

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

SB 1246 (Cortese)
Version: March 24, 2026
Hearing Date: April 21, 2026
Fiscal: Yes
Urgency: No
AM

SUBJECT

Autonomous vehicles

DIGEST

This bill enacts requirements for autonomous vehicle (AV) operators and autonomous passenger service vehicles related to remote assistants, drivers, local incident technicians, emergency response procedures, manual override systems, and data management. The bill provides that a violation of these provisions is not a crime but subject makes a person subject to specified civil penalties.

EXECUTIVE SUMMARY

This analysis will focus solely on the provisions of the bill in this Committee's jurisdiction, which are the civil penalty provisions and federal preemption. This bill seeks to address concerns around AVs and the ability of first responders to interact with them and remote operators during emergency situations and other dynamic circumstances by placing new requirements on AV operators and autonomous passenger service vehicles.

The bill is sponsored by SEIU California and supported by labor organizations, consumer organizations, and associations representing first responders. The bill is opposed by various AV companies and associations representing the AV industry. The bill passed the Senate Transportation Committee on a vote of 8 to 3.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Authorizes the operation of AVs on public roads for testing purposes under certain circumstances and as provided in the Department of Motor Vehicles (DMV) regulations. (Veh. Code § 38750(b) & (d).)¹
- 2) Defines “autonomous vehicle” to mean a 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). (§ 38750(a)(2).)
- 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. (§ 38750(a)(1).)
- 4) Prohibits the operation of AVs on public roads for non-testing purposes unless the manufacturer of the vehicles submits an application to the DMV that is approved pursuant to DMV regulations. (§ 38750(c).)
- 5) Requires the DMV to approve an application submitted by a manufacturer for the operation of AVs for non-testing purposes if the 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 regulations. (§ 38750(e).)
- 6) Commencing July 1, 2026, requires manufacturers of AVs that operate without a human operator physically present in the vehicle, except as provided, to comply with certain requirements, including, among other things, to maintain a dedicated emergency response telephone line that is available for emergency response officials, as defined, and to equip each autonomous vehicle with a two-way voice communication device that enables emergency response officials that are near the vehicle to communicate effectively with a remote human operator, as specified. (§ 38750(i).)
- 7) Authorizes the California Public Utilities Commission (PUC) to supervise and regulate every charter-party carrier of passengers. (Pub. Util. Code § 5351 et seq.)
- 8) Defines a “charter-party carrier of passengers” as every person engaged in the transportation of persons by motor vehicle for compensation over any public

¹ All further references are to the Vehicle Code unless specified otherwise.

highway in this state, and includes any person, corporation, or other entity engaged in the provision of a hired driver service when a rented motor vehicle is being operated by a hired driver. (Pub. Util. Code § 5360.)

This bill:

- 1) Makes findings and declarations pertaining to protecting public safety for Californians as the operation of AVs continues to grow throughout the state, as specified.
- 2) Requires remote assistants, remote drivers, or local incident technicians, as defined, who monitor, direct, provide input to, advise, supervise, or control commercial AVs on a public road in this state, or that provides onsite response to incidents on behalf of an AV operator, be located within the United States and hold a valid California driver's license of the appropriate class with any endorsements required for a human driver to lawfully operate the same vehicle within the state, as specified.
- 3) For autonomous passenger service vehicles, requires the ratio of remote assistants or remote drivers to autonomous passenger service vehicles be 1 to 3 or higher at all times, as specified.
- 4) Requires an AV operator to ensure through its staffing and assignments that remote drivers or remote assistants are able to immediately respond to all calls and incidents and that local incident technicians are able to respond and be present on the scene within 10 minutes of an accident or receiving a request from a first responder, as specified.
- 5) Requires an AV operator to adopt and maintain written emergency response and immobilization procedures to ensure prompt responses to emergencies and accidents, as specified.
- 6) Requires any commercial AV obstructing a travel lane, crosswalk, intersection, transit lane, bicycle lane, freight corridor, emergency access route, space or ramp designated for disabled persons when not carrying a disabled passenger, or fire hydrant to be relocated or removed as soon as possible, but in no case later than 5 minutes after the obstruction is detected if the AV is drivable, or no later than 30 minutes after the obstruction is detected if field personnel or towing is required, except as specified.
- 7) Prohibits a commercial AV from interfering with emergency events, emergency operations, or law enforcement operations, as specified.
- 8) Requires any commercial AV operated without a human driver on a highway in this state to be equipped with a manual override system in the vehicle that allows local

incident technicians, first responders, tow operators, and trained personnel to readily access an emergency steering wheel and manually steer, brake, and relocate the vehicle during an emergency, as specified.

- 9) Requires an AV operator to provide training and written guidance to local incident responders, first responders, and towing providers regarding the manual override system, including safe disabling, relocation, and communication procedures, as specified.
- 10) Requires the California Highway Patrol (CHP) to establish a registration process for entities that wish to contract with AV operators to provide local incident technician services, as specified.
- 11) Requires CHP, in conjunction with the Office of the State Fire Marshal, to develop uniform guidelines and requirements for the training and written guidance described above and would require CHP to approve all manual override systems, training, and written guidance developed by AV operators pursuant to the above-described provisions. The CHP may impose fees sufficient to cover the costs associated with administering these provisions.
- 12) Requires AV operators to maintain specified data, including, among other things, information regarding assignments and staffing for remote assistants, remote drivers, and local incident technicians and response times and responses to emergency events, immobilizations, obstructions, accidents involving damage to persons or property, and requests from first responders.
- 13) Requires AV operators to provide summary statistics showing the number of incidents in which manual control of commercial AVs was necessary or control was exercised by remote assistants, remote drivers, or local incident technicians on a monthly basis to the DMV and PUC, as specified. The DMV and PUC are required to post the summary statistics on their respective internet websites.
- 14) Specifies that a violation of the above provisions is not a crime and instead makes violations of these provisions subject to specified civil penalties and administrative actions.

COMMENTS

1. Stated need for the bill

The author writes:

Autonomous vehicles (AV) are operating on California's roads every day. When these vehicles stall in our streets, they do not just block traffic or public transit - they

also interfere with first responders and other emergency operations. Currently, AV remote operators are not required to have a California driver's license and are responsible for dozens of vehicles at a time. Our firefighters, law enforcement, and first responders cannot afford to wait on understaffed remote operators to respond to dynamic situations. SB 1246 puts common-sense standards in place to ensure AV companies act quickly, trained personnel are accountable, and our first responders have the resources they need to keep the public safe.

2. Background on AVs in California

The Senate Transportation Committee held an Informational Hearing on March 24, 2026 on AVs in California.² The Background Paper noted that the DMV currently offers two types of AV permits – a testing permit and a deployment permit. A testing permit authorizes an AV manufacturer to test their AVs on stated roads for internal research purposes, whereas deployment permits allow AV manufacturers to deploy AVs for both private and commercial use. The PUC also issues permits to AV manufacturers – a pilot program for non-commercial service for testing purposes and a Phase I program that allows for commercial robotaxi service. In order to receive a PUC permit, a manufacturer must first obtain a testing and deployment permit from the DMV. Both the DMV and the PUC are currently in the rulemaking process to address various issues that have arisen during the deployment of the existing permits, including having a law enforcement interaction plan.

There have been several instances of AVs being unable to respond in an emergency situation or other high-stakes situations. The Senate Transportation Committee Background Paper notes:

AV concerns have been raised by emergency responders who are often at the frontlines of dealing with AVs when they go awry. Many first responders are concerned about their ability to properly work with AVs in the event of emergencies. For example, emergency responders have reported difficulties directing AV traffic in emergency situations. Concerns have also arisen around their ability to relocate malfunctioning AVs, especially if those AVs are not equipped with manual controls.³

AB 1777 (Ting, Ch. 682, Stats. 2024) attempted to address these issues by, among other things, requiring:

- AVs operated in California to be equipped with a 2-way voice communication device enabling emergency responders to directly contact a remote operator;

² Sen. Comm. on Trans., Informational Hearing, *Autonomous Vehicles in California: An Overview* available at <https://stran.senate.ca.gov/media/1326>.

³ *Id.* at 3.

- A dedicated emergency response telephone line that is available for emergency response officials during all hours when an autonomous vehicle is on a public road; and
- A remote human operator to have the ability to immobilize the autonomous vehicle, allow an emergency response official to move the autonomous vehicle, or cause the autonomous vehicle to move as directed by an emergency response official.

AB 1777 provided that its provisions are not operative until July 1 of this year, and authorized the DMV to adopt regulations to ensure the safe interaction between autonomous commercial motor vehicles and emergency response officials. The DMV regulations promulgated pursuant to AB 1777 are pending approval from the Office of Administrative Law, and if approved would become operative July 1, 2026.

However, issues around AVs and first responders continue to occur. In December of 2025, a substation fire caused a power outage across San Francisco stalling thousands of Waymo robotaxis. This caused havoc across the city with AVs blocking roads and intersections.⁴ First responders were left to deal with the obstructions on a case-by-case instance, without the proper training or support. The author and sponsor note that City officials tried to contact Waymo for emergency coordination and technical assistance and were left on hold for 53 minutes.

3. This bill seeks to enhance public safety by enacting new requirements on AVs operating in the state

To address these concerns, the bill places several new requirements on (AV) operators and autonomous passenger service vehicles. The bill requires any remote operator to be located in the U.S., hold a valid California driver's license, and be enrolled in the state's Employer Pull Notice (EPN) program.⁵ The author and sponsor argue this will mitigate concerns around latency and ensure technicians are knowledgeable about California traffic laws. Waymo currently uses remote personnel based in other states and the Philippines, though they testified to Congress that remote assistance personnel 'do not directly control, steer, or drive the vehicle.'⁶ The bill places ratios on remote operators to AV passenger service vehicles of 1 to 3 or higher, and requires an AV operator to ensure that that remote drivers or remote assistants are able to immediately respond to all calls

⁴ Jaimie Ding, AP, (Dec. 22, 2025), *Waymos blocked roads and caused chaos during San Francisco power outage*, available at <https://www.nbcbayarea.com/news/local/waymo-san-francisco-power-outage/4002009/>.

⁵ According to the DMV, the EPN program enables commercial and government organizations to monitor the driving records of employees who drive for them to ensure licenses are valid, improve public safety, recognize problem driving behaviors, and minimize liability. (See <https://www.dmv.ca.gov/portal/vehicle-industry-services/motor-carrier-services-mcs/employer-pull-notice-epn-program/>.)

⁶ David Shephardson, Reuters, (Feb. 17, 2026), *Waymo defends use of remote assistance workers in US robotaxi operations*, available at <https://www.reuters.com/technology/waymo-defends-use-remote-assistance-workers-robotaxi-operations-2026-02-17/>.

and incidents and that local incident technicians are able to respond and be present on the scene within 10 minutes of an accident or receiving a request from a first responder, as specified.

Additionally, the bill requires any commercial AV operated without a human driver on a highway in the state to be equipped with a manual override system that allows for access to an emergency steering wheel and manual steering, braking, and relocation of the vehicle during an emergency, as specified. The bill also requires certain data to be maintained by AV operators and be provided to the DMV and PUC upon request. The data includes response times and responses to emergency events, immobilizations, obstructions, accidents involving damage to persons or property, and requests from first responders. Under the bill, AV operators must also provide monthly summary statistics to the DMV and the PUC showing the number of incidents in which manual control of commercial AVs was necessary or exercised by remote operators, and requires the DMV and PUC to post the summary statistics on their websites.

4. Federal Preemption

The concept of preemption derives from the “supremacy clause” of the federal Constitution, which provides that the laws of the United States “shall be the supreme Law of the Land.”⁷ Courts have typically identified three circumstances in which federal preemption of state law occurs:

(1) express preemption, where Congress explicitly defines the extent to which its enactments preempt state law; (2) field preemption, where state law attempts to regulate conduct in a field that Congress intended the federal law exclusively to occupy; and (3) conflict preemption, where it is impossible to comply with both state and federal requirements, or where state law stands as an obstacle to the accomplishment and execution of the full purpose and objectives of Congress.⁸

In February, the SELF DRIVE Act (HR 7390) was introduced in the U.S. House of Representatives with the intent of establishing a national framework for AV regulation. Some of the SELF DRIVE Act provisions are consistent with the policy goals of this bill. However, others are in direct conflict. For example, the SELF DRIVE Act specifically allows certain AVs to not have manual controls, while this bill requires them. The current version of the SELF DRIVE Act contains an explicit statement regarding preemption of all state and local AV laws and regulations. It is speculative if the federal act will ever be enacted and whether the final provisions will preempt existing state laws. At this time, preemption is not an issue.

⁷ U.S. Const., art. VI, cl. 2.

⁸ *English v. Gen. Elec. Co.* (1990) 496 U.S. 72, 78-80.

5. Civil penalty enforcement

The provision of the bill in this Committee's jurisdiction are the civil penalties in the bill. The bill specifies that violations of its provisions are not a crime but subject to civil penalties and administrative actions. These civil penalties are authorized to be imposed by a city, county, or city and county and are payable to the jurisdiction enforcing the violation. A city may impose civil penalties for violations within the city limits, and a county may impose civil penalties for violations within the unincorporated areas of the county. Three or more violations of the provisions of the bill constitute grounds for suspension, revocation, or modification of DMV or PUC permits, including reduction of authorized fleet size. Any action to suspend, revoke, or modify a permit is subject to the formal hearing provisions under the Administrative Procedures Act, which requires hearings to be conducted by Administrative Law Judges.

The civil penalties are as follows:

- \$5,000 for each violation of the AV operators' permit, or any regulation authorizing the AV operators' operations;
- \$5,000 for each violation of the requirements that a remote operator be located in the U.S., have a valid California drivers license, and be registered with the EPN program, and any violation of the staffing ratio requirements;
- \$5,000 for each violation of the requirement that remote drivers or remote assistants are able to immediately respond to all calls and incidents;
- \$1,000 per drivable commercial AV for an obstruction lasting more than five minutes;
- \$5,000 per commercial AV for an obstruction lasting more than 30 minutes; and
- \$10,000 per commercial AV for an obstruction during, or that otherwise causes interference with, emergency events, emergency operations, or law enforcement operations.

Civil penalties are generally enforced through the court. The author and sponsor indicated to Committee staff that they were intending local jurisdictions to enforce the civil penalties in a similar manner to other traffic violations. Upon a plain reading of the bill, a court would likely not interpret the civil penalties in the bill as being subject to administrative enforcement by the local jurisdictions. If the bill continues to move through the Legislature, the author may wish to amend the bill to provide clear guidance on how the penalties are to be assessed.

Opposition to the bill raises several concerns regarding the civil penalties in the bill. They have concerns that the bill would allow for local regulation of AVs when the existing state framework contemplates state regulation through the DMV and PUC. They argue this will lead to a patchwork of enforcement across the state. Second, they argue that many of the bill's requirements are operationally infeasible and arbitrary. For example, they note that the requirement for a local incident technician to respond and

be present on the scene within 10 minutes of an accident or receiving a request from a first responder is just not possible for many parts of California.

The opposition writes:

The bill would establish rigid operational requirements that are not grounded in real-world conditions or technological capabilities. As one example, SB 1246 requires that local incident technicians be physically present at the scene of an incident within 10 minutes, regardless of geography, traffic conditions, or the nature of the event. This mandate is arbitrary and infeasible. For highway operations, a vehicle may not be reachable within an hour, let alone 10 minutes.

California has stretches of highway with more than 60 miles between exits.⁹ Similarly, a 10 minute requirement does not reflect the realities of heavy traffic. For example, the average commute time in the City of Los Angeles is nearly 32 minutes. It is not reasonable to require a technician to be at a scene of an incident within a time period shorter than a typical commute.

6. Statements in support

SEIU California, the sponsor of the bill, writes in support stating:

Autonomous vehicle use is rapidly proliferating in California, and like any new technology, there are unanticipated consequences. On December 20, 2025, a single power outage in San Francisco caused over 1,500 AV stoppages, resulted in AVs blocking fire trucks and ambulances responding to emergencies, required the Mayor of San Francisco to personally contact the AV company's CEO to get the AVs cleared, and overwhelmed AV companies' first responder hotlines, with some emergency services staff placed on hold for 53 minutes. These events made clear that current operations and the corresponding regulatory framework are inadequate for the scale of AV deployment already underway. Other concerning incidents have involved AVs driving through active police standoffs, illegally passing school buses, driving over fire hoses, and hitting and injuring children.

SB 1246 (Cortese) directly addresses the gaps that these incidents expose. [...] Autonomous vehicles are on the roads across California, and like any new technology the impacts are felt at the local level first. We urge the legislature to pass these common-sense safety standards, which will ease the burden on local government resources and ensure first responders are not delayed when we need them the most.

The California Professional Firefighters write in support stating:

⁹ For example, the distance between Exit 50 and Exit 78 on I-40 is approximately 63.3 miles.

[...] The rollout of autonomous vehicle services, also known as “robotaxis” that can provide passenger service without a human driver present in the vehicle, has presented many of these challenges with significant consequences for public safety. Malfunctioning autonomous vehicles have caused traffic accidents with human drivers, and in the most egregious case ran over and dragged a pedestrian who had already been injured.

There have also been numerous interactions between autonomous vehicles and emergency responders, with the San Francisco Fire Department reporting over 70 separate times when a vehicle interfered with either an active fire or medical scene in the year 2023. Vehicles with no drivers have been reported to park on top of fire hoses, block in ambulances, and even collide with fire trucks while they are responding to an active fire scene. In these types of incidents every moment counts to ensure the protection of life and property, and for firefighters to have to divert from their critical, life-saving work in order to try and move or control a driverless car puts both them and the public at significant risk.

SB 1246 addresses many of the growing concerns with the operations of autonomous vehicles through commonsense safety measures to both protect the public and ensure that first responders are able to carry out their duties quickly and effectively. These include requiring that all remote operators maintain active California drivers’ licenses, requiring the expedient removal of vehicles blocking traffic, and a manual override system for first responders. These measures will allow autonomous vehicles to operate without disrupting the traffic flow and safety of our urban centers, and for these reasons, we are proud to support this important measure. [...]

7. Statements in opposition

The bill is opposed by a coalition of AV companies, associations representing the AV industry, advocates for the business industry, and the United Spinal Association. The opposition raises several concerns with the bill. Primarily, they argue that this bill would hamper the implementation of the provisions of AB 1777, which was the result of months of stakeholder engagement, and enacts arbitrary and unworkable operational mandates. They note that the pending DMV regulations address many concerns the bill is intended to address. They argue that the Legislature “should allow AB 1777 and the DMV’s updated framework to be fully implemented before considering additional changes, rather than layering on duplicative and contradictory requirements that would hinder progress and impede the safe operation of AVs on California’s roadways.” They claim that by “imposing burdensome and inflexible requirements, SB 1246 would discourage continued investment in California and limit the state’s ability to realize the safety, mobility, and economic benefits of AV technology.”

They write:

AB 1777 and the pending DMV regulations squarely address concepts proposed in SB 1246, including requirements related to remote support personnel, first responder interactions, “immobilizations” and other incidents, and recordkeeping requirements. Yet SB 1246 does not appear to recognize DMV’s regulations in this space. Imposing overlapping and conflicting statutory mandates before these requirements are implemented would harm California’s role as a national leader on AVs, create confusion, undermine regulatory certainty, and disrupt implementation efforts. [...]

[T]he DMV’s new regulations clearly define and distinguish between “remote drivers” and “remote assistants,” and impose many obligations on such personnel. A remote driver is a person who may perform real-time aspects of the dynamic driving task, while a remote assistant provides non-driving support functions such as situational guidance, communications, or logistical coordination. These roles are fundamentally different, and the DMV’s framework appropriately tailors functional requirements, training obligations, and specific qualifications to each role. SB 1246, however, conflates these distinct functions and does not reflect the reality of AV operations. This approach risks creating confusion, imposing inappropriate requirements on non-driving personnel, and undermining the careful, expert-driven work undertaken by the DMV.

As another example, SB 1246 would require AVs to be equipped with a manual override system that allows third parties to physically control the vehicle. The Legislature addressed this topic in 2024 through AB 1777, following months of engagement with stakeholders, including first responders. The Legislature should not contemplate new requirements related to override systems before these requirements are fully implemented.

SUPPORT

SEIU California (sponsor)

California Association of Highway Patrolmen

California Conference Board of the Amalgamated Transit Union

California Federation of Labor Unions

California Professional Firefighters

California Safety and Legislative Board, SMART – Transportation Division

California School Employees Association

Center for Auto Safety

Consumers for Auto Reliability & Safety

Impact Teen Drivers

Kids and Car Safety

National Safety Council

Teamsters California

OPPOSITION

Alliance for Automotive Innovation
Aurora Innovation, Inc.
Autonomous Vehicle Industry Association
AVRA Group
Bay Area Council
Bot Auto
CalAsian Chamber of Commerce
California Chamber of Commerce
California Alliance for Freight Innovation
California Manufacturers & Technology Association
Chamber of Progress
Einride
Flasher Barricade Association
Gatik
Honda
International Motors, LLC
Kodiak Robotics, Inc.
Moia America
Mountain View Chamber of Commerce
National Federation of Independent Business
Nuro, Inc.
Plus AI
Silicon Valley Leadership Group
Stack Av
TechNet
Torc Robotics
Truck and Engine Manufacturers Association
United Spinal Association
Valley Industry and Commerce Association
Volvo Group North America LLC
Waabi
Zoox, Inc.

RELATED LEGISLATION

Pending Legislation: AB 33 (Aguiar-Curry, 2025) prohibits an AV without a human operator from delivering commercial goods directly to a residence or to a business for its use or retail sale. AB 33 is currently on the Senate Inactive File on the Senate Floor.

Prior Legislation:

AB 2286 (Aguiar-Curry, 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 stating “my office offered multiple rounds of suggested amendments, which were unfortunately not accepted.”

AB 3061 (Haney, 2024) would have required the manufacturers of AVs to report to 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 stating “I support the intent of this bill to enhance the safety and transparency of autonomous vehicle operations, the timeline it imposes is infeasible for the DMV to implement these new requirements and address the associated operational challenges involved.”

SB 915 (Cortese, 2024) would have required local authorization for an AV commercial passenger service to operate within its limits. SB 915 was held in the Assembly Transportation Committee.

AB 1777 (Ting, Ch. 682, Stats. 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, Ch. 419, Stats. 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, 2023) was substantially similar to AB 2286. This bill was vetoed by Governor Newsom stating the bill “is unnecessary for the regulation and oversight of heavy-duty autonomous vehicle technology in California, as existing law provides sufficient authority to create the appropriate regulatory framework.”

SB 1298 (Padilla, Ch. 570, Stats. 2012) established conditions for the operation of AVs upon public roadways.

PRIOR VOTES

Senate Transportation Committee (Ayes 8, Noes 3)
