
SENATE COMMITTEE ON TRANSPORTATION

Senator Dave Cortese, Chair

2025 - 2026 Regular

Bill No:	AB 33	Hearing Date:	6/24/2025
Author:	Aguiar-Curry		
Version:	4/1/2025 Amended		
Urgency:	No	Fiscal:	Yes
Consultant:	Manny Leon		

SUBJECT: Autonomous vehicles

DIGEST: This bill prohibits an autonomous vehicle (AV) without a human operator from delivering commercial goods directly to a residence or to a business for its use or retail sale.

ANALYSIS:

Existing law:

- 1) Authorizes the operation of AVs on public roads for testing purposes under certain circumstances specified in the Department of Motor Vehicles (DMV) regulations.
- 2) Defines “autonomous vehicle” to mean vehicle equipped with technology that makes it capable of operation that meets the definition of Levels 3, 4, or 5 of the Society of Automotive Engineers (SAE) International's Taxonomy and Testing of Autonomous Vehicles Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles, standard J3016 (APR 2021).
- 3) Defines “autonomous technology” to mean technology that has the capability to drive a vehicle without the active physical control or monitoring by a human operator.
- 4) Defines “highway” to mean a way or place of whatever nature, publically maintained and open to the use of the public for purposes of vehicular travel and includes a street, as defined.
- 5) States that an AV does not include a vehicle that is equipped with one or more collision avoidance systems, including, but not limited to, electronic blind spot assistance, automated emergency braking systems, park assist, adaptive cruise control, lane keep assist, lane departure warning, traffic jam and queuing assist,

or other similar systems that enhance safety or provide driver assistance, but are not capable, collectively or singularly, of driving the vehicle without the active control or monitoring of a human operator.

- 6) Prohibits the operation of AVs on public roads for non-testing purposes unless the manufacturer of the vehicles submits an application to DMV that is approved pursuant to DMV regulations.
- 7) Requires DMV to approve an application submitted by a manufacturer for the operation of AVs for non-testing purposes if DMV finds that the applicant has submitted all information and completed testing necessary to satisfy that the AVs are safe to operate on public roads and the applicant has complied with all requirements specified in DMV regulations.
- 8) Authorizes DMV to impose additional requirements it deems necessary to ensure the safe operation of AVs if those vehicles are capable of operating without the presence of a driver inside the vehicle.
- 9) At the regulatory level, DMV administers the Autonomous Vehicles Program and issues permits to manufacturers that test and deploy autonomous vehicles on California public roads, as specified. Further restricts the testing and deployment of autonomous vehicles to vehicles under 10,001 pounds and excludes motorcycles.

This bill:

- 1) Makes findings and declarations pertaining to the significance of AV technology within the State and the importance of preserving jobs and economic growth through the technological transition.
- 2) Prohibits the delivery of commercial goods to a residence or to a business for the use or retail sale through the operation of an AV without the presence of a human operator in the AV on a highway within the State.
- 3) Provides that a violation of the provisions specified in this bill is not an infraction and instead is punishable by a civil fine not to exceed \$25,000 for each instance of the violation.
- 4) Defines “commercial goods” to mean 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.

- 5) Defines "human operator" to mean a person operating an AV or vehicle equipped with autonomous technology who is trained in operating and shutting off the vehicle. The human operator is required to meet all federal and state qualifications for the type of vehicle being operated, whether in automated or nonautomated mode.
- 6) Requires DMV to issue a report to the Legislature by January 1, 2031, or five years after the commencement of testing, evaluating the performance of AV technology and its impact on public safety and employment in the transportation sector for AVs and their impact on public safety and employment in the transportation sector for AVs utilized to deliver commercial goods. The report is required to include a recommendation on whether the Legislature should remove, modify, or maintain the requirement for an AV utilized to make deliveries to operate with a human safety operator physically present in the vehicle, and requires the Legislature to conduct an oversight hearing.
- 7) Requires the California State Air Resourced Board, the Department of the California Highway Patrol, the Labor and Workforce Development Agency, the Department of Transportation or other relevant state agencies to collaborate with DMV on issuing the report.

COMMENTS:

- 1) *Purpose of the bill.* According to the author, "AB 33 protects public safety and supports California's workforce by requiring a human safety operator in autonomous vehicles (AVs) used for commercial deliveries to homes and businesses. This ensures critical human oversight when it matters most—when AVs navigate neighborhoods and business districts. The testing and deployment of light-duty AVs in California have been fraught with malfunctions, including interference with emergency response scenes, collisions, and sudden stops that block traffic. Adding deliveries of countless consumer goods to homes and businesses on local streets and roads throughout the state will result in a proliferation of autonomous vehicles—meaning that AVs have greater potential to injure and kill Californians and threaten jobs. With up to 3 million transportation-related jobs at risk, workers face potential job loss, declining wages, and diminished bargaining power. Proponents claim AVs will create jobs, yet they have provided no clear plan for transitioning workers from traditional delivery roles or brick-and-mortar businesses. This bill addresses these challenges by requiring a certified human safety operator to supervise AVs used for commercial deliveries, ensuring that a human may intervene in unexpected situations and emergencies. By requiring human oversight, this bill

allows AV technology to advance responsibly while prioritizing public safety and creating a pathway for California's transportation workforce to adapt to AV technology."

- 2) *AV's in California*. In 2012, the Legislature passed SB 1298 (Padilla, Chapter 570) which permitted AVs to operate on public roads for testing by a driver under certain conditions. In 2014, DMV released regulations to allow for testing AVs with a test driver. In April 2018, the DMV finalized regulations for the testing and deployment of AVs on public roads without a driver. Approximately 36 companies currently have a testing permit with a driver and six companies have received an AV permit for testing without a driver. Lastly, three companies currently have an approved driverless deployment permit.

Currently, DMV regulations prohibit the testing or deployment of AVs weighing 10,001 pounds or more. This was initially done for safety reasons, as vehicles with heavier weights are capable of causing significantly more damage in a collision. DMV held a public workshop on January 27, 2023, to receive public comment to potentially start a new regulatory process to consider authorizing the testing and deployment of AVs over 10,000 pounds after years of lobbying efforts.

In April of this year, DMV issued a notice for proposed rulemaking to revise existing AV regulations; including to now permit the use of AV's over 10,000 pounds with and without a human operator, so long as they are not delivering passengers or hazardous materials. AVs over 10,001 pounds would be prohibited from operating on streets of speed limits of 25 mph or less, with some exceptions. AVs would have to be tested with a human operator for 500,000 miles before they can receive a driverless testing permit, and another 500,000 miles before they can receive a driverless deployment permit. (AV companies cannot charge for their service until they receive a deployment permit.)

- 3) *AVs and public safety*. Policy conversations continue as to how to improve AV safety on public streets. For example, in 2023 a series of public safety mishaps and accidents occurred between AVs and the public, including an accident with a pedestrian in San Francisco and AV robotaxis' blocking public safety vehicles including firetrucks. One response was AB 1777 (Ting, Chapter 682, Statutes of 2024) which, amongst other things, placed a variety of safety requirements on manufactures of AVs by July 1, 2026. For 2025, according to its website, 824 AV vehicle collision reports have been submitted to DMV as of the beginning of June. It's important to note that DMV does not categorize the

severity of the accidents; however, out of the collision reports submitted, zero fatalities were associated with an AV.

- 4) *Commercial delivery vehicles.* Commercial delivery vehicles play an important role in California's economy through transporting goods and services in and around the state for business purposes. Commercial delivery vehicles come in various types and sizes, each designed to meet specific logistical needs or services. For example, several types of delivery vehicles include, but are not limited to, vans, box trucks, refrigerated trucks, flatbed trucks, or in certain instances passenger vehicles. Functions of delivery vehicles include, but are not limited to, cargo transport (moving goods from one location to another), last-mile delivery, and heavy freight transport. Currently, a number of states allow / authorize AVs to carry out commercial delivery services; most notably is the State of Texas. In Texas, AVs are allowed / authorized (without a human operator present in the vehicle) to commercially transport general freight, industrial goods, and agricultural goods.
- 5) *Third attempt.* Over the last two years, the Legislature passed and the Governor vetoed AB 2286 (Aguiar-Curry of 2024) and AB 316 (Aguiar-Curry of 2023), which would have prohibited the operation of AVs over 10,001 pounds without a human operator.

This bill is both narrower and more expansive than prior attempts to restrict AV operation without a human operator. This bill would allow driverless AVs over 10,001 pounds so long as the operation does not include delivering commercial goods directly to a retail business or a person's home for use or sale.

Theoretically, this bill would not prohibit the possibility for the operation of driverless AVs for deliveries, including vehicles over 10,001 pounds, to a business so long as the product is not intended to be used or sold at that location. However, it is unclear what "use" may mean, and could be interpreted to mean even storing products counts as a "use."

On the other hand, this bill is also more expansive than the prior two efforts, as it would prohibit a business model DMV regulations currently do permit.

Existing AV regulations allow for the testing or operation of AVs under 10,001 pounds, both for passenger delivery and goods delivery. Should this bill be enacted, the provisions specified in this bill would curb existing AV delivery service models and prohibit future growth in this industry unless AV companies modify their business models to employ a human operator in each AV delivery vehicle.

Lastly, this bill also takes a different approach than DMV's current rulemaking proposal to authorize AV testing and deployment for certain AVs. DMV's proposal prohibits AVs over 10,000 pounds from operating on streets with speed limits of 25 mph or less. The proposed DMV regulations would permit AV trucks to drive from one hub to another, while prohibiting their use on roads that would authorize them to make personal deliveries to homes and businesses, which typically are on roads that have 25 mph speed limits. Such restrictions potentially stem from the fact that driving on local streets and roads is more difficult for AVs, as more unpredictable behavior from motorists can occur. The danger of this unpredictability for heavier vehicles is significantly larger because the weight and speed of a vehicle can increase the likelihood of death. It is unclear what the impacts of this measure will have relative to the AV rulemaking process currently underway as the provisions in this bill are not in complete alignment with DMV's existing and proposed AV regulations.

- 6) *Double referral.* This bill is doubled referred to both the Senate Transportation Committee and the Senate Judiciary Committee and will be heard in that committee should the measure be passed out of this committee.

RELATED/PREVIOUS LEGISLATION:

AB 2286 (Aguiar-Curry of 2024) – Would have restricted an AV with a gross vehicle weight (GVW) of 10,001 pounds or more from being operated on public roads for testing purposes, transporting goods, or transporting passengers without a human safety operator physically present in the AV at the time of operation. *This bill was vetoed by Governor Newsom.*

AB 3061 (Haney of 2024) – Would have required the manufacturers of autonomous vehicles (AVs) to report to the Department of Motor Vehicles (DMV) any vehicle collision, traffic violation, or disengagement, or the assault or harassment of any passenger or safety driver that involves a manufacturer's vehicle in California starting July 31, 2025. *This bill was vetoed by Governor Newsom.*

SB 915 (Cortese of 2024) – Would have required local authorization for an AV commercial passenger service to operate within its limits. *This bill was held in the Assembly Transportation Committee.*

AB 1777 (Ting, Chapter 682, Statutes of 2024) – Placed a variety of safety requirements on manufactures of AVs by July 1, 2026 and further authorized a peace officer to issue a "notice of autonomous vehicle noncompliance" for a violation of the Vehicle Code or a local traffic ordinance to an AV manufacturer.

AB 96 (Kalra, Chapter 419, Statutes of 2023) – Required a public transit employer to provide written notice to an exclusive representative of the workforce affected by autonomous transit vehicle technology, and that collective bargaining commence within a certain timeframe, among other provisions.

AB 316 (Aguiar-Curry of 2023) – Was substantially similar to AB 2286. *This bill was vetoed by Governor Newsom.*

SB 1298 (Padilla, Chapter 570, Statutes of 2012) – Established conditions for the operation of AVs upon public roadways.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

POSITIONS: (Communicated to the committee before noon on Wednesday, June 18, 2025.)

SUPPORT:

California Federation of Labor Unions, Afl-cio (sponsor)
Teamsters California (sponsor)
Abate of California - Motorcyclists Rights & Safety Organization
California Conference Board of the Amalgamated Transit Union
California Conference of Machinists
California New Car Dealers Association
California Safety and Legislative Board of Smart – Transportation Division
California School Employees Association
California State Council of Service Employees International Union
California Teamsters Public Affairs Council
Cft- a Union of Educators & Classified Professionals, Aft, Afl-cio
Consumer Attorneys of California
Consumer Federation of California
Cslb-blet-ibt
Engineers and Scientists of California, Ifpte Local 20, Afl-cio
Orange County Employees Association
Ufcw - Western States Council
Unite Here International Union, Afl-cio
Utility Workers Union of America
Utility Workers Union of America, Afl-cio

OPPOSITION:

Abate-a-weed
Alliance for Automotive Innovation
Association for Uncrewed Vehicle Systems International
Aurora Innovation, INC.
Autonomous Vehicle Industry Association
California Chamber of Commerce
California Grocers Association
California Manufacturers & Technology Association
California Manufacturers and Technology Association
California Manufacturing Technology Association
Chamber of Progress
Coalition for Small and Disabled Veteran Businesses
Coalition of Small and Disabled Veteran Businesses
Consumer Technology Association
Contra Costa Transportation Authority
Cupertino Chamber of Commerce
Flasher Barricade Association
Gatik
Kodiak Robotics, INC.
Mountain View Chamber of Commerce
National Federation of Independent Business (NFIB)
National Federation of the Blind of California
Nfib
Nuro, INC.
Orange County Business Council
Palo Alto Chamber of Commerce
San Gabriel Valley Economic Partnership
Save Coalition
Silicon Valley Leadership Group
Stack Ai
Stack Av
Technet
Tesla
Tesla, INC.
Torc
Truck and Engine Manufacturers Association
Volkswagen Admt
Volvo Autonomous Solutions, a Volvo Group Company
Waabi
Waabi Innovation US INC.
Waymo

World Blind Union
Zoox, INC.

ARGUMENTS IN SUPPORT: The California Federation of Labor Unions writes, “The increased deployment of driverless vehicles on California roads has been developing as the delivery industry has boomed. Many large corporations like Amazon, that primarily offer goods via online shopping, have increasingly offered same-day delivery services to their customers, raising the demand for the labor that makes those deliveries possible. Many corporations that offer rapid delivery services are looking to deploy driverless vehicles to replace workers in an effort to cut costs.

“There are over half a million workers who drive for a living in California—in delivery, freight, passenger service, public transit, and more. Commercial drivers have the experience and training to navigate the complexities of the roads they share with other drivers and the public. Yet, companies are looking to increase their profits with driverless vehicles at the complete expense of workers who provide for their families.

“Many companies are already replacing workers, and the push to implement AI in nearly every technological aspect of our lives is also expanding to driverless vehicles. Additionally, companies like Amazon are increasing their investment in autonomous technology for last-mile commercial package deliveries. They are looking to invest over a billion dollars in technologies to replace workers.”

ARGUMENTS IN OPPOSITION: Autonomous Vehicle Industry Association writes, “The undersigned organizations write to express strong opposition to AB 33, which would effectively ban the delivery of “commercial goods” via fully autonomous vehicles (“AV”) in California. AB 33 is much broader in scope than similar legislation that was vetoed the past two years in a row and that focused solely on AV trucks over 10,000 pounds. This third attempt would effectively ban all autonomous vehicles from delivering goods, regardless of their size, thereby nullifying permits issued by the Department of Motor Vehicles (“DMV”) that already authorize businesses to do deliveries. Thus, AB 33 would undermine California’s regulatory process, block Californians from accessing the benefits of AV technology, and further set back the state on this critical innovation.

“AB 33 would prevent AV companies from delivering goods to businesses and homes in California. Yet, under AB 33, AVs could transport people. Banning AV use solely based on what the AV is transporting demonstrates that safety is not a concern AB 33 seeks to address. Moreover, as discussed below, the DMV has

promulgated robust regulations for the safe testing and operation of AVs in California, and the DMV recently proposed additional regulations.

“Rather than increase barriers to the deployment of AVs, California should support driverless AV operations because AVs do not drive drunk, text while driving, fall asleep at the wheel, or recklessly speed. AVs have built a significant safety record through more than a dozen years of development and deployment, with vehicles operated by members of the Autonomous Vehicle Industry Association having driven more than 145 million autonomous miles on U.S. public roads alone. This safety record is supported by data collected by the federal government, which requires AV companies to report incidents—no matter how minor or who caused the incident—that occur while an automated driving system is engaged.

Autonomous vehicles, of all kinds and providing various services, are safely operating without human drivers across the country, but AB 33 would prevent California from reaping these safety benefits.”

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