

E AND R AMENDMENTS TO LB 989

Introduced by Wishart, 27, Chairman Enrollment and Review

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 10 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) Department means the Department of Motor Vehicles;

15 (5) 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 (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 or goods, including for-hire transportation,
8 transportation 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; and

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, including, but not limited to, safely
26 negotiating railroad crossings, unless an exemption has been granted by
27 the department. The department shall consult with the railroad companies
28 operating in this state when considering an exemption that affects
29 vehicle operations at railroad crossings.

30 Sec. 3. (1) Notwithstanding any other provision of law, the
31 operation on the public roads of this state of an automated-driving-

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

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

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 or goods, 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 10 of
21 this act. The department is the sole and exclusive state agency that may
22 implement sections 1 to 10 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 10 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.

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

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

9 2. On page 1, strike beginning with "the" in line 1 through line 4
10 and insert "automated-driving-system-equipped vehicles, automated driving
11 systems, and driverless-capable vehicles as prescribed; to provide
12 requirements, restrictions, and limitations; to provide powers and duties
13 for the Department of Motor Vehicles; and to define terms."