of testing, whichever occurs later, and upon
12 appropriation by the Legislature, the department shall submit a
13 report to the Legislature and the relevant policy and fiscal
14 committees evaluating the performance of autonomous vehicle
15 technology and its impact on public safety and employment in the
16 transportation sector for autonomous vehicles utilized to deliver
17 commercial goods.

18 (2) The report shall include both of the following:

19 (A) A summary of disengagements, crashes, and other
20 information the department believes is relevant.

21 (B) A recommendation on whether the Legislature should
22 remove, modify, or maintain the requirement for an autonomous
23 vehicle utilized to deliver commercial goods to operate with a
24 human safety operator physically present in the vehicle.

25 (3) While preparing the report, the department shall consult
26 with all of the following:

27 (A) The Department of the California Highway Patrol regarding
28 traffic impacts, driver and passenger safety risks, and impacts on
29 other motorists, bicyclists, and pedestrians.

30 (B) The Labor and Workforce Development Agency regarding
31 job-related impacts, including worker displacement and
32 shortcomings in retraining opportunities.

33 (C) The Department of Transportation regarding infrastructure
34 impacts, deficiencies, and needs.

35 (D) The State Air Resources Board regarding how autonomous
36 vehicles utilized to deliver commercial goods impact the 2022
37 Scoping Plan for Achieving Carbon Neutrality.

38 (E) Independent experts regarding the performance of the
39 technology, public safety impacts, and other relevant factors in
40 considering deployment.

1 (b) The Department of the California Highway Patrol, the Labor
2 and Workforce Development Agency, the Department of
3 Transportation, the State Air Resources Board, and all other
4 relevant state agencies shall provide information, as specified by
5 the department, that is needed to research the report required by
6 this section.

7 (c) It is the intent of the Legislature to, upon issuance of the
8 report required in subdivision (a), conduct an oversight hearing to
9 assess the state of autonomous vehicle technology for vehicles
10 utilized to deliver commercial goods.

11 (d) The department shall not issue a deployment permit for use
12 of an autonomous vehicle utilized to deliver commercial goods
13 without a human safety operator earlier than one year after the
14 oversight hearing described in subdivision (c) and only if a later
15 enacted statute authorizes the issuance of a permit for that purpose.

16 ~~SEC. 5. Section 40010 is added to the Vehicle Code, to read:~~

17 ~~40010. A violation of Section 38761 is not an infraction and~~
18 ~~shall instead be punishable by a civil fine not to exceed twenty-five~~
19 ~~thousand dollars (\$25,000) for each instance of the violation.~~