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**SB-1313 Vehicle equipment: driver monitoring defeat devices.** (2023-2024)

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**Senate Bill No. 1313**

**CHAPTER 604**

An act to add Article 17.5 (commencing with Section 28155) to Chapter 5 of Division 12 of the Vehicle Code, relating to vehicles.

[ Approved by Governor September 25, 2024. Filed with Secretary of State September 25, 2024. ]

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1313, Ashby. Vehicle equipment: driver monitoring defeat devices.

Existing law regulates vehicles, including autonomous vehicles and autonomous technology in vehicles. Existing law prohibits vehicles from being equipped with certain equipment, including, among other things, theft alarm systems that emit the sound of a siren. Existing law also prohibits vehicles from being equipped with a device that is designed for, or is capable of, jamming, scrambling, neutralizing, disabling, or interfering with radar, laser, or any other electronic device used by a law enforcement agency to measure the speed of moving objects.

This bill would prohibit vehicles from being equipped with a device that is specifically designed for, marketed for, or being used for, neutralizing, disabling, or otherwise interfering with a driver monitoring system, as defined, that is engaged when drivers are utilizing advanced driver assistance system features or autonomous technology, as defined. The bill would prohibit a person from using, buying, possessing, manufacturing, selling, advertising for sale, or otherwise distributing a device that is specifically designed for neutralizing, disabling, or otherwise interfering with a driver monitoring system that is engaged when drivers are utilizing advanced driver assistance system features or autonomous technology. The bill would make a violation of the above provisions an infraction. By creating a new crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** Article 17.5 (commencing with Section 28155) is added to Chapter 5 of Division 12 of the Vehicle Code, to read:

**Article 17.5. Driver Monitoring Defeat Devices**

**28155.** (a) A vehicle shall not be equipped with a device that is specifically designed for, marketed for, or being used for, neutralizing, disabling, or otherwise interfering with a driver monitoring system that is engaged when drivers are utilizing

advanced driver assistance system features or autonomous technology, as defined in Section 38750.

(b) A person shall not use, buy, possess, manufacture, sell, advertise for sale, or otherwise distribute a device that is specifically designed for neutralizing, disabling, or otherwise interfering with a driver monitoring system that is engaged when drivers are utilizing advanced driver assistance system features or autonomous technology, as defined in Section 38750.

(c) A violation of subdivision (a) or (b) is an infraction.

(d) All of the following are exempt from subdivision (a) or (b):

(1) A manufacturer while operating under a testing permit issued pursuant to Section 38750.

(2) A person or entity conducting motor vehicle diagnostic services, repairs, or enhancements consistent with the original equipment manufacturer's safety standards, whether physically or remotely.

(3) In connection with an update or enhancement of the driver monitoring system by the original equipment manufacturer.

(4) In connection with a repair of a vehicle malfunction corrected by the manufacturer or manufacturer-approved third-party vendor.

(5) To remedy a defect corrected by the manufacturer or manufacturer-approved third-party vendor.

(6) For modifications or compliance pursuant to applicable provisions of the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.).

(e) For purposes of this section, "advanced driver assistance system" means Level 2 of SAE International's Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles, standard J3016 (APR 2021).

(f) For purposes of this section, a "direct driver monitoring system" includes exterior camera systems, interior camera systems, or other detection devices designed specifically to monitor the alertness of the driver while advanced driver assistance system technology or autonomous technology that meets the definition of a Level 3, 4 or 5 SAE International's Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles, standard J3016 (APR2021) is engaged, systems that require a driver to maintain their hands on the steering wheel, pressure sensors, safety sensors, distracted driver sensors, systems that help the driver to continue to pay attention to the traffic situation, systems that warn the driver when the driver is distracted, and any other system that has been shown to be effective in monitoring drivers while they are utilizing advanced driver assistance system or autonomous technology.

(g) This section shall not be construed to do either of the following:

(1) Restrict or prohibit access to a motor vehicle's onboard computer systems to conduct diagnostics, repairs, or enhancements consistent with the original equipment manufacturer's safety standards, whether physically or remotely.

(2) Prevent a person from taking immediate steps to protect the life or physical safety of the driver or other people in the vehicle.

**SEC. 2.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.