
THIRD READING

Bill No: AB 33
Author: Aguiar-Curry (D), et al.
Amended: 6/30/25 in Senate
Vote: 21

SENATE TRANSPORTATION COMMITTEE: 10-3, 6/24/25
AYES: Cortese, Archuleta, Arreguín, Cervantes, Gonzalez, Grayson, Limón,
Menjivar, Richardson, Umberg
NOES: Strickland, Dahle, Seyarto
NO VOTE RECORDED: Blakespear, Valladares

SENATE APPROPRIATIONS COMMITTEE: 5-2, 8/29/25
AYES: Caballero, Cabaldon, Grayson, Richardson, Wahab
NOES: Seyarto, Dahle

ASSEMBLY FLOOR: 57-7, 5/29/25 - See last page for vote

SUBJECT: Autonomous vehicles

SOURCE: Author

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

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 safety operator in the AV on a highway within the State.
- 3) Imposes an administrative fine of ten thousand dollars (\$10,000) for a first violation of the abovementioned requirements and twenty-five thousand (\$25,000) for each subsequent violation to be collected and used by DMV.
- 4) Pursuant to regulations adopted by DMV, allows the Department to suspend or revoke the permit of an AV manufacturer for repeated violations, as specified.
- 5) 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.
- 6) Defines "human safety 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 safety operator is required to meet all federal and state qualifications for the type of vehicle being operated, whether in automated or nonautomated mode.
- 7) 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.
- 8) Requires the California State Air Resources 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 this 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, Statutes of 2012) 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, 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 safety 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 allow 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.

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

According to the Senate Appropriations Committee:

- DMV estimates minor costs to promulgate regulations and determine new disengagement reporting requirements, and ongoing costs of approximately \$1.23 million annually for five years (Motor Vehicle Account) for the following:
 - \$500,000 annually for consultant contracts with technical experts on AV technology to conduct an evaluation of the performance of AV technology and impact on public safety using data from AV manufacturers.
 - \$250,000 annually for a project management contract for oversight, coordination between relevant agencies, managing scope and timeline, and preparing the report.
 - \$475,000 annually for DMV staff work, including coordination and oversight of the consultant and project management contracts, management and oversight of the required elements of the report, coordinating with specified state agencies, and completing the analysis.
- Unknown penalty revenue gains related to administrative fines imposed by DMV for violating the bill's prohibition on delivering commercial goods to a residence or business with a driverless AV. These fine revenues are intended to partially offset DMV's administrative costs, but the department indicates that revenues from enforcement are not expected to be significant. See Staff Comments. (Motor Vehicle Account)
- The California Air Resources Board (CARB) estimates costs of approximately \$283,000 (for 1.0 full-time PY of staff time, and additional support workload) to consult with DMV regarding impacts to the Scoping Plan, and to provide research support to DMV. Staff notes that CARB reported these costs to be minor and absorbable on a prior bill with similar requirements, but indicates that it can no longer absorb workload within existing resources. (Motor Vehicle Account)
- The Labor and Workforce Development Agency (LWD Agency) and Department of Transportation (Caltrans) estimate minor and absorbable costs to consult with DMV in the preparation of the report. (various special funds)
- The California Highway Patrol (CHP) estimates minor and absorbable costs to collect and analyze data on traffic and safety impacts, and to assist in the

preparation of the final report. CHP notes that data regarding AV crashes is currently tracked and reported to the DMV. (Motor Vehicle Account)

SUPPORT: (Verified 8/29/25)

Abate of California - Motorcyclists Rights & Safety Organization
Board of Supervisors for the City and County of San Francisco
California Conference Board of the Amalgamated Transit Union
California Conference of Machinists
California Federation of Labor Unions, Afl-cio
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
Teamsters California
Techequity Action
Ufaw - Western States Council
Unite Here International Union, Afl-cio
Utility Workers Union of America
Utility Workers Union of America, Afl-cio

OPPOSITION: (Verified 8/29/25)

Abate-a-weed
Alliance for Automotive Innovation
Association for Uncrewed Vehicle Systems International
Aurora Innovation, INC.
Autonomous Vehicle Industry Association
Calchamber
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
National Federation of the Blind of California
Nfib
Nuro, INC.
Orange County Business Council
Palo Alto Chamber of Commerce
San Diego Regional 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.

ASSEMBLY FLOOR: 57-7, 5/29/25

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Boerner, Bonta, Calderon, Caloza, Carrillo, Castillo, Connolly, Davies, Elhawary, Fong, Gabriel, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Irwin, Kalra, Krell, Lackey, Lee, Lowenthal,

McKinnor, Muratsuchi, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Soria, Stefani, Valencia, Wallis, Wicks, Wilson, Zbur, Rivas

NOES: DeMaio, Ellis, Gallagher, Jeff Gonzalez, Hoover, Macedo, Patterson
NO VOTE RECORDED: Alvarez, Berman, Bryan, Chen, Dixon, Flora, Hadwick, Jackson, Nguyen, Sanchez, Sharp-Collins, Solache, Ta, Tangipa, Ward

Prepared by: Manny Leon / TRANS. / (916) 651-4121
8/29/25 20:24:09

**** END ****