

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.