

AMENDMENTS TO LB989

(Amendments to Standing Committee amendments, AM2612)

Introduced by Smith, 14.

1 1. Strike amendment 1 and insert the following new amendment:

2 1. Strike the original sections and insert the following new
3 sections:

4 Section 1. For purposes of sections 1 to 10 of this act, the
5 following definitions apply:

6 (1) Automated driving system means the hardware and software that
7 are collectively capable of performing the entire dynamic driving task on
8 a sustained basis regardless of whether it is limited to a specific
9 operational design domain, if any;

10 (2) Automated driving system-equipped vehicle means a motor vehicle
11 equipped with an automated driving system;

12 (3) Conventional human driver means a human person who manually
13 exercises in-vehicle braking, accelerating, steering, and transmission
14 gear selection input devices in order to operate a motor vehicle;

15 (4) Driverless capable vehicle means a motor vehicle equipped with
16 an automated driving system capable of performing all aspects of the
17 dynamic driving task within its operational design domain, if any,
18 including achieving a minimal risk condition, without any intervention or
19 supervision by a conventional human driver;

20 (5) Department means the Department of Motor Vehicles;

21 (6) Dynamic driving task means all of the real-time operational and
22 tactical functions required to operate a motor vehicle within its
23 specific operational design domain, if any, excluding the strategic
24 functions such as trip scheduling and selection of destinations and
25 waypoints;

26 (7) Minimal risk condition means a reasonably safe state to which an

1 automated driving system brings an automated driving system-equipped
2 vehicle upon experiencing a performance-related failure of the vehicle's
3 automated driving system that renders the vehicle unable to perform the
4 entire dynamic driving task, such as bringing the vehicle to a complete
5 stop and activating the hazard lamps;

6 (8) On-demand driverless capable vehicle network means a
7 transportation service network that uses a software application or other
8 digital means to dispatch driverless capable vehicles for purposes of
9 transporting persons or goods, including for-hire transportation,
10 transportation for compensation, and public transportation; and

11 (9) Operational design domain means a description of the specific
12 operating domain in which an automated driving system is designed to
13 properly operate, including, but not limited to, roadway types, speed
14 range, environmental conditions such as weather and time of day, and
15 other domain constraints.

16 Sec. 2. A driverless capable vehicle may operate on the public
17 roads of this state without a conventional human driver physically
18 present in the vehicle, as long as the vehicle meets the following
19 conditions:

20 (1) The vehicle is capable of achieving a minimal risk condition if
21 a malfunction of the automated driving system occurs that renders the
22 system unable to perform the entire dynamic driving task within its
23 intended operational design domain, if any; and

24 (2) While in driverless operation, the vehicle is capable of
25 operating in compliance with the applicable traffic and motor vehicle
26 safety laws and regulations of this state that govern the performance of
27 the dynamic driving task, including, but not limited to, safely
28 negotiating railroad crossings, unless an exemption has been granted by
29 the department. The department shall consult with the railroad companies
30 operating in this state when considering an exemption that affects
31 vehicle operations at railroad crossings.

1 Sec. 3. (1) Notwithstanding any other provision of law, the
2 operation on the public roads of this state of an automated driving
3 system-equipped vehicle capable of performing the entire dynamic driving
4 task within its operational design domain while a conventional human
5 driver is present is lawful. Such operation shall be subject to the
6 Nebraska Rules of the Road, as applicable. In addition, the conventional
7 human driver shall be licensed as required under the Motor Vehicle
8 Operator's License Act, shall remain subject to the Nebraska Rules of the
9 Road, shall operate the automated driving system-equipped vehicle
10 according to the manufacture's requirements and specifications, and shall
11 regain manual control of the vehicle upon the request of the automated
12 driving system.

13 (2) The automated driving system feature, while engaged, shall be
14 designed to operate within its operational design domain in compliance
15 with the Nebraska Rules of the Road, including, but not limited to,
16 safely negotiating railroad crossings, unless an exemption has been
17 granted by the department. The department shall consult with the railroad
18 companies operating in this state when considering an exemption that
19 affects vehicle operations at railroad crossings.

20 Sec. 4. Before an automated driving system-equipped vehicle may
21 operate on the public roads of this state, a person shall submit proof of
22 financial responsibility satisfactory to the department that the
23 automated driving system-equipped vehicle is covered by insurance or
24 proof of self-insurance that satisfies the requirements of the Motor
25 Vehicle Safety Responsibility Act.

26 Sec. 5. (1) Notwithstanding any other provision of law, a person
27 may operate an on-demand driverless capable vehicle network. Such a
28 network may provide transportation of persons or goods, including:

29 (a) For-hire transportation, including transportation for multiple
30 passengers who agree to share the ride in whole or in part; and

31 (b) Public transportation.

1 (2) An on-demand driverless capable vehicle network may connect
2 passengers to driverless capable vehicles either (a) exclusively or (b)
3 as part of a digital network that also connects passengers to human
4 drivers who provide transportation services, consistent with applicable
5 law, in vehicles that are not driverless-capable vehicles.

6 Sec. 6. Subject to section 2 of this act, the Nebraska Rules of the
7 Road shall not be construed as requiring a conventional human driver to
8 operate a driverless capable vehicle that is being operated by an
9 automated driving system, and the automated driving system of such
10 vehicle, when engaged, shall be deemed to fulfill any physical acts
11 required of a conventional human driver to perform the dynamic driving
12 task.

13 Sec. 7. In the event of a crash or collision:

14 (1) The automated driving system-equipped vehicle shall remain on
15 the scene of the crash or collision and otherwise comply with sections
16 60-696 to 60-698; and

17 (2) The owner of the automated driving system-equipped vehicle, if
18 capable, or a person on behalf of the automated driving system-equipped
19 vehicle owner, shall report any crash or collision as required by section
20 60-698.

21 Sec. 8. (1) Automated driving system-equipped vehicles and
22 automated driving systems are governed exclusively by sections 1 to 8 of
23 this act. The department is the sole and exclusive state agency that may
24 implement sections 1 to 10 of this act.

25 (2) The state or any political subdivision shall not impose
26 requirements, including performance standards, specific to the operation
27 of automated driving system-equipped vehicles, automated driving systems,
28 or on-demand driverless capable vehicle networks in addition to the
29 requirements of sections 1 to 10 of this act.

30 (3) The state or any political subdivision thereof shall not impose
31 a tax or other requirements on an automated driving system-equipped

1 vehicle, an automated driving system, or an on-demand driverless capable
2 vehicle network, where such tax or other requirements relate specifically
3 to the operation of automated driving system-equipped vehicles.

4 Sec. 9. Nothing in sections 1 to 10 of this act shall be construed
5 to require the State of Nebraska or any political subdivision thereof to
6 plan, design, construct, maintain, or modify any highway, as defined in
7 section 60-624, for the accommodation of an autonomous vehicle.

8 Sec. 10. Nothing in sections 1 to 10 of this act shall be construed
9 to provide greater liability than is already allowed under the Political
10 Subdivisions Tort Claims Act or the State Tort Claims Act.