

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 989**

FINAL READING

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

Read first time January 11, 2018

Committee: Transportation and Telecommunications

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

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

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

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

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

12           (4) Department means the Department of Motor Vehicles;

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

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

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

29           (8) On-demand driverless-capable vehicle network means a  
30 transportation service network that uses a software application or other  
31 digital means to dispatch driverless-capable vehicles for purposes of

1 transporting persons or goods, including for-hire transportation,  
2 transportation for compensation, and public transportation; and

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

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

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

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

24 Sec. 3. (1) Notwithstanding any other provision of law, the  
25 operation on the public roads of this state of an automated-driving-  
26 system-equipped vehicle capable of performing the entire dynamic driving  
27 task within its operational design domain while a conventional human  
28 driver is present is lawful. Such operation shall be subject to the  
29 Nebraska Rules of the Road, as applicable. In addition, the conventional  
30 human driver shall be licensed as required under the Motor Vehicle  
31 Operator's License Act, shall remain subject to the Nebraska Rules of the

1 Road, shall operate the automated-driving-system-equipped vehicle  
2 according to the manufacturer's requirements and specifications, and  
3 shall regain manual control of the vehicle upon the request of the  
4 automated driving system.

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

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

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

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

23 (b) Public transportation.

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

29 Sec. 6. Subject to section 2 of this act, the Nebraska Rules of the  
30 Road shall not be construed as requiring a conventional human driver to  
31 operate a driverless-capable vehicle that is being operated by an

1 automated driving system, and the automated driving system of such  
2 vehicle, when engaged, shall be deemed to fulfill any physical acts  
3 required of a conventional human driver to perform the dynamic driving  
4 task.

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

6 (1) The automated-driving-system-equipped vehicle shall remain on  
7 the scene of the crash or collision and otherwise comply with sections  
8 60-696 to 60-698; and

9 (2) The owner of the automated-driving-system-equipped vehicle, if  
10 capable, or a person on behalf of the automated-driving-system-equipped  
11 vehicle owner, shall report any crash or collision as required by section  
12 60-698.

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

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

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

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

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

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