

AMENDMENTS TO LB989

Introduced by Friesen, 34.

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:

3 Section 1. For purposes of sections 1 to 8 of this act, the
4 following definitions apply:

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

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

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

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

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

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

25 (7) Minimal risk condition means a reasonably safe state to which an
26 automated driving system brings an automated driving system-equipped
27 vehicle upon experiencing a performance-related failure of the vehicle's

1 automated driving system that renders the vehicle unable to perform the
2 entire dynamic driving task, such as bringing the vehicle to a complete
3 stop and activating the hazard lamps;

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

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

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

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

22 (2) While in driverless operation, the vehicle is capable of
23 operating in compliance with the applicable traffic and motor vehicle
24 safety laws and regulations of this state that govern the performance of
25 the dynamic driving task, unless an exemption has been granted by the
26 department; and

27 (3) When required by federal law, the vehicle has been certified in
28 accordance with federal regulations in 49 C.F.R. part 567, as such part
29 existed on January 1, 2018, as being in compliance with applicable
30 federal motor vehicle safety standards and the vehicle bears the required
31 certification label or labels including reference to any exemption

1 granted under applicable federal law.

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

14 (2) The automated driving system feature, while engaged, shall be
15 designed to operate within its operational design domain in compliance
16 with the Nebraska Rules of the Road, unless an exemption has been granted
17 by the department.

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

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

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

29 (b) Public transportation.

30 (2) An on-demand driverless-capable vehicle network may connect
31 passengers to driverless-capable vehicles either (a) exclusively or (b)

1 as part of a digital network that also connects passengers to human
2 drivers who provide transportation services, consistent with applicable
3 law, in vehicles that are not driverless-capable vehicles.

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

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

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

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

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

23 (2) The state or any political subdivision shall not impose
24 requirements, including performance standards, specific to the operation
25 of automated driving system-equipped vehicles, automated driving systems,
26 or on-demand driverless-capable vehicle networks in addition to the
27 requirements of sections 1 to 8 of this act.

28 (3) The state or any political subdivision thereof shall not impose
29 a tax or other requirements on an automated driving system-equipped
30 vehicle, an automated driving system, or an on-demand driverless-capable
31 vehicle network, where such tax or other requirements relate specifically

1 to the operation of automated driving system-equipped vehicles.