

LEGISLATIVE BILL 989

Approved by the Governor April 23, 2018

Introduced by Wishart, 27; Hansen, 26; Geist, 25; Larson, 40.

A BILL FOR AN ACT relating to transportation; to authorize automated-driving-system-equipped vehicles, automated driving systems, driverless-capable vehicles, and on-demand driverless-capable vehicle networks as prescribed; to provide requirements, restrictions, and limitations; to provide powers and duties for the Department of Motor Vehicles; and to define terms.
Be it enacted by the people of the State of Nebraska,

Section 1. For purposes of sections 1 to 11 of this act, the following definitions apply:

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

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

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

(4) Department means the Department of Motor Vehicles;

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

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

(7) Minimal risk condition means a reasonably safe state to which an automated driving system brings an automated-driving-system-equipped vehicle upon experiencing a performance-related failure of the vehicle's automated driving system that renders the vehicle unable to perform the entire dynamic driving task, such as bringing the vehicle to a complete stop and activating the hazard lamps;

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

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

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

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

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

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

(2) The automated driving system feature, while engaged, shall be designed to operate within its operational design domain in compliance with the Nebraska Rules of the Road, including, but not limited to, safely negotiating railroad crossings, unless an exemption has been granted by the department. The

department shall consult with the railroad companies operating in this state when considering an exemption that affects vehicle operations at railroad crossings.

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

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

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

(b) Public transportation.

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

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

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

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

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

Sec. 8. (1) Automated-driving-system-equipped vehicles and automated driving systems are governed exclusively by sections 1 to 11 of this act. The department is the sole and exclusive state agency that may implement sections 1 to 11 of this act.

(2) The state or any political subdivision shall not impose requirements, including performance standards, specific to the operation of automated-driving-system-equipped vehicles, automated driving systems, or on-demand driverless-capable vehicle networks in addition to the requirements of sections 1 to 11 of this act.

(3) The state or any political subdivision thereof shall not impose a tax or other requirements on an automated-driving-system-equipped vehicle, an automated driving system, or an on-demand driverless-capable vehicle network, where such tax or other requirements relate specifically to the operation of automated-driving-system-equipped vehicles.

Sec. 9. Nothing in sections 1 to 11 of this act shall be construed to require the State of Nebraska or any political subdivision thereof to plan, design, construct, maintain, or modify any highway, as defined in section 60-624, for the accommodation of an automated-driving-system-equipped vehicle or a driverless-capable vehicle.

Sec. 10. Nothing in sections 1 to 11 of this act shall be construed to provide greater liability than is already allowed under the Political Subdivisions Tort Claims Act or the State Tort Claims Act.

Sec. 11. The department is authorized to title and register, pursuant to the Motor Vehicle Certificate of Title Act and the Motor Vehicle Registration Act, automated-driving-system-equipped vehicles and driverless-capable vehicles that do not meet applicable federal motor vehicle safety standards but which have been granted an exemption by the National Highway Traffic Safety Administration.