AMENDMENTS TO LB989

(Amendments to Standing Committee amendments, AM2612)

Introduced by Smith, 14.

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

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

Section 1. For purposes of sections 1 to 10 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) 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;

(5) Department means the Department of Motor Vehicles;

(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 manufacture'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.
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 8 of this act. The department is the sole and exclusive state agency that may implement sections 1 to 10 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 10 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 10 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 autonomous vehicle.

Sec. 10. Nothing in sections 1 to 10 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.